

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday 26 February 2025

Examination of proposed expenditure for the portfolio area

PREMIER

UNCORRECTED

The Committee met at 09:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)

The Hon. Mark Banasiak
Ms Abigail Boyd
The Hon. Mark Buttigieg
Dr Amanda Cohn
Ms Sue Higginson
The Hon. Mark Latham
The Hon. Sarah Mitchell
The Hon. Bob Nanva
The Hon. Chris Rath (Deputy Chair)
The Hon. John Ruddick
The Hon. Emily Suvaal

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**

The CHAIR: Welcome to the first hearing of Portfolio Committee No. 1 – Premier and Finance for the additional round of the inquiry into budget estimates 2024-2025. 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 the Chair of this Committee.

I welcome Premier Minns and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of the Premier. 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 of 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. I encourage Committee members and witnesses to be mindful of these procedures.

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. I also remind the other witnesses that you do not need to be sworn as you have already been sworn before the Committee during this inquiry. Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Premier in 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 integrity agencies from 3.45 p.m. to 5.30 p.m. During these sessions, there will be questions from the 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.

Ms KATE BOYD, PSM, Secretary, The Cabinet Office, on former affirmation

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

The CHAIR: We will begin with questions from the Opposition.

The Hon. SARAH MITCHELL: Good morning, Premier and officials. Premier, Westmead Hospital records show that one patient with chronic schizophrenia recently waited 88 hours in emergency while another reporting suicidal tendencies waited 86 hours. Mothers with perinatal mental health issues have been separated from their babies, and mental health patients are being admitted to general wards. You might be aware of comments from mental health nurse Frances Cavallaro, who warned:

The general ward is not a mental health unit, it's not designed, staffed or resourced to provide the specialised care, supervision and support for mental health patients ...

She also said the Government's decision "is not about patient safety, it's about appearances, and the consequences of this will be serious and sometimes fatal." Premier, are nurses' and patients' lives and safety at risk through your Government's response to the mental health crisis?

Mr CHRIS MINNS: Well, one of the most significant challenges with the mental health challenges faced by the State is the decision of the union to have a mass resignation of psychiatrists, or the threatened mass resignation of psychiatrists, which has meant that the Government has had to put in triage measures across mental health precincts in New South Wales to provide emergency care in the event of a large number of psychiatrists departing the profession. The result has been that there has been a decline in the mental health bed capacity in New South Wales. We're advised that it's about less than 1 per cent and that the triage and the emergency measures that NSW Health has put in place are largely covering what is a complex field. Now, I think that there's also a growth in the number of people seeking psychiatric care or urgent mental health care in the emergency departments as well as the wards, so this is a real challenge for the New South Wales Government. We don't believe we can solve the challenge by unilaterally agreeing to a 25 per cent pay increase in one year for psychiatrists across the public health system.

The Hon. SARAH MITCHELL: But are you concerned about the safety of nurses and also the outcomes for patients when you've got fairly horrific stories like this being reported by nurses on the front line saying that there are concerns that there's going to be a fatality, that something is going to happen.

Mr CHRIS MINNS: I won't gild the lily; I am concerned. Of course, I am. If you're faced with a situation where a large number of your highly trained, highly credentialled, highly experienced professionals are about to leave the profession, then that it is a concern for the Government. But I want the public to understand and have confidence that, just as emergency provisions were put in place across the health system during the COVID emergency, we've got senior officials in NSW Health, led by the health Minister and the secretary of Health, that are working on ensuring that there are enough mental health beds in place, particularly for Western Sydney. When there have been closures, we have been able to get locum help in. I also want to make the point that locum help and bringing in VMOs, visiting medical officers, is not a long-term solution to the problem.

The Hon. SARAH MITCHELL: No.

Mr CHRIS MINNS: But I'm faced with a major issue. If I'm going to have a large section of my credentialled workforce about to leave, we need to put emergency help in place.

The Hon. SARAH MITCHELL: Absolutely. Just on that, Premier, you made the analogy to emergency measures in the COVID period. I put it to you that actually this isn't something that your Government was unaware of. There's a letter that went to both the health Minister and the mental health Minister back in October 2023 flagging these concerns and what might happen. That was 15 months ago. So the mental health Minister has had 15 months to solve this, to work on a solution, yet we are where we are today with serious concerns about patient and staff safety. Why did your mental health Minister fail to address this issue over more than a year?

Mr CHRIS MINNS: I think you've got to look at the context of it. We're looking at a workforce that has repeatedly told us that they've had a decade of underpayment.

The Hon. SARAH MITCHELL: But you've got a wages cap of 10½ per cent.

Mr CHRIS MINNS: I'm sorry; I'm going to finish my answer, Mr Chair. So you're looking at workforce that have had a decade of underpayment as a result of the wages cap being implemented by your Government, of which you were a member. Their ask of the New South Wales Government today is that we make good on, effectively, wage suppression over 12 years in the space of 12 months. A 25 per cent pay rise for psychiatrists

across the mental health system in New South Wales would be the equivalent of \$88,000 for a single psychiatrist. We can't afford it. It's too much—

The Hon. SARAH MITCHELL: What are you paying for locums at the moment?

Mr CHRIS MINNS: I'm just going to finish my answer. Sorry, Mr Chair. When you say the Government was aware of these problems, it's not as if a line in a piece of legislation could've been changed, or there was a regulation that could've been switched, or there was an immediate response from the secretary of Health that could've immediately eradicated what are significant challenges in the mental health space. The issue that you're raising that we're aware of is a 25 per cent pay increase. I'm not denying we're aware of it.

The Hon. SARAH MITCHELL: You just haven't done anything about it.

Mr CHRIS MINNS: Is your supposed solution to it that we should have agreed to it?

The Hon. SARAH MITCHELL: Premier, my question to you was that you've known about this for more than a year. Your mental health Minister has know about it—

Mr CHRIS MINNS: I appreciate that. But what do you suggest the solution should be?

The Hon. SARAH MITCHELL: I'm here to ask you questions, Premier. You've just said the increase would be \$88,000 for a single psychiatrist. Can you tell us what you're paying for locums at the moment? What's that cost?

Mr CHRIS MINNS: It's more, but the 25 per cent increase for every psychiatrist across the public health system would be more than the emergency measures that we're putting in place. Going back to your original question, when you say the Government was aware of the issue, that's absolutely true. We were aware that they were asking for a 25 per cent pay increase. Under the previous four years—the previous Parliament—the numbers paid by your Government were 2.5, 2.5, zero and 2.5, so the argument from the psychiatrists and the union is "We've had a decade's worth of wage suppression under the Liberal Party and the National Party. We want you to make up for it in a single year." Our argument is that it's not possible to do it. So the answer is that, yes, we were aware of it, but it wasn't a quick bureaucratic fix that could have solved this issue. It was a decade's worth of wage suppression that you personally brought in.

The Hon. SARAH MITCHELL: Premier, you have basically tied the hands of mental health Minister by having a de facto wage cap of 10 ½ per cent, haven't you?

Mr CHRIS MINNS: Are you suggesting that it should be higher?

The Hon. SARAH MITCHELL: I'm asking you what have been—

Mr CHRIS MINNS: Because the man sitting next to you said that that would be a huge outrage.

The Hon. SARAH MITCHELL: I'm asking you what has been offered in those negotiations or those conversations that supposedly have been going on, or should've been going on.

Mr CHRIS MINNS: The good news is, Mr Chair, that we've got an independent industrial umpire. We've said that we're prepared to offer 10½ per cent. If that's not acceptable, we'll have it arbitrated by the commission. If the commission makes a determination, we'll pay that determination. Under the previous Government and the under the previous scenario, none of that was available, either to the union, the nurses, psychiatrists or the New South Wales Government because the wage cap precluded the independent industrial umpire from awarding anything above 2.5 per cent. You'd have to agree. I'm prepared to answer any question that you've got.

The Hon. SARAH MITCHELL: Good, I've got more for you.

Mr CHRIS MINNS: But in the circumstances where it sounds like you're demanding the Government agree to a 25 per cent increase, surely you should be acknowledging the reason for that massive increase is a decade's worth of wage suppression that you personally brought in.

The Hon. SARAH MITCHELL: Premier, I want to move on to the issue of the timing of the mass resignation of these psychiatrists, which didn't happen during our term in government, can I say. The Minister for Mental Health left on an overseas family holiday on 29 December and wasn't due to return until 20 January, which was just two days before over 200 notified resignations by those staff specialists was due to take effect. Why did you approve that leave? Did you discuss with the Minister for Mental Health that it might be a good idea to stay in the country and deal with this issue when you've got an impending resignation of that magnitude?

Mr CHRIS MINNS: Obviously I spoke with all of my Ministers about leave and the circumstances in their portfolios. But if you looked at the number of resignations that had come through—I can report to the Committee that as of 10 February there'd been 52 resignations that had been finalised by local health districts. As

a result of the Minister's work with both the union and psychiatrists, the Ministry for Health and the Minister for Health, 72 psychiatrists had been transferred from permanent, full-time employees of the New South Wales Government to VMOs—visiting medical officers.

The Hon. SARAH MITCHELL: I understand that. The Minister gave us those numbers in the House. I'm asking—

Mr CHRIS MINNS: I'm going to finish the answer because you've made a very personal and direct attack on the Minister and I think—

The Hon. SARAH MITCHELL: You're talking about February data—

The CHAIR: Order!

The Hon. SARAH MITCHELL: —but I'm talking about what happened over the summer break. You didn't say, "Maybe you should stay here and sort this out"?

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: Mr Chair, I think it's unreasonable that I be given a brief time to answer such a direct question.

The CHAIR: A point of order has been taken.

The Hon. BOB NANVA: Chair, this is a question and answer session. It's not courteous to the witness under the procedural fairness resolution to interject while the Premier is giving an answer with the full context that is relevant to the question that was asked.

The CHAIR: I uphold the point of order. It was a good question and it requires a detailed—

The Hon. SARAH MITCHELL: To the point of order: About January—he's talking about February figures.

Mr CHRIS MINNS: No, I'm not talking about January. Mr Chair, with respect—

The Hon. SARAH MITCHELL: I know. I'm asking about January.

Mr CHRIS MINNS: What I'm saying is you asked about the ministerial leave and I'm telling you what the arrangements the Minister had negotiated with Health during that period and why, under the circumstances, it was appropriate. Fifty-two resignations had been received by the LHD but, as a result of the Minister's work, 72 psychiatrists had been transferred to VMO status within the department of health. That's not an ideal situation long term but, under the circumstances, it was appropriate to ensure that there was a safety net for people that needed to get mental health care during that period. Thirty-one resignations have been withdrawn entirely and 10 locums have been recruited to work in the mental health system primarily in regional New South Wales.

The Hon. SARAH MITCHELL: Premier, that data's from Feb—

Mr CHRIS MINNS: Under the circumstances—

The Hon. SARAH MITCHELL: Can I just ask a point of clarification, Premier? Chair?

The CHAIR: No, he hasn't finished his answer.

Mr CHRIS MINNS: I believe that the Minister for Mental Health, having come into office, had negotiated 4½ per cent immediately following the election for the 2023-24 financial year and from 2024 to 2027, the New South Wales Government and the Minister for Mental Health had negotiated or offered 10½ per cent. Let's cut to the chase: Your question is that the Minister wasn't doing her job. She organised for VMOs, organised for locums, organised for a triage response, offered 10½ per cent over three years, offered 4½ per cent in the first year, completely eradicated the Mitchell wages cap—the National Party/Liberal Party wages cap—and said to psychiatrists and the union, "If we can't come to an agreement, we're prepared to have this independently arbitrated by the industrial commission."

The Hon. SARAH MITCHELL: Premier—

Mr CHRIS MINNS: For all those reasons, I believed it was appropriately managed.

The Hon. SARAH MITCHELL: All of those figures that you gave us—I just want to be clear on the record—are all from February, aren't they? That's not over the January period. Can you clarify that?

Mr CHRIS MINNS: No, January and February.

The Hon. SARAH MITCHELL: So those decisions about who was going to become a locum and resignations, that wasn't in February? That was January?

Mr CHRIS MINNS: All of it was negotiated in December, January and February.

The Hon. SARAH MITCHELL: While the Minister was away? She's doing all that while she was away?

Mr CHRIS MINNS: No, all of the work—I remember having—

The Hon. SARAH MITCHELL: You just said she was working while she was away.

Mr CHRIS MINNS: Again, she's not interested in the answer, Mr Chair. I remember having meetings with both the Minister for Mental Health and the Minister for Health, and the secretary of the department right through November and December whilst this threat was made by psychiatrists. The fruit of the labour was born in February but all the work was done in the run up to Christmas.

The Hon. SARAH MITCHELL: So holidays in January are fine when you've got an impending mental health crisis?

Mr CHRIS MINNS: Did you take a holiday this year? Were you working around the clock?

The Hon. SARAH MITCHELL: I'll hand over to my colleague.

The CHAIR: Order! Avoid making comments and let's limit ourselves to questions.

The Hon. CHRIS RATH: Premier, did you ask the member for Summer Hill to resign?

Mr CHRIS MINNS: I'm not going to go into a conversation I had with the Minister. I did have a meeting with her after more revelations came to light in relation to ministerial drivers and we both made a decision that she couldn't stay in her job.

The Hon. CHRIS RATH: Did she break any rules?

Mr CHRIS MINNS: I have to say, the circumstances in relation to ministerial drivers is such that I don't believe any rules were broken. The rules as they relate to ministerial drivers are that all private and public use is allowed for Ministers and office holders who use ministerial drivers. This does come down to, ultimately, a question of judgement. Ministers are always going to be held accountable for judgement, either to Parliament, to Cabinet or to the public. In those circumstances, we made a decision that she couldn't stay in Cabinet.

The Hon. CHRIS RATH: Just to recap on that time, Premier, the former Minister first admitted that her use of a ministerial driver to chauffeur the Minister for Health and her friends to a surprise birthday party at a winery was not a reasonable use and she shouldn't have done it. She then told you and the public there were no other instances of her using a ministerial driver in a way that would be seen as unreasonable by the public. That's a lie, isn't it?

The CHAIR: I think you misspoke, Mr Rath. I think you said Minister for Health.

The Hon. CHRIS RATH: Mental Health.

Mr CHRIS MINNS: Sorry, I wasn't following the question. What did you say?

The Hon. CHRIS RATH: If we recap that period, the former Minister first admitted that she used her ministerial driver to chauffeur the Minister for Mental Health and her friends to a surprise birthday party at a winery. She said it was not a reasonable use and she shouldn't have done it. She then told you and the public that there were no other instances of her using a ministerial driver in a way that would be seen as unreasonable by the public. But that was a lie, wasn't it?

Mr CHRIS MINNS: No, it wasn't a lie. The circumstances weren't directly analogous, but once it was revealed and once it was—both of us looked at it and it wasn't viable that she remain as a Minister.

The Hon. CHRIS RATH: If she didn't lie, why did she have to resign?

Mr CHRIS MINNS: She didn't resign for lying.

The Hon. CHRIS RATH: But she didn't break the rules, Premier.

Mr CHRIS MINNS: That's right. It comes down a question of judgement.

The Hon. CHRIS RATH: So she didn't lie to you or the public and she didn't break the rules, but she had to resign.

Mr CHRIS MINNS: It comes down do a question of judgement. I have to make these decisions across the portfolios—who is in the best position to fill ministerial positions and represent the Government. It's a regrettable situation. I have to say, it's incumbent upon all of us to lift our game when it comes to entitlements. Ministerial drivers are not a right; they're a privilege of office. I don't believe, I genuinely don't believe, I firmly don't believe that the admittedly inappropriate use by the Minister of the ministerial driver was isolated. If you look through just publicly available, public commented on circumstances of previous Ministers using drivers that I regard as inappropriate but entirely legal and entirely within the rules, then something had to change. I've made a decision to change the rules in relation to the ministerial drivers, particularly around private use. I wish I had done it when we first got elected, but lesson learned.

The Hon. CHRIS RATH: On that, Premier, the revised *Ministers' Office Handbook* now states,

Drivers may not be used for exclusively private purposes such as:

- travel for recreational purposes not relating to official duties
- attending a private function or event in a private capacity
- travel for a private holiday ...

Does this reflect your view on what use would pass the pub test, or the reasonable person test, for the use by Ministers of taxpayer-funded drivers?

Mr CHRIS MINNS: I'm always intrigued by the pub test—as if you'd go down to the front bar of your local hotel and go, "What does everybody think?" I don't think we should be determining rules based on heading down the pub and asking everyone. Ultimately, this is about the use of public funds: ensuring that we're in a position where the public has confidence, whether you go get drunk at the local pub, or whether you are a regular taxpayer and you want to have confidence that the New South Wales Government is using their money efficiently. I don't know if it's a pub test question. I think it's a commonsense question. The common sense is we should have changed the rules. I wish the previous Government had done it, at some point over the previous 12 years. I've looked at some of the incidents. There was an article in *The Daily Telegraph* in 2021 where a Minister is said to have said—

The Hon. CHRIS RATH: Thank you, Premier, that's not my question.

Mr CHRIS MINNS: —"I'm going to use every ounce of entitlement tonight, so expect a long night." Former Minister Harwin said that he kept his driver—

The Hon. CHRIS RATH: That's not relevant, Premier.

The Hon. SARAH MITCHELL: Point of order—

Mr CHRIS MINNS: It's interesting that it's not relevant, don't you think, Mr Chair? All of a sudden it's not relevant. The world began in March 2023.

The CHAIR: Order! A point of order has been taken.

The Hon. SARAH MITCHELL: The Premier's answer was not directly relevant to the question that has been asked.

The CHAIR: I will rule on the point of order. The Premier's answer was generally relevant. He was talking about ministerial entitlements and the use of ministerial vehicles.

Mr CHRIS MINNS: Can I finish my answer, Mr Chair? I would just say that one example is Don Harwin forcing his driver to wait five and a half hours outside a Liberal Party preselection meeting on the Central Coast on 30 April, according to *The Daily Telegraph* in 2017. Another Minister said to his driver, "I'm going to use every ounce of entitlement tonight, so expect a long night." Another example is a former Attorney General falling out with 11 Ministers in two years and sacking their driver because they weren't a perfectionist.

The Hon. SARAH MITCHELL: We've got a couple more examples of your Ministers, Premier, that we'd like to ask you about. That's what you're here to answer.

Mr CHRIS MINNS: I just make the point, Mr Chair, that something had to change. The entitlement rules had to change. Ministerial drivers are not a right; they're a privilege. We need to respect and treat all public servants as if they're public servants and not treat them as if they're slaves.

The Hon. CHRIS RATH: Premier, the Minister for Mental Health used a driver to take her and her family to the airport while she was on gazetted leave. She subsequently claimed she had reviewed this use of a driver, and that she was confident it would pass the reasonable person test. Is she wrong?

Mr CHRIS MINNS: Look, I think the rules needed to change. If she was the only Minister that had ever done that, then that would be different. But I'm looking at page after page of Ministers of both governments who had almost a custom and practice. Here is another one: driver ditching. It's a practice called "ditch the driver" where Ministers request to keep the government car after being chauffeured home for the night, forcing the driver to make their own way via buses or trains.

The Hon. SARAH MITCHELL: Premier, we've asked a question about the Minister for Mental Health taking the driver on a family holiday. Would you come back to the question that's been asked?

Mr CHRIS MINNS: Mr Harwin conceded that, before selling his house in Vincentia on the South Coast, he used to ask his driver to jump on a train—

The Hon. SARAH MITCHELL: Point of order: We've asked a very specific question about the Minister for Mental Health and her use on a family holiday. The Premier does need to be relevant to what is being asked here. That was not anywhere near the question that was asked.

The CHAIR: I disagree. I think it was pretty close to the mark. I think—

The Hon. SARAH MITCHELL: He was talking about—

The CHAIR: Order! The Premier was being relevant to the question. Premier, your Government has committed to delivering the Great Koala National Park. It's been a long-held policy of the NSW Labor Party and yourselves. You've now been in government for 704 days, and in that time 8,000 hectares of the proposed park has been logged. Did you know that? That 8,000 hectares of the proposed Great Koala National Park assessment area has been logged since you became Premier?

Mr CHRIS MINNS: Well, Mr Chair, I am aware that logging is taking place across New South Wales. It's a lawful industry. There are reserves where it's allowed to—it's an industry, so it's not only allowed but it is a part of particularly regional communities' economy. We did see a situation up until 2022 where weakened environmental protections, I'm advised, saw the average annual land clearing rate increase 72 per cent. Some 379,000 hectares of native vegetation were lost between 2017 and 2021. That's nearly the area of Singapore every 12 months. The Government has made changes in light of the fact that we're looking at changes to the Great Koala National Park and changes to the reservation system, whether it comes to forests, native vegetation, within the government holdings. Part of that has meant, Mr Chair, that we're looking at an independent panel's review into the Great Koala National Park. That is being chaired by the former temporary or acting secretary of the Premier and Cabinet.

The CHAIR: That panel's not making any recommendations, is it?

Mr CHRIS MINNS: Yes, it is. It's looking at industry feedback at the moment, both in relation to the holdings of the New South Wales Government native vegetation land clearing but also jobs and industry. We'll make a decision soon enough. But we've restricted the amount that can be land cleared.

The CHAIR: You'll make a decision on the Great Koala National Park "soon enough". What does that mean?

Mr CHRIS MINNS: We're committed to the Great Koala National Park. The million-dollar question—that goes for both environmentalists and those that care about the reserve, as well as those that work in the industry—is how big it will be. In all candour, Mr Chair, we haven't made a decision on that yet.

The CHAIR: Premier, have you heard news reports that over the past year Canberra and the ACT has seen a disturbing increase in crime, a population-wide deterioration in mental health, antisocial behaviour, loss of productivity and, most concerningly, a spate of spontaneous and wild public orgies associated with their decision to legalise up to four homegrown cannabis plants per household?

Mr CHRIS MINNS: No, I haven't.

The CHAIR: You haven't? Have you heard that due to its legalisation of homegrown cannabis the ACT has now become a honey pot of vice and corruption attracting international organised crime syndicates and outlaw motorcycle gangs, which threatens to spill over into New South Wales?

Mr CHRIS MINNS: I haven't, but now I'm worried that I haven't and that this should be—

The CHAIR: No orgies, no motorcycle gangs. Have you heard that senior police in the ACT have changed their position to now support the ongoing legislation of homegrown cannabis for adult use as there's been a decrease in drug-related crime, no increase in the road toll associated with drug driving and no increase in adverse mental health outcomes?

Mr CHRIS MINNS: I haven't heard that either.

The CHAIR: You haven't heard any of these things?

Mr CHRIS MINNS: No.

The CHAIR: Premier, when will you—

Mr CHRIS MINNS: But I'm not on TikTok, so maybe—

The CHAIR: Maybe you should be. When will you and your Government stop clutching your pearls and legalise homegrown cannabis for adult use, as the ACT, Germany, Canada, South Africa and most of the continental United States have done?

Mr CHRIS MINNS: Look, it would be a big change. I think I've said to you previously, and I've certainly said in the media, that we don't have a mandate to do that. We didn't go to the election promising that change. I appreciate that when you are a part of a federation, like we are in Australia, you can look at other jurisdictions and see how policies roll out. You can also look at other jurisdictions around the world. I understand the arguments for the legalisation of small amounts for personal use of marijuana. I know you've been a very effective advocate for that for a long time, Mr Chair. I do have to take into consideration clinicians' concerns about the impact of the ubiquitous use of it, particularly for mental health, and whether there would be an uptick in the amount of personal use if there was a legalisation associated with it. Now, I'm not drawing a conclusion on that. I know that there are different views. But I have kept a pretty close eye on legislative changes, particularly in California and in Oregon. I want to make sure that when we make a change, if we make a change, it, in fact, works. I have to have a mandate for a major change like that.

The CHAIR: Is that something you may, depending on the Drug Summit, take to the next election—some change in this area?

Mr CHRIS MINNS: I'm not prepared to speculate on it. I wouldn't take that to mean that we are going to take it as an election commitment. It's not something that is imminent. It's not something that we're considering. We don't close our minds to legislative change and reform, but I don't have any plans to do that.

The CHAIR: Premier, you like to knock out a little *Thunderstruck* from time to time. I recall you're quite handy with the axe. How is it, Premier, that in the city that birthed the greatest rock'n'roll band in the world and the most successful musical and artistic act in Australian history the fiftieth anniversary of AC/DC's formation and first performance in 1974, just down the road, went unheralded, unnoticed and uncommemorated by your Government? In fact, the only thing that did happen was that the Burwood childhood home of the Young family, in which they learnt to play guitar, was bulldozed. How did this happen?

Mr CHRIS MINNS: I don't know. It sounds like it would be worth a private member's statement at least.

The CHAIR: Well, there was a motion passed by the Legislative Council.

Mr CHRIS MINNS: There you go—it didn't go unheralded, then. The Legislative Council did its job.

The CHAIR: Will the Government commit to rectify this egregious situation by committing to a significant public memorial and event to recognise AC/DC's globally significant contribution to the arts and life of our city, our State, our nation and humanity generally?

Mr CHRIS MINNS: And humanity generally? Well, look, you know—

The CHAIR: The most successful rock'n'roll band in the history of humanity.

Mr CHRIS MINNS: Are they?

The CHAIR: Yes, they are. The largest selling—you don't know that?

Mr CHRIS MINNS: More than the Rolling Stones?

The CHAIR: They've sold more albums than the Rolling Stones. The biggest ever concert—

The Hon. MARK BUTTIGIEG: What about The Beatles, Chair?

The CHAIR: Yes, more.

Mr CHRIS MINNS: More than The Beatles?

The CHAIR: Yes.

Mr CHRIS MINNS: Well, for those who are about to rock—

The CHAIR: Hundreds of millions of records. Their music is still played in stadia, in cars and in houses all over the world, every day. Is it part of the cultural cringe and snobbery in this State that we recognise other artists, but we don't recognise AC/DC because they're seen as bogans and working class?

Mr CHRIS MINNS: I love AC/DC. I don't know why I'm being fitted up as anti-AC/DC. I've come here to answer questions, and all of a sudden I'm some kind of—

The CHAIR: What have you done to recognise their contribution to our society and the arts?

Mr CHRIS MINNS: I don't think I've done anything, but that doesn't mean I don't appreciate them.

The CHAIR: What are you going to do?

Mr CHRIS MINNS: In addition to the motion moved by the Legislative Council, I'm sure that Angus Young and Brian Williams would be—I don't even know if they know. Perhaps we should let them know that this has happened. We can send them a memorial, Mr Chair—a plaque. Maybe you should let me know what you want me to do.

The CHAIR: I've said there should be a public memorial. We have statues to forgotten Scottish poets in the Domain. Yet the most successful musical and artistic act in Australian history—there's not a plaque, not a mural, not a sign anywhere. Melbourne has got AC/DC Lane and a big mural. There's a statue of Bon Scott. It could be a significant tourist boon because there are hundreds of millions of—

Mr CHRIS MINNS: Is Bon Scott from Adelaide or Melbourne?

The CHAIR: Bon Scott was from WA. I think they're all Scottish, but the Youngs grew up in Burwood and it just didn't get recognised.

Mr CHRIS MINNS: I know the Youngs. I love AC/DC. Perhaps I could take it on notice, but it sounds like a good idea.

The CHAIR: Thank you, I'll follow that up. Premier, last year in a decision in the High Court called *Bird v DP*, the High Court found that church bodies and other volunteer-based organisations will not be held vicariously liable for the abuse by priests and other non-employees. The High Court has invited State legislatures to deal with this issue. Will you act to redress this situation whereby those responsible for historical child sexual abuse crimes are not at the moment, because of the High Court decision, held to be liable?

Mr CHRIS MINNS: I take that question very seriously. I wouldn't just automatically dismiss it. Given the nature of it, I want to make sure I've got a considered reply. Perhaps I can take it on notice and report back to the Committee with a comprehensive response.

The Hon. MARK BANASIAK: Obviously, the issue of regional crime has continued to—I wouldn't say "bubble along"—be in the news as a hot topic. How many times have you visited regional New South Wales generally, and what have you heard from police and community members on this issue?

Mr CHRIS MINNS: I couldn't give you an exact number. But, generally speaking, when Parliament is not sitting, we leave Sydney. I leave Sydney and try to get somewhere in regional New South Wales at least once during the week. What I'm hearing is very troubling. The rising rates, particularly of break and enter followed by motor vehicle theft, are a major issue. I'm very concerned about it. I think that it's having a damaging effect on regional communities. The repeat number of people who keep appearing in front of both police and the courts is an indication, if any were needed, that the system isn't working. We believe that this requires a comprehensive response. It's not just about more police. It's not just about law reform. It's not just about improvements to juvenile justice. It's not just about programs for young people. It's about doing all of those things better, and we're proposing changes soon.

The Hon. MARK BANASIAK: Picking up on that issue of it's not just about more police, have you actually heard from community members and police that they actually do need a greater police presence in New South Wales? Under the last Government, in the changes they made to rostering with police, you saw a lot of 24-hour police stations essentially close and just turn into temporary stays for police when they were in the area. Have you heard a call for more police presence in New South Wales and regional New South Wales?

Mr CHRIS MINNS: Yes, constantly. It's been a perennial thing that is raised with me over and over again in regional communities, that we need police on the beat. Being a police officer is a difficult job—one of the most difficult that there is, Mr Banasiak. I'm full of admiration for the men and women who become police officers in New South Wales. Every single day is different. Every day you face the threat of danger and some kind of threat on your security. We desperately need people to do it. Now, I can report to the Committee that as a result of lifting the Coalition's wages cap, working out an agreement on a multi-year award, paying individuals to

become a police officer at the Goulburn academy, we now have, for the next two graduating classes, over 300 graduates in the attestation in Goulburn in the coming months. Over the next 12 months we expect 1,000 police officers to graduate through Goulburn and be placed throughout New South Wales. That is recruits coming into the system.

We believe those reforms are working. They're making a major difference. Even if we get bundled out at the next election, I urge whoever wins to keep them in place because recruiting police officers is not going to take one year or two years or three years; it's going to take time. The second part here, Mr Banasiak, is keeping experienced police officers in their positions for longer. I've got no doubt that the recruits that are coming through Goulburn are going to be fantastic in the years ahead, but there is a difference between a police officer who has got 20 or 15 years experience versus someone that started the day before. We need to keep as many long-term, experienced and professional public servants in the Police Force as we can.

The Hon. MARK BANASIAK: Sorry to interrupt, Premier. The recruits that are coming through, are they enough to deal with the ones that are going out the back door? When we look at workforce shortages across a multitude of industries, we always look at what's coming in and what's going out. Has there been any modelling done to suggest that these two years of increase will cover the retirements? Whether they're for medical reasons or just general retirements, resignations and sackings, will they be covered by the recruits coming in?

Mr CHRIS MINNS: I believe that we're now net positive in terms of recruits and retirements, which is a good sign, but we were already in deficit by over 1,000. The number of police officers that left the profession in the previous Parliament, I think, was over 1,000 in that four-year period. It was in the hundreds in the four years prior to that. One of the key groups that have focused on fixing this has been the Police Association—the union that represents police officers—who have been very targeted and very specific about reforms that they believe would have made a difference. I know that they lobbied the previous Government. They lobbied our Government and said a pay deal paying police officers at the Goulburn academy would make a difference. I believe it is working.

I think, if you look at the statistics and the number of recruits that are going through Goulburn, this is how we will get more police on the beat. Just as an aside—but I think that this is important—because we can pay recruits at the Goulburn academy, we are getting more and seeing more recruits who are mid-career. They might have started as a tradie or they might have been in professional services, but they've always had a dream of becoming a police officer. Once you've got a family, a mortgage, or you're a renter, it's very difficult to take the economic hit to study in Goulburn without any money coming in. We're now seeing more of that cohort becoming police officers. A big, bold offer to anyone that wants to join the New South Wales police.

The Hon. MARK BANASIAK: One of the concerns I've heard is the resourcing of police officers. During the last Parliament and this Parliament, I obviously spent a lot of time out in regional New South Wales. For example, when I tried to meet with police officers in Tamworth, they couldn't come to see me for two hours because they didn't have a car. They were essentially sharing police vehicles amongst officers. Jobs weren't getting seen to because they didn't have vehicles. When I asked the last Government to do an audit of those vehicles, lo and behold, they said, "Oh yes, we've got exactly the number of vehicles we thought we had." They didn't actually address the issue of if we have enough vehicles for the police officers to actually adequately do their job. I guess my question is, would your Government commit to doing a proper audit of police vehicles and other resources to make sure that not only do we have enough police but we also have enough resources for them to do their job properly?

Mr CHRIS MINNS: Yes, I would commit to that.

The Hon. MARK BANASIAK: Thank you. There's been a lot of talk around *doli incapax* as a principle and raising that as a way of addressing youth crime. What is your Government's view on that issue of raising the age of criminal responsibility from 10 to 14?

Mr CHRIS MINNS: They're separate issues. We don't have plans to raise the age of criminal responsibility to 14. *Doli* kicks in for individuals, often below the age of 14, regardless of whether the age of criminal responsibility has changed or not. No State has reversed the onus, particularly at trial. Not even the incoming Queensland Government or the incoming Northern Territory Government has reversed the onus for the individual to prove competence rather than the prosecution, but some States have codified it. I don't have a policy announcement today other than to say I am concerned about rising rates of youth crime. I believe something needs to be done about it.

We've already made significant changes to the law in New South Wales. But all that matters is what works, not the amount of media releases we pump out and not the amount of bills that we move through Parliament. It's about ensuring that we keep communities safe and that we're acting in the best interests of everybody in New South

Wales, including those who are charged with these offences. The repeat cycle of committing an offence, being arrested, appearing in front of the court, being released and starting it all over again—we are seeing the impact of that. It's children who are putting themselves often in the situation where they are being killed or are killing other people.

The Hon. MARK BANASIAK: I guess a lot of this has to do with environment. Speaking to police, they have raised with me that when certain statutes were removed you saw an increase in youth crime—statutes like being able to charge a parent with placing a child in moral danger and placing some level of responsibility on the parent to actually be a positive role model and parent. Have you heard the feedback from community and police that we need to place some level of responsibility on parents and the community to be positive role models? It's not the panacea; nothing is. It's part of this approach to how we deal with increasing youth crime.

Mr CHRIS MINNS: In all honesty, not really. My personal view is that's a really vexed area. I know amazing parents who have got kids who are in a desperate situation through no fault of their own. They're loving and caring, but sometimes the kids are out of control. Sometimes they have got significant mental health impacts. I'd be concerned about a regime that would see another individual held responsible. I am more focused on trying to solve the problem. It's a very difficult issue, but I'm not trying to sweep it under the carpet. I think we need change.

The Hon. CHRIS RATH: Premier, you promised before the election that you would cut senior executives by 15 per cent by June 2026. How is that going?

Mr CHRIS MINNS: Perhaps I can ask the secretary that?

SIMON DRAPER: That target is on track. We have a target number of reductions in the senior executives in the public service. It is the 15 per cent that you mentioned, Mr Rath. We have given each department targets of their own. It's not all 15 per cent. It varies around that number depending on how much they've grown over the years. There is an allocation. There is quite good progress. As of January, there has been quite a significant reduction. It's still going to be quite a hard target to reach. The Government is asking the public service to do perhaps more than ever. There's a big request for more frontline services and for us to deliver better for the New South Wales public. We're doing that. We're also significantly reducing the use of contractors and consultants in the public service. We're asking public servants to do more than ever, but at the same time we're reducing the number of senior executives.

The Hon. CHRIS RATH: Premier, are you still committed to that target?

Mr CHRIS MINNS: Yes.

The Hon. CHRIS RATH: I want to move on to another issue. Officials from the Premier's Department have stated in sworn evidence that a spreadsheet prepared in your office and given to them by Cherie Burton on 28 July 2023 is "the source of truth and the only evidence taken into account in advising the Special Minister of State that a project meets the key criterion for a Local Small Commitments Allocation grant having been nominated as an election commitment prior to the March 2023 election". Did a version of this spreadsheet exist in your office prior to the election?

Mr CHRIS MINNS: A lot of these small commitments were election commitments that the then New South Wales Labor Opposition made prior to the election. I presume there would have been a rendering or a list with the accumulated promises made across the 93 electorates. We were making an attempt to ensure that we weren't pork-barrelling public money into a single electorate, primarily because we've seen such an egregious example of it under the previous Government. The worst one was the bushfire recovery grants, where 26 of 27 projects went to Coalition seats, notwithstanding the fact that much of the bushfire damage was in Independent, crossbench and Labor electorates.

The Hon. CHRIS RATH: The Local Small Commitments Allocation program was run out of your office prior to the election?

Mr CHRIS MINNS: We didn't have any bureaucracy.

The Hon. CHRIS RATH: So it was run from your office. Did your office approve the commitments that members were promising in each of the electorates?

Mr CHRIS MINNS: Whether it was my office or one of the campaign committees, I'll just have to take it on notice.

The Hon. CHRIS RATH: Premier, could you talk us through the process that occurred in your office prior to the election?

The Hon. BOB NANVA: Point of order: It goes to relevance. This is an inquiry into the estimates of expenditure from the Consolidated Fund. Mr Rath is talking about a period that was well before the time that the Premier was in office. I ask you to rule it out of order.

The Hon. CHRIS RATH: To the point of order: In previous budget estimates hearings you, Chair, have ruled that when the Government made an election commitment whilst in opposition, it is within scope because the commitments made during the election campaign then have to be funded in the budget. We need to know what the genesis and origin of these funding commitments were, which were often made prior to the Government coming into power.

The Hon. EMILY SUVAAL: To the point of order: Perhaps it would assist the Committee if we seek advice from the Clerk about the relevance and whether that is in or out of scope to assist us in our deliberations, because Mr Rath's question was quite specific and spoke to an internal mechanism within the then Opposition leader's office at that point in time.

The CHAIR: To be honest, I don't recall making that ruling previously.

The Hon. CHRIS RATH: It was about ferry manufacturing. There was an election commitment.

The Hon. SARAH MITCHELL: If the money is being spent now, you could ask him about that.

Ms ABIGAIL BOYD: To the point of order: This is about the current expenditure of money.

The Hon. EMILY SUVAAL: But that was not the question that was asked.

Ms ABIGAIL BOYD: It's about whether or not current expenditure is appropriate.

The CHAIR: Order! I'll consider it in the context of the previous questions that Mr Rath asked, which were clearly about the expenditure in this financial year. This question was raised in the context of that and, considering my previous ruling, I'll allow the question.

Mr CHRIS MINNS: What was the question? I can't remember what the question was.

The Hon. CHRIS RATH: I'll put it this way to give members opposite a little bit more comfort. Premier, in the current budget, you're funding the Local Small Commitments Allocation. Before the election, candidates made promises in their electorates. Did your office approve those grants in the lead-up to the election, and what was the process for your office?

Mr CHRIS MINNS: I don't know. I can't remember the ins and outs of it. One of the things about disaggregating the grants is that they're small. So, rather than pork-barrelling it all into a couple of seats, we decided to disaggregate it across all 93 electorates so that everybody got the same regardless of who they voted for. If they returned a National MP or a Liberal MP or a Labor MP, they all got it. Just to your first question, though, you said it was the sole source of truth. It's very important to note that there was a community-benefit and value-for-money assessment for all moneys that were released by the New South Wales Government post-election. That probity review was carried out by the Premier's Department. In relation to Mr Rath's first question—I think the implication was that the list was just handed over—in some instances promises that were made in the election campaign weren't progressed with because of this extra layer of probity and advice.

The Hon. CHRIS RATH: Premier, do you maintain that every project on that list maintained by your office that was indicated as an election commitment that was monitored by Cherie Burton—was that, in truth, a commitment made prior to the election?

Mr CHRIS MINNS: I just make the point that they were election commitments but, having assumed office, there was also a Premier's Department probity analysis to ensure that there was community benefit and value for money via the assessment process, which I think is an important caveat to your question.

The Hon. CHRIS RATH: So the commitments have changed after the election.

Mr CHRIS MINNS: In some instances, yes. Just so the public is aware, Mr Chair, these are grants to community organisations, NGOs and charities and, if ones weren't identified via the election process or immediately afterwards, then the local council was given the money.

The Hon. CHRIS RATH: And when your office was collating these—

Mr CHRIS MINNS: It's a similar process to the Community Building Partnership grants that The Greens give out and the Nats give out and the Libs give out.

The Hon. SARAH MITCHELL: It's not the same at all.

Mr CHRIS MINNS: It's not the same?

The Hon. SARAH MITCHELL: No, because you've had unelected Labor candidates decide where public money goes.

Mr CHRIS MINNS: There you go. There you have it—very different, apparently.

The Hon. SARAH MITCHELL: Unelected Labor candidates are choosing where money goes.

The CHAIR: Order!

Mr CHRIS MINNS: Money going to NGOs—is this the same as the pork-barrelling that you were responsible for, where you just jammed it into marginal seats? Even bushfire grants?

The CHAIR: Order!

The Hon. SARAH MITCHELL: You pork-barrel every electorate to win votes.

The CHAIR: Order! Mrs Mitchell, that doesn't assist.

The Hon. CHRIS RATH: Did your office advise candidates through the Labor Party campaign headquarters and their organisers when projects were approved?

Mr CHRIS MINNS: I don't know. I said I'd take that on notice, but I don't think that it would be particularly revealing for the New South Wales Opposition to be working on election commitments prior to the election.

The Hon. SARAH MITCHELL: Premier, you just said before that some of those commitments changed after the election. Is that correct?

Mr CHRIS MINNS: Correct.

The Hon. SARAH MITCHELL: The guidelines for that Local Small Commitments Allocation program—the eligible projects. It says very clearly that all projects must have been nominated as an election commitment prior to the March 2023 election.

Mr CHRIS MINNS: What are you reading from?

The Hon. SARAH MITCHELL: From the guidelines for the Local Small Commitments Allocation grants. "3.2 Eligible projects. All projects must have been nominated—

Mr CHRIS MINNS: Well, we don't apologise for having a probity check once in government.

The Hon. SARAH MITCHELL: But Premier, you've just said that you changed some of them after the election.

Mr CHRIS MINNS: Because of the probity check.

The Hon. SARAH MITCHELL: But the guidelines say they have to be nominated as an election commitment prior. Which is correct: you or the guidelines?

Mr CHRIS MINNS: I don't make any bones about it. The Premier's Department undertook a probity look at individual grants to make sure that there was value for money and, in certain circumstances, some of them were changed—I think up to four. But you're talking about hundreds of grants that were allocated across 93 seats across all of New South Wales.

The Hon. SARAH MITCHELL: But that doesn't link with the guidelines. That's in direct conflict with your guidelines. You've got a conflict with what you're saying and what your guidelines are saying.

Mr CHRIS MINNS: I think you're cherrypicking the guidelines.

The Hon. SARAH MITCHELL: I'm not cherrypicking.

Mr CHRIS MINNS: Well, what's the point in having a probity check—

The Hon. SARAH MITCHELL: What's the point of having guidelines if you don't follow them?

Mr CHRIS MINNS: What's the point in having a probity check if, in the end, you say, "It doesn't matter what the probity check's going to throw up; we're going to pay it out no matter what"?

The Hon. SARAH MITCHELL: What's the point of having guidelines if you just say, "Don't worry about we said before the election; we'll change it afterwards"?

Mr CHRIS MINNS: Can I just say, Mr Chair, if we didn't have a probity check in place, the very first question we'd get from the National Party is "Why wasn't there a probity check here?"

The Hon. SARAH MITCHELL: What's the point of having guidelines, Premier? You're making this up as you go along.

Mr CHRIS MINNS: I don't believe I am!

The Hon. SARAH MITCHELL: Why have guidelines and then afterwards say, "Don't worry about it. We'll just change it after the election."

Mr CHRIS MINNS: I don't think I am!

The CHAIR: Order!

The Hon. BOB NANVA: Point of order: It's neither courteous to the Premier or to *Hansard* to have three or four members talking over the top of each other and barking at the Premier.

The CHAIR: Yes, let's maintain decorum and not descend into a rabble.

Mr CHRIS MINNS: God forbid we make an election commitment!

The Hon. CHRIS RATH: If probity is so important, why didn't you ask Labor candidates to lodge a conflict of interest form prior to making the election commitments?

Mr CHRIS MINNS: All of the money went to NGOs, charities—and, if it didn't go to an NGO or a charity, it went to the local council. Under the circumstances, I had confidence that the money being allocated evenly across electorates, being distributed no matter what happened and who the local member was when eventually elected by the community—that it was appropriate in the circumstances to have the regime that we had in place, particularly given, Mr Chair, that following the election campaign there would be a whole new review conducted by the Premier's Department in relation to probity checks and ensuring that there was value. For God's sake, Mr Chair, we're talking about money going to local charities in regional communities and in communities like Sydney.

The Hon. SARAH MITCHELL: No-one's disputing the charities; we're disputing your lack of probity.

Mr CHRIS MINNS: What don't you like? The RFS? The Salvation Army? You don't like Men's Shed? You don't like the money going to these individual groups? Where should we yank the money from?

The Hon. CHRIS RATH: Premier, we don't like that you retrofitted the probity arrangements.

Mr CHRIS MINNS: That's because the probity check went in place. You'd be up me for the rent, Mr Chair, if we didn't have the probity check in place. Because we did, now we're getting criticised for it.

The CHAIR: Order!

The Hon. CHRIS RATH: Premier, in your electorate you allocated \$50,000 of the \$400,000 to Asian Women at Work. Is that right?

Mr CHRIS MINNS: That's right.

The Hon. CHRIS RATH: The candidate for Oatley also allocated \$50,000 to this organisation under the LSCA program. It has since come to light that members of Asian Women at Work contributed at least 32 hours of volunteer work phoning Chinese voters in the electorate of Oatley on behalf of the member. Did any member of Asian Women at Work actively participate in your 2023 election campaign?

Mr CHRIS MINNS: Not that I'm aware of, but I just want to make the point that I don't think you should be—

The CHAIR: Just as a point of clarification, the member being the member for Oatley?

Mr CHRIS MINNS: No, he has mischaracterised it—not the member for Oatley, the candidate for Oatley. I think you should be precise with your language if you're going to talk about these individual organisations. I just make the point that that's a good organisation. It has been supported by both sides of politics, going back a very long way. It talks about supporting migrant women in the workforce.

Ms ABIGAIL BOYD: That is not the point.

The Hon. SARAH MITCHELL: No-one is suggesting otherwise.

Mr CHRIS MINNS: Hang on a second. If you're going to drag their name through estimates, I'm entitled to defend the organisation.

The Hon. SARAH MITCHELL: No-one is. We're asking you about where you've given money.

The CHAIR: Order!

Mr CHRIS MINNS: Mr Chair, I'm allowed to get an answer out, surely.

The CHAIR: The Premier may answer the question.

The Hon. SARAH MITCHELL: Very defensive.

The CHAIR: Order!

Mr CHRIS MINNS: I am defensive of the organisation.

The Hon. SARAH MITCHELL: No, of your program.

Mr CHRIS MINNS: I know you couldn't care less about it, but I am defensive of the organisation. They do an amazing job for the local community. I just want to make the point, Mr Chair, that there would be many organisations across New South Wales that have members, particularly volunteers, that may be involved in the political process. We are not going to get into a situation where a member of the Killara Rural Fire Service who volunteers on a Liberal or a Labor election campaign is automatically refused having money or funds or a particular project approved because, in many cases, they've donated their volunteer time to a political organisation.

In my experience, there are many organisations that have volunteers that may be attracted to the political process. They like volunteering for political candidates. They also like spending their spare time volunteering for community organisations. Nothing about that is unusual. My point of clarification, and why I believe the Opposition is cherrypicking this in particular, is we have had the Community Building Partnership grants in place in New South Wales for decades.

The Hon. SARAH MITCHELL: It's not the same as members of Parliament.

Mr CHRIS MINNS: There would be many members who got grants as a result of allocations made by Liberals or Nationals who had members that also handed out for Liberals and Nationals at election campaigns. I don't have any problem with that; I think that's completely reasonable and appropriate. But I don't think you should be cherrypicking an organisation like Asian Women at Work that has done a lot of good for this State over the long term.

The Hon. CHRIS RATH: Premier, no-one is attacking Asian Women at Work. What we're suggesting for you to respond to is that you gave \$50,000.

Mr CHRIS MINNS: I've answered the question.

The Hon. CHRIS RATH: The candidate for Oatley gave—

Mr CHRIS MINNS: My understanding is that they didn't.

The Hon. CHRIS RATH: Let me ask the question, Premier.

The CHAIR: Order! Premier, please let him—

Mr CHRIS MINNS: It's the same question as the previous, Mr Chair.

The CHAIR: Let's see if it is, Premier.

The Hon. CHRIS RATH: You gave \$50,000, the candidate in Oatley gave \$50,000 to the same organisation, and then you asked this organisation to hit the phones for the election of the candidate in Oatley.

Mr CHRIS MINNS: He just began the question by saying he wasn't going to traduce their reputation. Do you still stand by that?

The Hon. CHRIS RATH: Premier, did you ask this organisation to hit the phones for you and the candidate for Oatley?

Mr CHRIS MINNS: An outrageous allegation about a community organisation that has done a lot of good for the community.

The Hon. CHRIS RATH: So you deny that?

Mr CHRIS MINNS: I remember bumping shoulders with Mark Coure at Asian Women at Work organisation functions.

The Hon. CHRIS RATH: Will you deny the allegation, then?

Mr CHRIS MINNS: This is the first I've heard of the allegation. I haven't asked anyone to do anything.

The Hon. CHRIS RATH: It was reported in the media on Friday.

Mr CHRIS MINNS: It was reported in the media on Friday that I asked an organisation to hit the phones for Labor—is that the allegation you're making?

The Hon. CHRIS RATH: That 32 hours of volunteer work for—

Mr CHRIS MINNS: See? Every time you ask a new question, you slightly change it to a different meaning.

The Hon. CHRIS RATH: Do you see any conflict of interest in a candidate allocating part of a—

Mr CHRIS MINNS: I just make the point, Mr Chair—

The Hon. CHRIS RATH: I haven't finished the question.

The CHAIR: Order! Premier, please let Mr Rath finish his question.

The Hon. CHRIS RATH: Do you see any conflict of interest in the candidate allocating part of a \$400,000 electorate slush fund to a community group whose members are actively involved in the candidate's election campaign?

Mr CHRIS MINNS: I want to make this point because it's not fair to the community organisation. You began this line of questioning by saying that you're not going to traduce their reputation.

The Hon. CHRIS RATH: We're not; we're traducing your reputation, Premier.

The CHAIR: Order!

Mr CHRIS MINNS: I want to make this point, Mr Chair. There would be many organisations that have volunteers who are associated with it who may also volunteer for political parties. They shouldn't be removed from access to or consideration for grants in New South Wales. The reason we made a decision for the local small commitments grants of \$400,000 per electorate is that there are 93 electorates. Regardless of who is elected, they should be getting those funds. I was sick of seeing a situation where 26 out of 27 bushfire recovery programs go to Coalition seats, 75 per cent of ClubGRANTS go to Coalition seats, 70 per cent of Refresh and Renew grants go to Coalition seats, 96 per cent of Stronger Country Communities Fund grants went to Coalition or marginal seats—

The Hon. SARAH MITCHELL: Because we represent regional areas.

Mr CHRIS MINNS: —and \$9.3 million—I mean, the most egregious example was the bushfire recovery grants that were pork-barrelled into Coalition seats.

The Hon. SARAH MITCHELL: Premier, just to be clear, you don't see any conflict of interest in that. Is that your position?

Mr CHRIS MINNS: You can ask every question three times. I've made it very clear.

The Hon. SARAH MITCHELL: So no conflict of interest?

Mr CHRIS MINNS: The conflict was identified, it was investigated and the circumstances I've outlined in chapter and verse.

The Hon. SARAH MITCHELL: I want to move on to some commitments in the electorate of Sydney. There was evidence given by officials from your department showing that between July and December last year, changes were made to the amounts allocated for projects in the electorate of Sydney, including one project originally listed with an allocation of \$10,000 subsequently being approved for \$100,000. Are you aware of that change?

Mr CHRIS MINNS: I don't know the ins and outs of hundreds of local small commitments. The nature of disaggregating this money by electorate means that I'm not aware of all of the circumstances of it.

The Hon. SARAH MITCHELL: Did you or anyone in your office consult with the member for Sydney about these changes?

Mr CHRIS MINNS: I didn't consult, but I can't speak on behalf of all the members in my office.

The Hon. SARAH MITCHELL: Could you take that on notice and see if anyone from your office did have a conversation with the member for Sydney about those changes?

Mr CHRIS MINNS: Sure.

The Hon. SARAH MITCHELL: You keep making the point repeatedly, Premier, that this isn't pork-barrelling because all electorates get the same amount of money—\$400,000. Is that correct?

Mr CHRIS MINNS: Sure.

The Hon. SARAH MITCHELL: Do you know how much the electorate of Sydney received under the program?

Mr CHRIS MINNS: I don't know what they got.

The Hon. SARAH MITCHELL: They got \$425,000.

Mr CHRIS MINNS: Oh, we're giving too much to a non-Labor seat now.

The Hon. SARAH MITCHELL: It's listed on the grants website.

Mr CHRIS MINNS: Can you believe this? We're getting stitched up because we're going over.

The Hon. SARAH MITCHELL: It's a genuine question, Premier.

Mr CHRIS MINNS: I'd understand if it was to the seats of Prospect or Kogarah, but now we're getting stitched up for putting it into non-Labor seats.

The Hon. SARAH MITCHELL: Premier, you have said everyone gets \$400,000.

Mr CHRIS MINNS: I can imagine the National Party are amazed by this—"Why would you give it to a non-Government seat? That's crazy!"

The Hon. SARAH MITCHELL: Are you done?

Mr CHRIS MINNS: I don't know; I'm intrigued.

The Hon. SARAH MITCHELL: If you are consistently saying every seat gets \$400,000, and it's fair and equitable, can you explain why \$425,000 was allocated to the Sydney electorate and where that extra money came from?

Mr CHRIS MINNS: We've got to cop it on the chin: We're pork-barrelling non-Government seats now. Is that the accusation you're making?

The Hon. SARAH MITCHELL: I'm asking you why that electorate got more.

Mr CHRIS MINNS: I don't know, I'll have to take it on notice. But you're really stretching credulity here, Mr Chair.

The Hon. SARAH MITCHELL: You are trying to stand behind the credibility of this dodgy program by saying everyone gets the same amount. It turns out they didn't, and that's what we want to ask you about.

Mr CHRIS MINNS: And your allegation that it's dodgy is that we're pork-barrelling seats that we don't hold.

The Hon. SARAH MITCHELL: It's as dodgy as all get out and you know it. That's why you're so defensive.

The CHAIR: Thank you, Mrs Mitchell. I'll take that as a comment. Premier, are you aware the gender pay gap amongst public sector workers has grown from 4.5 per cent in 2022 to 7.2 per cent in 2024? The Public Service Commission report states:

For women, the median remuneration applies to Nurses, and the large size of this cohort means the pay gap is being driven by any changes in the distribution of the remuneration of men. While there were larger increases in the number of women than men in 2022 across all higher salary ranges, this did not reduce the pay gap ...

Given that, Premier, do you concede that your current pay offer to nurses and midwives won't correct this gap? How do you plan to prevent this from widening even further?

Mr CHRIS MINNS: Mr Chair, we believe, as a result of the changes to the wages cap in New South Wales, we will be able to achieve many of the stated aims of both the union movement and gender pay equity along the way. We can't do it in the first year; it's not possible for us to do it. The nurses association have demanded of the Government—and I'm not knocking them for this; they've got every right to do it—over 15 per cent in the first year for a pay increase, and we don't have those funds. If we were to grant that on those terms, then that would be the equivalent of or more than every other wage award agreement we've struck with every other public sector union combined.

I need to be in a situation where we're growing the public service to meet the challenges of service delivery in New South Wales but that we're doing it in an equitable way. I don't quibble with the nurses association's argument that as a result of 12 years of the wages cap, they've gone backwards. I appreciate that. The good news is, under Labor, we've had real wage growth of 1 per cent in the two-year period, at the same time as under the previous Government they had a decline in real wages of 1 per cent in both the public and the private sector over a 10-year period. So I think we're making gains. I accept it's not as much as the nurses association and nurses are demanding, but our offer, we believe, is fair. We hope it's accepted but, if it's not, it'll be arbitrated by the commission.

The CHAIR: Premier, Planning states:

Greater Sydney housing supply is forecast to increase by 172,900 homes over the 6 years to 2028–29, averaging 28,800 additional dwellings per year.

In the 12 months to June 2024, only 21,000 new dwellings were built. Residential land values increased by 8 per cent in 2023–24. Commercial land increased by 3.9 per cent, and rural land by 1.6 per cent. The Valuer General, Sally Dale, noted the growth in demand for housing and the price rises are probably not healthy and add to the strain on home buyers. How many people do you think New South Wales should have in 2035?

Mr CHRIS MINNS: As in our population? That's a good question.

The CHAIR: How come you don't know?

Mr CHRIS MINNS: In fairness to me and the Government, it's heavily dependent on the circumstances. What's our economy doing? Are we able to get housing going? Is it sustainable? Is it sustainable for the environment? Is it sustainable for the economy? Are we able to grow our productive base while dealing with an ageing demographic and population, whilst ensuring that we keep service delivery high? Most of those things, Mr Chair, are variable, and so I know what the Commonwealth Government's plans are for the next three or four years, but you'd appreciate that it's a rapidly changing situation, and the Government takes that into consideration.

The CHAIR: Do you think that there should be, in New South Wales, a whole-of-government population policy, that clearly sets out—we do intergenerational reports—an aspiration for how big we should be, where those people are coming from, where they're going to live, and the infrastructure that's going to service them?

Mr CHRIS MINNS: I wouldn't dismiss it out of hand. I think, in the circumstances, planning, particularly long-range planning, is hugely important in terms of allocation of infrastructure and assets. One thing we do know is that people want to come to Australia. We take the majority of inbound migrants. Thirty seven per cent of inbound migrants come to New South Wales, in particular Sydney. That puts big pressure on the budget, on our infrastructure, on services. But a lot of people from around the world want to come to our country. I think that we need to make sure that it's done in an orderly way and that we're planning for the future.

The Commonwealth Government has said to the States that they want us to be more involved in planning for population rises in the years ahead. We take that at face value. We want to be more involved in the debate and the argument about where people will live. I just make the point that I want to have input, but ultimately, this decision will be made by Commonwealth Ministers: the immigration Minister and the Prime Minister. It would be very easy for me to come to the Committee and say, "I'm going to take a mulligan on housing and a mulligan on infrastructure. I'm not going to build public transport"—

The CHAIR: What's a mulligan?

Mr CHRIS MINNS: I'm gonna whiff it; I'm gonna pretend it didn't happen. It'd be very easy for me to do that and blame the Commonwealth Government, but the truth of the matter is, it wouldn't fix anything in New South Wales, and I just need to get on with, particularly, building housing.

The CHAIR: There is a COAG Treasurers' Forum on Population. Wouldn't we be better armed—and I don't know what work that's done, if any—in those negotiations with the Commonwealth over infrastructure spending, over the provision of services, if we had our own population policy to take to that COAG meeting, to take to negotiations with the Federal Government?

Mr CHRIS MINNS: I think that'd be a good idea. Whether various stripes at the Commonwealth level would listen to us or not, I can't answer. I don't know. To the extent that they listen to the States when it comes to the distribution of population and, as a result, the concurrent spending on infrastructure, that'd be a good thing. I just want them to acknowledge, whoever's in power in Canberra, that we take the most number of inbound migrants, and as a result of that we need a fairer distribution of GST and we need more money for essential infrastructure for a growing city. Sydney is the only international city in Australia. It's vital for the success and health of the Australian economy.

It's not an economy that's dependent on the extraction of natural resources to be sent around the world. It adds to the diversity and the complexity of the economy, and if you start hobbling Sydney and just expect it to keep turning over, it's a real risk for economic growth in a country like Australia. I'd like greater understanding and appreciation from the Commonwealth about the challenges for New South Wales, but I imagine every Premier you've had at this table said the same thing.

The CHAIR: In terms of population, Premier, what's your understanding of the population of East Asia? Is it growing or declining? It's our biggest trading market. It's incredibly important in terms of geopolitical security and economic prosperity in Australia.

Mr CHRIS MINNS: I only know about reports I've read. Particularly if you take the Asian region, in relation to China, the one-child policy has meant that they've got an ageing population. The median age in China is rising. I think it might even be 49. It's pretty high.

The CHAIR: It's 50.

Mr CHRIS MINNS: Is it? The average age in Australia is 39. That's a big competitive advantage for our economy. But it does mean that as that ageing cohort grows in a place like China, the call on iron ore, resources and other things from a country like Australia will proportionally decline. I don't think it's going to fall off a cliff, but it does mean that we always have to be looking actively for other markets and other goods. It's not just China; it's also Japan—

The CHAIR: Taiwan, Thailand—it's all East Asia.

Mr CHRIS MINNS: China's median age is even higher than—Japan's is even higher than China, I think. And one-third of our exports is a single product and it goes to one destination, which is Japan.

The CHAIR: Are you aware that Japan's population fell by nearly a million people last year?

Mr CHRIS MINNS: It doesn't surprise me, but I wouldn't have known the number.

The CHAIR: Do you think that we should be doing an analysis of global population, especially in terms of East Asia and South-East Asia, and its potential impact on our economic development? We've never had a flourishing economy anywhere in the world, in any jurisdiction, with a declining population.

Mr CHRIS MINNS: By exception, we are doing that. Not specifically about population trends in the South-East Asian region, but in terms of future economic growth, it is a major priority for the New South Wales Government, and I think it should be further on the agenda in the body politic of the State. The reason for that is, New South Wales's number one export is coal. It goes to basically one destination. One-third of it goes to Japan, and the other trading countries throughout South-East Asia. All of those economies have indicated to Australia and New South Wales that they will be getting out of that commodity in the years ahead.

Now, they'll do it at different rates and they'll do it in different ways, but given it's our largest export and we sold about \$40 billion of it, I think, last year, in the years ahead—not tomorrow, and not in five years, but down the line—we need to fill a \$40 billion export hole, and that means new industries, and backing entrepreneurs and opening new enterprises, particularly export-led enterprises. And I think New South Wales is well placed to do that, but we've got to get a hurry on.

Ms ABIGAIL BOYD: I'm not going to ask you about the LSCA program, because it makes me cranky, but I will ask you why you are blaming young people for increasing pressures on our workers compensation scheme?

Mr CHRIS MINNS: I'm not.

Ms ABIGAIL BOYD: You were quoted on Monday as saying:

Most often claimed are stress or burnout, bullying or harassment. I am not saying that doesn't happen in workplaces, I am sure it does, but there has been an exponential growth, particularly young people claiming this payout, and as a result, premiums for government and business are hugely rising.

Why did you say that?

Mr CHRIS MINNS: I don't think that you can draw the inference that I'm blaming young people.

Ms ABIGAIL BOYD: But you're saying, "Exponential growth, particularly young people claiming this payout". What evidence do you have that that is the case?

Mr CHRIS MINNS: There is an exponential growth in psychosocial claims amongst young people, particularly in the icare sector.

Ms ABIGAIL BOYD: Did icare tell you that? It's not in their icare report. The icare report says it's over 50s.

Mr CHRIS MINNS: I don't have the information, but I'm happy to report back to the Committee.

Ms ABIGAIL BOYD: Do you accept how damaging your comments are, when you say things like "I'm not saying that it doesn't happen in workplaces, I'm sure it does," and then talking about young people being responsible? It's implying—

Mr CHRIS MINNS: It sounds like I'm heavily qualifying it, doesn't it?

Ms ABIGAIL BOYD: It sounds like you're trying to say that young people are soft.

Mr CHRIS MINNS: Why don't you ask me what I'm saying? I've said, "I'm not saying it doesn't happen". Did you say that I said "I'm not saying it doesn't happen" in workplaces?

Ms ABIGAIL BOYD: Yes, which is what you say when you're like, "I'm not saying it doesn't happen, but—"

Mr CHRIS MINNS: It would be hugely convenient for you if I didn't say that, but I did.

Ms ABIGAIL BOYD: All right. What did you mean when you said this, which was widely reported as being you saying that there's going to be changes to the workers compensation scheme because young people are pushing up premiums?

Mr CHRIS MINNS: They're part of it. Everybody in the workforce is part of it.

Ms ABIGAIL BOYD: Before you make—

Mr CHRIS MINNS: I mean, can I get an answer out? I think that, ultimately, we do have to take stock of what's happening in icare, particularly in relation to workers compensation. There are reasonable reasons why provisional acceptance of claims takes place across our workers compensation system. That's a hugely important principle to pursue. But when it comes to psychosocial claims, bullying claims, burnout claims, the individuals who are provisionally accepted for the claim, ultimately that's borne by the New South Wales taxpayer—I'm going to get an answer out—or individual small businesses in New South Wales. The cost of icare premiums has exponentially exploded in recent years and are projected to grow hugely in the years ahead.

Ms ABIGAIL BOYD: They are, and let me—sorry, if I could, Premier?

The CHAIR: Order!

Mr CHRIS MINNS: I'll give you an example, Chair. The provisional amount that needs to be determined and set aside by the New South Wales Government is between \$800 million and \$900 million extra. It's a huge amount of money, and whilst I'm dealing—

Ms ABIGAIL BOYD: Point of order—

Mr CHRIS MINNS: Understandably, I'm dealing with—

The CHAIR: Order! A point of order has been taken.

Ms ABIGAIL BOYD: Sorry, but these are very specific questions.

Mr CHRIS MINNS: No, but they deserve a comprehensive answer.

The CHAIR: What is your point of order?

Ms ABIGAIL BOYD: I have a limited amount of time. I don't need chapter and verse about the icare system. I'm asking a very specific question.

Mr CHRIS MINNS: I'm going to give a comprehensive answer. I'm sorry, Chair. It's too important.

Ms ABIGAIL BOYD: Well, that's what you do to waste time, Premier.

The CHAIR: I don't need to hear the point of order. The Premier's entitled—

Ms ABIGAIL BOYD: Are you scared of these questions?

Mr CHRIS MINNS: No, I'm not.

The CHAIR: The Premier is entitled—

Ms ABIGAIL BOYD: Why won't you answer my questions?

Mr CHRIS MINNS: I'm here. I'm happy to answer your questions.

The CHAIR: Order! The Premier's answer was relevant to the question. He can answer it in the way he sees fit. While the Premier's remaining relevant, I'll hear what he has to say.

Mr CHRIS MINNS: Look, for people watching, it deserves a comprehensive answer. The issues are so important it shouldn't be just steamrolled into talking points from The Greens. It's silly.

Ms ABIGAIL BOYD: This is not what I'm asking.

Mr CHRIS MINNS: I just want to make the point, Chair—

Ms ABIGAIL BOYD: I'm happy to educate you on what the actual parameters are.

Mr CHRIS MINNS: —that the amount of money that's going out of the system doesn't cover the future contingent liabilities and that's a huge drain on both the public purse as well as the premiums paid by small businesses in New South Wales.

Ms ABIGAIL BOYD: Thank you, Premier. If I could just redirect you?

Mr CHRIS MINNS: Understandably, when it comes to the budget, Chair, this comes out of employee expenses.

Ms ABIGAIL BOYD: This is deeply unfair, Premier.

Mr CHRIS MINNS: I mean—

Ms ABIGAIL BOYD: This is deeply unfair. Could I ask the question?

Mr CHRIS MINNS: You'll notice that you don't like the answer and, all of a sudden, I need to be quiet. But surely I'm entitled—

The CHAIR: Order! Commentary over the top of the Premier's answer—

Mr CHRIS MINNS: —for a complicated issue, Chair, to give an answer.

Ms ABIGAIL BOYD: The Premier is not allowed to answer for five minutes straight. That is deeply unfair, and he knows it. The Government can ask these questions, if you want.

Mr CHRIS MINNS: You're talking about a multibillion-dollar workers compensation scheme.

Ms ABIGAIL BOYD: Let me ask you—

The Hon. MARK BUTTIGIEG: Point of order: With all due respect, Chair, you made a direct ruling about the Premier's right to answer a question thoroughly, and the member's now cavilling with your ruling directly.

Ms ABIGAIL BOYD: To the point of order: It is well established in budget estimates that when a person is taking multiple minutes to respond to a question in a very, very general way it's up to members to be able to redirect the Premier, or redirect the witness.

The Hon. EMILY SUVAAL: To the point of order: No, we've received specific—

The CHAIR: Order! I don't need to hear the point of order. That is not the precedent.

Ms ABIGAIL BOYD: Well, that is, actually.

The Hon. EMILY SUVAAL: No, it's not.

Ms ABIGAIL BOYD: That actually is what happens in every other hearing.

The CHAIR: Order! It's not. Members can't redirect—

Ms ABIGAIL BOYD: Well done, Premier.

Mr CHRIS MINNS: Yeah, I mean, so cynical, and really cheap.

The CHAIR: Members cannot redirect a witness on how they give an answer.

Ms ABIGAIL BOYD: How condescending.

Mr CHRIS MINNS: I'm sorry. It's such a complicated issue and you won't even let me get a couple of answers out.

Ms ABIGAIL BOYD: You could have answered the question.

Mr CHRIS MINNS: It's hugely silly.

The CHAIR: Order!

Mr CHRIS MINNS: Chair, I just want to make the point the costs associated with it are so large and so extreme, the premium blowout, particularly as it relates to icare, is in the hundreds of millions of dollars for a single financial year.

Ms ABIGAIL BOYD: For people suffering trauma and harassment—

Mr CHRIS MINNS: Did you just see—

The CHAIR: Order!

Ms ABIGAIL BOYD: —in the emergency services is what icare said.

The CHAIR: Order! I don't think the hearing's assisted by any further commentary on this question.

Ms ABIGAIL BOYD: Trauma, harassment in emergency services, PTSD—not young people.

The CHAIR: Order!

Mr CHRIS MINNS: Cynical Greens talking points, Chair.

The CHAIR: Order! I call Ms Abigail Boyd to order for the first time.

Mr CHRIS MINNS: Cynical Greens talking points for a complicated issue—

Ms ABIGAIL BOYD: Premier, you don't understand.

Mr CHRIS MINNS: And then, you would have seen, Chair, they don't want the answer out. Heaven forbid we give a complex answer to a complex question.

The CHAIR: Premier, if you would like to stop, please, or I will call you to order. Dr Cohn?

The Hon. EMILY SUVAAL: What can you do?

The CHAIR: I'll throw him out!

Dr AMANDA COHN: On multiple recent occasions in the media you've incorrectly stated that a graduate nurse can earn \$90,000 a year. In reality, it's more like \$72,000 a year. Now that there's significant additional funding coming to hospitals from the Commonwealth, will you increase your pay offer for nurses and midwives to at least what you thought they were already earning?

Mr CHRIS MINNS: What was the context in which I was making that claim?

Dr AMANDA COHN: It was in the context of questions about the resignation of the psychiatrists.

Mr CHRIS MINNS: I was making the point that an increase of 25 per cent for a psychiatrist is \$85,000 and I incorrectly said that would be what a first-year nurse is paid. I'm happy to correct the record. It's way more than that—way more than that—so I think the context is important and it does shine a light on the challenges for the New South Wales Government when it comes to wages. We have said repeatedly that we are prepared to lift the wages cap and have an independent umpire arbitrate the difference between the two sides. That's something that was not available under the previous Government that is available under a Labor government.

We'll accept the outcome of the court decision, and I would also say to you in relation to your question in terms of increasing the offer, when it comes to the money for the one-year agreement from the Commonwealth for the health agreement, that's the equivalent of a 4 per cent wage increase for nurses across the board. If we put every single dollar in increased funding from the Commonwealth exclusively into nurses' salaries, it would fund 4 per cent of it for a single year because it's a one-year agreement. So I could up the pay for nurses if I put every single dollar for emergency departments, for clinical care, for psychiatric care, for maternity services, just to nurses' wages, but I'd only be able to do it for one year.

Dr AMANDA COHN: Premier, lifting the wages cap was absolutely the right thing to do. You had the strong support of The Greens to do that. Earlier this morning you've proudly touted the big, bold offer that your Government made to police officers and what you see as the success of that. Where's your big, bold offer for nurses, midwives and staff specialist doctors?

Mr CHRIS MINNS: We negotiated with the Police Association.

Dr AMANDA COHN: They didn't need to go through a court process and arbitration to get the kind of offer that's now supporting police recruitment and retention?

Mr CHRIS MINNS: No, because, again, through the bargaining process, we reached a deal with them—where it was paid—so the circumstances are different. I want to make it clear: We've offered. We've tried to work through with the nurses association a change. We're agnostic in relation to pay or conditions. If the nurses association come back to the Government and say, "This is our absolute priority," we're happy to look at that. What I would also say is the Government, in addition to 4 per cent last year and 10½ per cent over three years, has also offered guaranteed consecutive days off, no night shifts before annual leave, additional union consultation and information sharing, no changes to published roster without consultation, the insertion of a midwife group practice into the award—

Dr AMANDA COHN: Sorry to interrupt you, Premier. I'd like to come back to pay. As you know, there are nurses and midwives picketing outside the Parliament today because of pay.

Mr CHRIS MINNS: Yes, but I want to make the point that I am agnostic in relation to it. We did an agreement. Whether it's pay or conditions, it's still employee expenses. We have worked with unions. We will accept their guidance and advice about the best way of retaining and recruiting essential public servants, but there are limits to what we can pay.

Dr AMANDA COHN: In the context where a nurse can make 18 per cent more in Queensland and, in Victoria, the nurses union has just won a 28.4 per cent pay rise over four years—and they already earn more than nurses in New South Wales. I live in a border town. How can nurses and midwives in New South Wales actually afford to live and work in New South Wales when we've got some of the highest cost of living, and they can make significantly more in our neighbouring States?

Mr CHRIS MINNS: I just want to make the point that the offer that we have made to nurses—this is before arbitration by the Fair Work Commission—of 10½ per cent over three years would make RN8s, which I understand is 40 per cent of the nursing population and the largest cohort in our public hospitals, the second highest paid nurses in Australia.

Dr AMANDA COHN: My understanding is that we've got the second lowest paid nurses in Australia.

Mr CHRIS MINNS: No, if they accepted the pay offer that we had put on the table. I'm not telling them to. They're absolutely right, and well within their arbitrated rights, to say, "It's not good enough. We want more. The pressure on our workforce is to the point where we need something else." My point is that under the independent industrial umpire, this can be adjudicated external to government, and we'll accept the verdict of that commission. When it comes to pay and wage deals for public servants in New South Wales, we didn't promise that we would strike deals with everybody on all terms immediately. It was too difficult. The legacy of the wages cap in New South Wales meant that there had been a decade of underpayment. To the Government's favour, we have struck multi-year agreements with 60 per cent of the public service in the State.

The CHAIR: Premier, I'll just ask one question, seeing as you were a little bit late, before we turn to the Government. In their first annual report, released late last year, the Net Zero Commission raised concerns about the risk to New South Wales climate change targets from increased emissions from coalmine expansions and extensions, and indicated they'd pose a regulatory challenge for New South Wales. The commission also said that any emissions increases from coal projects "would require all other sectors to make greater emissions reductions" in order to meet New South Wales targets. Premier, do you think it's fair for New South Wales industries and sectors like agriculture, transport and construction to have to find greater emissions reductions because the coalmining sector wants to expand?

The Hon. SARAH MITCHELL: Point of order: My understanding is it should be Opposition time now for a couple of minutes if there's a few minutes left. Wasn't that the end of crossbench time? I'm happy if you want to ask this and then we get a minute and a half afterwards, because the Premier was a bit late. It's fine. If you go and we can have a couple of minutes before morning tea, that would be good. I am happy for this one to continue.

The CHAIR: Then I'll desist. I just thought—

Ms SUE HIGGINSON: Oh go on, let the Premier answer it.

The CHAIR: I'll ask that question when my time comes round. It's now time for questions from the—has no-one got anything?

The Hon. SARAH MITCHELL: But isn't it our time? We started a few minutes late so shouldn't we get a minute or so now?

Ms ABIGAIL BOYD: It's definitely Opposition time.

The CHAIR: There's equal amounts of time. Let me just check. We're constrained by the fact that we do have to go to the Government. I apologise. It should have been your 45 seconds, but we are constrained by the resolution of the House that at 10:45 we do have to go to questions from the Government.

The Hon. BOB NANVA: Premier, in light of the very concerning incidents of antisemitism in the State in recent months, can you provide the Committee with an update on measures that the Government has taken to protect the community?

Mr CHRIS MINNS: As members would know, there was a comprehensive response through Parliament in recent weeks to deal with an unprecedented rise in antisemitism in New South Wales. I'm shocked by it. I didn't think I would see it in my lifetime, in 2025—to see a resurgence of this deep and embittered form of racism but, nonetheless, it is the case. I'm ashamed that it's happened on our watch. The Parliament has a duty to act and I'm very grateful that legislation has been passed to confront this scourge—whether it's hate speech laws, whether it's the display of Nazi symbols, whether it's changes to the law—to keep the community safe. No-one in New South Wales—nobody—should be threatened or vilified or be subject to potential violence on the basis of their race or religion in New South Wales. Changes needed to be made.

The CHAIR: In the absence of any more questions from the Government, we're going to have a recess now for morning tea. We will reconvene at 11.15 a.m. on the dot.

(Short adjournment)

The CHAIR: Welcome back, everyone. The time being 11.15 a.m. we will recommence the hearing and start with questions from the Opposition.

The Hon. SARAH MITCHELL: Premier, there's an inquiry underway, as you'd know, into the local small commitment grants. Given that there clearly has been close involvement in this program from your staff, including Cherie Burton and Paul Mills, will you encourage them to voluntarily give evidence before the Committee, or will you be advising them to refuse any invitation to appear?

Mr CHRIS MINNS: I'm not going to advise them about next steps. Have they been invited to attend?

The Hon. SARAH MITCHELL: Yes, that's my understanding.

Mr CHRIS MINNS: I'll wait and see what the invitation says. If they ask for my advice, I'll speak to them at that point. But I probably wouldn't speculate on my conversations with them before I understood what the context of what the inquiry was about.

The Hon. SARAH MITCHELL: It's the inquiry into the local small commitments. We've already had one hearing. We've had witnesses from your department appear. My question is would you expect, in the interests of transparency for that program, that you would get them to voluntarily appear?

Mr CHRIS MINNS: I'm not sure. I'm not going to answer a hypothetical. I don't know.

The Hon. SARAH MITCHELL: What about any Labor candidate who is recorded on the list provided by your office in terms of the election commitments under that program? Should they give evidence to the inquiry?

Mr CHRIS MINNS: I haven't been following the upper House inquiries. I don't understand what the terms of references are. Maybe I should have been.

The Hon. SARAH MITCHELL: I think you should have been with this one, Premier. So no view on whether you think in terms of transparency and accountability the Labor candidate should have—

Mr CHRIS MINNS: I don't know. I'm not going to be fit up with your description of the Committee and its work. I'd have to see what the terms of reference were and what was happening.

The Hon. SARAH MITCHELL: Maybe you could have a look at them. I'd probably advise that it's worth checking out.

The Hon. CHRIS RATH: Will you appear if we invite you, Premier?

Mr CHRIS MINNS: I put a lot of time into these Committee hearings and I just make the point that it's four hours today, and four hours earlier in the year. All my Ministers do the same thing. It's a lot of time for the Legislative Council and upper House committees. I also have to take into consideration, in all honesty, Mr Chair, that I've got a crossbench in the Legislative Assembly that wants more parliamentary days, more question times, more sittings to move their legislation as well, so I have to examine where we put our time into the Parliament. The crossbench and the Opposition don't just exist in the upper House. We've got to answer questions in the lower

House, too, so I think I've got to examine where the energies of the New South Wales Government Ministers go when it comes to parliamentary scrutiny. The Legislative Assembly's got every right to have question time and extra sitting days as well.

The Hon. CHRIS RATH: At the last hearing, officials from your department gave evidence that checks for conflicts of interest involving Labor candidates, and the specific projects they nominated, have only been carried out in 17 of the 93 electorates or candidates, and that the Special Minister of State told them that it was unnecessary to check conflicts of interest for the remaining 76 electorates. Why are conflicts of interest only being checked when they're raised in the media or in Parliament?

Mr CHRIS MINNS: Because of the disaggregated nature of the local small commitment grants—because they're so extensive, they're so numerous. They're small in nature but, as a result of their smallness, they're numerous. Obviously, there's a question of where and when probity checks take place. As I mentioned earlier, I want to make it clear that, regardless of whether there's a conflict of interest investigation or not, all moneys out the door are checked for value for money for the taxpayer, and to ensure that the organisation is legitimate. Again, I don't want to bury the lead here. We're talking about funds and funding to not-for-profit organisations, charities or local councils. I think, in those circumstances, the probity checks and the arrangements in relation to the local small commitments grants are appropriate. It's not going to Labor candidates. It's going to the local Rural Fire Service or the Salvation Army or the Men's Shed.

The Hon. CHRIS RATH: Are you confident that every Labor candidate at the last election with a conflict of interest has now declared it?

Mr CHRIS MINNS: I don't have reason to believe otherwise. Again, the money is going to community organisations across New South Wales—like Matt Cross. Matt Cross is a member of the lower House. He got \$200,000 for the Killara Rural Fire Brigade. He did a picture with the RFS. And \$150,000 went to upgrading the Jirramba playground at Saratoga for Adam Crouch, and \$100,000 for resurfacing the tennis courts at Empire Bay.

The Hon. CHRIS RATH: They didn't have conflicts of interest. They weren't the ones making the funding announcements.

Mr CHRIS MINNS: I appreciate that. I'm not suggesting that you are making that. What I'm suggesting to you is, I believe that the arrangements in relation to this program are appropriate because the moneys eventually are going to NGOs, charities or local councils. Under those circumstances, I believe the appropriate rigour is in place.

The Hon. CHRIS RATH: Noting your assertion previously that your Local Small Commitments Allocation program was very similar to the Community Building Partnership program, and that a specific example given to members of a conflict of interest under the program is "where key members of the applicant organisation have worked with the MP on a local, political or election campaign", do you still maintain that it was fine for the candidate for Oatley to allocate \$50,000 to an organisation whose members were actively engaged in her election campaign?

Mr CHRIS MINNS: Again, I want to make the point—because I think it's very important that the Committee is aware that very often, particularly for community organisations that have a volunteer base, there will be members of the NGO or the charity that also do unpaid work for political candidates. Without a shadow of a doubt, without giving you the details, I think we could present it to the Committee as agreed facts that there would be members of RFS stations and Men's Sheds that have handed out for Liberal and Nationals candidates. I don't expect hundreds of public servants to be chasing down whether someone had a political affiliation because they got a \$10,000 or \$50,000 grant for the Rural Fire Service. If there are allegations or suggestions of impropriety, I suggest you present them to the Committee or the public and, of course, they'll be investigated.

The Hon. CHRIS RATH: Do you see how it's very different to the Community Building Partnership program, which prohibits money being spent in that way?

Mr CHRIS MINNS: All I can do is say that prior to the election campaign we were in opposition, but we had every right to go to the community with local small commitments in all 93 seats. For too often, candidates and political parties have focused all of their resources and all of their projected spending in their own electorates or in the electorates they hope to win. What we did at the last election is to say, "Whether you've got a National Party seat on 20 per cent, or Liberal Party seat on 18 per cent, or The Greens holding it by 15 per cent, we'll make promises to those communities." I don't apologise for that. I think it was a break from the pork-barrelling that we saw under the administration of the party with which you're associated.

The Hon. CHRIS RATH: Have you completed a conflict of interest declaration?

Mr CHRIS MINNS: I'm not aware of any conflicts of interest, as I've explained to you.

The Hon. CHRIS RATH: Should all projects have conflicts of interest checked?

Mr CHRIS MINNS: Again, there's a probity check in place, but the circumstances of moneys going to charities or NGOs, and the Opposition making allocations or promises prior to the election, is appropriate and reasonable.

The Hon. CHRIS RATH: Isn't it a self-declared conflict? Shouldn't it be a compulsory conflict of interest check, not a self-declared conflict?

Mr CHRIS MINNS: Again, all of these moneys are checked for value for money for the New South Wales taxpayer, all probity reasons, by the Premier's department.

The Hon. SARAH MITCHELL: They're just not all checked for conflicts of interest.

Mr CHRIS MINNS: If you have got allegations of conflicts of interest, bring them forward.

The Hon. SARAH MITCHELL: The point there, Premier, is it shouldn't be up to the media or the Opposition to raise conflicts or interest.

Mr CHRIS MINNS: You're entitled to do a fishing expedition.

The Hon. SARAH MITCHELL: Shouldn't it be one rule for everybody? You should all declare any potential conflicts of interest, or not, as the case were.

Mr CHRIS MINNS: There may well be members of—I don't want to defame anyone in the Killara Rural Fire Brigade but they may be handing out for Matt Cross at the election campaign. I'm not picking on him, but what you're suggesting is that there may be a conflict involving that member of Parliament. I've got to think about whether that's a good use of taxpayer funds given I know the ultimate beneficiary of all of these funds are NGOs, charities, registered charities or local councils. Given that's the infrastructure in which the money went out, I'm comfortable with the arrangement.

The Hon. CHRIS RATH: Premier, the Libs, the Nats and the crossbench weren't able to access this funding. That's why there were no conflicts of interest for any other electorate.

Mr CHRIS MINNS: It's interesting. I've got Stephanie Di Pasqua in Drummoyne. She says in this newspaper article—

The Hon. CHRIS RATH: It wasn't open to that.

Mr CHRIS MINNS: "Help me hold this really big cheque up to announce the Five Dock basketball court. It's getting a makeover."

The Hon. CHRIS RATH: It wasn't open to them before the election, Premier.

Mr CHRIS MINNS: She was more than happy to take credit for it when the money went out the door. This is the point I'm making: local small commitments regardless of who got elected.

The Hon. CHRIS RATH: Of course local members want more funding for their electorates, but this program wasn't open to every candidate or every MP before the election.

Mr CHRIS MINNS: Again, I'm not going to apologise for making election commitments from opposition to all 93 seats. For too long, political parties, including the Labor Party, only focused resources, funding or election commitments in seats in which they had a member or they were hoping to win. This changed—it changed under the local small commitments arrangements.

The Hon. SARAH MITCHELL: Premier, I want to move to a new issue now. You picked Moree as the location for a trial of a range of measures to tackle regional crime. I think it was almost 12 months ago. On 12 March 2024 you made a series of announcements in Moree, one of which was around the place-based response in Moree. You said there will be an action plan within six months to optimise service delivery in that community. Has that been completed?

Mr CHRIS MINNS: The bail accommodation service hasn't—

The Hon. SARAH MITCHELL: That wasn't my question. It was about the community action plan. You said within six months there would be a community action plan devised. I'm asking if that has been completed.

Mr CHRIS MINNS: I think the plan has been devised, but we haven't—I'm just being completely transparent.

The Hon. SARAH MITCHELL: It's a genuine question.

Mr CHRIS MINNS: We haven't met—

The Hon. SARAH MITCHELL: That time frame?

Mr CHRIS MINNS: —the agreed-upon time frame for a bail accommodation service in Moree.

The Hon. SARAH MITCHELL: I'll come to the bail accommodation in a minute.

Mr CHRIS MINNS: But the plan is in action and ready to roll out.

The Hon. SARAH MITCHELL: If that's the case, would you be able to provide—and I'm happy for you to take it on notice—a copy of the plan? It's not anywhere publicly available that we've been able to find.

Mr CHRIS MINNS: I'll take it on notice.

The Hon. SARAH MITCHELL: If you could, I would appreciate that.

Mr CHRIS MINNS: There may be commercial arrangements with third-party operators, but I don't have a problem with it being publicly available.

The Hon. SARAH MITCHELL: The community is asking, because it's now almost 12 months and no-one has seen it. I want to go to the bail accommodation, which you've mentioned. What stage is that up to?

Mr CHRIS MINNS: The partner organisations have been picked. I might have to defer to the secretary to let us know where it's up to.

SIMON DRAPER: The successful consortium was selected and announced in early February, and it will be operating by mid-June. My understanding from discussions with Youth Justice is this was always something that was going to take quite a long time to set up. It involved quite a lot of engagement in the community about the nature of the services, where it would locate, which type of provider it would be, the scope of it et cetera. I think it's a really good initiative. It's going to be operating by the middle of the year.

The Hon. SARAH MITCHELL: Could you, Premier, if you know—and, if not, Mr Draper can answer on your behalf, I guess. Is it a new facility or an existing facility that you will be using?

Mr CHRIS MINNS: New.

The Hon. SARAH MITCHELL: So a new one is going to be built and operational and ready by June?

Mr CHRIS MINNS: No, that's what I'm saying. We're not going to meet that.

The Hon. SARAH MITCHELL: Mr Draper just said by June, didn't he? Sorry, I don't mean to put words in your mouth.

SIMON DRAPER: That's my advice, that it will be operating in June, whether we're using the long-term facility or other facilities. But I'm advised it will operating by June.

Mr CHRIS MINNS: Just to fix up the misconception—

The Hon. SARAH MITCHELL: That would be useful.

Mr CHRIS MINNS: —I believe our original hope was to have it operating inside 12 months. We haven't met that timetable, but hopefully it's up and running by June.

The Hon. SARAH MITCHELL: If I could just clarify, Premier, you said the plan is to build a new facility. But are you saying, Mr Draper, you might use an interim premises from June? Is that the information?

SIMON DRAPER: I can expand on that maybe this afternoon, but that's my understanding: It will be operating by June. In terms of building new facilities, there have been lots of different sites identified. Some of them will require a new build on the site owned by the land council.

Mr CHRIS MINNS: When you say "a new facility", we mean a new service inside a new building. I don't know whether it will be new bricks and mortar or not.

The Hon. SARAH MITCHELL: Sorry, I thought you did say it would be a new building. We can come back to that this afternoon. That's fine.

Mr CHRIS MINNS: What does it matter? As long as the services are provided—

The Hon. SARAH MITCHELL: It matters because the community is asking—

Mr CHRIS MINNS: Why is that?

The Hon. SARAH MITCHELL: —"Where is it going to be? Is it a new build?" They are genuine questions, Premier.

Mr CHRIS MINNS: We're working on it. I know it's a genuine question, and I can assure you we've been working with the mayor, the previous member and the current member about the location. I haven't dismissed their concerns. It has been the topic of conversations with both me and the Deputy Secretary of the Premier's Department. We want to make sure it's in the right location.

The Hon. SARAH MITCHELL: Do you know how many people have used the bail accommodation in Dubbo since the beginning of last year?

Mr CHRIS MINNS: I don't.

The Hon. SARAH MITCHELL: Do you plan to mandate that magistrates must refer young offenders to bail accommodation in places like Moree?

Mr CHRIS MINNS: I'm not going to speculate on our legislative response here.

The Hon. SARAH MITCHELL: So you might build this accommodation as one of your solutions in Moree?

Mr CHRIS MINNS: It's a hypothetical. We'll see.

The Hon. SARAH MITCHELL: It's a genuine question. I think there have only been seven people who have used that bail accommodation facility in Dubbo.

Mr CHRIS MINNS: I accept it is a genuine question, but I'm not going to speculate on the Government's next tranche of reforms.

The Hon. SARAH MITCHELL: So no information to the community about whether you'll be mandating magistrates referring to bail accommodation in Moree?

Mr CHRIS MINNS: I think the community understands that we're assessing the laws as well as the personnel and the services provided by the Government. Like I've done in the past, we'll announce it when it's ready.

The Hon. SARAH MITCHELL: I think you would appreciate that the community is still living in a state of fear, not just in Moree but in a range of regional communities. This is your trial. This is the place where you said, "Let's see what works in regional areas." We're almost 12 months in and you haven't met the deadlines that you set. My question is: If you're not going to mandate the use of this bail accommodation, how can the community have faith that that's going to work?

Mr CHRIS MINNS: You shouldn't look at it in its isolation. And it is wrong to suggest that's the only thing the Government is doing. Either you haven't been paying attention or you're deliberately leaving out the other aspects of the Government's approach and response. For example, we have changed the laws in relation to 22C when it comes to those who are seeking bail after a court appearance. We've also boosted the number of regional police officers through our recruitment campaigns in regional New South Wales, as well as a comprehensive response when it comes to regional crime, particularly youth engagement to give young people something to do. It is not dependant exclusively on a bail accommodation facility either in Moree or Dubbo.

I am going to have to make a decision, along with the Attorney General and the police Minister, about the next tranche of our reforms. I have spoken to many people about this, including the member for Oxley and including the member who represents the community in Moree. We haven't put up a drawbridge. We haven't said we're not interested. We have and we are prepared to listen to everybody in the community. I've had many, many conversations with the Mayor of Moree and her predecessor about these changes, and I'm determined to get them right.

The Hon. SARAH MITCHELL: I appreciate what you're saying. They are good words, but communities want action. I think that's part of the challenge when you live in these areas, as I do. How would you feel, Premier, if you woke up to somebody standing over you with a knife or with an axe? Surely you've seen the shocking pictures on 7NEWS of a father being whacked repeatedly with a golf club. What will it take for you to take real action on crime in these regional communities?

Mr CHRIS MINNS: I think it's important to note a couple of things. Firstly, I think that kind of level of violent crime is appalling.

The Hon. SARAH MITCHELL: It is.

Mr CHRIS MINNS: And I feel terribly for those that have been affected by it. I'm not going to reveal her name, Mr Chair, but I visited a victim of violent crime in Moree hours earlier. I was sitting in her living room with the local area commander speaking about a home invasion that had taken place six hours previous. And that home had been broken into the previous November, so two violent home invasions in the space of six months.

The Hon. SARAH MITCHELL: Shocking.

Mr CHRIS MINNS: I witnessed for myself the loss of security and sense of safety in the community, the sense that something had been broken in the street and in her home. She had made a decision that she couldn't continue to live in Moree.

The Hon. SARAH MITCHELL: They're not isolated cases, Premier.

Mr CHRIS MINNS: Hang on, you've asked a serious question.

The CHAIR: Order!

Mr CHRIS MINNS: I really want to get it across. I don't want anyone to believe that we are being flippant about our response. You say, "What will the Government do?" We inherited laws from the previous Government, and we made changes. We introduced Jack's law. We doubled the penalties for knife crime. We introduced the toughest domestic violence laws when it comes to bail and parole in Australia. We made a decision to change 22C for those who are repeat offenders for the same offence, particularly in regional New South Wales, so that they weren't repeating this cycle. I have visited these communities. I understand what they're going through. In addition to those legislative changes, we have also recruited police officers so we can effect change. We're not going to be judged on media releases or legislative reform; we're going to be judged on outcomes.

I just say that I've been following the situation, not just in Moree but also Dubbo and Kempsey. I think our 22C changes are controversial. They've been opposed by The Greens and other members of the crossbench and members of my own party. But we did have a situation where roughly 30 per cent of individuals charged with repeat offences for the same offence of break and enter into a dwelling, theft of a motor vehicle were receiving bail. Now 90 per cent are in remand. When it comes to crime, I think the Government's record when it comes to confronting violence in our community is better than the previous Government's.

The Hon. SARAH MITCHELL: Surely you can appreciate, Premier—and you've given the example of that woman in Moree—that there are women, children and families not just in Moree but in Dubbo and in Kempsey, and in Gunnedah, where I live, where this is happening again and again, and it's on your watch.

Mr CHRIS MINNS: Absolutely. I just make the point—

The Hon. SARAH MITCHELL: They want you to stand up and actually understand what it's like for people that live in these towns and the fear that we live in every day. It's very genuine, Premier.

Mr CHRIS MINNS: It's important you take the politics out of it.

The Hon. SARAH MITCHELL: This is lived experience.

Mr CHRIS MINNS: We have acted, and we're not drawing up the drawbridge here. If further action is required to keep communities safe, that's exactly what we'll do. We've inherited a bunch of laws from the previous Attorney General. This isn't brand new. I looked at—

The Hon. SARAH MITCHELL: Two-thirds of repeat offenders in Moree are currently out on bail, Premier.

Mr CHRIS MINNS: Particularly in Kempsey—

The Hon. SARAH MITCHELL: It's a cold comfort to communities that are living in fear.

Mr CHRIS MINNS: I'm pleased to see your interest in relation to this. I genuinely am.

The Hon. SARAH MITCHELL: Premier, this is not a new thing.

Mr CHRIS MINNS: I haven't heard it for the previous 12 years.

The Hon. SARAH MITCHELL: That is not true, Premier.

The CHAIR: Order!

The Hon. SARAH MITCHELL: I have asked you about this multiple times.

The CHAIR: Order!

Mr CHRIS MINNS: For example, Mr Chair, in October 2022 we saw a spike—

The Hon. SARAH MITCHELL: Don't dismiss lived experience.

The CHAIR: Order!

Mr CHRIS MINNS: Mr Chair, I need to get this out. I think it's important in the context. I faced a situation where we had a spike in violent crime in October 2022. We inherited laws from the previous Government, and we made changes. There are two key areas where reform has been made that I hope will make a major difference when it comes to safety and security for regional communities. Number one is recruiting police officers. We've got more police officers joining the NSW Police Force than under the previous Government. That's a result of getting rid of the wages cap and paying people to train at Goulburn. Number two—and I think that this is crucially important, because I don't want the National Party to imply in a blithe way that nothing has changed—is the prison population when we got into government was 12,400. Today, it sits at 13,300. As a result of our changes to remand, there were 4,800 people in remand in New South Wales prisons.

The Hon. SARAH MITCHELL: It's not getting better, Premier.

Mr CHRIS MINNS: Today the number is 5,800. The Greens don't like those statistics, but it's important that the public knows that we are prepared to make change—

The Hon. SARAH MITCHELL: The lived experience is not better.

Mr CHRIS MINNS: —when we see problems in our community, and I'm not done yet.

The CHAIR: Returning to the question I tried to ask before, your new Net Zero Commission has said that any emissions increases from proposed coal projects and expansions "would require all other sectors to make greater emissions reductions in order to meet New South Wales targets". Premier, do you think it's fair for New South Wales industries and sectors, like agriculture, transport and construction, to have to find greater emissions reductions because the coalmining sector wants to continue to extend and expand its operations?

Mr CHRIS MINNS: We don't just make decisions about expansions in coal without consideration for fugitive emissions and emissions in the world. Climate change is obviously very important for us and for everybody. We believe that we're going to meet our net zero interim targets without constraining sectors, particularly export sectors, in our economy. As I spoke about earlier in the hearing, Mr Chair, we have to think creatively about where those export-led industries will come from in the years ahead. At the moment, a big chunk of our export-led industries are in the extraction and selling of coal. Those countries will continue to buy that, probably at their current rates, for a period of time, but they've all indicated that they're getting out of coal production for energy in the years ahead. New South Wales has to look ahead to make sure that we can keep our standard of living and ensure that our economy moves forward.

The CHAIR: At the end of last year the New South Wales productivity commission identified "severe capacity constraints in the construction sector with record infrastructure investment and housing construction competing for limited capital and skilled workers". Coalmine expansions in a tight labour market compete for the same skilled labour required to build housing, infrastructure and renewable energy projects. Where there's competition for skilled workers, are you prepared to see your housing, infrastructure and renewable energy commitments fail or suffer delays because coalmines are set to expand?

Mr CHRIS MINNS: I've got to be really careful about mining in particular. I'm just being honest with you. We've got steel and aluminium that are under real pressure now as a result of changes to, effectively, a North American trade war when it comes to tariffs. That puts pressure on the manufacturing sector. The manufacturing sector is heavily concentrated to the north of Sydney in Newcastle and the Hunter region. I have to make sure that we've got industry, jobs and a future for those towns. I'm not doing it with my head in the sand. I recognise there are challenges in the future, but we've got to provide jobs and a future for those industries. I think it would be easy for me to say to coalmining families, "We're going to shut it all down, but don't worry you can get a job building in Western Sydney." That's not going to work. Their lives and their communities are up there. Similarly, they're not going to just walk around picking up koala poo from national parks. We need to have a jobs plan for the future, and that does involve, in part, mining.

The CHAIR: Who in your office is responsible for reading the AR6 Synthesis Report released in 2022?

Mr CHRIS MINNS: I think that is Sachin.

The CHAIR: Do you and your Government have confidence that the IPCC's population projections included in those reports are robust, and why?

Mr CHRIS MINNS: I'm not prepared to make that claim because I haven't read the report myself.

The CHAIR: It's a report that we're basing literally tens of billions, if not hundreds of billions, of dollars worth of investment on. Don't you think it's important that we, as a society, keep a weather eye on changes in potential population trends to make sure that the IPCC's predictions and models are robust?

Mr CHRIS MINNS: I would accept the premise of your question in its general form, but in specifics I just couldn't speak to whether the IPCC's projections are accurate or not. I don't have that expertise. I'm not aware that they're not.

The CHAIR: That means that there is a potential that they might not be.

Mr CHRIS MINNS: Maybe, but I don't want to set hares running. Do you know anything about it?

SIMON DRAPER: It's not a New South Wales body.

Mr CHRIS MINNS: If you were to present evidence that it wasn't on the level, Jeremy, then I wouldn't dismiss it.

The CHAIR: The IPCC's projection models from 2014 to 2024 change by a billion people. They essentially reduce the number of people that they expect to be on planet Earth in 2080 by 700 million, to one billion people. Most of those people that are not going to be here in 2080 are in the developed world. Don't you think that that should cause our Government and the Federal Government to have a serious look at the robustness of their greenhouse gas model?

Mr CHRIS MINNS: Would that be better for intensive greenhouse gas emissions if there was a lower usage as a result of changes to population?

The CHAIR: Yes, that's right. They have five models called the Shared Socioeconomic Pathway models. The models that we base a lot of our projections on are on models two and three, and yet model one suggests that the trajectory of greenhouse gas emissions is very good if you're worried about climate change, but that's based on a very rapid decline in population. Do you think it's possible that that may be something that could occur and that we should be assessing?

Mr CHRIS MINNS: I think the short answer is yes.

The CHAIR: Excellent. Thank you, Premier. I turn to a question now on water. It's quite a long one, so bear with me. In August 2024, IPART issued a similar price determination for Sydney Water Corporation and Hunter Water Corporation that was due to commence in September 2024. This determination proposed a price increase to customers' bills. At the time, you issued a letter to the chair of IPART exercising powers under the Independent Pricing and Regulatory Tribunal Act to require IPART to consider a number of matters prior to imposing those price increases, including cost of living, existing rebates and their effectiveness to manage societal impacts. Will you use the same powers you exercised under section 13 (1) (c) of the Independent Pricing and Regulatory Tribunal Act 1992 to require the tribunal to consider the following matters: the cost-of-living impacts on increasing the cost of rural and regional bulk water charges on rural water users, and the effectiveness of existing rebates to manage the societal impact of these price determinations?

Mr CHRIS MINNS: Can you just repeat the last one?

The CHAIR: The two parts are the cost-of-living impacts on increasing the cost of rural and regional bulk water charges on rural water users, and the effectiveness of existing rebates to manage societal impacts of the price determinations.

Mr CHRIS MINNS: I'd have to be confident that the existing provisions under their independent determination for the ability to pay isn't covered already. I know that that's a central element of IPART. It's why we have IPART: so that corporations or governments, heaven forbid, don't automatically charge consumers for the cost of capital or the cost of renewal or the cost of depreciation or even enabling infrastructure for new home development, which is where the significant charges are coming from at the moment. We need to make sure that we get the balance right between having enough of the mains infrastructure in place to meet housing targets and goals whilst also not levying households way too much money for something as basic as water. So I accept the premise of your point, but I just I don't know what the implications would be if I mucked around with the IPART Act.

The CHAIR: You've written to the IPART saying they should consider that in terms of Hunter. Will you do the Hunter and Sydney Water? Will you do the same in terms of the proposed price increases in the Murrumbidgee, Murray and other rural areas where they are dependent on bulk water allocations?

Mr CHRIS MINNS: Let me take it on notice. I wouldn't rule it out, Mr Chair, but I just need to make sure that I was fully aware of what the consequences would be.

The CHAIR: When will the Government respond to the Connectivity Expert Panel report, the blueprint to fix the Darling/Baaka River that has been implemented and is designed to stop some of the catastrophic fish kills we have seen in that water system, and will the Government respond to each recommendation?

Mr CHRIS MINNS: Which report was that?

The CHAIR: The Government's Connectivity Expert Panel report.

Mr CHRIS MINNS: When was that commissioned and released?

The CHAIR: You've got me there. I don't know. I'll have to ask Helen Dalton. Maybe take it on notice.

Mr CHRIS MINNS: I'll take it on notice.

The Hon. MARK BANASIAK: Apologies, Premier, if someone has already asked this while I've been jumping between hearings. Can we go to the issue of the caravan in Dural? When did New South Wales police become aware of this caravan?

Mr CHRIS MINNS: I think you'd appreciate, Mr Banasiak, there are elements of this that I can't reveal.

The Hon. MARK BANASIAK: Talk within the elements that you can and we'll disregard the rest.

Mr CHRIS MINNS: I appreciate that. Prior to 19 January, but I'm not able to give you the exact date.

The Hon. MARK BANASIAK: How did the media leak actually impact the ongoing investigation? Did that have a serious impact on the ongoing investigation?

Mr CHRIS MINNS: Obviously it had an impact because we didn't anticipate that it would be publicly aired but, by the same token, we live in a liberal democracy. There's freedom of the press. Sometimes good journalism will mean that these events are brought to light. I think New South Wales police are dexterous enough to deal with all eventualities. I know that they've got contingencies in place if you do have an enterprising journalist who breaks a story—which would happen periodically, Mr Banasiak. That's the price we pay for freedom. That's absolutely reasonable.

The Hon. MARK BANASIAK: What's probably playing on the minds of a lot of different communities is what steps you're now taking to assess the level of risk, and any future risk, to reduce it as much as possible, given this was potentially an isolated incident or it might not be. What work is your Government doing in that area?

Mr CHRIS MINNS: I'm not trying to be dismissive of the question or duck the scrutiny from the Committee. I just have to think carefully about how I answer it, other than to say there's a massive police response to what is undeniably a major investigation for New South Wales police. They're taking it incredibly seriously. Senior detectives as well as the deputy commissioner for New South Wales police are leading the investigation from New South Wales's perspective. As soon as they have more information to report to the public—I acknowledge community interest and unease about the discovery of the caravan alongside repeated and escalating incidents of antisemitic violence and hate speech in the community but, as soon as we're in a position to report, we'll do just that.

The Hon. MARK BANASIAK: Not to take away from the seriousness of the issue, and it's lucky that the van was found, but we have a guy who actually just took someone else's van and towed it away for a month. It's not normal practice to steal someone's van and it goes unnoticed. Would you agree?

Mr CHRIS MINNS: I'm just not in a position to comment on it. I'm really sorry.

The Hon. MARK BANASIAK: Can I go to quite a few people's favourite topic at the moment, which is the Dubbo sports hub. I asked Minister Moriarty about this yesterday. Getting away from the political tit for tat of who's to blame for this funding being retracted or the hub not being built, the fact remains that Dubbo needs a sporting facility, not just for the kids who want to play sport at a competitive level but also in terms of a diversionary strategy for rural crime. What are we going to do to make sure Dubbo gets this sporting facility that they need? Notwithstanding the arguments around whether it's a variation or a new project, the fact remains that they need this sporting facility. What are we going to do to make sure they get it? That's my main concern.

Mr CHRIS MINNS: I appreciate that. I won't get into the history of it. I think that would probably test the Committee's patience. My Government included, we have to be really aware that when we commit money we've got to try to get it out the door as soon as possible, because the cost in escalation of construction just makes these projects unviable. In the past, when you had cost of construction rising with or slightly higher than inflation, governments would build in lag times. They'd say, "This project is to be announced. Construction will begin in two years time. It will be completed in three years time." If you've got cost of construction lifting at a bit above

inflation, it's probably well within the Government's envelope. What we're dealing with now, as a result of input costs as well as labour increasing, is we've got to get on these projects as soon as possible because delay means eventually it evaporates.

That's all I'd say about the history of the PCYC. When it comes to the future, I recognise Dubbo's a growing community. I know the mayor and, to be fair to him, the local MP has been very tough on everybody in relation to this. They want the project up and running. I do commit to working with both of them about how we can get the facilities Dubbo needs, particularly when it comes to athletic centres like this PCYC centre.

The Hon. MARK BANASIAK: Given PCYC have now stamped a flag on the ground and actually bought a different site with the intention of developing it, are you committed to quarantining those funds until a proposal can be put to government, and not sending this money elsewhere?

Mr CHRIS MINNS: Probably I'll take that on notice because the budget's coming up. Labor has been accused in the past of making commitments and not following through on it, and I'm just an absolute stickler for it. I'd rather get accused of taking my time when it comes to a commitment rather than renege later on. Let me take it on notice. I'll look closely at the project. I don't want politics to get in the way of this either.

The Hon. MARK BANASIAK: The community is just rightfully concerned that, while they're getting this new proposal organised, the money will go somewhere else. So that's why I put that question to you.

Mr CHRIS MINNS: Fair enough.

The Hon. MARK BANASIAK: Picking up on what you were discussing with Mr Buckingham's question over tariffs and steel and aluminium, has the Government done any modelling on what the impact of this tariff could mean for New South Wales?

Mr CHRIS MINNS: We have. I'll try to endeavour to get as much information as I can to the Committee and the public.

KATE BOYD: We can provide that this afternoon.

Mr CHRIS MINNS: Great, we'll provide it this afternoon. The modelling has been done. You're right to raise it. I'm really glad you have raised it. This is an urgent problem for the world but in particular New South Wales. Our relative exposure to American markets when it comes to aluminium and steel is not the same as Canada or other countries that produce it. It's different. Generally speaking, putting up tariff walls around the global marketplace is damaging for Australia, and that's because we don't have tariffs in place. We compete with the world. We've got industries that don't have industry assistance; they've just got ingenuity. They move very quickly, they look at emerging markets, they pump products into it wherever they get the opportunity and they've got a nimble workforce. To see other economies around the world all of a sudden starting to put up barriers to that trade is a big long-term threat to New South Wales and Australia. We want to be an economy. It's crucial that we have a diverse and complex economy, and part of that does include manufacturing.

In the long term, if the world gets into a big trade war then that's a problem for a trading country like Australia. In the short term, what I'm worried about is dumping in the Australian marketplace. Whether it's components for housing manufacturing or steel or aluminium, there has been unease in US markets since early November and the election of the new administration in the US. There has been unease amongst global markets as to whether these tariffs would come into place. It had been a consistent campaign issue for the Republican nominee. As a result of that, we were already starting to see, particularly, Chinese component makers, as well as steel and aluminium, being exposed to the Australian marketplace.

I know it's superficially fantastic for Australian consumers to see the price drop in the short run, but eventually the price just jacks back up. In the meantime, we lose that industry and we lose those jobs. I know this is a long answer, Mr Banasiak, but I'm really glad you asked because I think Commonwealth governments are too slow when it comes to dumping commissioners. They appoint dumping commissioners, and they have nine months worth of economic analysis to determine whether the marketplace has changed as a result of differentials in quotas and tariffs, but by that time it's too late—the industry has shut down. When you look at Mexico and Canada and the United States, they make the decisions quick. We have to be nimble because the world is moving quick at the moment.

The Hon. JOHN RUDDICK: I woke up this morning and I typed into an AI app, "Chris Minns's views on cannabis reform". I know AI is not always right, but I would like to read this out and get your view as to whether this is accurate. It responded, "While in opposition in 2019, Minns as a shadow Minister spoke passionately in favour of legalising cannabis. At a gathering of NSW Labor for Drug Law Reform, he argued that legislation would make cannabis 'safer, less potent and less criminal'"—sounds great—"emphasising that it would allow the State to regulate its production and distribution, unlike mere decriminalisation. Minns suggested it was

time for Labor to have a serious debate about committing to legalisation, indicating a progressive stance at that time." Is that accurate, Mr Premier?

Mr CHRIS MINNS: Mr Chair, we knew AI was going to take jobs, but we didn't know it would be in the Legislative Council. This is unprecedented.

The Hon. JOHN RUDDICK: But I think it's accurate.

Mr CHRIS MINNS: No, I've answered this—

The Hon. JOHN RUDDICK: You're not denying this is accurate.

Mr CHRIS MINNS: No, I'm not. I've been asked it previously, and I did make the point that I don't have a mandate for it. We didn't run at the 2023 election with proposed changes to cannabis reform, and I have to be cognisant of that.

The Hon. JOHN RUDDICK: But I think it's fair to say that in 2019, when you were vying for the leadership and you were trying to appeal to the progressive base in your party, you were very pro cannabis reform. Then when you were trying to win an election, you took a position to the right of President Trump, who recently endorsed full legalisation. A lot of political leaders are in the same dilemma as you, where I think you do personally support it but the political calculation is difficult. In the United States, as the Chair said earlier, about half of the states have now legalised cannabis. They've done it via citizens-initiated referendums, where they've handed it over to the people, out of the political sphere.

Mr CHRIS MINNS: Sure.

The Hon. JOHN RUDDICK: The Libertarian Party in the Legislative Council has a bill that would propose a plebiscite on this issue, modelling the words that were used in Florida recently. Very conservative Florida voted in favour of cannabis legalisation, with the support of Trump. The bill will give us a plebiscite on the day of the next State election, which will cut costs, and then it's out of the political sphere. Are you familiar with that bill? Is your Government considering it?

Mr CHRIS MINNS: Am I familiar with the Libertarian—

The Hon. JOHN RUDDICK: The Libertarian bill proposing a plebiscite on the day of the next State election.

Mr CHRIS MINNS: I am aware of that. Someone told me about it. I can't remember; it was probably Sachin.

The Hon. JOHN RUDDICK: So you're aware of it; I'm pleased to hear that. You must be thinking about it with your team. What would be one or two arguments against holding a democratic vote on this subject?

Mr CHRIS MINNS: I don't know whether I should be in a position where I'm arguing against a bill that you put up. Have you put it up yet? Have we voted on it?

The Hon. JOHN RUDDICK: I've done the second reading, so it will be coming up for debate shortly.

Mr CHRIS MINNS: It'll come to Cabinet and we'll assess it at that point. Probably the strongest argument against it is not necessarily the issue of cannabis reform but citizens-initiated referenda. I do have concerns about it, not because I don't think, in its most basic form, the public shouldn't have a say. But I have seen it roll out in many jurisdictions in the US, and what generally happens is you've got scores of competing referenda on the ballot paper, often completely contradictory with one another. I know in California—and I've looked at this previously—some of those citizens-initiated referenda can have huge budget consequences for the government, or they may be in direct contradiction with a previously passed citizens-initiated referendum. In the end, I think even in California they'd say, "Jeez, it's a tough way to make laws." I'm not saying ours is the best, but maybe it's Churchill's argument that this is the worst form, except for everything else.

The Hon. JOHN RUDDICK: I understand you studied in the United States, so I'm guessing you have an interest in American politics. You'd be familiar with what President Trump and Elon Musk are doing with the Department of Government Efficiency. They've lifted the hood and they've seen an enormous amount of waste, inefficiency and even theft in the US Government. My hunch is it's at a similar level in New South Wales. Have you considered appointing an independent businessperson, like a John Singleton or a Gerry Harvey, to have a thorough look at the books of New South Wales and to cut out the waste?

Mr CHRIS MINNS: I like John Singleton and Gerry Harvey but, no, I haven't considered that. I think the jury is not in on whether DOGE is going to work or not.

The Hon. JOHN RUDDICK: Well, let's see. Next time we're at budget estimates, Premier, we'll compare notes and see where it's up to.

Mr CHRIS MINNS: Fair enough, John. Absolutely.

Ms SUE HIGGINSON: Premier, can I turn to the youth crisis and your youth bail laws? Justice Rothman of the Supreme Court has described your Government's youth bail laws as a ham-fisted attempt to deal with a political difficulty and warned that they create significant problems for the administration of justice. Justice Lonergan and Justice Rothman have both pointed out that your bail laws now hold children to a stricter standard than adults charged with murder or terrorism. Are you aware of those decisions?

Mr CHRIS MINNS: I think that one should appreciate that the vast majority of individuals that are charged with such serious offences are not granted bail, and we are only talking about, particularly in relation to the section 22C changes that the New South Wales Government pursued in Parliament last year, those that are charged with the same offence twice and appear before a magistrate in the same circumstances. In the broad, that may be the case, but in practice that's not the case.

Ms SUE HIGGINSON: But, Premier, Justice Lonergan—

Mr CHRIS MINNS: I want to get the answer out. I think it's reasonable I answer.

Ms SUE HIGGINSON: No, I've heard you and I accept the answer.

Mr CHRIS MINNS: I understand that you want to cut me off, but these are complex issues and I think you should just give me 20 seconds to get the answer out. In these circumstances, in practice, individuals are not granted bail by the Supreme Court or any other jurisdiction when they're charged with such serious offences.

Ms SUE HIGGINSON: Thanks, Premier. I accept that answer. Justice Lonergan said about section 22C— and judges don't do this. They don't speak out in this way in their judgements, at least not in the history of me reading their judgements, which is decades now. She said section 22C "treats a relevantly charged child's freedom in a less favourable way than an adult's freedom in exactly the same circumstances". She referred to "a lack of coherence between the bail court's obligations to comply with ss 4 and 6 of the Children (Criminal Proceedings) Act." Do you accept—

Mr CHRIS MINNS: No, I don't accept it.

Ms SUE HIGGINSON: Premier, I haven't asked the question yet.

Mr CHRIS MINNS: Didn't you just say, "Do you accept it?"

Ms SUE HIGGINSON: No, I'm about to finish my question. Do you accept what these judges are saying in terms of them pointing out the legal conundrum you have presented to them—

Mr CHRIS MINNS: No, I don't.

Ms SUE HIGGINSON: —in your rushed attempt to deal with a political problem?

Mr CHRIS MINNS: I realise that you want to get your talking point out, but no I don't accept that.

Ms SUE HIGGINSON: Honestly, Premier, it's not.

Mr CHRIS MINNS: I think in the circumstances, faced with a rising number of individuals who've been charged with the same offence over and over again, we're putting them in danger and the community in danger by cycling through a bail determination by the judge. We are not talking about a first offence. We are not talking about an individual appearing before a magistrate or a Supreme Court justice the first time. In many cases, and in fact only under 22C changes to the law, if the individual is charged with exactly the same crime, under those circumstances, no, I don't agree. It's the prerogative—

Ms SUE HIGGINSON: Sorry, you don't agree—

Mr CHRIS MINNS: I want to get the answer out. I'm sorry, Mr Chair.

Ms SUE HIGGINSON: Sorry, Premier, can you just make clear—

Mr CHRIS MINNS: I'm allowed to not agree. I appreciate the question—

The CHAIR: Order! The Premier is being directly relevant.

Mr CHRIS MINNS: The New South Wales Parliament is entitled to make legislation that we deem appropriate for the administration of laws in New South Wales. Yes, I accept that you've presented that as an argument. I'd also make the point that in one of the criticisms that a Supreme Court judge made about these

New South Wales changes—it was in the granting of bail under a 22C application. The individual that was granted bail, not long after, has been charged with the same offence.

Ms SUE HIGGINSON: Justice Rothman has made very clear the Legislature may exercise a power in a manner that defies the principles of equal justice. You're willing to stand by that? You're happy, you're content that your laws—

Mr CHRIS MINNS: You can ask the same question in different ways, but you've asked whether I agree. Clearly I don't.

Ms SUE HIGGINSON: You don't agree with the most expert minds about the delivery of justice for young people in New South Wales—

Mr CHRIS MINNS: We don't hand over administration of laws to individual Supreme Court judges in New South Wales—

Ms SUE HIGGINSON: This is not one, Premier.

Mr CHRIS MINNS: —even if the Greens demand it of us.

Ms SUE HIGGINSON: Premier, that's not one. I've read out two and there are more. There's District Court judges too.

Mr CHRIS MINNS: I've explained the context of one in which the commentary has been made.

Ms SUE HIGGINSON: Premier, could I just ask another brief question?

Mr CHRIS MINNS: No, I'm going to answer it.

Ms SUE HIGGINSON: Can I please ask one more question?

Mr CHRIS MINNS: I'm going to answer the question. I think in the circumstances—

Ms SUE HIGGINSON: So stubborn!

Mr CHRIS MINNS: —we will make decisions that we believe are in the best interests of the people of New South Wales. We take all criticisms. There are many stakeholders that step in and criticise government legislation and laws, even eminent ones from the bench. But that doesn't mean that we hand over the administration of justice or lawmaking to the Supreme Court. Parliament needs to make these decisions.

Ms SUE HIGGINSON: Would you consider introducing a New South Wales Independent Commissioner for First Nations children and young people? Because there's a desperate need for one right now. Because it is First Nations kids that are being most impacted, and you know that.

Mr CHRIS MINNS: I'm happy to take it on notice. We don't have plans for it at the moment, notwithstanding the fact—

Ms SUE HIGGINSON: Would you consider it?

Mr CHRIS MINNS: I think I should be able to get an answer out.

The CHAIR: Please stop interrupting, Ms Higginson.

Mr CHRIS MINNS: Notwithstanding the fact that the New South Wales Government engages in deep consultation with First Nations right across the board in everything from land rights claims to Indigenous justice to ensuring that we meet Closing the Gap targets in the State.

Ms SUE HIGGINSON: But you're locking up more kids than ever.

The CHAIR: Order!

The Hon. SARAH MITCHELL: Premier, you said earlier that you try to visit regional communities most weeks when Parliament isn't sitting. Is there a reason why you didn't go to Kempsey on Sunday to join about 700 locals at a community crime rally that you were invited to attend?

Mr CHRIS MINNS: I had family business on.

The Hon. SARAH MITCHELL: Did you ask any other Minister to attend in your place?

Mr CHRIS MINNS: I asked a departmental official to go.

The Hon. SARAH MITCHELL: Are you able to tell me who that was, who represented you at that event?

Mr CHRIS MINNS: No.

The Hon. SARAH MITCHELL: Could you take that on notice?

Mr CHRIS MINNS: Sure.

The Hon. SARAH MITCHELL: Also, what time they arrived in Kempsey and when they left as well?

Mr CHRIS MINNS: I'll see. I'm happy to take it on notice and I'll see if I can give you an answer.

The Hon. SARAH MITCHELL: The community is wondering why no-one from the Government was there, in terms of you or any of your Ministers. But if there's a representative, it would be good to know who that was. I appreciate that being taken on notice. Two years into government, is there a reason why the forestry industry road map hasn't been delivered?

Mr CHRIS MINNS: It's complex. We need to get the balance right. The road map, as well as those who are responsible for delivering it to Government, are still consulting with industry, as well as those in the environmental movement, to make sure we get the balance right.

The Hon. SARAH MITCHELL: Is that work still being led by your department?

KATE BOYD: Yes, an independent expert panel, led by Peter Duncan, has been commissioned to do that work on the plan, and they are supported by people from across government, including the Cabinet Office.

The Hon. SARAH MITCHELL: Premier, have you met with Peter Duncan, the chair of that panel?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: Did you ask him, through the formal consultation process period or in person when you met with him, about whether New South Wales should still have a public native forestry industry?

Mr CHRIS MINNS: I'm not going to speculate on my conversations with him. When the report is ready to be released, we'll do it.

The Hon. SARAH MITCHELL: Does the public native forestry industry still have your 100 per cent support?

Mr CHRIS MINNS: It's obviously an industry that we need to manage. We've been very transparent about the need to make sure that we've got a task force to take into consideration the Government's commitment to a Great Koala National Park. As well as many demands of members of Parliament to protect native forestry, particularly, as it relates to the extinguishment of native animals. I remember hearing from the member for Tweed, the member for Port Macquarie, the member for North Sydney. They've all made public commentary about it.

The Hon. SARAH MITCHELL: Is that a yes in terms of supporting the forestry industry, though? It wasn't quite clear.

Mr CHRIS MINNS: No. We have to manage both the industry and our commitment to the Great Koala National Park, and I'm not releasing the policy today.

The Hon. CHRIS RATH: Premier, the Federal Labor member for Kingsford Smith has said that the Moore Park Golf Club came up with a sensible proposal to increase public space, build new recreation facilities and keep 18 holes, and I reckon the Government should consider that as an alternative. Premier, will you commit now to considering this alternative proposal to retain Moore Park Golf Course as an 18-hole course?

Mr CHRIS MINNS: I'm not going to commit to anything other than what the Government's already said in relation to this. We're talking about the most densely populated part of Sydney, if not Australia, in Zetland. I've spoken to community groups as well as local residents, who say there are not enough football grounds, there are not enough soccer grounds, there are not enough rugby league grounds, there are not enough AFL grounds in one of the most densely populated communities in the State. And as dense as it is today—I was reading the other day there are 30,000 people in that small confine—in the next 15 years, that number will be lifted to 60,000 to 70,000 people. The density rates will even go higher.

Now it's serviced by public transport. It's close to the city. You can use active transport. John, you can jump on your bike and get in there. But one thing it lacks and it will always lack is open space. That's probably a legacy of previous councils and the current council and previous State Governments, but I've just got to weigh all those things.

The Hon. CHRIS RATH: Last week in the Legislative Council the Opposition moved a motion condemning the United Muslim Community statement, which criticised the reaction to the comments of the

Bankstown Hospital nurses. Your Government amended the motion to omit this condemnation. Does that reflect your position?

Mr CHRIS MINNS: What did we move?

The Hon. CHRIS RATH: You moved to omit the condemnation of the—

Mr CHRIS MINNS: Have you got the motion in front of you? I want to make sure I'm looking at what my colleagues in the Legislative Council moved.

The Hon. CHRIS RATH: I will get you a copy, Premier.

Mr CHRIS MINNS: Well, when you get me the copy, I'll answer the question.

The Hon. CHRIS RATH: Sure. Do you support the call for a review of any New South Wales Government funding to the signatories of this statement?

Mr CHRIS MINNS: I've seen that. I've seen community or public reports about a review. I did have a look at it, and it was a \$6 million grant to the Lebanese Muslim Association for aged-care services.

The Hon. CHRIS RATH: Do you support a review?

Mr CHRIS MINNS: Mark Coure was the one who granted it in 2019.

The Hon. CHRIS RATH: But can you confirm that you have no intention to review funding given to groups that have signed up to this statement?

Mr CHRIS MINNS: It'd be pretty hard. I'd have to send the auditors in and take it off their balance sheet. What would we do with the money that has been spent?

The Hon. CHRIS RATH: It's to review how the money's being spent.

Mr CHRIS MINNS: Well, let's talk about it now. These are the practical problems that you have when you're in Government. It's easy to call for reviews. But if the money was given in 2019, the \$6 million—Mark Coure handed over the cheque—how am I supposed to get it back now?

The Hon. CHRIS RATH: You're not committing one way or the other?

Mr CHRIS MINNS: I'm asking you, mate. You're the one who's demanding it. You tell me. What do we do?

The Hon. CHRIS RATH: I'll ask the questions, Premier. But the signatories of the letter—

Mr CHRIS MINNS: I don't think it's confected outrage. My views couldn't be clearer. I think the behaviour of the individuals who've been reported was terrible. They've been dismissed from the New South Wales Health Service. I'm not going to comment about their conduct before the courts. I understand there has been a recent update on that this morning, but I'm going to leave it to New South Wales police.

The Hon. CHRIS RATH: If the signatories of the letter have received funding from the New South Wales Government, should they hand it back?

Mr CHRIS MINNS: I'm only aware of the one. If you're aware of others, let me know.

The Hon. CHRIS RATH: Premier, I am. Does it concern you that Sheikh Wesam Charkawi, who is a signatory to the United Muslim Community statement, was approved for a \$100,000 grant under your local small commitments program?

Mr CHRIS MINNS: Look, it may well be the case that whether it's local small commitment grants or the Lebanese Muslim Association getting millions of dollars under the previous Government, I can't speak to all of the grants going out the door. What I would say is that the Government's view in relation to this has been unambiguous and clear right the way through. In relation to the rise of antisemitism, there needs to be a united front. There needs to be a clear and unambiguous signal from the New South Wales Government that we won't tolerate hate speech. We won't tolerate people dividing Australian against Australian. Now, I understand that you want a review into these organisations. I think the more relevant question for the New South Wales Opposition is why did you water down our hate speech laws when they were introduced into Parliament last week when they were designed specifically and precisely to confront antisemitism in the community?

The Hon. CHRIS RATH: Well, Premier, the question is why are you funding Sheikh Wesam Charkawi \$100,000—

Mr CHRIS MINNS: I just explained to you—

The Hon. BOB NANVA: Point of order—

The Hon. CHRIS RATH: —under the Local Small Commitments Allocation?

Mr CHRIS MINNS: Interestingly, you won't answer my question.

The CHAIR: Order! There is a point of order.

The Hon. BOB NANVA: I'm not debating or quarrelling with the substance of the question that has been put, but there is a procedural element to this. There is a series of questions, the subject matter of which may adversely reflect on a third party who is not here. Under the procedural fairness guidelines, paragraph 13, I would ask that you rule the question out of order.

The Hon. CHRIS RATH: To the point of order: There's a public statement by an individual who has received money from the New South Wales Government. I should be allowed to ask questions about that.

The Hon. BOB NANVA: To the point of order: Chair, the Hon. Chris Rath is soliciting evidence that might adversely reflect in a personal or reputational way on a third party or an organisation who cannot be afforded procedural fairness under the resolution that established a budget estimates inquiry.

The Hon. SARAH MITCHELL: To the point of order: Chair, all of the documents that the Hon. Chris Rath is referring to are public. That's a public Facebook page. The granting of this funding with this individual as the contact for the organisation is also publicly available, so there is nothing here that is not in the public domain.

The CHAIR: I do not uphold the point of order, but I remind all members that adverse mention of third parties is to be avoided. These are matters that are in the public domain. It does relate to the expenditure in this portfolio area. I will allow the question.

Mr CHRIS MINNS: Chair, I just want to make it clear that anyone who receives public funds has to abide by the conditions in which they've been granted. If there's any breach of that, of course the New South Wales Government will deal with them immediately. But the position of the Government couldn't be clearer: We have an unambiguous and clear legislative reform to smash hate speech where we see it, particularly the rise in antisemitic behaviour in New South Wales, whether it's our restrictions in relation to protests out the front of synagogues and religious places of worship, our hate speech laws, or our changes to the exhibition of a swastika or Nazi memorabilia.

I make the point that it's very galling for me to take a lecture from a member of the New South Wales Opposition from the upper House when we introduced laws specifically and precisely to confront hate speech, and they were particularly watered down by you and your colleagues—not even a review but a three-year termination of the legislation and a whole bunch of changes to how it will be implemented by the police. So it is galling for me to hear from you that all of a sudden you've had a change of heart when there are questions in the upper House Committee.

The Hon. CHRIS RATH: Well, Premier, thank you but that wasn't my question. Sheikh Charkawi has been ordered to work from home for breaching the education department's code of ethics by making inflammatory social media posts about the Bankstown nurses. Do you know what this \$100,000 grant was for?

Mr CHRIS MINNS: I'm not sure about the circumstances. I'm happy to take it on notice and if there's any information that you have in relation to it, you should provide it. But it sounds like disciplinary matters have already been taken in relation to this individual by the department.

The Hon. CHRIS RATH: The funding was approved by your Minister to "meet 100 per cent of the costs for delivering the Who Am I? initiative in the New South Wales schools across Granville, Guildford and Merrylands". So are you going to act to cancel this funding?

Mr CHRIS MINNS: I don't know the circumstances of the grant. I'm not sure about it. What I can say is the Government has a comprehensive package when it comes to confronting antisemitism and it would have been good to have had the support of the New South Wales Liberal Party when it moved through Parliament.

The Hon. SARAH MITCHELL: But, Premier, now you've been made aware of this specific example, can I ask—

Mr CHRIS MINNS: Well, I haven't been made aware of it. I've been given a single sentence by the member.

The Hon. SARAH MITCHELL: We're telling you that there's a local small commitments grant going to an organisation headed by this individual, which is about initiative in schools. At the same time, the Department

of Education has ordered this individual to work from home, so there's a concern here. Now that you've been made aware of it—

Mr CHRIS MINNS: No. Unfortunately, that's—

The Hon. SARAH MITCHELL: —will you take it on notice to have a look at that grant, where the money's going to, and will you look to cancel it?

Mr CHRIS MINNS: I'm happy to take that on notice but that's not enough information just being provided in a haphazard way by the Opposition.

The Hon. SARAH MITCHELL: It's not haphazard.

Mr CHRIS MINNS: I need more information than that.

The Hon. SARAH MITCHELL: We found it with very limited resources in Opposition.

Mr CHRIS MINNS: Well, that's your problem, not my problem.

The Hon. SARAH MITCHELL: But my point is, Premier, we found it. Why are you not looking into it—

Mr CHRIS MINNS: Again, I'm relying on your word, which I'm—

The Hon. SARAH MITCHELL: —and, now that you've been made aware of it, why won't you look?

Mr CHRIS MINNS: I'm relying on your word, which I think it would be unwise to do. If you've got information, you can provide it.

The Hon. SARAH MITCHELL: It's your public document.

The Hon. CHRIS RATH: Premier, I'll provide it. Before the election you committed—and I'll table this—

The CHAIR: I think you've got to seek leave to table it.

The Hon. CHRIS RATH: —\$100,000 to Sheikh Wesam Charkawi. That was your election commitment.

Mr CHRIS MINNS: Was it to him individually?

The Hon. CHRIS RATH: He was the contact person.

Mr CHRIS MINNS: What was the name of the organisation?

The Hon. CHRIS RATH: It says, "NSW Labor will deliver up to \$100,000 to Sydney Youth Connect towards their building capacity through mentoring and engagement program"—with the sheikh as the contact person. I've got copies for members. There's the assessment from the Local Small Commitments Allocation, your assessments that you've been talking about today, where the project and also the approval of that project—which I can also table and circulate to members—as well as the signatory on the statement from Sheikh Wesam Charkawi. So what we would like to know is does this concern you?

Mr CHRIS MINNS: Again, I'm happy to take it on notice. I don't know the circumstances other than what you've provided, and I'd like to look at it closer.

The Hon. CHRIS RATH: But if this is correct and you could have time to—

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: I'm not going to answer a hypothetical.

The Hon. BOB NANVA: Chair, the Premier has taken the question on notice, as he's entitled to do under paragraph 11 of the procedural fairness resolution. I ask the member to move on.

The Hon. SARAH MITCHELL: He's asking a new question.

The Hon. BOB NANVA: No, it's the same question.

The Hon. SARAH MITCHELL: He hasn't even started it.

The Hon. CHRIS RATH: I haven't finished the question.

The CHAIR: I uphold the point of order. The Premier has taken part of it, the first question, on notice. I think this is a new question, but I will listen intently.

The Hon. CHRIS RATH: Are you concerned about funding from the New South Wales Government going to organisations and individuals that may have signed this statement from last week?

Mr CHRIS MINNS: I don't know who's the signatory. I'm only being presented this information right now. I'm taking it on notice.

The Hon. CHRIS RATH: Premier, moving to a different issue, when did you first learn that there were concerns about the risk of modern slavery in the supply chains of Foton Mobility Distribution and VDI-Yutong, which were both approved as suppliers of electric buses to Transport for NSW under its bus panel 4, established on 1 March 2024?

Mr CHRIS MINNS: It was probably only drawn to my attention when I saw it in the media—was it today or yesterday?

The Hon. CHRIS RATH: Just today, Premier?

Mr CHRIS MINNS: When it was in the media.

The Hon. CHRIS RATH: Just for the record, Premier, you would agree that New South Wales should not buy electric buses or any other goods or services where there is an identified high risk of forced labour, including child labour, in the supply chain?

Mr CHRIS MINNS: Obviously we've got very strict laws in relation to modern slavery that need to be followed in the procurement of New South Wales government assets, and if it were the case that these individual companies were subject to that, of course that would apply to the New South Wales Government. Foton and Yutong, through their battery supplier, CATL, are responsible for providing battery technology to Aston Martin, Audi, BAIC, Bentley, BMW, Daihatsu, Daimler, Dongfeng, Faraday Future, Ferrari, Fiat, Ford, the GAC Group, Jaguar, Isuzu, Hyundai, Honda, Hino, Karma, Lamborghini, Mitsubishi, Navistar, Nissan, Opel, SEAT, Rolls Royce, Renault, Peugeot, Subaru, Suzuki, Tesla, Toyota, UD Trucks, Volvo and Volkswagen.

The Hon. SARAH MITCHELL: This is a really serious issue, talking about modern slavery. Are you saying that it doesn't concern you? You're reading a list of random car manufacturers.

Mr CHRIS MINNS: No, that's the whole point. It's not a random list. These are the companies that have supply chain equipment supplied by Joyson or CATL—

The Hon. SARAH MITCHELL: So it's fine to use slave labour for New South Wales government procurement?

Mr CHRIS MINNS: Sorry, what was that?

The Hon. SARAH MITCHELL: It's fine for these companies to be using slave labour for government procurement?

Mr CHRIS MINNS: No, did I say that? I wouldn't say that.

The Hon. SARAH MITCHELL: It's not clear from what you've said. You're just reading a list.

Mr CHRIS MINNS: I'm not reading a list; that's my point. It's not a random list.

The Hon. SARAH MITCHELL: You literally just read a list.

Mr CHRIS MINNS: It's not a random list. These are the companies that are responsible, who have exposure to CATL.

The Hon. CHRIS RATH: But, Premier, we shouldn't be engaged with these companies if they have an identified high risk of forced—

Mr CHRIS MINNS: Absolutely. I think that's absolutely the case.

The Hon. CHRIS RATH: Before the election you said things like, "We're going to build buses and ferries here", but now some of the reporting in the media is that the companies that you're using as part of your procurement in domestic manufacturing process may have involved Uighur or Congolese forced labour. How does that fit with your pre-election commitments?

Mr CHRIS MINNS: I'm interested in the evidence of that.

The Hon. CHRIS RATH: Read the reporting.

Mr CHRIS MINNS: Read what report?

The Hon. CHRIS RATH: The report in the media today. I thought you said you'd read the article.

Mr CHRIS MINNS: Yes, I have read that. You've come to the Parliament alleging that we're involved in this in the supply chain. It's a pretty serious allegation.

The Hon. CHRIS RATH: Yes.

Mr CHRIS MINNS: What's the evidence?

The Hon. CHRIS RATH: I'm suggesting that, given the reports in the media today of potential forced labour—will you rule it out?

Mr CHRIS MINNS: As I said, CATL, through their subsidiaries, provide electric automotive batteries to those companies. I'm not going to repeat them again, but they're not a random list. They're a very specific list. They're designed to inform the Committee that the exposure through CATL is to all of these. We'll do our best when it comes to electric buses to ensure that we provide by the rules, we stick with the rules, particularly in relation to the procurement. One of the reasons why it is so difficult for us to get domestic manufacturing up and running in New South Wales is that the former Minister for Transport, Andrew Constance, was the offshore Minister when it came to domestic manufacturing. This man made an art form of shipping jobs out of Australia, and he did it in a consequential way over many years so that he set up manufacturing facilities for trains and buses and ferries in jurisdictions on the other side of the world.

The Hon. SARAH MITCHELL: Premier, will you direct—

Mr CHRIS MINNS: We're trying to get them back into New South Wales but we're doing it—

The CHAIR: Order!

The Hon. SARAH MITCHELL: I have 20 seconds left, Chair.

Mr CHRIS MINNS: It's your problem that you've got 20 seconds left. I haven't finished my answer.

The Hon. SARAH MITCHELL: Will you direct the Attorney General to direct this matter to the Anti-slavery Commissioner?

Mr CHRIS MINNS: I want to make it clear that the truth of the matter is—

The Hon. SARAH MITCHELL: You're ranting about something that's not relevant.

The CHAIR: Order! Mrs Mitchell, please desist.

Mr CHRIS MINNS: —under the circumstances that we inherited in government, apprenticeships and traineeships halved under Andrew Constance.

The Hon. SARAH MITCHELL: Will you refer this matter to the Anti-slavery Commissioner?

Mr CHRIS MINNS: We had a situation where we had a train that was nearly a billion dollars over budget—

The Hon. SARAH MITCHELL: Will you refer this matter? This is really serious, Premier. We're talking about slavery.

Mr CHRIS MINNS: —and we had a circumstance where the former Minister for Transport—

The CHAIR: Order!

Mr CHRIS MINNS: —in an almost artful way shipped jobs out of Australia.

The Hon. SARAH MITCHELL: No-one's interested in your politics. Will you refer this matter to the Anti-slavery Commissioner?

The CHAIR: Order!

Mr CHRIS MINNS: We're trying to draw a line in the sand—

The Hon. SARAH MITCHELL: Will you refer this matter to the Anti-slavery Commissioner?

Mr CHRIS MINNS: He's already looking at it. You ask him direct. I understand he's before the upper House committees himself.

The CHAIR: Premier, speaking of domestic manufacturing, in the past eight years the medicinal cannabis industry in Australia has gone from zero—

Mr CHRIS MINNS: Andrew Constance. Bloody hell, that bloke! How many jobs did he smash?

The CHAIR: —to a multibillion-dollar industry. Sorry, Premier, are you paying attention?

Mr CHRIS MINNS: Sorry, I am.

The CHAIR: This is about domestic manufacturing.

Mr CHRIS MINNS: The blood boils, because ferries and buses and trains—he just packed them up and shipped them off overseas.

The CHAIR: Maybe you need to take something for your boiling blood.

Mr CHRIS MINNS: It was a shocker. It was so bad.

The CHAIR: Premier, calm down. You need to relax. I want to talk about something—

Mr CHRIS MINNS: I know, I am exercised about it. It was so bad. All of those jobs, he just went—

The CHAIR: You maybe need to take something for that boiling blood, and that is medicinal cannabis.

Ms SUE HIGGINSON: No, don't, Premier.

The CHAIR: Yes, it can assist with a lot of what ails you, and you seem to be ailing.

Mr CHRIS MINNS: I'm not sure I'll get a pick-me-up with medicinal cannabis.

The CHAIR: In the past eight years the medicinal cannabis industry has gone from zero to now being an industry worth, in Australia, between \$1 billion and \$2 billion. Seventy per cent of that industry, in Australia, is imports. Are we doing everything we can in this State to maximise the benefit of an exploding medicinal cannabis sector in terms of economic development, employment, jobs and revenue to the State?

Mr CHRIS MINNS: The short answer is that I'm not sure. When it comes to primary agriculture, the Government is very committed to ensuring that we're in a situation where primary producers can develop and set up export-led industries—hugely important for the New South Wales economy. I'm not sure whether medicinal cannabis producers are party to the schemes and the programs that we have.

The CHAIR: Why not? If it's a multibillion-dollar industry exploding around the world—

Mr CHRIS MINNS: Why aren't I aware?

The CHAIR: It's not like a cottage industry. These are industries that are advanced manufacturing—pharmaceutical-grade drugs developed under GMP practices to the highest quality standards. Why aren't you across the exploding opportunities in this sector?

Mr CHRIS MINNS: It's an element of our economy that I'm not au fait with. I have to plead glibness on it. I don't like speaking about industries that I don't have a common knowledge of, but I am here to learn. If there are ways that we can see the industry grow, take advantage of export markets and employ more people, I'm not against it.

The CHAIR: Would you be open to meeting a delegation of the medicinal cannabis industry to talk about some of the opportunities for jobs and economic development in this State?

Mr CHRIS MINNS: Sure, I am open to doing that.

The CHAIR: Fantastic. Premier, just last week, the Lowy Institute put out a paper, which I'll send to you, called *Population decline: Future shock no more*. In terms of declining global birthrates and the implications for economies and managing that, it said:

The combination of these trends is eye catching, suggesting the global population may start to decline by the 2050s. We've already seen 63 countries pass peak population.

That includes some of our biggest countries. It goes on:

The UN's 2024 projections ascribe an 80 per cent probability to global population peaking this century, from a 30 per cent estimate a decade ago.

Do you think that State and Federal governments should be doing more to assess whether or not the population predictions that underpin the economic development around the globe and the IPCC reports are robust?

Mr CHRIS MINNS: I think the implicit suggestion in many of your questions today, Chair, is that there's a flaw in the methodology when it comes to population growth. Whether it's embedded into reports that have been produced by international agencies and whether Australia is therefore not developing the appropriate policy responses because we're relying on incorrect information, I'm more than happy to look at it.

The CHAIR: But you think that is a possibility? The Lowy Institute are saying it's a possibility, but they go further. They're saying that global depopulation and population issues may well replace climate change as the most pressing issue for governments and policymakers in coming decades.

Mr CHRIS MINNS: I'm not in a position to suggest that it—I don't know.

The CHAIR: Shouldn't you know?

Mr CHRIS MINNS: I'm not aware of what the long-term population trends in China are. I don't know.

The CHAIR: That's just common knowledge. They're dropping rapidly. Last year China lost—

Mr CHRIS MINNS: Okay, but I couldn't give you a number.

The CHAIR: I can give you a number. Last year China's population contracted by more than 4 million people. The Lowy Institute go on to say that we assume that immigration is something that's going to happen relatively passively here and that we are always going to have a large cohort of highly skilled immigrants available to us. They say that in coming decades we're going to move into a position where we're going to be competing with other advanced economies for skilled migrants and that we will be competing with Canada, the US, Germany, Japan, China, Singapore and the like.

Mr CHRIS MINNS: I would assume we're already competing with those countries. I do believe Australia's going to be an advantageous and desirable place for skilled migrants to come, either to study, to set up a family or to join a community. The question, the rate and the number is a matter for policymakers—I accept that—but I wouldn't agree with the assumption that we should progress on the assumption that Australia will not be a desirable place for people to want to move and start a family or start a business or grow a life.

The CHAIR: But the competition may make it harder for us to attract the people that we need in the skills we need going forward and create a drag on the economy. Is that a possibility?

Mr CHRIS MINNS: To an extent, but the inbound migrant number has proven to be remarkably resilient, notwithstanding interruptions during COVID or higher education organisations in the State and the other jurisdictions interrupting the number of students. It's proven to be a resilient, robust economy. I would expect it to increase. The rate at which it increases, or whether it stays stable or grows, is something that we have to consider alongside the cost of housing and our ability to take inbound migrants. But no, I think Australia is the best country in the world and I think people want to move here and live here and be part of it. The rate at which they do is a matter for us.

The CHAIR: Isn't the rate at which they do a matter for them?

Mr CHRIS MINNS: That's the difference between us. I think it's a matter for us; you're suggesting that the supply of it is about to fall off a cliff. I don't think that's the case. We're already in competition with Canada and the UK, Germany, and other countries.

The CHAIR: We may well be in competition with all advanced economies, and some that have been resistant to immigration, like Japan, like Taiwan, like—dare I say it—France and other economies. We may well be in competition with them more so into the future.

Mr CHRIS MINNS: Whether the flow of migrants is towards developed economies, or whether you see the developing world producing more of a middle class and, therefore, more internal demand within their economies and, therefore, there is less of a desire to move to countries like Australia, I don't know. I suggest it's more the latter than the former. But in any event, the relative increase for Australia is reasonably small. Because of our climate, our democracy, the stability of our communities and because it's a wonderful place to raise a family, there's opportunity here.

The CHAIR: Is it a wonderful place to raise a family?

Mr CHRIS MINNS: Yes.

The CHAIR: Why are fertility rates declining to record lows?

Mr CHRIS MINNS: I don't think it's because of a widespread belief that people shouldn't raise a family. I think that people still want to raise a family. I'm speaking in generalities.

The CHAIR: I'm not speaking in generalities. Australia's fertility rate in the last 10 years has dropped from 1.8 to 1.5 births per woman per household.

Mr CHRIS MINNS: Even one child with a parent is still a family. Whether they have two more or is not an indication that they don't want to have—

The CHAIR: Maybe they would want to have more but cost-of-living pressures and amenities are inhibiting people having children.

Mr CHRIS MINNS: I don't want to get stuck on a semantic point. I think people want to have families. Maybe they're having less children because the cost of raising those families is high. Absolutely, I accept that. It's a lived experience of the people that live in this State every single day, particularly with interest rates being so high and historic inflation being high as well. But I think that people want to move to Australia. The rate at which they come here is a matter for our country, though.

The Hon. JOHN RUDDICK: Mr Premier, you strike me more as a Labor centrist—more Neville Wran than Dan Andrews. With that element of common sense, does it ever occur to you that the global warming orthodoxy is a nonsense? That the global warming orthodoxy is a mass delusion, and that it's a folly to think that this building can change the weather.

Mr CHRIS MINNS: This building can change the weather?

The Hon. JOHN RUDDICK: That Parliament changing laws and regulations will change the weather. That's what we're spending many billions of dollars on.

Mr CHRIS MINNS: No, I think it's a problem. I think it's an issue. Whether it's the impact of climate change on our economy, on our standard of living, on the life that we live—everything from the rate at which we can produce agriculture in the Far West of New South Wales to how hot it gets on a summer's day in Western Sydney—all of it impacts this State and its people. We've got to do our bit to act.

The Hon. JOHN RUDDICK: There have been an enormous amount of unfulfilled prophecies about rising temperatures and rising ocean levels, but I'm hoping you have a curiosity at least into the good scientists who say that it is a folly. In New South Wales, your Government is paying farmers—landowners—about \$200,000 per kilometre of transmission lines. I think it's all a gross waste of money; that's why I hope you have curiosity. That money has been paid by the New South Wales Government to a farmer as compensation for the damage done to their agricultural land, then the Federal Government is taxing it as though it's income. This is the State Government funnelling money to the Federal Government. I have asked Minister Sharpe about this. This is clearly unfair to those farmers that their compensation income is being treated like income for Federal taxation purposes. Have you got a view on that?

Mr CHRIS MINNS: It is a frequent problem for State Government transfer payments that are eventually treated as income or capital via the ATO. We've had that issue in relation to water transfers. We've had it in relation to payments to taxi drivers for the introduction of ride-sharing and the dismantling of that economy. We've had it in relation to regional farmers and transmission lines. I think that they should take a liberal approach to it. I know that they have to raise money, but oftentimes we enter into commercial arrangements with individuals that have been affected by the externalities of government decisions. It should be taken into consideration and not just be a value capture from the Commonwealth Government.

Ms SUE HIGGINSON: Premier, do you have any evidence that an increased prison population will result in less crime and safer communities?

Mr CHRIS MINNS: The individuals that are in prison can't commit crime in the street if they're in prison.

Ms SUE HIGGINSON: Yes, but do you have any evidence that that will actually reduce crime? Your assumption is that others won't follow and commit crimes. We actually know that three in four young people released from detention will go on to reoffend within one year. We know that the exposure to the criminal justice system at this early age makes them more likely to engage in more serious offending as adults. I'm curious about what actual consideration have you and your Government given to this very well-known, well-trodden, long-term known reality that these laws that you've got about locking up kids today, in terms of the real increase of crime, are likely to cause in the medium and longer term.

Mr CHRIS MINNS: There's a lot of assumed facts in that question that I don't accept, and I can't just accept at face value.

Ms SUE HIGGINSON: Sorry, which ones don't you accept?

Mr CHRIS MINNS: I've got two sentences out after a three-minute question.

Ms SUE HIGGINSON: I'm asking which ones you don't accept.

The CHAIR: Order!

Mr CHRIS MINNS: Surely I'm able to answer the question. After three and half hours in, give me an opportunity to answer.

The CHAIR: Premier, answer the question.

Mr CHRIS MINNS: I think there's mixed evidence when it comes to incarceration rates and repeat offenders. The simple fact is no government anywhere in the world has tried no incarceration. We don't know what the hypothetical is for saying, "We're not going to have prisons." The logical extension of your argument is that we shouldn't have prisons.

Ms SUE HIGGINSON: Do you know about the US in the late '90s, where they actually shut down all of the youth detention and incarceration centres, and how that actually has led to significant reduction in crime?

Mr CHRIS MINNS: There's mixed evidence. The United States is so big when it comes to the crime rate. I have to say this: I'm more than happy to look at incarceration rates in the United States, but I'm not sure whether it's in The Greens' interest to be perusing recent data, where there has been an increase in crime, particularly youth crime, in major cities in the United States. I think that cuts against your argument in relation to the facts. In any event, it's a longer question.

Ms SUE HIGGINSON: It's not the case.

Mr CHRIS MINNS: In any event, I want to say that I don't believe juvenile justice should be treated as a—the way it seems to be interpreted across the criminal justice system and government is that this is an attempt by the State to lock people up for punitive reasons. It's not. It needs to be about rehabilitation. If we have a situation where an individual in juvenile justice isn't getting rehabilitated, they're not getting three square meals, they're not getting access to education—

Ms SUE HIGGINSON: They don't need to be locked up to get that, Premier. You don't need to lock children up to feed them and to educate them and to help them. You don't need to lock them up to do this.

Mr CHRIS MINNS: I understand that that's your argument. The reverse of the situation is that someone who commits the offence over and over again isn't getting the help that they need.

Ms SUE HIGGINSON: So you're locking them up, Premier.

The CHAIR: Order!

Mr CHRIS MINNS: I feel like this is an opportunity for you to scream at me rather than me answering the question.

The CHAIR: Order!

Ms SUE HIGGINSON: I'm sorry, but I can't believe, Premier—

Mr CHRIS MINNS: I think you should give me an opportunity to answer it.

The CHAIR: Order!

Ms SUE HIGGINSON: I hear you.

The CHAIR: Yes, please come to order, Ms Higginson.

Ms SUE HIGGINSON: I have.

The CHAIR: Thank you. Allow the Premier to answer the question.

Ms SUE HIGGINSON: He had finished.

Mr CHRIS MINNS: For God's sake, I can't even get out two sentences before you scream at me again.

Ms SUE HIGGINSON: Premier, I cannot believe your premise—

The CHAIR: Order! Ms Higginson, I don't think the Premier had finished his answer.

Mr CHRIS MINNS: I'm not finished my answer. Juvenile justice should not be about punishment. It shouldn't be about punitive measures—

Ms SUE HIGGINSON: So why are you locking up the kids?

The CHAIR: Order!

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: This is just outrageous. It's just Greens talking points.

The CHAIR: I call Ms Sue Higginson to order for the first time.

Mr CHRIS MINNS: You treat these forums in a cynical way to get some soundbite up.

Ms SUE HIGGINSON: That is not true. You just said—

Mr CHRIS MINNS: And it's so unfortunate.

The CHAIR: Order!

Mr CHRIS MINNS: And you're not interested in the answer, either.

The CHAIR: Order! The time has concluded.

Ms SUE HIGGINSON: You just said it's not punitive and you're locking them up.

The CHAIR: Order! Ms Higginson, please stop. You've been called to order once.

Ms SUE HIGGINSON: I'm outraged, Chair. I apologise.

Mr CHRIS MINNS: We can all hear that. It's an opportunity for you to grandstand, but ultimately—

Ms SUE HIGGINSON: It was not.

Mr CHRIS MINNS: —we're in a situation—

The CHAIR: Have you concluded?

Mr CHRIS MINNS: —where we have to provide both safety and rehabilitation for young people in New South Wales.

The CHAIR: Order!

Ms SUE HIGGINSON: You just said it's not punitive and—

Mr CHRIS MINNS: We don't have to issue media releases like you do all day long.

Ms SUE HIGGINSON: —you're locking them up.

The CHAIR: Order! Ms Higginson, please stop.

Ms SUE HIGGINSON: And they're First Nations kids.

The CHAIR: Order! I call Ms Sue Higginson to order for the second time.

Ms SUE HIGGINSON: That's the first time, Chair.

The CHAIR: No, it's the second time. You didn't hear me call you to order for the first time.

Ms SUE HIGGINSON: No, I didn't.

Mr CHRIS MINNS: What a bloody circus. Honestly!

The Hon. BOB NANVA: I have one question.

Mr CHRIS MINNS: Can I raise a point raised by the Hon. Chris Rath in relation to Sydney Youth Connect and \$100,000 apparently given by the New South Wales Government? That's not accurate.

The Hon. CHRIS RATH: It's what your document says.

Mr CHRIS MINNS: The application was withdrawn.

The Hon. CHRIS RATH: Why was there an assessment done by your department?

Mr CHRIS MINNS: I'm not sure, but I'm informing you and the Committee that there was no funding given to Sydney Youth Connect, or at least that's what I'm advised.

SIMON DRAPER: That's correct.

The Hon. CHRIS RATH: This was in the SO 52 documents we received.

Mr CHRIS MINNS: Sorry, mate. You better get your facts right before you ask your question.

SIMON DRAPER: Chair, before the break, if it is convenient, I also advise that one of our members did attend the Kempsey rally on Sunday. It was our director for the northern region from our regional coordinators. I think they were actually acknowledged. Their presence was acknowledged at the opening of the rally.

Mr CHRIS MINNS: That's interesting, because I could have sworn the Hon. Sarah Mitchell said that no-one knew.

The Hon. SARAH MITCHELL: That's not what I said. I'm asking—

The CHAIR: Order!

The Hon. SARAH MITCHELL: I asked you—

Mr CHRIS MINNS: I remember that.

The CHAIR: Order!

The Hon. SARAH MITCHELL: None of your Ministers went, Premier. You couldn't be bothered to go.

The CHAIR: Order!

Mr CHRIS MINNS: Oh, you've changed your question.

The CHAIR: Order! We were behaving so well until the end.

Mr CHRIS MINNS: Shaun O'Sullivan attended the rally at Kempsey and was acknowledged publicly by the local MP, Michael Kemp.

The Hon. SARAH MITCHELL: Thank you.

Mr CHRIS MINNS: Again, not the full information when the question was asked.

The Hon. SARAH MITCHELL: I asked you. You didn't know who went.

Mr CHRIS MINNS: Cynical stuff.

The Hon. SARAH MITCHELL: Not cynical, Premier.

Mr CHRIS MINNS: Cynical stuff.

The Hon. SARAH MITCHELL: Lived experience, mate.

The Hon. BOB NANVA: Premier, there have been troubling reports about Northern Beaches Hospital and the tragic case of Elouise and Danny Massa and the death of their baby boy. What are your reflections on that case and the broader issues at Northern Beaches Hospital?

Mr CHRIS MINNS: I'm seeing the parents of Joe Massa this afternoon, Elouise and Danny. I think, like any parent, I can't believe the heartache that that family has gone through as a result of the death of two-year-old Joe. I think it's every parent's worst nightmare to be in that situation. It's a horrible, horrible event, and I can only imagine the suffering that they're going through. I understand the Minister for Health, the Ministry of Health, myself personally—we will meet with the family. We will do what we can for them, either in the longer run or the short run. Nothing I say can bring back their little boy, but I will be saying that the people of New South Wales are behind them and we all feel deep, deep sorrow for the family. It's just so shocking and heartbreaking that anyone would go through that. I thought that both Danny and Elouise have spoken so—I've only seen media reports. I haven't met them personally yet. I'm going to do that this afternoon. But I think they've just spoken so passionately and with real conviction about how they want change so that no other family has to go through this horrible heartbreak.

The CHAIR: That concludes this part of the hearing. Thank you very much for your attendance, Premier. A few things were taken on notice, which I'm sure you will get back to us on. Ms Boyd, do you have something to say?

KATE BOYD: Just on one of those questions taken on notice, you raised a very important question about vicarious liability and accountability for child sexual abuse. I can report that the Standing Council of Attorneys-General considered that decision of Bird v DP at their recent meeting on 21 February and have agreed to work together on possible reform options.

The CHAIR: Thank you very much for that important answer. Thank you very much, Premier and everyone. We will reconvene at 2.00 p.m. on the dot for questions to government officials and agencies.

(The Premier withdrew.)

(Luncheon adjournment)

Ms KATE MEAGHER, Deputy Secretary, Delivery and Engagement Group, Premier's Department, affirmed and examined

Ms SAMARA DOBBINS, Deputy Secretary, People and Workforce Group, Premier's Department, sworn and examined

Ms GILLIAN WHITE, Deputy Secretary, Social Policy and Intergovernmental Relations, The Cabinet Office, on former oath

Mr MARCUS RAY, PSM, Deputy Secretary, Economic Housing and Infrastructure Policy, The Cabinet Office, on former affirmation

Ms LUCY HARTAS, Acting Deputy Secretary, Energy, Environment and Evidence, the Cabinet Office, affirmed and examined

The CHAIR: We will recommence the hearing into budget estimates 2024-25. I welcome all of the officials. We will commence with questions from the Opposition.

The Hon. SARAH MITCHELL: I welcome those who weren't here this morning. I want to start by going back to some of the details around the work happening in Moree that I asked the Premier about this morning. I'm happy to go through you, Mr Draper, but if there's someone better to answer that's fine. In relation to the action plan, specifically, where is that up to and any information you can provide?

SIMON DRAPER: It's all but complete. I think it's going to be done by March. I'll let Ms Meagher expand on that.

KATE MEAGHER: The team started work on the action plan around about May last year. We've looked at around 70 programs that are delivered in the Moree area. That reflects about a \$20 million to \$30 million investment annually. It is a large body of work. As Mr Draper said, that service review is complete. We have made a number of findings. The action plan is in draft form at the moment, and we're just finalising that. It's due to go to Cabinet hopefully in the next month. So, it's close.

The Hon. SARAH MITCHELL: Is there a plan to publicly release it once it's been through Cabinet?

KATE MEAGHER: Yes. I don't want to speak for what the Cabinet decides on that front, but 100 per cent. This has been an extensive consultation with community, and we definitely will commit to wanting to share the findings and the action plans as a result of that.

The Hon. SARAH MITCHELL: Hoping for March, pending Cabinet processes.

KATE MEAGHER: Exactly, yes.

The Hon. SARAH MITCHELL: I am well aware of what you're saying.

KATE MEAGHER: Timings, not just about the Cabinet process, but more specifically about the final stages of community consultation on the draft. I don't want to jump the gun in terms of that level of engagement.

The Hon. SARAH MITCHELL: I appreciate that. Mr Draper, and Ms Meagher if you're better placed, following up on the actual bail accommodation facility. You said earlier you were hoping to have it open by June.

SIMON DRAPER: Yes, to commence operations.

The Hon. SARAH MITCHELL: Is there any more detail about where it's going to be located?

SIMON DRAPER: Not a lot more to add except just to confirm what we said this morning. There's an idea that rather than necessarily having a new building built by June, because that would obviously not be the case, they would use either existing buildings or potentially some temporary buildings that might be made available by that time. The idea is to start the operation by June.

The Hon. SARAH MITCHELL: With the funding commitment then, which was \$8.75 million specifically for the Bail and Accommodation Support Service, is that for bricks and mortar or is that for running the service?

SIMON DRAPER: I don't have that breakdown. We're probably better off getting the Youth Justice people to answer that in their session if you're attending that, unless you have more of a break down on that?

KATE MEAGHER: I don't have that breakdown. It would be better to probably ask Youth Justice, if that's okay.

The Hon. SARAH MITCHELL: We can follow up with them, that's fine. I want to ask about the cross-agency monitoring group which is looking at the changes to the bail laws. Has there been any reporting or data provided in terms of the efficacy of the changes?

KATE BOYD: We've had ongoing discussions with BOCSAR around the effect of section 22C amendments, which took effect in April of last year. Data around criminal proceedings is quite volatile month to month, so we're really looking for those longer term trends in terms of reliable evidence. What we can say is that the majority of people who are coming within 22C are being refused bail—roughly 8 out of 10 between April and September 2004. I suppose if the policy intent of those reforms is to ensure that repeat offenders are not back out in the community but they're being either put into a youth Justice Centre or given therapeutic options to prevent reoffending, then it is achieving those aims.

The Hon. SARAH MITCHELL: In terms of that longer term impact, BOCSAR data will be relied upon in terms of the effectiveness or lack thereof?

KATE BOYD: I think also community is an important input into how these things are playing out on the ground. We consult really closely with Youth Justice and our colleagues in the Department of Communities and Justice to get a full picture of how these reforms are impacting on communities. The discussion of judicial commentary occurred this morning. We're looking at that very closely as well, and the comments of CAPO, legal stakeholders and others who have an interest in this.

The Hon. SARAH MITCHELL: I'm just interested. Again, this is community feedback from an area—I used to live in Moree, so I declare that. This is coming from local law enforcement and the local community. Even currently with those changes to 22C, a lot of the repeat offenders—I think someone told me the other day two-thirds of them—are on bail while this is happening. There have been some recent examples of people involved in these criminal acts where they are actually out on bail. I guess people are a bit concerned that maybe the impact is not being felt, but you're saying eight out of 10 are. I'm just trying to correlate that with what people are saying.

KATE BOYD: Yes, I completely appreciate that. The scope of 22C is limited to certain kinds of criminal offending, so it may still be the case that there are people out on bail that are of concern. I think what that really goes to is looking at what support especially young people get while they are out on bail and whether or not there is enough there for them in the community to prevent this cycle of reoffending. Whether their families are supported and whether there are the necessary supports in place to get them back into education or work and to keep them and the community safe. The response is not simply a criminal justice response. It is an end-to-end response that involves community, law enforcement, families, education and health. It's a full cross-government perspective that we're trying to bring to this.

The Hon. SARAH MITCHELL: Again, with Moree as the example in bail accommodation, people are like, "There were commitments around this." They're wanting to see that impact. I appreciate that's a matter for the government of the day as opposed to you as public servants. I'm going to move quickly to a different topic. It's in relation to forestry and the steering committee for the Great Koala National Park. Is that you, Ms Hartas?

LUCY HARTAS: Yes.

The Hon. SARAH MITCHELL: Did the steering committee for the Great Koala National Park unanimously sign off on submitting the improved native forestry method to the Commonwealth for development?

LUCY HARTAS: I'll take that on notice because I've joined more recently than it being submitted to the Commonwealth. I was on maternity leave for some of last year when I think the method was originally proposed. I'll take on notice as to when and how it was approved.

The Hon. SARAH MITCHELL: Given that, you might need to take some of these on notice as well. How was the decision made to send a carbon method to the Commonwealth for the cessation or deferral of public native forestry?

LUCY HARTAS: I'll have to take that on notice as well.

The Hon. SARAH MITCHELL: That's okay. Have any concerns been raised about how Mandala Partners were appointed as the sole consultants to lead the economic and social assessment on behalf of Government for the proposed Great Koala National Park?

LUCY HARTAS: Yes. They have been raised by the industry panel as part of the consultation mechanism that is used for the Great Koala National Park. The industry panel raised some concerns with the steering committee late last year. That has been raised in that context. The discussion with the industry panel at that point in time was about, given they are well progressed in their work, was the steering committee party to that procurement decision and did the steering committee have any concerns about Mandala. I would just reassure you

that the Mandala work is but one component of what would go to government to consider for the Great Koala National Park. So it's not necessarily the be-all and end-all, but it's certainly a helpful piece of work that has been done.

The Hon. SARAH MITCHELL: I appreciate what you're saying, but has there been any work done about perceived or actual conflict of interest in relation to Mandala partners consulting on national parks while they're also being paid by an NGO that is not as favourable when it comes to native forestry? Is that something that your agency has looked into?

LUCY HARTAS: Not that the Cabinet Office has looked into, but we don't hold the procurement contract with Mandala. That's the Department of Climate Change, Energy, the Environment and Water, so it would probably be a matter for them as to whether they've conducted any of that.

The Hon. SARAH MITCHELL: We will follow that up with them.

KATE BOYD: Can I add to that, Ms Mitchell? Obviously there's a whole-of-government commitment to reduce reliance on consultants. This is one area where evidence is very contested and there are very strong views on both sides—and passionate, well-informed views. Part of the role of the Cabinet Office is to bring quality evidence to government on these really difficult policy issues, and ensure that that is beyond reproach. That's definitely a factor.

The Hon. SARAH MITCHELL: My last question on this topic is whether there was a competitive tender for the appointment of a group to lead the economic and social assessment for the Great Koala National Park.

LUCY HARTAS: Again a question for DCCEEW as the procurer, yes.

The Hon. SARAH MITCHELL: Moving now to some questions around public sector remuneration grades, Mr Draper, there was a question on notice put by my colleague Mr Tudehope about the breakdown of public sector employees by remuneration grades for 2023 and 2024. The response from the Premier directed us to the *State of the NSW Public Sector Report 2023* produced by the Public Service Commissioner, but that doesn't have any breakdown by remuneration grades. The public sector report that was produced by your department also doesn't have a breakdown by remuneration grades. Can you advise why this report, which has been taken away from the Public Service Commissioner and I think put under the department now—why they no longer report on the breakdown by remuneration grades?

MARCUS RAY: You're saying the previous one didn't report on it either. Is that correct?

The Hon. SARAH MITCHELL: Yes, but my understanding is that information wasn't provided when asked. I'm asking on behalf of my colleague who can't be here. We were misdirected, effectively, to a report that didn't provide the data that was asked for.

MARCUS RAY: I'm going to have to take—unless you have any more information on that, Samara?

SAMARA DOBBINS: I do recall the question.

The Hon. SARAH MITCHELL: I do have a copy of it but I'm trying to find it.

SAMARA DOBBINS: I do recall the question on notice. That is correct. I believe the last two NSW Public Sector and Workforce Profile reports have not broken down the data to that level. Agency annual reports do have remuneration for senior executives but not for the award-grade staff. I can't explain why it may have been in previous reports and not in the last two reports, but that is certainly something that we can look at now we have responsibility.

The Hon. SARAH MITCHELL: I've now got question on notice 3186 in front of me, but you said you were aware of it, Ms Dobbins. Again, on behalf of Mr Tudehope, is that breakdown that he was looking for something that can be provided on notice?

SAMARA DOBBINS: Not retrospectively, because I don't believe we collected it as part of the workforce profile, but I can take that on notice.

The Hon. SARAH MITCHELL: Mr Draper, at the last hearing of this Committee we talked about the draft policy regarding return to the office for public servants. At the time I think you said that you were consulting with staff. Has that policy now been finalised?

SIMON DRAPER: Just to clarify, there are two things. One is the circular that I issued to all the public service. The essence of that circular was to say that every department should create a policy about workplace presence. Then there's the creation of policies themselves. Our department, jointly with the Cabinet Office, we've

got our own policy. We drafted a policy. We consulted staff about it. We held town halls and we adopted our policy, I think it was in October.

SAMARA DOBBINS: October.

SIMON DRAPER: October last year. That policy is now in place.

The Hon. SARAH MITCHELL: The objectives are obviously in line, I'm assuming, with what the Premier had asked in terms of the return to work. Is that the main—

SIMON DRAPER: Yes. Well, it actually came from the public service itself rather than from the Premier, but the Premier was quite supportive of it. The primary message is that, by default, we would work in the office, but we're very open to flexible working, and that it's open to making arrangements for individuals to work in other locations on a routine basis, but they need to get approval to do so.

The Hon. SARAH MITCHELL: Do you have any indication of what proportion of staff within your agency have returned to the office for all or part of their week based on that policy?

SIMON DRAPER: I don't have that number. We've had a significant return to office with staff who are routinely working at home or other locations up until that time last year. Probably the most significant change is that those who routinely work in another place have to have an approval in place to do so, but we've had very high occupancy of our office space since about late last year.

The Hon. SARAH MITCHELL: But do you have any measurements across the department around how many? I appreciate you saying that more people are back, but are you quantifying or collecting that in any way?

SIMON DRAPER: Basically everyone is required to be back in the workplace across the full working week, unless they have some other arrangements in place. There is allowance for ad hoc arrangements where someone says, "I've got an appointment close to home. I'd like to work from home that day." Those sorts of things are still allowed—they don't have to have a formal arrangement in place—but any other arrangement requires a formal approval.

The Hon. SARAH MITCHELL: In relation to the broader circular and that consistency across government—and I think you said last time that agencies are working through their own plans—are you aware of whether all departments now have their policy in place? I think you mentioned yours kicked in towards the end of last year. Is that the case across every other agency?

SIMON DRAPER: I think most of them have it in place, either that or advanced stages of consultation. They have to go through a consultation process, which we also did with unions and with staff. Some of them are still in that process, but they're all in pretty advanced stages, as I understand it.

The Hon. SARAH MITCHELL: How is that feeding into requirements around office space and what you need to do for each of those agencies? That's something that gets raised quite consistently.

SIMON DRAPER: I couldn't speak to all the agencies. In our case, office space has definitely been something we've had to address, partly because over the years since COVID we've given up some office space for other uses. We are creating more workstations and meeting rooms within our existing envelope that we have to allow more people to work in the office.

The Hon. SARAH MITCHELL: I'm struggling a little bit. I appreciate that the circular went out and the Premier was supportive, but is there any way that you can measure for success consistently across government agencies that yes, people are back at work? Is that being counted? Is that being tracked in any real way?

SIMON DRAPER: We're not centrally tracking that, no. We issue a circular. Our requirement is for those agencies to have a policy and the policy should have certain features, the main feature being that, by default, people work in the workplace unless they have a formal arrangement in place to do otherwise. Even when they have a formal arrangement in place to do otherwise, it should be principally in the office.

The Hon. SARAH MITCHELL: Ms Dobbins, going back to that report that I was asking about before, I'm told that the 2023 report had the breakdown of that data but the 2024 report didn't. Is that your understanding as well?

SAMARA DOBBINS: I'm going to have to plead ignorance on that one and I'm very sorry. I can take it on notice. You're probably correct. The function has only recently transferred to us, so we certainly didn't make an executive decision not to include that data. But I can look into how, why and whether we'll include it next time.

The Hon. SARAH MITCHELL: Just to pick up on your answer, if there wasn't an executive decision not to include it, I'm curious as to who made the decision not to have it when it had been there previously.

SAMARA DOBBINS: I'm not sure, I'm sorry. The function didn't transfer to us until September last year. There was significant work already done by the Public Service Commission up to that point. The Premier's Department took it on and completed it. But the people working on that report now report to me. I can look into it.

The Hon. CHRIS RATH: This is probably mostly to you, Ms Boyd, but feel free for anyone else to jump in as well. Has the Premier or anyone in the Premier's office requested information regarding the previous Government's travel?

KATE BOYD: No. Let me clarify that. They've asked for our advice about how certain policies and rules have been interpreted and what the practice has been, but I'm not aware—I mean, it's always open to anyone to lodge a GIPAA. I'm not sure of whether or not that has been pursued by individual members of the Government. I can check that, but they have not come to the Cabinet Office and asked for records or documents relating to specific travel undertaken by previous members. They have asked us for advice about practice, convention and how rules have been interpreted.

The Hon. CHRIS RATH: Yes, any additional information you can provide would be great as well.

KATE BOYD: Sure.

The Hon. SARAH MITCHELL: Just on that advice about practice, is that just in general terms or specifics?

KATE BOYD: Particularly as we've been doing the review of the ministerial office handbook insofar as it regulates vehicles and drivers, there has definitely been a conversation about, practically, what this means, these rules in the past, and how that has been applied by the department. In that conversation we look at how things are generally done. That would, of course, involve how it was applied for the former Government, given that there has been a recent change of government. But, no, there hasn't been a specific request for State papers of the previous Government or any other information about specific travel by former Ministers.

The Hon. CHRIS RATH: Do you have any information you could provide to the Committee, then, on how the Government became aware of the use of an RFS plane in order to give notice of their own SO 52?

KATE BOYD: I could be wrong, but I think that was publicly reported in the days leading up to the SO 52. My recollection is that there were media reports around that particular incident, but I think that's probably more a question for the relevant Ministers or members as to how they became aware of it.

The Hon. MARK LATHAM: Mr Ray, with your economic policy remit, there are three big economic issues in New South Wales: productivity, productivity and productivity. Australia's performance has declined rapidly over the past eight years, with our living standards dropping by 10 per cent as a result. People may not like this, but the shining example internationally of strong productivity gains since 2018 is the United States. It has had a 13 per cent increase in living standards, so a 23 per cent gap opening up between our country, our State and the United States. What work have you been doing on a productivity policy for New South Wales to try to turn this around?

MARCUS RAY: Thanks for your question, Mr Latham. The Government obviously has been working on a number of policies: industry policy, innovation policy and a range of different areas. We've been looking at productivity under the housing system as well. I can certainly speak to the reforms that the Government has introduced in relation to housing to improve outcomes and improve housing supply. There has been a great deal of those reforms, most recently in the last week about low-rise and mid-rise housing, and previously in relation to the announcement of transport oriented development, and also various other precincts and renewal rezonings there—increases in dual occupancies and all of those sorts of things—in order to improve outcomes in housing, per se.

The Hon. MARK LATHAM: Does that relate to labour productivity? Housing stock doesn't necessarily change labour productivity. You have to do some things about the construction of housing, getting rid of BASIX or something like that to make it easier, more affordable and more profitable for the company to build a house per unit of labour. Has that been happening?

MARCUS RAY: Labour productivity has been a very thorny issue, particularly in the construction industry. There has been a recent report from the Commonwealth Productivity Commissioner in relation to that. As I said, the Government is working on that industry policy and working on trade and investment strategy and a range of other policies. Those are matters that are being carried forward by Minister Chanthivong and his administration. We are assisting in the development and bringing different agencies together in the development of those matters.

The Hon. MARK LATHAM: My experience is that industry policy sends labour productivity the wrong way. Anyway, maybe on notice you can give us some feedback about the implementation of the national Productivity Commission recommendations about housing.

MARCUS RAY: Yes, absolutely.

The Hon. MARK LATHAM: Which ones you're going to take up and implement.

MARCUS RAY: Yes, and there are a range of matters that are actually there for the Commonwealth as well as for the State.

The Hon. MARK LATHAM: Ms Hartas, on energy policy, I think late last week the head of Rio Tinto's majority owner in Tomago said that when the coal-based electricity contract runs out in three years, they're expecting their electricity prices to double off the back of renewables. He's casting doubt over whether or not we'll have aluminium smelting in New South Wales at Tomago. BlueScope have said they could halve their energy costs by going to Ohio in the United States, which in part they've done with their investments—again, coal based, and also they've got a nuclear input. What work have you been doing to bring down energy costs in New South Wales so we don't continue this pattern of de-industrialising?

LUCY HARTAS: We are at the pivotal point in time where we need to shift our energy usage. I think Tomago and several others are on historical coal-based energy contracts at the moment. As we're at this point in time where we're transitioning towards renewables, and there's great effort that's going in across government to renewable energy zones—particularly in Central-West Orana, but elsewhere in the other REZs as well—it is at this point in time when it will be the awkward transition period, necessarily.

Work is underway across government to see what could be done to support industries like that, and particularly manufacturing, given the focus on domestic manufacturing in New South Wales. We work really closely in the Cabinet Office with our colleagues in Investment NSW and with the Department of Climate Change, Energy, the Environment and Water to make sure that we're coordinated across government to see what can be done. I don't necessarily say that we have an answer for Tomago here today, but suffice to say there is work underway within government to see what could be an option for Government consideration.

The Hon. MARK LATHAM: On notice, could you give us an outline of the nature of that work?

LUCY HARTAS: Yes, happy to.

The Hon. MARK LATHAM: It might be a bit too extensive to provide today here at estimates, but thank you for that. Mr Draper, can I bring you to the Local Small Commitments Allocation scheme, which I think perhaps, in the history of governance, is the most politically laden vote-buying grant scheme ever invented by any political party. We're after innovation in New South Wales, but I'm not too sure this is the Labor Party innovation that we actually needed, given that the scheme was solely designed to buy votes. Its grants were allocated and are now implemented by people who were never elected to Parliament and never within cooeec of Executive Government. It is politically laden, and the implementation costs seem to be quite substantial in implementing this for the benefit of the Labor Party. Have you contemplated the impartiality of the New South Wales public service being junked here? An independent public service would say to the Premier, "This is so political, we really can't work on this, because it's something the Labor Party should fund and do off its own bat."

SIMON DRAPER: Most of the statements that you've made the Premier addressed this morning. I know you weren't here for that, but he talked about that element of it this morning. I won't go into that. From a public service point of view, we're very satisfied that the approach we bring to that program is sound. It adopts the use of the grant guidelines which were adopted, I think, in 2022, if I'm not mistaken. Kate, was it 2022?

KATE BOYD: Yes, I think it was the year before.

SIMON DRAPER: In 2022 the new grant guidelines were adopted, which brought much more rigour to the way we manage grants in New South Wales. That was obviously off the back of some concerns about the previous practices in managing grants. Our teams have used the grant guidelines rigorously and they have evaluated all the proposed grants using guidelines, and guidelines designed specifically for that program. We are very satisfied that that group has acted impartially and professionally in doing so. They've provided advice to a Minister, which is the normal course of things. Some of the advice or recommendations were for the Minister to not proceed with grants, and the Minister adopted those recommendations. They have done thorough checks and evaluated all those grants against the guidelines, and I think that's in the best spirit of the public service.

The Hon. MARK LATHAM: Do you honestly believe that a public servant working on this scheme implementing grants allocated by, say, the defeated Labor candidate in Wollondilly, where I live, on behalf of the Labor Party honours the impartiality and apolitical nature of the New South Wales public service?

SIMON DRAPER: Yes.

The Hon. MARK LATHAM: Really?

SIMON DRAPER: For the reasons I just said. The public servants were asked to evaluate proposals—

The Hon. MARK LATHAM: Oh, I know, but once lodged—

SIMON DRAPER: They've used a rigorous process for doing so. They've acted using all public service values in doing so. They've used guidelines which are published and well-known to the members of this Parliament, and they have applied that thoroughly. And so my answer is yes, that they will act impartially in the reputation—

The Hon. MARK LATHAM: That's in the evaluation of the Labor Party grant proposals, but in the origins of the grant scheme, it's so blatantly vote-buying political that surely anyone working on it would think, "I'm really just doing something here to aid the electoral prospects of the Labor Party".

SIMON DRAPER: The public service operates in the context of Parliament and a contested political environment during elections. Election commitments are made by all members of Parliament and parties. When an Executive Government is formed, the public service is, in part, there to help the Government implement their election commitments, subject to it being in accordance with any guidelines or laws we have in New South Wales.

The Hon. MARK LATHAM: As head of the New South Wales public service—I suppose that's your role still, under the new arrangements?

SIMON DRAPER: Yes.

The Hon. MARK LATHAM: What was your own personal reaction to those statements by the two nurses at Bankstown that have become so notorious?

The Hon. CHRIS RATH: Point of order—

The CHAIR: No point of order is necessary. We can't ask public servants for their personal—

The Hon. MARK LATHAM: What was your professional reaction to it as head of the public service?

SIMON DRAPER: My professional reaction was I was extremely disappointed that any public servant would bring into disrepute any other part of the public service or make any member of the community have any doubts at all that when they approach a New South Wales Government service provider, they would not be treated with utter respect and be treated equally no matter what their background or identity.

The Hon. MARK LATHAM: Do you think there's a problem where, for 15 years at least, the New South Wales public service has been saying to its workers, "Bring your whole self to work—bring your identity, bring your politics, bring your nationality, your religion, your racial background, your sexuality—bring your entire self to the workplace"? That's exactly what those two did in terms of those barbaric, pro-Palestinian interpretations against Jewish patients. Isn't this part of the ethos, and a very unfortunate spin-off of something that might not have been very well advised in the first place?

SIMON DRAPER: No.

Ms ABIGAIL BOYD: On that Local Small Commitments Allocation, I think there were a couple of important things that you mentioned, Mr Draper. The first one was the idea of this program being election commitments. How do you make sense of candidates going around and offering money to people on the basis the Government might be elected, and it's unpublished and no-one knows about it? How is that the same as ordinary election commitments that are announced and everybody knows about?

SIMON DRAPER: We relied on the Government to advise us what election commitments they had made in that regard. That's some evidence provided to the inquiry that's going on into that program. That's usually the case with most election commitments. We need to know which statements made during elections the Government stands by as election commitments, and which ones may have been a comment made or undertaking made by a member out on the hustings. We do always rely on the Government's view on which of those are election commitments.

Ms ABIGAIL BOYD: Election commitments are normally publicly made, normally costed, and something that you are then able to independently assess. Within the public service, you're able to say, "I can see that was an election commitment."

SIMON DRAPER: I think the actual election commitment is for the overall scheme, for the \$37 million scheme over the 93 electorates.

Ms ABIGAIL BOYD: Okay—which was announced shortly before the election, even though these particular announcements—not announcements, emails to community groups and things—happened in the months prior to that. When you look at the grant guidelines that were drawn up, one of the criteria is that it needs to have been a commitment that was made prior to the election. But I understand that the people who have been responsible for checking each of those grants against the guidelines have just followed a list that was provided to them by the Premier's office. Do you think that's sufficient?

SIMON DRAPER: As I said, we have to rely on the Government's view of the commitments it made prior to the election. We haven't got a role to go and tell a political party or a government which commitments they made. We relied on their advice on what commitments were made, and then assessed each of those proposals.

Ms ABIGAIL BOYD: I asked this question in the inquiry; I'm still confused by it: Why, then, was there a specific requirement to be met under those guidelines—made up after the event, I might add, in June or July after the election? We have a set of guidelines created where one of those requirements for people to check off is that it was in fact a commitment made before the election by the particular candidate, but then when it comes to checking whether that's been met or not, the people doing the checks just go, "I just got this note from the Premier, so that's okay".

SIMON DRAPER: Maybe one way to think of it is to turn it around the other way. Can you imagine public servants going around telling political parties which commitments they have made?

Ms ABIGAIL BOYD: But that's not what I've asked.

SIMON DRAPER: That's not a role that we would have. That's something done in the process of an election campaign. It's not for public servants to go back and tell any political party or candidate—

Ms ABIGAIL BOYD: I agree with you, but that's not what I've asked. I've asked why that was a requirement in guidelines that came out three months after the event. Why didn't the guidelines just say, "We will be assessing everything on a list given to us by the Premier," instead of dressing it up as though it's something independent and saying, "We will check." Basically, that's what that requirement is. It says it was a commitment made prior to the election, as though there was something independent to go and check, when in fact that wasn't done. All that was done was a list that came from the Premier.

SIMON DRAPER: I reject the idea that our staff have dressed anything up.

Ms ABIGAIL BOYD: I'm not saying the staff have dressed anything up.

SIMON DRAPER: The guidelines were designed to help deliver the election commitment of the Government to have a \$400,000 allocation for all 93 electorates. That's why the guidelines refer to that. That was an election commitment that was made prior to the election. We were helping the Government implement that commitment.

Ms ABIGAIL BOYD: It doesn't really answer the question as to why it was done that way by the department. Can I turn to safer ground? Apologies, I'm not sure what now fits within the PSC and what fits within the Premier's Department, so if these are actually for the commissioner, let me know. I wanted to know what the progress is on getting all departments and agencies to develop their disability inclusion action plan. I understand there's been huge delays in having updated versions. For instance, Transport for NSW has been saying they're going to have it for multiple years and they still haven't published anything. What is the status of those, and what do you do to hurry people along?

SAMARA DOBBINS: Diversity and inclusion remain responsibilities of the Public Service Commissioner.

Ms ABIGAIL BOYD: I'll have to wait. One of the things that we asked the commissioner last session—and we were told, "No, that's actually the Premier's Department now"—was in relation to the monitoring of the New South Wales public sector gender pay gap. One of the questions we asked was what the gap would be if we reported it on the same basis that the private sector reports, including overtime bonuses, additional payments et cetera. Is that something you're able to tell me?

SAMARA DOBBINS: It is our responsibility now. We are responsible for the Workforce Profile and the Public Sector Report. But I'm sorry, I can't tell you off the top of my head. I'm happy to take it on notice.

Ms ABIGAIL BOYD: Do you know if it's something that actually—I'm not sure why we've only ever had that limited gender gap reporting from the public sector and then it gets held up next to the private sector as though it's better, but we don't really know because it's not comparing like with like?

SAMARA DOBBINS: I don't know, I'm sorry.

Ms ABIGAIL BOYD: All right. Who do I ask about disability training for public departments? Is that still the commissioner?

SAMARA DOBBINS: Yes. It's the Public Service Commissioner. We can talk about the Cabinet Office and the Premier's Department. I think we might have discussed it at the last hearing, but for the sector it's the office of the Public Service Commissioner.

Ms ABIGAIL BOYD: Okay. I will wait. The workplace adjustment policies—I understand that directions have finally been issued for that. Are you able to tell me who does and who doesn't have a policy in place now in terms of workplace adjustments?

SAMARA DOBBINS: Again, it's a question for the Public Service Commissioner, but our departments do have a workplace adjustment policy. I believe there's a lot of work underway in every government department under the recommendations in the disability review that we did sector wide. That's one of the key recommendations, and a lot of progress has been made. But I know the Public Service Commissioner would be happy to talk about that this afternoon.

Ms ABIGAIL BOYD: Is there an easy way? The PSC was basically almost halved, I think, from memory, or maybe more. It was significantly reduced in terms of its resources. Is there an easy way for us to know what now sits with the commission and what sits with the Premier's Department?

SAMARA DOBBINS: I can give you a summary. I'm sure Ms Lo can expand on this, but essentially the Public Service Commissioner is responsible for the statutory and oversight functions of the public service and public sector agencies, so things like the ethical framework, the values, the frameworks and rules around senior executives—that kind of thing—and diversity and inclusion. Everything else—workforce planning, workforce profile, the PMES, or the People Matter Employee Survey, mobility and things of that nature—have all moved to the Premier's Department.

Ms ABIGAIL BOYD: What about things like implementing the sexual harassment policy that was supposed to be implemented across all departments by March last year?

SAMARA DOBBINS: Also the Public Service Commissioner.

Ms ABIGAIL BOYD: Okay. Is that thought of as inclusion, or is it because it's a workplace safety issue?

SAMARA DOBBINS: It's a good question. Honestly, I can't remember why it fell on that side of the fence, but it definitely did.

Ms ABIGAIL BOYD: I will leave it there, thank you.

The CHAIR: Have you got one more, Mark?

The Hon. MARK LATHAM: I've always got one more. Just coming back to the question of the nurses at Bankstown hospital, how can we explain what they did, other than that they brought their whole self to the workplace and thought that, in the environment where 20 or 30 different political programs are run in the New South Wales public service, their type of politics—as barbaric as it was—was somehow acceptable? How can we explain what they did in the workplace setting other than they took your advice to bring their whole self to work?

SIMON DRAPER: Well, I think it's an incredibly long stretch, Mr Latham, to say that when somebody does something wrong it's because the organisation that employs them has promoted it. That's just really nonsensical.

The Hon. MARK LATHAM: Well, a political environment's been created, so they probably thought, "My type of politics, why can't I bring that to work like anyone else?"

SIMON DRAPER: Let me maybe address it in this sense.

The Hon. MARK LATHAM: It's a dangerous thing to do, isn't it, to politicise workplaces.

SIMON DRAPER: In the time that I've been the Secretary of the Premier's Department—as you put it, the head of the public service—as soon as we had the events of 7 October last year, we have repeatedly sent out messages, including after that event, reiterating to all members of the public service that they're there to serve the public. It's not about us; it's about the public. We all have our own private backgrounds, communities, connections, affiliations, but they are not something to bring. In fact, my message is that is not something to bring into the workplace.

The Hon. MARK LATHAM: The wrong politics to bring.

SIMON DRAPER: That is not something to bring into the service of the public. Our responsibility is to uphold the impartiality and integrity of institutions that we serve. That's our message to the public service.

The CHAIR: Thanks, Mr Draper. The Opposition?

The Hon. MARK LATHAM: Right. I'll come back to this, good-bad.

The Hon. CHRIS RATH: I'm just following up on my last line of questioning about the RFS plan and the SO 52. Ms Boyd, were you consulted with before the Leader of the Government gave notice of the motion for an SO 52?

KATE BOYD: I don't know whether I was consulted before that or not. I definitely was consulted about the scope of the order at some stage, but I can't say whether that was before or after, and I didn't follow the debate, unfortunately, so I'm not sure whether or not that was before, after or during.

The Hon. CHRIS RATH: Or anyone else in your department—or it was probably with you?

KATE BOYD: I can take that on notice but that would be unusual, given that most standing orders don't originate from the Government. But I can definitely take that on notice.

The Hon. CHRIS RATH: Yes. It's very rare, wouldn't you say, for a Government—

KATE BOYD: Who needs it, Mr Rath?

The Hon. CHRIS RATH: —to do an SO 52. Have you seen it done before?

KATE BOYD: I've certainly seen governments—and this is both current and former governments—seek to negotiate the terms of the order such that they capture documents of interest to them; so, yes, it's not unprecedented.

The Hon. CHRIS RATH: Just very rare. But do you have restrictions in place for the current Government having access to documents of the previous Government?

KATE BOYD: Yes.

The Hon. CHRIS RATH: I know it's a standard Westminster tradition that the Government can't access the documents of the previous Government. What sort of processes are in place or guidelines to ensure that that doesn't happen?

KATE BOYD: There's a Premier's memo called Caretaker Conventions that's issued, or reissued, before every State election, which reiterates the guidance to the public service around the State papers of former governments, particularly the Cabinet records. Those are at the apex of documents that are protected from disclosure to an incoming new government. There are clear rules in that and very detailed guidance to the public service about how to go about serving a new government without compromising that obligation to keep the State papers of a former government confidential.

What I would say, though, is there is no restriction on the public service providing facts and information to a new government to help them with the administration of their portfolios. Generally, information and facts contained in previous government records are able to be provided, even if the record itself is not provided to the incoming government or the new government. Then we have a whole raft of IT protocols, which I won't bore you with, around archiving of papers before an election event so that there is a physical and digital separation of government records before a potential change of government.

The Hon. CHRIS RATH: If Ministers wanted documents from the previous Government, they would essentially have to do an SO 52 into the previous Government to get those documents?

KATE BOYD: Yes. If they were State papers that we were not able to provide to them, yes, that's true.

The Hon. SARAH MITCHELL: I want to go back to Local Small Commitments Allocations again. I just have some questions about the guidelines, probably to you, Ms Boyd, but, again, it's fine if others want to comment. You were here this morning when I talked about the eligibility for the projects, and the guidelines at 3.2, which state, "All projects must have been nominated as an election commitment prior to the March 2023 election." Are there any exceptions to that?

KATE BOYD: Yes. I think the grants guide itself does contain some guidance for agencies where a slavish adherence to the criteria wouldn't be in the public interest. There is clearly some flexibility around that, provided that it's appropriately documented. So, yes, I think it would be a question of form over substance to apply criteria slavishly. There is potential, or it can be done to say, "Look, the grant doesn't quite meet the criteria, but

in any event we recommend that it be approved", for example, and that advice and those decisions are all meant to be public under the guide, so there is transparency around that.

The Hon. SARAH MITCHELL: Picking up on that again—and you would have heard me ask the Premier about it this morning—there are some examples we found where amounts have changed. I think the Premier referred to four projects post-election that there had been changes to. From my perspective, that's a bit concerning because the public perception of this is that these were all election commitments that were made, but now afterwards it appears that changes can be made for some reason. How does that stack up?

KATE BOYD: For me, in looking at this in terms of the grants guide, I think the important point is that each expenditure of public money has been independently assessed by a public service agency and a recommendation had been made to the Minister, who's the decision-maker, as to whether this expenditure is in the public interest. So the origins of it, whether it was announced before or came up in their heads after, is pretty not to the point for me in terms of public sector integrity and the prudent expenditure of public money. The independent assessment of the grant, whether it had merit, whether it was a good use of public money, whether or not the recipient was an appropriate recipient with good governance—all of those things were looked at and a recommendation was made. I'm not that familiar with all of the advice that was provided under this grant program because I wasn't involved in its administration, but my understanding is that some recommendations were made not to go ahead with grants, even though they had been election commitments, and the Minister took that advice. I think that's the important thing for anyone looking at this program generally.

The Hon. SARAH MITCHELL: Again this is focused on the electorate of Sydney. One organisation, in some of the papers that we got through the call for papers, was getting \$10,000 and suddenly it was \$100,000. That is quite a significant increase in funding. Somewhere in the line of paperwork, it has moved from one to the other. I appreciate what you're saying around probity and potentially an organisation no longer being eligible, but effectively it was given 10 times the amount that it had previously been allocated. When we got evidence from Ms Morgan at our inquiry last week, or the week before, there was evidence about changes because mistakes were made and there were corrections from the Premier's office. To go from \$10,000 to \$100,000 is a pretty significant jump.

KATE BOYD: Yes.

The Hon. SARAH MITCHELL: How can something like that occur if these things had to be made as commitments prior to the election?

KATE BOYD: Again, I would say it's part of the deal, essentially, when you're moving from Opposition to government. There is not the benefit of a very sophisticated bureaucracy to make election commitments that are, I would say, well planned and well thought through. There were bound to be adjustments following the election and Ministers' offices having the benefit of better advice around particular recipients. What I would say is that it's perfectly appropriate that the Parliament would scrutinise the \$100,000 expenditure. That is a very reasonable thing to look at. But what I would say about it is that that expenditure had been assessed and had been looked at as to whether or not that quantum was appropriate and represented public value. That really is the area of inquiry that is relevant, I think—not whether it was an election commitment or whether it changed.

The Hon. SARAH MITCHELL: It does say in the guidelines that it had to have been nominated as an election commitment. Again, not casting any aspersions on the organisations themselves—just to be very clear on the record that that is not our concern—but things seemed to change post-election that we are unclear about. But we will keep prodding. Moving to the issue with the Sydney electorate and the grants now totalling \$425,000, they are published as grants approved and the total amount is above \$400,000. Do you have any information about the process for the approval of an extra \$25,000 and why they got that?

KATE BOYD: I'll hand to my colleagues.

SIMON DRAPER: It's probably better if myself and Ms Meagher respond to that. The actual amount is just \$400,000 for Sydney electorate. I think some information that you, through no fault of your own, have accessed is incorrect.

The Hon. SARAH MITCHELL: It was on the website yesterday.

SIMON DRAPER: That's right.

The Hon. SARAH MITCHELL: There is a mistake on the website?

SIMON DRAPER: A mistake on the website, so apologies for that, but it is \$400,000 that has been allocated.

The Hon. SARAH MITCHELL: What is the mistake?

KATE MEAGHER: There was an additional \$25,000 allocated for one project. That was the error, I understand. I've had advice from the team. They are checking it.

The Hon. CHRIS RATH: Was that mistake potentially made because the amounts of funding to each of the different groups have been changed since the election?

KATE MEAGHER: I can't comment on that. But the breakdown against each project that we've been given is different to that one amount. What has been assessed is the correct amount. I'm not sure exactly why one was off by that \$25,000. It's just an error in the publishing, that's all.

SIMON DRAPER: As a general comment, it's been clear each electorate is to get \$400,000, if it is feasible, and where there aren't grants that can be made to non-government organisations or others, that money goes to council. There is a certain degree of trying to make sure that we're reconciling the amount that's going and making sure that it stacks up to that 400,000.

The Hon. SARAH MITCHELL: Which of the grants was wrong, just so that we're clear on that?

KATE MEAGHER: I do know it, but do you mind if we don't say the name of the organisation? Do you want us to take it offline, or are you relaxed about that?

The Hon. SARAH MITCHELL: With respect, it was on the website.

KATE MEAGHER: Okay, sure—St Canice's.

The Hon. SARAH MITCHELL: It's not having a go at them.

KATE MEAGHER: No, that's fine.

The Hon. SARAH MITCHELL: And not at all reflecting on the organisation, just for clarity, because online, as of last night, it was still there.

KATE MEAGHER: That's correct. Can I just add one minor thing?

The Hon. SARAH MITCHELL: Yes, sure.

KATE MEAGHER: Just with regard to eligibility and how things do change, between when the election was held and when we started administering the guidelines, some organisations got on and finished projects or didn't need the money anymore, so that's why some projects dropped off and that balance went towards council. Just so you know that things moved around.

The Hon. SARAH MITCHELL: Yes, I understand that, and I understand some organisations didn't proceed with their deeds of funding. I get that. I guess our questions are more around amounts changing. Anyway, I'll hand over.

The Hon. CHRIS RATH: This goes to the questions from Mr Latham and Ms Boyd about Local Small Commitments Allocation. I am looking at a brief from 1 November 2023, which is entitled, "Process for engaging with local MPs and Labor candidates to complete a declaration of any interests in nominated projects". The brief basically goes into detail about dealing with Labor candidates in the 93 electorates. Are you concerned that the Premier's Department essentially now needs to make contact with each of the 93 Labor candidates post the election to try and find out what the election commitments were to each of the groups? Isn't it potentially undermining the independence of the public service if they are only making contact with Labor candidates about election commitments and not all members of Parliament or Executive Government?

SIMON DRAPER: The short answer is no. But the process you're describing I think would relate to where we were asked to specifically check whether there were any conflicts of interests.

The Hon. CHRIS RATH: That's right.

SIMON DRAPER: That wasn't all 93; it was, I think, 17. I think the process there was we sought advice on who the contact person was and that was a managed process. We had probity advisers who worked alongside our staff and made those contacts and asked specific questions, so I am quite satisfied that that was an appropriate process.

The Hon. CHRIS RATH: I understand that. It says the process will support engagement with local MPs and Labor Party candidates who nominated organisations to apply for funding through the Local Small Commitments Allocation prior to the 25 March 2023 New South Wales election. You said you were dealing with 17, but that is a self-declared process, isn't it? Of the 93 Labor candidates, 17 of them declared a conflict?

SIMON DRAPER: No, the Minister responsible—the decision-maker—said for certain places he wanted to ask some more questions and he wanted to do his own due diligence, and he asked us to undertake another layer

of due diligence on conflicts of interest. We contacted those parties and we were asking very specific questions about whether they had a conflict and the nature of the conflict, if it existed.

The Hon. CHRIS RATH: What about the balance of the 93 minus 17? Why wasn't an assessment done of those? Why was it only the 17?

SIMON DRAPER: It's kind of a risk-based approach. As Ms Boyd was referring to, we were evaluating use of public funds and making assessment about whether the proposed use of those public funds met the grant guidelines and the guidelines for this particular program and was a proper use of public funds. That was a very thorough process in itself. The decision-maker—the Minister—asked us to undertake an additional layer of due diligence, as I've said, on conflicts of interest.

The Hon. CHRIS RATH: Just on those 17?

SIMON DRAPER: On the 17, because issues had been raised or issues had come to his attention and he wanted to assure himself that there wasn't something that he should know about, so we provided that advice. But the contact with those members or candidates was very structured and, as you say, there is a memo about how to go about doing it. It was focused just on the question of conflict of interest and engaging them to disclose any conflicts they may have had.

The Hon. CHRIS RATH: But how can we have confidence, with those outside of the 17, that there isn't a conflict of interest between the candidates and the projects in those?

KATE MEAGHER: I might be able to assist with that, Mr Rath. Our understanding is that those conflicts were managed at the point of nomination prior to us administering the program. We were given advice that a conflicts process had been run at the point of those projects being nominated.

The Hon. CHRIS RATH: By the Labor Party?

KATE MEAGHER: Correct.

The Hon. CHRIS RATH: So basically pre-election conflicts were managed by the Labor Party.

KATE MEAGHER: Correct. That's right.

The Hon. CHRIS RATH: Post-election conflicts you were told, "Look into these 17 because there might be a conflict there"?

KATE MEAGHER: Correct. We also had our own conflicts process around our assessment panel looking at the projects as well, so there were a number of checks along the way.

The Hon. SARAH MITCHELL: Who gave your agency the advice that those conflicts had been looked at prior to the election by the Labor Party?

KATE MEAGHER: I'll take that on notice. I can't recall. I'll check with Ms Morgan.

The Hon. CHRIS RATH: In the guidelines for the local small commitments, we saw that, originally, there was a foreword from the Special Minister of State and also one from the Premier that was—

KATE MEAGHER: Sorry, a what?

The Hon. CHRIS RATH: A foreword, like a message from them, and that was in the SO 52 documents that we got that originally had a message from the Premier and a message from the Special Minister of State. Then in the final version that was published, those ministerial messages were taken out. What was the reason for that?

KATE MEAGHER: I'm not sure.

The Hon. CHRIS RATH: Does anyone have any view on why those messages were taken out?

KATE MEAGHER: I'll have to take it on notice. I'm not sure.

The Hon. CHRIS RATH: And who made the decision to take those messages out?

KATE MEAGHER: I don't know, sorry.

The Hon. CHRIS RATH: Perhaps, I'd suggest, that maybe the Ministers didn't want to be associated with the scheme.

The Hon. SARAH MITCHELL: I have one question about the advice around the conflicts. Again, I appreciate what you're saying, that that was information that was provided by, I'm assuming, the Labor Party. You are going to take on notice who that came from.

KATE MEAGHER: Yes.

The Hon. SARAH MITCHELL: Are you also able to provide the Committee with a copy of the advice or how it was communicated to the department that there had been a conflict of interest process undertaken prior to the election?

KATE MEAGHER: I'll take it on notice.

The Hon. SARAH MITCHELL: Back to the state of the public sector report, the census date for the 2024 report was 20 June 2024, I'm told. On that date, just so I am clear, who was responsible for the *Workforce Profile* report? Was it your agency or the Public Service Commissioner at that point?

SAMARA DOBBINS: Sorry, Ms Mitchell, what was the date again?

The Hon. SARAH MITCHELL: It was 20 June 2024.

SAMARA DOBBINS: The Public Service Commission.

The Hon. SARAH MITCHELL: Sorry, I'm jumping around a little bit.

SAMARA DOBBINS: Sorry, Ms Mitchell, but I do have a response to your earlier question that I took on notice, just so I can clarify here.

The Hon. SARAH MITCHELL: Sure, that would be great.

SAMARA DOBBINS: There wasn't a nefarious reason why that data wasn't on the report; we just made a decision to make the report a bit shorter and a bit more streamlined. It went from 80 pages in the previous report to 60 pages in this new report. I can absolutely look at putting that data in the next report.

The Hon. SARAH MITCHELL: I'm sure Mr Tudehope will be very happy with that feedback. Again, you might have to take this on notice, Ms Meagher, but that advice around the conflicts of interest that was done pre-election, are you aware if that was provided in a written form or a formal way to the department?

KATE MEAGHER: I'm not. I'll have to take that on notice.

The Hon. SARAH MITCHELL: Again, I appreciate it is being taken on notice, but if it was, a document of that nature or anything referring to that actually wasn't included in the call for papers that we have done for this particular program, which, again, is potentially concerning if there was some sort of formal advice. If you could take that on notice as well.

KATE MEAGHER: I appreciate that. I think also—again, I might lean on Kate Boyd here with regard to grant guidelines. When we're considering how we help manage conflicts of interest, there are some important considerations, given the assessment process. For example, unlike community building partnerships where MPs are assessors, in this case MPs or project nominators are not the assessors. So there's already a bit of a bright line from our perspective in terms of grant application guidelines and our assessment process. It removes that issue around conflict of interest because they're not actually responsible for assessing the grants. I think that that gave us a high degree of confidence that we weren't going to be running into issues around conflicts of interest, in any case, as far as the guidelines go. Are you comfortable with me representing our advice on that?

KATE BOYD: I think it goes to the heart of what a conflict is, if you've got a private interest that might be perceived to influence you in the exercise of an official function. Here, the nominators had no official function once the grant landed with us to assess. They're not involved in the decision-making process. They don't make a submission. They don't have any role in that. I think I understand what you're saying, is that there's no opportunity for a conflict to arise there. There's a perceived issue that you're talking about, but in terms of a—

The Hon. SARAH MITCHELL: They hand-pick the nominations, but anyway.

SIMON DRAPER: There's no conflict in the assessment of the grant in the recommendations to the Minister.

The Hon. SARAH MITCHELL: We're more concerned about the conflict of who was chosen to receive this money when it's not an open application process.

KATE BOYD: All I would say to that is that all candidates and MPs have ethical obligations that they are responsible for complying with. If you've got concerns about a particular—

The Hon. MARK LATHAM: All candidates?

KATE BOYD: Yes, they do. If you have a concern about that, it should be raised with the relevant oversight bodies rather than the department.

The CHAIR: I've got one question regarding the scope of Standing Order 52. The House can order documents under Standing Order 52, unless, of course, they are caught by Standing Order 53, which I think relates to government's correspondence and the administration of justice, which seems a bit vague. Hypothetically, if the House were to ask the New South Wales police to provide all documents relating to a particular person—say, person X or someone like Ivan Milat—would that be caught by the administration of justice? Would all documents held by the New South Wales police be caught by SO 53, or just some?

KATE BOYD: It's a bit hypothetical, what you are talking about. We consider every single one on its face and carefully weigh up whether or not the matter is one for Standing Order 53. I think it's 55 now they've changed the standing orders. We would have to look at the particular order and whether or not it did relate to the administration of justice for that individual.

The CHAIR: For it to fall within the administration of justice, would the documents have to have been presented to court or be part of a brief for the DPP? What are some of criteria that would mean some were caught and some weren't?

KATE BOYD: I think if they relate to current or anticipated legal or criminal proceedings, then they're likely to be within the remit of that standing order but, again, we could assess each one on its face and provide the Government with advice about whether or not they were required to comply with the standing order.

The CHAIR: What if they related to, in the case of Ivan Milat, someone who is now deceased and they clearly weren't going to be related to a current criminal proceeding?

KATE BOYD: I don't think I can give you advice about that hypothetical in this forum but, again, we would look at the particular terms of each order. In many cases we seek guidance from the Crown Solicitor and the Crown Law offices around these really difficult questions.

The Hon. MARK LATHAM: I want you to know Ivan Milat was once a constituent of mine in Raby.

The Hon. CHRIS RATH: Did he vote for you?

The Hon. MARK LATHAM: I never met him.

The CHAIR: You never met him?

The Hon. MARK LATHAM: He might have voted for me, though.

Ms ABIGAIL BOYD: Wow!

The Hon. SARAH MITCHELL: Things you learn at budget estimates.

The Hon. BOB NANVA: That is why he's here.

Ms ABIGAIL BOYD: I've learnt a lot today.

The Hon. MARK LATHAM: So I will be interested to see his file.

The CHAIR: You're not Robinson Crusoe.

Ms ABIGAIL BOYD: I'm going to jump around a little bit. One thing that struck me on that discussion around conflicts of interest in relation to the pre-election whatever we want to call them. Would it be a conflict of interest after the event when they were being assessed if, for example, the organisation that had been offered the money was then seen to be actively supporting a candidate or allowing them access to functions to speak to voters or even calling around for them? At what point is that considered to be a conflict of interest?

KATE BOYD: It's difficult to say in the abstract; it is a very hypothetical question. I think the matter that was being discussed this morning was looked at because there were similar issues around members of that organisation volunteering for a candidate, and the fact that that shouldn't rule an organisation out from receiving government support because people are free to participate in political affairs. I'll let Kate Meagher and Simon speak to this. I think in this case the assessment was that that was a low probity risk in the circumstances, but I'll hand to them.

SIMON DRAPER: The conflict which our assessment team and probity advisers rated most high was where somebody had a direct private interest, like a pecuniary interest, or they or a very close family member had a role in managing or sitting on the board of an organisation. That would be considered a high probity risk. But having an affiliation or an association or attending functions, those things are going to end up in the category of low or maybe medium.

Ms ABIGAIL BOYD: I guess what we're talking about is the idea or the allegation there's a quid pro quo—you know, "We will give you this money if you do a bit of electioneering for us." But perhaps

that's more of an election act issue rather than a conflict of interest issue. Let's leave that there. Can I ask you just a couple of random ones. Contractor and labour hire numbers—I understand, I hope, the Premier's Department is now responsible for the workforce strategy stuff. Do you have any figures for us on how that's trending?

SAMARA DOBBINS: I'll just need to look at my notes. There may have been something published in the last public sector report. Sorry, just give me one second. I do have contingent workforce trend data.

Ms ABIGAIL BOYD: As of?

SAMARA DOBBINS: As of the last public sector report, so that census date in June 2024 and the report published in December. It is on the website.

Ms ABIGAIL BOYD: Do you have anything more current than that?

SAMARA DOBBINS: No, I don't, sorry.

Ms ABIGAIL BOYD: Could you take it on notice maybe to see if there is unpublished data that is available?

SAMARA DOBBINS: Absolutely. Sorry, Ms Boyd, contingent labour and?

Ms ABIGAIL BOYD: So contractor numbers and labour hire numbers.

SAMARA DOBBINS: I will do.

Ms ABIGAIL BOYD: Thank you. As you all know, I love looking at eTender. One of the things that leapt out to me—there were two different contract award notice details that came up that were both published around the beginning of July last year. One of them is for Deloitte—I think it's almost \$500,000—in relation to financial and commercial advice to assist with assessment and negotiation of an unsolicited proposal. The other one was for King & Wood Mallesons for the same thing, legal services, advice and connection, with consideration of unsolicited proposal. Are they in relation to Rosehill?

SIMON DRAPER: They are. I believe so, yes.

Ms ABIGAIL BOYD: They talk about being relevant to stage two of that proposal. The King & Wood Mallesons one goes up until April this year. Does that mean then that a decision on stage three is imminent?

SIMON DRAPER: No, I think we just set up the arrangements. There had to have some view about how long they were going to run for. They are paid as services are provided, so it's not a fixed amount.

Ms ABIGAIL BOYD: Is it over or are they still going?

SIMON DRAPER: It's still going, yes.

Ms ABIGAIL BOYD: Are you able to tell us how much they are up to so far? Because both of them were for—I think the King & Wood Mallesons one is for \$412,000—so almost \$1 million altogether just for stage two. Would you then be entering into new contracts, presumably for stage three?

SIMON DRAPER: I haven't got those numbers with me but I'd be happy to take that on notice.

Ms ABIGAIL BOYD: Thank you, that would be very useful. I'll hand back to you, Mr Latham.

The Hon. MARK LATHAM: Thank you very much. Just following up on that, of course, mention of Rosehill, my favourite topic—

Ms ABIGAIL BOYD: I thought that would pique your interest.

The Hon. MARK LATHAM: Yes, great research to bounce off. When will we get some news about stage two and stage three? It seems incongruous that the Premier announced this thing against the guidelines in December of 2023 but no news about stage two or stage three with transparency? What will the ATC members be voting on, do you expect, on 3 April?

SIMON DRAPER: Just in terms of transparency, with you personally we have spent a lot of time talking about this and being very transparent about it. Stage two is still underway. Obviously we don't go to stage three until—there's no fixed timeline associated with these things. But, yes, there is a milestone coming up with the ATC. They've got an extraordinary general meeting, a vote coming up, which I think starts in mid-March and goes through to early April. That's for them to canvass their membership on willingness to proceed with the transaction, in particular, I think, in relation to disposal of the Rosehill site, because there is more than one site involved. That's obviously a significant milestone. But there's lots of other work going on in terms of what is the development capacity of the site, the master planning of the site, how that would integrate with the metro station

and the financial feasibility of it all. All of that work is going on in the background. That's part of the work of the advisers that Ms Boyd was referring to a moment ago.

The Hon. MARK LATHAM: Sure, but will stage two be completed by mid-March or 3 April when that voting is underway?

SIMON DRAPER: We can't really complete stage two until the ATC has gone through the steps that we were just talking about and they can confirm that they are ready to proceed and the basis on which they are ready to proceed.

The Hon. MARK LATHAM: Okay, but that is something of a paradox, isn't it, that the members will be less reluctant to vote for uncertainty, not knowing what stage two looks like, but you can't complete stage two until the members vote? That is classic catch 22.

SIMON DRAPER: I don't want to speak on behalf of the ATC, but my understanding is there is a sort of a threshold question about whether their members are willing to countenance the idea of disposing of that site, or turning it over to another use and relocating their racing functions somewhere else. I think that their members are likely to need a certain amount of information to make that decision, but it probably doesn't need to be a final deal that we can present to our Cabinet and they can present to their members. That may come later.

The Hon. MARK LATHAM: At stage two, is it broader than just the Rosehill site? Does it take in all of Camellia with the Rosehill Camellia Landowners Alliance, involving outfits like Billbergia?

SIMON DRAPER: At the moment we are assessing the proposal that was received to go into the stage two process. There was a scope to that. That involved the Rosehill site. It involved other sites at Horsley Park, Warwick Farm. It's that package.

The Hon. MARK LATHAM: Not the Brickpit at Homebush? Has that has been ruled out now?

SIMON DRAPER: As far as I know, that's not part of what is being proposed.

The Hon. MARK LATHAM: Who is doing the due diligence from the racing side? Because it is said that Racing NSW dropped out when the Brickpit dropped out. Who is doing the due diligence?

SIMON DRAPER: Who are their advisers? Is that the question?

The Hon. MARK LATHAM: Yes.

SIMON DRAPER: I am not sure. I will have to take that on notice.

The Hon. MARK LATHAM: Does it involve Bondi Partners Racing, this new entity created in October? If you can take that on notice—

SIMON DRAPER: Yes, sure.

The Hon. MARK LATHAM: Thank you. On these housing questions, what is the early report regarding the housing authority and the work that it's doing?

SIMON DRAPER: The Housing Delivery Authority?

The Hon. MARK LATHAM: Yes, the one you're on.

SIMON DRAPER: That's progressing quite well. We've had, I think, over 180 expressions of interest that we have received to date. We are working through those. We are meeting fortnightly to work through those and provide recommendations to the Minister. The nature of the recommendation—the role of the HDA is to look at the EOIs that are received and evaluate them against the criteria. Our recommendation is either recommend it to the Minister to be declared a State significant development, or not. Sometimes we need to get a bit more information to make that recommendation. The step after that is that the Minister then decides whether to declare it a State significant development. If so, it goes into that process. It has to then go through a full planning assessment in the State system. We're not giving it the development approval; we're just making a recommendation.

The Hon. MARK LATHAM: I asked a very, very long question on the notice paper to get to the grand news that you're recommending for or against State significant development status. What's changed then? Why couldn't the planning department do that?

SIMON DRAPER: I think it's a case of wanting a whole-of-government approach to it. So we've got myself and the head of Infrastructure NSW, so just bringing a broader government—given the significance of housing in terms of government priorities, and community priorities for that matter, I think there's a desire to have

this as a wider process. We are serviced by the planning department. They are providing the initial advice to us, then they take it away and progress it with the Minister.

The Hon. MARK LATHAM: Right, but in the past they would have provided that advice to the Minister, wouldn't they—

SIMON DRAPER: Well, there wasn't really an avenue—

The Hon. MARK LATHAM: —whether to call it in as State significant development, which cuts out—

SIMON DRAPER: Sorry to interrupt you. There wasn't really an avenue in the past for these types of residential developments to go into the State significant development pathway—that's the issue—so this process has created that. There have been some policies introduced by government to do so: the TODs, the low- and mid-rise reforms, the affordable housing reforms. Those things have created a pathway to go into the State significant development assessment process. But this is a much more open process, so you don't have to necessarily be in a TOD, or meet the low- and mid-rise, or be in the affordable housing stream. Anybody can come forward if they believe they've got a piece of land that can create more housing capacity in New South Wales, above a certain threshold, and it can be recommended. It's a more open way of doing it.

The Hon. MARK LATHAM: So it's still informed by the planning department. How many have you recommended so far to have that State significant status out of the 180?

SIMON DRAPER: I don't think the most recent ones have been published. In the first round, I think there were about 6,400 homes that were—

The Hon. MARK LATHAM: But how many developments have been recommended?

SIMON DRAPER: Let me just find it for you. I've got it here. As I say, I don't think the latest round has been published just yet. Out of the first meeting, we had 11 projects that were recommended to go as State significant. That was the 6,400 homes. We've had another round since then. I've no doubt the Minister will be releasing information about that in the future.

The Hon. MARK LATHAM: Mr Draper, one of your old projects, Barangaroo, is now up and running. In hindsight, wearing your housing hat, how do you look back on the lessons of that?

SIMON DRAPER: It wasn't my project, but I know why you—

The Hon. MARK LATHAM: It looked that way for a while.

SIMON DRAPER: It's good news that it's been approved to proceed to go to the next stage. It's in the hands of Aqualand to take that forward now.

The Hon. MARK LATHAM: Again, wearing your housing hat, is the Housing Delivery Authority providing any other advice to government about streamlining processes? There was a meeting, apparently, between the two major party leaders about rewriting the EP&A Act to streamline processes. I've always advocated for the abolition of the Independent Planning Commission. It's totally anti-development and just another ridiculous layer of bureaucracy. Are you doing any work to give further policy advice and not just crossing off State significant development?

SIMON DRAPER: That body is not an advisory group in itself for policy advice, but I know my colleagues in the Cabinet Office and Planning are providing that type of advice. There are certainly insights that come out of the process we're going through in the Housing Delivery Authority that can help inform that process. I think the feedback, by the way, from the industry is that the process through the HDA is working quite well. It's not that we are providing advice—the discussions between the Minister and the Opposition about potential legislative reforms, that's certainly not something that the Housing Delivery Authority is involved in. But there are certainly insights out of our process that I think could help inform future policy decisions.

The Hon. MARK LATHAM: Ms Boyd, what's the answer with the Environmental Planning and Assessment Act, the big, fat encyclopedia of regulation, red tape and frustration for the development industry? Have you been working on a plan coming out of the meeting of minds between Minns and Speakman?

KATE BOYD: Yes, we have. It's one lever. It's a big lever that the State Government has available to it to generate houses, but it is only one part of the housing spectrum. We're looking at all reform options across rentals, homelessness, social housing, the planning system and any other economic levers that might be available to the New South Wales Government. Our role is to take that broader perspective and bigger picture focus and put together a housing policy program for government that will not only drive completions in the short term but that will also set New South Wales up to be able to deliver more houses, and more affordable houses, for people in the longer term. We're looking at everything, including—

The Hon. MARK LATHAM: It's a big project for you.

KATE BOYD: It's a massive piece of work. We work incredibly closely with the Department of Planning, Housing and Infrastructure, but the effort is truly cross-government, in that most parts of government, whether it's because of key worker housing or other matters, have a stake in it. It's a big coordination effort.

The Hon. MARK LATHAM: In practice, what does this mean? Rewriting the EP&A Act?

KATE BOYD: Those options are still being considered. That's one approach, but the key thing we are advising on is what will the best and most effective reforms be rather than the drafting approach, and so that's where our effort—

The Hon. MARK LATHAM: What are the other options if you don't streamline the Act?

KATE BOYD: I think you don't have to rewrite the Act from scratch to achieve outcomes. We're looking at what the best policy measures are. How we would implement those is a secondary question.

The Hon. MARK LATHAM: Are you looking at reducing costs of construction? We had the publicity recently about the poor chap who had to spend \$50,000 in biodiversity fees to clear away two trees to build a house, and he gave up. That's a pretty obvious example, isn't it, of a system gone nuts?

KATE BOYD: It is. I think that's one of the lenses that we try to bring to every government decision—how is this going to impact, negatively or positively, on the housing challenge? That's definitely front of mind for us.

The Hon. MARK LATHAM: Are you looking at the green tape, like the environmental BASIX, biodiversity and national code costs, which the Urban Taskforce calculates adds \$120,000 to the cost of building a new house in Sydney?

KATE BOYD: Design requirements and other requirements—we've definitely spoken to industry about the burden of those things. There is obviously a big need to ensure quality and amenity and good communities. There is definitely an interest in that, but there's also a need to look at streamlining and improving the feasibility of development generally.

The Hon. MARK LATHAM: In summary, everything is on the table and the Premier is happy enough with that?

KATE BOYD: It's all on the table, and it just needs to happen really quickly. We're trying to meet that challenge and give the Government the best advice on what the options are.

The Hon. MARK LATHAM: What about time limits on rezoning and development applications, as they have in Queensland?

KATE BOYD: I think that's one incentive that we're thinking about. The challenge with that is sort of practical, in terms of is it counter to the housing objective to clawback a development application if commencement hasn't begun in the two-year window or whatever time frame is set. That's definitely something that we're considering.

The Hon. MARK LATHAM: I've got all the answers for you. I solved Education yesterday, apparently.

KATE BOYD: Great.

The Hon. SARAH MITCHELL: Did you? I must have missed that.

The CHAIR: We're in trouble then.

The Hon. MARK LATHAM: They're following that report from years ago. I can sort this one out too. We'll see how you go.

The CHAIR: If you're the answer, I don't want to know what the question was.

The Hon. CHRIS RATH: This is sitting with me in an uneasy way, and I'm sorry to labour the point. With the conflicts of interest with the local small commitments, I suppose the remaining 76 Labor candidates that you didn't assess—you assessed the 17 but not the 76. We heard evidence at our inquiry that one of the members, the member for Riverstone, promised funding during the election when he was a candidate for a community group that his staff member is now on the board of. If those 76 candidates haven't gone through that conflict of interest process, how can we have confidence in the scheme that there aren't hidden conflicts that haven't been assessed other than the 17? It just undermines the entire scheme, doesn't it?

SIMON DRAPER: No, I don't think it undermines the entire scheme. As has been discussed here today, it's kind of a two-step process. As Ms Meagher was talking about, we were advised that prior to the election, the Labor Party ran its own process there. That's for them to speak to.

The Hon. CHRIS RATH: Why do you just take their word for it? You've obviously been instructed by the Minister or the government of the day to only do the 17 and not the remaining 76.

SIMON DRAPER: No, that's not so. We had never intended as part of our work to go and do these very specific conflict of interest inquiries. We were asked to go above and beyond what we had proposed to do by the Minister for reasons of his own. He had an interest in finding out more about some of those electorates, so we went and did something which we hadn't originally intended to do. It wasn't that we were restricted from doing it, it was more that we added something on to what we intended to do.

The CHAIR: Thank you, everyone. Let's have a 16-minute break and reconvene at 3.45 p.m.

(The witnesses withdrew.)

(Short adjournment)

Ms KATHRINA LO, Public Service Commissioner, Office of the Public Service Commissioner, on former affirmation

Ms TIANA JAESCHKE, Director of Policy and Programs, Office of the Public Service Commissioner, sworn and examined

Mr BOLA OYETUNJI, Auditor-General, Audit Office of NSW, on former oath

Ms CLAUDIA MIGOTTO, Deputy Auditor-General, Audit Office of NSW, on former affirmation

Mr PETER COULOGEORGIOU, Executive Director, Quality, Improvement and Performance, Audit Office of NSW, affirmed and examined

The Hon. JOHN HATZISTERGOS, AM, Chief Commissioner, NSW Independent Commission Against Corruption, on former oath

Ms MICHELLE WARD, Acting Chief Executive Officer, NSW Independent Commission Against Corruption, sworn and examined

Ms RACHEL McCALLUM, NSW Electoral Commissioner, NSW Electoral Commission, affirmed and examined

Mr HUGO BERGERON, Acting Executive Director, Funding Disclosure and Compliance, NSW Electoral Commission, affirmed and examined

Ms ANDREA SUMMERELL, Executive Director, Elections, NSW Electoral Commission, on former affirmation

Mr DOUG CATCHPOLE, Chief Financial Officer, NSW Electoral Commission, sworn and examined

Mr PAUL MILLER, Ombudsman, NSW Ombudsman, on former affirmation

The Hon. PETER JOHNSON, SC, Chief Commissioner, Law Enforcement Conduct Commission, sworn and examined

Ms CHRISTINA ANDERSON, Chief Executive Officer, Law Enforcement Conduct Commission, on former affirmation

The CHAIR: Good afternoon, everyone. The time being 3.45 p.m., we will recommence the hearings into expenditure in the portfolio of the Premier. We turn to questions from the Opposition.

The Hon. CHRIS RATH: My first line of questioning is for the Auditor-General. Thank you for everything that you do. You and your office have recently been quite critical of the Treasurer and the Minister for Finance for missing the 30 November deadline for tabling annual reports, for which they were responsible for 16 between them. Were you surprised that the TAHE annual report was not tabled until more than six weeks after the deadline, and that the Sydney Water annual report was not tabled until 10 February 2025, 12 weeks after the deadline?

BOLA OYETUNJI: We're always keen for annual reports to be tabled on time. That gives members of Parliament the time to review and ask questions. One of the things we are looking at, and that is why we report, is to ensure that those reports are tabled on time so that it allows for transparency and allows for members of Parliament to ask questions about the use of government funds.

The Hon. CHRIS RATH: What does it mean for a Minister to receive an annual report by the due date and then fail to table it in Parliament? What are the implications?

BOLA OYETUNJI: Noncompliance with the law.

The Hon. CHRIS RATH: Yes, and it's not particularly fair to members of Parliament, I suppose, to be given a shorter period of time to review those annual reports. I understand missing the deadline by a week or two, but 12 weeks is pretty extraordinary, isn't it?

BOLA OYETUNJI: That's correct, and that is why we report it, just to make sure we start that discipline of timely reporting so that the members of Parliament can have enough time to review those accounts and ask the right questions to the executives.

The Hon. CHRIS RATH: Do you have any explanation, or can you outline potentially why the hold-up occurred?

BOLA OYETUNJI: I wouldn't know. I was told more that there was a lot of time required to make sure that they get it right. That was the reason I was given. But anything outside of that, I would not be able to answer that.

The Hon. CHRIS RATH: Because I think the Ministers had the reports; they just hadn't released them. So they were essentially just sitting on them. I don't know if they were reviewing them or, I don't know, looking at them in more detail—didn't want to release them for some reason. I know it's a matter for them, but I assume no explanation was given to you as to what the hold-up was.

BOLA OYETUNJI: The explanation was to review it in detail, because sometimes the complexity of the accounts requires, of course, the Minister signing to make sure that they back the figures in the accounts and the annual report. I think that was the reason that was given: that it was taking time to get it right so that the Minister signing is responsible for what they are signing.

The Hon. CHRIS RATH: Well, they should have done that by the deadline. The Treasurer has asserted that annual reports are "customarily tabled with statements of corporate intent". Do you consider that any such custom and delay in preparing statements of corporate intent are a reasonable excuse for failure to comply with the Government Sector Finance Act requirements for tabling annual reports?

BOLA OYETUNJI: I would not be able to answer that particularly. The only reason why that could be is, again, a new government wanting to have some inputs in the statement of corporate intent because of change of strategy or direction, but I don't have any visibility of why that caused the delay and we've not audited that process in any form or shape.

The Hon. CHRIS RATH: All the 16 agency reports have been tabled now, haven't they?

BOLA OYETUNJI: Yes, that's correct.

The Hon. CHRIS RATH: I think Sydney Water was the last one. I move to the Electoral Commission. Congratulations on your appointment as the new commissioner. We asked this at the last round of budget estimates hearings, but I wanted to follow up if there has been any progress on your previous budget submissions where the Electoral Commission didn't receive the funding for digital modernisation of your systems, a proposal to re-baseline your budget, and technology-assisted voting—the three bid items that the commission previously told us were unsuccessful in receiving funds. Do you have any update on that or has that just been parked and you'll put in a new budget submission for the next upcoming budget?

RACHEL McCALLUM: Thank you for that question. I arrived in this role in December and, if you could indulge me, I'd like to thank my colleagues at the Electoral Commission for making me welcome and for working very diligently in that time on some new proposals to address some of those matters that you've raised there. As you say, our submissions last year were not taken up in the last budget, but since I have arrived in December I did make a decision to seek some additional funding—not to the same scale as was previously requested, largely because time is against us in relation to the 2027 State election and we need to seek funding that is both feasible and responsible so that we can do meaningful things with that between now and that election almost exactly two years away. We won't be seeking a total re-baselining this time around, but we are seeking some additional workforce funding in the next budget, which is to increase our ongoing staff profile and, hopefully, reduce some of our reliance on contractors in the long term, which I think has been talked about in many hearings over the years. We're not putting in a specific digital modernisation bid this time, again for the reasons that I just mentioned. There isn't enough time to do a major digital transformation and safely deliver the 2027 election or, indeed, the 2028 statewide local government elections.

Instead, we are going to be seeking probably some—not this year, particularly, but we will probably need to come back for some additional funding in relation to doing something about maintaining our rather old legacy systems so that they are functioning as well as they can in the '27 election. But we won't have an opportunity in the time available to do the sort of transformation that requires proper market testing, proper design and all of those intricate elements of any sort of digital modernisation program. We are also seeking permission to use some of our underspend in relation to the recent local government elections. We are asking for authorisation to put some of that towards our systems, as well, so that we are as ready as we can be for 2027.

The Hon. CHRIS RATH: So basically, for those people playing at home, iVote is essentially off the cards for the 2027 State election and 2028 local government election. It's still probably an aspirational—

RACHEL McCALLUM: Yes. As you might recall, iVote—or perhaps we should just call it internet voting—

The Hon. CHRIS RATH: Yes, electronic voting.

RACHEL McCALLUM: —because that was a specific system that we called iVote. Yes, it would be very difficult outside of a proper digital modernisation program to do that by 2027 and, as you say, '28 as well. Apart from anything, there are also just difficulties, even if we had the funding, with whether it might even be possible to do that. We did do an RFI as part of our initial planning phases for digital modernisation, and there are not a lot of providers out there who can deliver that sort of system. We did, of course, as a commission, wish to be able to offer that form of voting in 2027-28 for blind and low-vision voters, but the practicalities of that may now be impossible to overcome.

The Hon. CHRIS RATH: It potentially would have been possible if there was a larger appropriation in the last budget and/or the one before.

RACHEL McCALLUM: I couldn't say for sure even then, to be honest. I think that we would have been able to continue to look at them if there was an opportunity and a market to deliver it. The report that the commission released on its review into internet voting also said that the delivery of that style of voting would, in its opinion, only be appropriate to pursue if there were legislative amendments to deal with the risks that specifically arise in relation to internet voting. There were a couple of other factors that influenced whether or not it was feasible to have internet voting in '27, not only budget.

The Hon. CHRIS RATH: As part of the digital modernisation—or it might be separate to that—has the commission ever looked at electronic mark-off for elections, or at what type of appropriation might be needed for that to avoid potential double or multiple voting from voters?

RACHEL McCALLUM: Yes, we have. We are, in fact, thinking about a trial of that, I suppose. But there are some significant issues with that in relation to funding, as well, for 2027.

The Hon. CHRIS RATH: I would assume you'd need an iPad or a computer system for each polling booth if you were going to do an electronic mark-off, which would be a cost.

RACHEL McCALLUM: Which costs, yes.

The Hon. CHRIS RATH: The change of the 2027 election date, which political nerds like all of us were very interested in—what level of consultation was there between the commission and the Government? I assume it's a decision for the government of the day—the Special Minister of State.

RACHEL McCALLUM: Yes.

The Hon. CHRIS RATH: But he obviously made that decision in consultation with the Electoral Commission.

RACHEL McCALLUM: Yes. In fact, I believe that the Electoral Commission did raise that. We obviously have forward planning, and we know when the next election date is. We did raise that as an issue that would need to be looked at by the Government. Yes, we supported the change of date.

The Hon. SARAH MITCHELL: Ms Lo, my questions are for you. Firstly, I want to ask about the *State of the NSW Public Sector Report 2023*, which was produced by your office. There's a useful graph on page 13 that shows the full-time equivalent employees by grade. The report states that the census date for the workforce profile was 22 June 2023. Are you able to advise how the information within that graph was collected?

KATHRINA LO: It is collected by workforce profile data that is held by agencies in their HR systems.

The Hon. SARAH MITCHELL: Was comparable information collected for the census period in 2024 as well?

KATHRINA LO: I would have to take that on notice.

The Hon. SARAH MITCHELL: You may not have seen, but earlier I was asking some questions about that to the Premier's Department because that data wasn't available in the most recent report. Do you know if that information was passed over from your office to the Premier's Department as part of the handover, with the changes?

KATHRINA LO: Once again, I'll take that on notice. Yes, I did see the questioning in the earlier session and the response about the Premier's Department wishing to streamline the *Workforce Profile Report*. But we were in, I guess, a transition phase during that period as we were implementing the machinery of government changes. Decisions about the content of the 2024 report were for the Premier's Department.

The Hon. SARAH MITCHELL: Were there any discussions that you had about not publishing that breakdown anymore? I appreciate the evidence given earlier.

KATHRINA LO: No, I wasn't present at any of those discussions.

The Hon. SARAH MITCHELL: That leads to my next question around the transition from the commission into the Office of the Public Service Commissioner. My understanding is you now sit under the Premier's Department. As part of that change, have there been any changes to the objectives or focuses for you in your role as Public Service Commissioner?

KATHRINA LO: Yes, there were some changes made through amendments to the Government Sector Employment Act. The focus of my role is now very much on public sector values, including integrity and a role in relation to ethics. I still have a function in relation to equity and diversity, and also ensuring the merit principle is upheld in public service recruitment decisions.

The Hon. SARAH MITCHELL: So it's sort of a shift away from value for taxpayer money and more into results and the ethos within the public service. Is that a fair categorisation?

KATHRINA LO: Yes, I think that's a fair broad summary.

The Hon. SARAH MITCHELL: I also understand that your office is now smaller as a result of those changes. Can you provide any advice about what your staffing allocations are now and how they differ to what you had previously?

KATHRINA LO: The Office of the Public Service Commissioner has 16 roles in addition to my role. The Public Service Commission at the end of 2023-2024 had an actual number of employees of about 132. That's actual, versus FTE, just to be clear.

The Hon. SARAH MITCHELL: With the changes, do you feel that you are adequately resourced to perform your functions?

KATHRINA LO: Like any government agency, I work within the resources that I'm given. Obviously we could do more if we had more, but—

The Hon. SARAH MITCHELL: I think most people would say that they would take more if it was made available. On that line of questioning, will you be looking for additional resources in the upcoming budget allocation?

KATHRINA LO: No, I'm not seeking anything in addition to the amount of money that I've already been allocated.

The Hon. SARAH MITCHELL: My last question for you is around the Premier's "back to the office" order, and Mr Draper spoke about that circular. In your work, have you seen any changes as a result of the request for public servants to be back in the office?

KATHRINA LO: As Mr Draper explained in the earlier session, he issued the circular and then it was the responsibility of agencies and departments to develop or bring to life that circular in their own flexible working policies. One thing I am keeping a close eye on is disability employment. As you know, I have issued a direction in relation to departments implementing a workplace adjustment policy. My suggestion to departments has been that if individuals need to work from home or have a different pattern of work because of a disability, it's preferable that that be considered under an agency's workplace adjustment policy.

The Hon. SARAH MITCHELL: Is that just for people with disability, or are there any other groups that—

KATHRINA LO: There are other reasons why people might want to request hybrid work.

The Hon. SARAH MITCHELL: That would include, I'm assuming, family and caring responsibilities as well?

KATHRINA LO: Correct.

The Hon. CHRIS RATH: I might go to the Law Enforcement Conduct Commission. I'm not sure if you've looked into it or not, but I wanted to ask some questions around this caravan of explosives that was in the news a few weeks ago. It came up in the hearing earlier today, from Mr Banasiak to the Premier. The suggestion is that information was leaked to the media prematurely. Has LECC looked into that, or does it intend on looking into how that information may have got into the public domain, where the police have said that it has essentially undermined their investigation?

PETER JOHNSON: The LECC has not looked into that issue. There's been no complaint raised with the commission about that matter. If a complaint was raised with the commission, it would be considered as to whether it was appropriate to take action or not. I think the short answer is no, we've played no role in that. I, of course, have observed in the media what has been reported, but we have not been involved to this point.

The Hon. CHRIS RATH: So it could be a referral from a member of the public or from the government of the day?

PETER JOHNSON: Anyone can refer a matter to us. We get referrals from a wide range of sources, as do the police, who get them directly. We get them directly as well. It would be open to someone to raise that as a complaint to us and it would be assessed. That's as far as I could take it at this stage with respect to that topic, in relation to which we've had no role so far.

The Hon. CHRIS RATH: With the upcoming budget, what additional support would be the LECC looking to be receive from the upcoming budget, or is there any indication of what type of appropriation you might be considering to request from the Government?

PETER JOHNSON: We have put in a budget bid for a limited number of positions. I might ask our chief executive officer Christina Anderson, who's in the back row, to step forward to assist on this issue. We did receive additional resources for the purpose of last year, which were helpful. But a focus for us is in the assessment and intake area, where there are a large number of complaints made either directly to us or the police. There's a process to try and get that done in a timely way. That's one area we've looked at. I will pass to Ms Anderson, who has more detail than me.

CHRISTINA ANDERSON: We put in two bids. One is for staff. That is for eight positions, and it's \$13.5 million over the 10-year period. The positions are mostly operational. One sits within our legal unit and one sits within the corporate unit. The second bid relates to IT, and it covers a range: some Microsoft licensing, our case management systems—systems where the cost has gone up considerably and we need additional support to meet that cost. We're also asking for funding to implement AI over the 10-year period. That budget bid is \$9.8 million over the 10-year period.

The CHAIR: I have one question for the LECC before we go to the Hon. Mark Latham. Under the—

The Hon. MARK LATHAM: Not Ivan Milat?

The CHAIR: Yes. Under the objects of the Law Enforcement Conduct Commission Act 2016 at section 3 (b) it states:

- (b) to provide for the independent detection, investigation and exposure of serious misconduct and serious maladministration within the NSW Police Force and the Crime Commission that may have occurred ...

Is there any limitation in terms of how far back the LECC may look? I'm not talking about the 1800s, but are there any limitations in terms of your practice and how far back you may look in terms of misconduct and maladministration?

PETER JOHNSON: There's no legal cut-off point, if I could put it that way. Clearly, the further back issues go, there would be issues about the utility if officers who may be involved are no longer within the police. That's a factor. There are other factors to be balanced as to whether the commission would look at something. But it's not the situation that we are, for example, confined only to events that have occurred since 2017, when this Act commenced. Its predecessor, the Police Integrity Commission, had been around since the late 1990s. So there's no impediment, but I suppose a practical rule of thumb is the further back it goes, the less utility there may be for the commission, which has limited resources and must select matters for consideration and investigation carefully. We're talking in generalities. That's probably the way that I would seek to answer the question.

The CHAIR: What was the predecessor to the PIC? Was it the police board?

PETER JOHNSON: Well, there wasn't one. That was one of the issues. For a period from its inception the ICAC had a function with respect to police. Justice Wood took the view that that hadn't worked particularly well. The ICAC had a wide range of agencies to deal with and the police were a significant body of work on their own, as Justice Wood identified. Justice Wood said a standalone oversight body, with the commissioner of police still having the primary function to investigate issues of misconduct within the police—so that the buck stopped with the commissioner of police, so they continued to own the problem—but with a separate agency such as the PIC, and now us, standing off with the statutory functions that you've identified.

The CHAIR: So the police board didn't have any role in terms of oversight of administration or maladministration?

PETER JOHNSON: I think it could be in this area that the Ombudsman may have had some role—I'm looking towards Mr Miller, perhaps hopefully, to see whether he has anything he can add to this—from the early days, that is. I know that from the time when the Ombudsman was commenced and Mr Masterman, QC, was the Ombudsman—and was highly controversial insofar as the police were concerned—that that was a measure of

oversight of the police. But there was a significant level of pushback from the police about that. Justice Wood had the history of all of this in his report. But it's the simple fact that it was the ICAC doing what it could, and it was the police with their own internal affairs branch, but, which as Justice Wood identified, with very significant shortcomings—and thus the need for a separate body.

The Hon. MARK LATHAM: Auditor-General, thank you for the work that you do. How many audits have you conducted under the new follow-the-money or follow-the-grants power? How many have been completed? How many are still in progress? How are you generally finding the new authorisation to look at these grants?

BOLA OYETUNJI: We've completed two audits: the oversight of child protection and the safeguarding of Aboriginal children's rights. We have in flight, currently, one on the Northern Beaches Hospital; we are using the fully developed power. It's been a very powerful addition to what we can do, so that we can go through to the NGOs and we can ask questions and make sure that the taxpayers' money has been judiciously spent.

The Hon. MARK LATHAM: What qualifies as a grant? Anything the Government calls a grant? What about all that COVID stimulation money that was sloshing around a few years ago, allocated out in grant format? Is that covered by the follow-the-money provisions?

BOLA OYETUNJI: Yes. Whatever government funds have been expended.

The Hon. MARK LATHAM: An agency grant or allocation to a community-based body is covered.

BOLA OYETUNJI: It's covered, any government funds.

The Hon. MARK LATHAM: Right—for any particular purpose.

BOLA OYETUNJI: Any particular purpose, yes.

The Hon. MARK LATHAM: That's good to know. Ms Lo, could I ask you about your code of conduct provision for the impartiality of the public service—apolitical, a very old and honoured principle, perhaps a bit tattered in recent decades, but how do you police that?

KATHRINA LO: Allegations of breaches of the code of conduct are a matter for the employer to investigate. That is how it's policed, but we provide a whole range of resources to support the sector to implement the code and to bring to life the core public sector values. They include things like mandatory training. On the code of conduct, we've established a new community of practice for ethical behaviour. I've done that in collaboration with my integrity agency colleagues here. We have created an ethics hub on our website, which contains resources for public servants on ethical behaviour and information they need to know to operate effectively as a public servant. So there's a whole range of resources that we provide to the sector.

The Hon. MARK LATHAM: Right. So it's a resourcing role, not a policing one? If you received a complaint about a part of the public service that was administering a scheme on behalf of a particular political party—so it's very, very political—what would you do?

KATHRINA LO: If that's an alleged breach of the code of conduct, as I said before, it would be a matter for the person exercising the employer functions to investigate.

The Hon. MARK LATHAM: Right.

KATHRINA LO: There are certain things that I have in the pipeline, I think, that will go to integrity in the public service. For example, we're in the final stages of developing guidance for the public sector on the use of social media in a private capacity. I'm also in a scoping stage for undertaking reviews of how departments conduct their recruitment and whether they meet the merit requirements in the legislative framework.

The Hon. MARK LATHAM: Thank you for that. To the new Electoral Commissioner, congratulations on your role. I know it's early days but maybe one of your staff here can assist. What do you do to police the integrity of the lobbyist register, particularly with regard to organisations under a different guise or format that get around acting like lobbyists—I've got a couple of examples—but aren't actually on the register. Does the commission reach out either in fielding complaints or off its own bat to look at these organisations to say, "Come on, you've got a veneer or facade there where really you're operating as a paid lobbyist, and you should register."

RACHEL McCALLUM: Thanks for that question. The Electoral Commission, as you know, as opposed to my statutory role as commissioner, is responsible for the administration of the third-party lobbyists register. It is a relatively small proportion of the Electoral Commission's compliance and enforcement work, and there is a limited range of functions that are conferred on the commission. I could perhaps, as you say, invite one of my colleagues to come forward in relation to the way in which we undertake regular compliance reviews, I suppose, of the people on the register.

The Hon. MARK LATHAM: With those currently on the register, but what about those who aren't? We had an experience at the Rosehill select committee where two groups, supposedly business representative groups collecting fees from the proponent, came to the committee and advocated for the development without declaring to the committee that they were paid by the development proponent. They do this repeatedly right across Western Sydney, in particular. I'm talking about Business Western Sydney and the Western Sydney Leadership Dialogue. That dialogue organised the big lobbying group, collecting money from companies to try and get a metro line from Badgerys Creek, which effectively is a white elephant. What do you do about groups like that that are calling themselves business associations, collecting money from proponents with very firm business interests, and lobbying government without ever being declared as lobbyists?

HUGO BERGERON: If we become aware of allegations of third-party lobbyists, essentially conducting third-party lobbying without being registered, that is definitely something we can use the commission's power to investigate. Unfortunately, we often rely in these cases—because we can't monitor everything everywhere all at once—on some complaint or someone bringing those allegations to us in order to review the matter. If there is a specific matter that you would like us to review, of course you or any member of the public is welcome to refer these to us.

The Hon. MARK LATHAM: You rely on complaints. As an example, one of the leadership dialogues got a registered lobbyist, Taylor Street Advisory, but they slip around it by letting the dialogue do the lobbying work. It's pretty sharp practice.

HUGO BERGERON: I'm not aware of that specific one.

The Hon. MARK LATHAM: And not declaring it at a parliamentary hearing. One was a former Labor Minister—not this one, a different one—and I said, you know, "Shouldn't you declare to the committee that you're paid by the proponent here, so we know that?" It hadn't occurred to him.

HUGO BERGERON: Again, I'm not aware of the specifics of the matter you refer to, but we can look at this.

The Hon. MARK LATHAM: Okay. I'll maybe put some specifics on your desk and see how we go. To the LECC, I wrote to the police commissioner on an operational matter, reporting a crime, and I got a response from the police Minister sending me somewhere else. Is that acceptable practice for a politician to respond to an operational matter? She said it was part of a protocol. I put a question on notice to ask what's the protocol and she said it was providing information to MPs. The Minister will write to provide information rather than the police commissioner. But this was an operational matter to investigate what I believed to be a serious crime and I got a response from the police Minister. I didn't expect a Labor politician to be responding to someone like me and fobbing me off, but this is what's happened. Is that acceptable practice?

PETER JOHNSON: Well, I haven't heard of that happening before.

The Hon. MARK LATHAM: Right.

PETER JOHNSON: If there is a complaint of police misconduct or maladministration, including the possibility of criminality directed to the Commissioner of Police, ordinarily it would go into their complaints system, the IAPro system, I would think, and it would be assessed by them and we would have a line of sight to it as well. I don't know what the matter is and at the moment I don't seek your particulars of it.

The Hon. MARK LATHAM: No.

PETER JOHNSON: But there could be factors that existed in that situation that affected what I've just said, but it would be unusual, I would think.

Ms ABIGAIL BOYD: I will start with Mr Johnson. We spoke in the last estimates about the excellent report you did reviewing NSW Police Force responses to domestic and family violence incidents, which happened to come out at a similar time as the Auditor-General's report into police responses to domestic and family violence. Since then, unfortunately the numbers of people coming to my office with stories of abuse by police officers as domestic and family violence perpetrators has increased. What are you seeing and what are you doing to make sure that we're investigating more of those, given the recommendations in your report and the Police Force's failure to take them up?

PETER JOHNSON: We have clearly an ongoing interest in this, as indeed, I think, the whole community would. Domestic violence is everywhere and it affects police families as well. We have an ongoing process of liaising with the police about these developments. I can't at this point indicate to you whether there has been an increase in the number of complaints in this area that has come to our attention, but could I take that on notice?

Ms ABIGAIL BOYD: It would be very useful.

PETER JOHNSON: It's sufficient to say that we can only make recommendations. We've got no powers to compel anything. We have expressed strong views in the past in this area for a number of reasons, including the concern of the partner of a police officer as to whether there'll be a truly independent investigation of their complaints. I think this is a subject matter that we might have discussed at an earlier hearing as well. We maintain lines of communication to the police, both visible and not so visible in this area. They now have a better structure to deal with domestic violence generally, I think. There are quite impressive senior female officers in charge of it that I'm aware of.

But it's a question of what's happening down the line, so to speak, in the Police Force. Complaints, of course, end up being considered in the region and not by the centralised Professional Standards Command, and so practices may be uneven in regions. I can only answer in a general way that we are looking at this because it is a matter of considerable concern to us. It may be that I could take on notice the general response too, to see if there is anything further that I could add. I'm conscious of your ongoing interest in this issue and I will see what I can do to give additional information later.

Ms ABIGAIL BOYD: Thank you. There are a couple of things here, but one of the themes that keeps coming through in these stories from people who contact my office is that there is a culture within these commands. A victim will come forward and say, "Look, I need protection", or "I need an ADVO against this person", and the response is, "We know him, we'll go and sort him out. You don't need to worry, we'll work it out." It's that sort of culture of looking after each other—not necessarily in a bad, cover-up sort of way, just a feeling that if the sergeant goes and talks to an officer and tells them to lay off, that is going to be a more effective thing than laying an ADVO on them, for instance. It is that sort of cultural issue. It is not even an investigation at that point; it is whether or not an ADVO is to be put forward. How do we change that culture at a command-by-command level?

PETER JOHNSON: It's effectively by emphasising to the police that a complaint of this sort, assuming there's an allegation of crime, is an allegation of crime and ought to be investigated in the same way as if an ordinary citizen walked through the door and made that complaint about their partner. But there are inconsistencies, as you point out. That is clearly not acceptable. I have to say I have seen more cases where police have been prosecuted in the courts for domestic violence offences and, as well, cases where there are significant disciplinary outcomes, including the use of section 181D of the Police Act to remove them. That said, there are a significant number of cases in this area. It is, I think, part of the ongoing requirement of police to send a consistent message within the Police Force that this is a serious form of crime and it impacts on the community generally. The fact that it's a police officer who is said to be doing it in many ways makes it worse—someone who is not worthy of protection, but is worthy of proper investigation. If there are welfare issues as well, of course you can have regard to those. But that is not a substitute for investigation.

Ms ABIGAIL BOYD: The other recurring theme coming through in these stories is people saying that, even after they have left the abusive relationship, they are being effectively pursued through the use of police resources and knowledge by the perpetrator, who remains in the Police Force or at least has contacts within the Police Force. I am also hearing a lot of people—and when I say "a lot", there is a lot that come to my office—saying that when they try to get the LECC to look into issues, they are told no. Do you apply a more generous approach when you are thinking about the ability of police to use coercive control over victims and how that might find its way to you, and maybe when you are assessing whether or not it's something you should look into?

PETER JOHNSON: This is an area where the coercive control laws are now in place. We have within our commission a strategic intelligence project right now looking at domestic violence and coercive control by police officers—the sorts of things we're discussing.

Ms ABIGAIL BOYD: That is interesting.

PETER JOHNSON: That is a starting point because that is essentially a process of developing the way in which we should look at these things—perhaps differently in the past. The commission can only investigate, in the end, a relatively small number of matters itself. We're a small agency with limited resources. Once we take on an investigation, it is labour- and resource-intensive. The statute says that the primary responsibility remains with the police. But, that said, if there are complaints to the commission direct, we do look at them closely and I would encourage those who have been speaking to you to raise the matters with the commission. It is true that many matters get referred to the police for investigation. But that is not the universal approach and there are ways in which we can seek to deal with things a little differently, perhaps. There may be things we can do short of full investigations. But this is a challenge for modern society and it's manifest as an issue which the police have to deal with themselves. I am again speaking in generalities and I can't offer you some ironclad answer to this, except to say that the commission is making a concerted effort to do what it can and to make sure that the Police Force is doing the same.

Ms ABIGAIL BOYD: Thank you. Just a final one on this—and again I am doing my best to draw themes out of stories but I understand that they are at this point just tales told to me rather than things that are statistically known. I am also being told that a lot of police are being let off or avoiding scrutiny for domestic and family violence charges by being checked in for a PTSD diagnosis effectively. I say that reluctantly because I am well aware that many police officers most validly have PTSD and I can't understand how most of them can do that job without getting PTSD. But the idea of that sort of charge or that evidence being brought followed shortly by medical leave and a diagnosis—is that something that you have any visibility of the data of?

PETER JOHNSON: Could I take that on notice? My general response at this stage would be, of course, if there is criminal conduct which is said to have occurred, it should be investigated. The fact that the person who is said to be the perpetrator says they need some sort of medical treatment is no answer, whether it's a police officer or an ordinary civilian. So far as the Police Force is concerned, it should not be a complete answer or a barrier to there being a proper investigation. I can't give you any numbers. I will, if I can, take that on notice and see if I can give you a more meaningful response.

Ms ABIGAIL BOYD: Very useful, thank you.

The Hon. CHRIS RATH: I might turn to the Independent Commission Against Corruption. Thank you for the Jersey report. It is very interesting reading on pork-barrelling. I wanted to ask what you see as some of the concerns raised in the report and generally for the commission since then about public trust and accountability of grant schemes that are non-competitive.

JOHN HATZISTERGOS: Do you mean funding commitments?

The Hon. CHRIS RATH: Yes, funding commitments where they're not open to everyone to apply. It's a non-competitive grants process and some of the issues that might arise from a non-competitive process, like from election commitments or from Ministers making decisions that do not have a clear set of guidelines or application processes.

JOHN HATZISTERGOS: The fundamental issue with any expenditure or any exercise of public power is that it be pursued as a matter of public interest, not for a private purpose—electoral success or prospective electoral success could be seen as a private purpose. Governments and parties generally are entitled to go to an election detailing to the electorate how they propose to exercise public power in the event that they're successful. We deal with that very explicitly in Operation Jersey at pages 39 to about 41.

The Hon. CHRIS RATH: The issue in the middle of an election campaign when obviously all political parties and candidates make election commitments—where do you think that fine line is between commitments that parties and candidates make, which then need to be implemented by the democratically elected government of the day, and, on the other hand, deliberate promises on grants and projects for the sole purpose of trying to win votes? There is quite a fine line there. Whether the member of Parliament or candidate is doing it for an altruistic reason or doing it for the sole purpose of winning votes can often be quite difficult to ascertain.

JOHN HATZISTERGOS: Yes. As I've said, candidates are entitled to go to the electorate and indicate how they propose to exercise public power in the event that they're successful. We detail that quite clearly in Jersey, on those pages that I've indicated. There is a difference between campaigning and making a promise and then implementing it, and being in power and running a program when you're seeking applications for grants and deciding that you're going to make a grant and doing it for a purpose which is disconnected from public interest—that is, for electoral purposes. There is a difference. I don't know if you can pick it up.

The Hon. CHRIS RATH: If the government of the day is announcing implementing grants funding, there would be probity processes in place, especially regarding any potential conflicts of interest that key decision-makers might have with the grants.

JOHN HATZISTERGOS: You need to speak up a bit. Your voice is dropping out.

The Hon. CHRIS RATH: Sorry. The government of the day, when delivering grants funding, would have probity processes in place, in particular, conflicts of interest, to make sure the decision-makers that are implementing those grants—that if there were any conflicts they'd be declared and disclosed. But during an election campaign, before those decision-makers are elected, whether they are candidates or the Opposition—so they're not the government of the day—is it of any concern to you that there is, I suppose, no process for declaring conflicts of interest regarding election commitments? All of the conflicts of interest would be disclosed in terms of the Government but not in terms of the political parties running for public office.

JOHN HATZISTERGOS: We don't regulate political parties. We don't have a jurisdiction over political parties. We have a jurisdiction over public officials—that's our jurisdiction—and candidates are not public

officials. I am aware of a section of the Act, which is maybe what you're referring to. It's section 8 (4), which talks about:

Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official. This subsection extends to a person seeking to become a public official even if the person fails to become a public official.

I am aware of that. However, section 9 of the Act, which overrides section 8, makes it clear that:

... conduct does not amount to corrupt conduct unless it could constitute or involve:

- (a) a criminal offence, or
- (b) a disciplinary offence, or
- (c) reasonable grounds for dismissing ... the services of ... a public official, or
- (d) in the case of ... a Minister ... or a member of ... Parliament—a substantial breach of an applicable code of conduct.

A candidate would not fall within any of those provisions, with the exception of potential criminal conduct. It would have to be so serious, and it's difficult to contemplate how that could arise. There is no code of conduct for candidates. I know in Britain, at the last election, the commissioner for standards wrote to the party leaders and asked them to subscribe to a particular code. We don't have that here and it's not in our Act, so that's where we are. We've given advice in Operation Jersey as to how we believe the provisions should operate.

I should just indicate to you that the one matter where that issue could have arisen was in Operation Keppel, where, I think, the former Premier Ms Berejiklian indicated that she wanted to advance a particular funding proposal for the purposes of securing the election of a Liberal candidate to Wagga Wagga. We took the view that it was unnecessary for us to address that issue because of the other issues that we found corrupt conduct was involved. We did not deliberately address that issue because it wasn't necessary for us to do so but it hasn't otherwise arisen in an investigation.

The Hon. CHRIS RATH: Thank you. That's actually very helpful for my own knowledge. It could potentially be something for the Electoral Commission, as well. To both of you, I suppose the concern that we have—and this is more for an inquiry that we've got going at the moment separately on local small commitments—is candidates during an election that make election commitments where they, as the candidate, have a conflict of interest. Then, having been elected at that election, they find themselves in a decision-making position—they become the Minister of the day, or have a huge amount of influence with that Minister because they're from the same political party. Then it would essentially be up to the department or some type of probity process to knock out those projects that were promised during the election campaign because of that conflict. It happens post-election rather than during the election process, so people might be voting at the election on those commitments where there is a conflict, but that's not made public or that's not known to people who are voting until after the election, should that party be elected. I don't know if the commission has looked at it. I take your view that you're responsible at the ICAC for—

JOHN HATZISTERGOS: That wouldn't be a conflict of interest that we would look into. A conflict of interest arises where there's a conflict between a private interest and the execution of a public duty. A candidate doesn't exercise public powers in making some commitment to the electorate. It just doesn't arise. There is no public power being executed; they're simply advocating for something. They're not a public official.

The Hon. CHRIS RATH: Yes, I understand that. To the Electoral Commissioner, I suppose there's no real way of knowing that the political candidates that we have from all parties running for any election, that when they are making commitments during an election such as funding commitments or promises—and all parties and candidates make promises like "If we are elected, we will do this or that," or whatever—there's no real way of knowing if they have a conflict because it's not like they have to disclose or publish any type of conflict of interest register for their election commitments. Probably the closest you would get to is anything submitted with the Parliamentary Budget Office in terms of the funding, but there isn't really anything beyond that, is there?

RACHEL McCALLUM: If you are talking about conflicts of interest in relation to public duties then, no, because they're candidates, so it doesn't arise in that context. As you know, it is the commission as well—of which I am a member—which is responsible for enforcing electoral laws, but in terms of what the scope of those laws and the type of conduct you're describing, I'm not aware of how it would fall within the current laws that regulate the conduct of candidates.

The Hon. MARK LATHAM: To the ICAC Chief Commissioner, just following up on that point. You said there is no power being exercised, but in the local small commitments grant scheme that we are talking about, if a candidate gets together with a parliamentarian—senior in the Labor Party in this case—and their head office officials, and says, "We have this scheme where to buy votes in your electorate, candidate, you can make these

allocations and promote them in the electorate", isn't that a power that is being exercised contingent on the election win? Where the candidate has lost the seat—

JOHN HATZISTERGOS: That is not the exercise of public power. The situation which I can envisage that might be covered is in the event that a candidate had some conflict, advocated it, was successful in the election and then following election pursued advocacy for something in relation to which they had a plain conflict. In that situation there could well be a conflict between their private interest and—

The Hon. MARK LATHAM: Why is it not the exercise of a public power that a failed—

JOHN HATZISTERGOS: What public power? Can you identify for me the public power that's being exercised?

The Hon. MARK LATHAM: For the failed candidate in my seat of Wollondilly to allocate money—

JOHN HATZISTERGOS: They're not allocating money; they're committing—

The Hon. MARK LATHAM: —on behalf of New South Wales taxpayers when they haven't been elected to Parliament, they're not part of the Executive Government, and the person who was elected to Parliament has no say in how the money was allocated. That is a power.

JOHN HATZISTERGOS: What public money have they allocated?

The Hon. MARK LATHAM: There were \$400,000.

JOHN HATZISTERGOS: As a candidate they're giving \$40,000?

The Hon. MARK LATHAM: It was \$400,000 allocated by a candidate—

JOHN HATZISTERGOS: Do you mean presentation of a cheque or something?

The Hon. MARK LATHAM: —who weren't even elected to Parliament and are certainly not part of the Executive Government.

JOHN HATZISTERGOS: Hold on, we are at cross-purposes. Are we talking about a promise to deliver something, or are we talking about an announcement?

The Hon. MARK LATHAM: We're talking about people who go around saying, "If you vote for me and you are on my campaign, and we get in, and you are helping to do that, you will be part of the allocation of the \$400,000."

JOHN HATZISTERGOS: That is a promise to do it.

The Hon. MARK LATHAM: Sorry?

JOHN HATZISTERGOS: That's a promise to do it—an election commitment to do it. That's not an exercise of public power.

The Hon. MARK LATHAM: It is buying votes, isn't it?

JOHN HATZISTERGOS: That may well be, but it is not an exercise of public power. What public power is being exercised by someone going out and saying all the things that Clive Palmer is going out advocating saying he's going to do? There's no public power being exercised. It's just a—

The Hon. MARK LATHAM: We won't see a Palmer government, but we've got a New South Wales Labor government that is allocating money on the basis of what failed candidates have said.

JOHN HATZISTERGOS: Your electoral matters committee, Mr Latham, as I understand it, has been pursuing this issue of truth in campaigning, truthful promises, and I understand from the last report they canned the whole proposal. Maybe you should go and revisit that aspect—I don't know.

The Hon. MARK LATHAM: I don't think it is a truth in proposing—

JOHN HATZISTERGOS: But it's not a public power. You haven't identified for me a public power.

The Hon. MARK LATHAM: I believe I have.

JOHN HATZISTERGOS: No, you haven't.

The Hon. MARK LATHAM: We will have to agree to disagree.

JOHN HATZISTERGOS: With the greatest respect, you haven't.

The Hon. MARK LATHAM: Obviously, it is a power to allocate public money when you're a failed candidate. If you can't see that—

JOHN HATZISTERGOS: You're not allocating anything. You're making a commitment to do it.

The Hon. MARK LATHAM: Of course it's a power. They haven't even been elected to Parliament and they've got the power to say how the \$400,000 is elected in that seat.

JOHN HATZISTERGOS: That's rubbish.

The Hon. MARK LATHAM: Of course that's a power.

JOHN HATZISTERGOS: You know it's rubbish. It's advocacy.

The Hon. MARK LATHAM: What do you mean "rubbish"? You're rubbish.

JOHN HATZISTERGOS: With the greatest of respect, that is nonsense.

The Hon. MARK LATHAM: You can't say I am rubbish. Don't you say I am rubbish. That is ridiculous.

The CHAIR: Order!

The Hon. MARK LATHAM: Of course it is a power to allocate public money.

The Hon. EMILY SUVAAL: Point of order—

The CHAIR: Mr Latham, we are to treat all the witnesses with respect at all times—

The Hon. MARK LATHAM: What about his comments?

The CHAIR: —and you said something there you should probably withdraw.

JOHN HATZISTERGOS: I think, with respect, Mr Latham knows the answer to his question.

The Hon. MARK LATHAM: I do. Anyway, we have a Public Accounts Committee that is investigating this and we will take it further. Chief Commissioner, you've got your acting chief executive officer here today. Where is your permanent one?

JOHN HATZISTERGOS: We will be recruiting one soon.

The Hon. MARK LATHAM: What happened to Mr Moy?

JOHN HATZISTERGOS: Mr Moy resigned in October last year.

The Hon. MARK LATHAM: Were you party to the selection decision to recruit him as the CEO?

JOHN HATZISTERGOS: Yes.

The Hon. MARK LATHAM: Were you aware at the time of the complaints of cronyism and patronage that the Community and Public Sector Union lodged with the Australian Public Service Commissioner in 2017?

JOHN HATZISTERGOS: Mr Moy went through a full probity check with the commission and he was the successful candidate. He was unanimously recommended by the selection panel. I am not going down into details of that process, but it went through a full probity check.

The Hon. MARK LATHAM: Who did the probity check?

JOHN HATZISTERGOS: It was done in accordance with the Act under the—

The Hon. MARK LATHAM: Did it raise this complaint by the CPSU?

JOHN HATZISTERGOS: I am not going to detail the matters that were raised or not raised, but he would not have been appointed had the commission not been satisfied that he was an appropriate appointee.

The Hon. MARK LATHAM: Were you aware of the cronyism and patronage complaint from the Federal Court?

JOHN HATZISTERGOS: You've asked that question several times. I am not going to go through the details of that. Mr Moy has left the service of the commission. We will be recruiting a new chief executive officer in the future.

The Hon. MARK LATHAM: Did you ask him to resign?

JOHN HATZISTERGOS: No.

The Hon. MARK LATHAM: What were the reasons he gave for resignation?

JOHN HATZISTERGOS: I am not going to go to that. He left on his own volition. He made a successful contribution in the time he was there, and he leaves with our best wishes.

The Hon. MARK LATHAM: How long was he there?

JOHN HATZISTERGOS: He was there for 13 months.

The Hon. MARK LATHAM: Thirteen months. That's all?

JOHN HATZISTERGOS: Yes.

The Hon. MARK LATHAM: And the position has been vacant since when? October?

JOHN HATZISTERGOS: We have had an acting chief commissioner in place.

The Hon. MARK LATHAM: When do you expect to fill that position?

JOHN HATZISTERGOS: We are currently recruiting another position. As soon as that position has been—we have commenced planning for it. We anticipate that in the next few months we will be advertising.

The Hon. MARK LATHAM: Right, and will it be a different probity process to the one that allowed Mr Moy to—

JOHN HATZISTERGOS: Our processes are fairly comprehensive.

The Hon. MARK LATHAM: How did you miss Moy's problems?

JOHN HATZISTERGOS: I don't accept for one moment any of your comments.

The Hon. MARK LATHAM: Were you aware at the time of these cronyism—

JOHN HATZISTERGOS: You raised that with me several times. I am not going to go into the details.

The Hon. MARK LATHAM: Point of order: I am asking questions here and repeatedly the commissioner interrupts and I can't get the full question out. I don't interrupt him. He is interrupting on a regular basis.

The CHAIR: To be fair, you were interrupting him and he was interrupting you.

The Hon. MARK LATHAM: I was interrupting his interruption.

The CHAIR: The point is that you have asked the question repeatedly. The commissioner has given his answer, which may not satisfy you, but his answer is his answer. So be it. I would encourage you to move on to other questions.

The Hon. MARK LATHAM: Commissioner, any lessons that the commission has learnt from the employment of Mr Moy given the very high standard of probity, of course, that we expect from ICAC?

JOHN HATZISTERGOS: I'm not sure what you are referring to.

The Hon. MARK LATHAM: He was only there 13 months. He has had this cloud hanging over him. People argue he shouldn't have been employed in the first place.

JOHN HATZISTERGOS: No, he had no cloud hanging over him.

The Hon. EMILY SUVAAL: Point of order—

The Hon. MARK LATHAM: It taints the reputation of ICAC that he ever was there.

The CHAIR: A point of order has been taken by the Hon. Emily Suvaal.

JOHN HATZISTERGOS: He had no cloud hanging over him.

The Hon. MARK LATHAM: He's interrupting me again.

The Hon. EMILY SUVAAL: There has been a series of adverse reflections made by Mr Latham to an individual that is not here. I would request, respectfully, that he confine his remarks to the terms of reference and avoid mentioning third parties who are not here to defend themselves.

The CHAIR: Yes, the procedural fairness resolution, Mr Latham, is that we are to avoid adverse mention of persons and third parties who are not here to defend themselves.

The Hon. MARK LATHAM: Well, he's not here because they had to get rid of him.

The CHAIR: I don't think it assists the hearing for you to be doing so, so please desist.

The Hon. MARK LATHAM: Commissioner, what is the statutory requirement or rules that ICAC needs to follow for the investigation of corrupt conduct?

JOHN HATZISTERGOS: The requirements of the ICAC Act.

The Hon. MARK LATHAM: What are they, and which section do you apply?

JOHN HATZISTERGOS: It depends on where the referral comes from.

The Hon. MARK LATHAM: What do you mean by that?

JOHN HATZISTERGOS: Depends on who makes the referral.

The Hon. MARK LATHAM: Where is that in the Act?

JOHN HATZISTERGOS: Section 13.

The Hon. MARK LATHAM: What does section 13 require?

JOHN HATZISTERGOS: It is there. You can read it. There has to be an implication of corrupt conduct under section 13 (1) (a). Unless it is a referral from the Parliament, in which case we have to do it.

The Hon. MARK LATHAM: And is an implication difficult to a reasonable likelihood?

JOHN HATZISTERGOS: If there is no reasonable likelihood, there is no implication.

The Hon. MARK LATHAM: That is just semantics. Is a reasonable likelihood as a threshold test different to an implication?

JOHN HATZISTERGOS: We are authorised to—first of all, it has to meet the definition of corrupt conduct under section 8 and not be excluded under section 9. Then there is provision in the Act which requires us to prioritise serious and/or systematic corrupt conduct. That's in section 12. Section 13 says that the commission's functions are as follows:

- (a) to investigate any allegation or complaint that, or any circumstances which in the Commission's opinion imply that—
 - (i) corrupt conduct, or
 - (ii) conduct liable to allow, encourage or cause the occurrence of corrupt conduct, or
 - (iii) conduct connected with corrupt conduct
- may have occurred, may be occurring or may be about to occur ...

Those thresholds do not exist if the investigation is a reference from both Houses of Parliament. If a reference comes from the Houses of Parliament, we don't have to be satisfied of the provisions of section 13.

The Hon. MARK LATHAM: Thank you. Chair, I withdraw my comment that the commissioner is rubbish, but I also hope the Committee can note it is totally inappropriate for a witness to describe a reasonable proposition put by an MP as "rubbish" in the first place.

JOHN HATZISTERGOS: I'm not withdrawing that, I'm sorry.

The Hon. MARK LATHAM: You think that's appropriate behaviour?

JOHN HATZISTERGOS: The repeated badgering of me in relation to a matter which I felt that I had answered adequately on a repeated number of occasions was not appropriate. Frankly, there was no public power that was being exercised, and you know it.

The CHAIR: Thank you. Order!

The Hon. MARK LATHAM: This man here doesn't know what I know and what our Committee has examined.

The CHAIR: Order, Mr Latham!

The Hon. MARK LATHAM: How arrogant can someone be?

The CHAIR: I think both of you have given as good as you've got.

JOHN HATZISTERGOS: Now look, I have—

The Hon. MARK LATHAM: It's completely arrogant to say that—completely arrogant.

The CHAIR: Order! Thank you, Commissioner, and thank you, Mr Latham.

JOHN HATZISTERGOS: I have great respect for members of Parliament.

The CHAIR: Order, please! I know it's late in the day, but you've had your exchange. Let's keep things civil and treat each other with respect at all times. Any more questions?

The Hon. SARAH MITCHELL: No.

The Hon. Dr SARAH KAINE: No.

The CHAIR: In the absence of any other questions, I thank all witnesses for your appearance and the work you do for the people of New South Wales. We very much appreciate it. The secretariat will be in contact with you in due course with any questions that were taken on notice. Thank you very much, and have a lovely afternoon.

(The witnesses withdrew.)

The Committee proceeded to deliberate.