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| QUESTION (page 2&3) | |
| <p>The Hon. DAMIEN TUDEHOPE: When would the police have been notified in relation to that decision, and who would have notified them?</p> <p>Mr CHRIS MINNS: I might have to take that on notice. It may well be the case that in a fast-moving situation the police were notified via media reports. Those may have been the circumstances. It may well have been through my chief of staff. But in any event, it was a fast-moving situation and a decision needed to be made.</p> <p>It would be unconscionable for the government of the day to say, "We'll take two or three days to make a decision."</p> <p>This was really a threshold call for the New South Wales Government.</p> | |
| <p>ANSWER:</p> <p>I am advised my office advised Police prior to the public announcement.</p> | |

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| QUESTION (page 8) | |
| <p>The Hon. ROBERT BORSAK: In June 2022, obviously before your time, a draft conservation management plan was submitted to the Department of Planning and Environment for stage one of the Powerhouse at Ultimo. Are you aware of whether that particular draft conservation management plan is still current, or has it been revised? If you don't know, you can take it on notice.</p> <p>Mr CHRIS MINNS: I don't know. I'm happy to take it on notice unless Simon knows.</p> <p>SIMON DRAPER: No, I don't.</p> <p>Mr CHRIS MINNS: Sorry, Mr Borsak. I'll take it on notice and I'll come back to you.</p> | |
| <p>ANSWER:</p> <p>Infrastructure NSW is the proponent for the Powerhouse-Ultimo Renewal project.</p> <p>I am advised:</p> <p>The Conservation Management Plan for the site was submitted in 2022 as part of the documentation for the application for a concept approval for the redevelopment of the site.</p> <p>The plan is publicly available on the Department of Planning and Environment's website, as part of the documents for the state significant development application:</p> <p>https://www.planningportal.nsw.gov.au/major-projects/projects/powerhouse-ultimo-renewal</p> | |

The former Minister for Planning approved a concept approval for the redevelopment of the site subject to conditions on 21/02/23. Any demolition or construction on the site will be subject to future project applications made by Infrastructure NSW, and that such applications will have to be consistent with the Conversation Management Plan.

| QUESTION (page 14) | |
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| <p>The Hon. BRONNIE TAYLOR: Premier, on 20 October 2022, two weeks after the SO 52 was lodged, did you host a Labor fundraiser with the Prime Minister, Anthony Albanese?</p> <p>Mr CHRIS MINNS: I'd have to check my diary. I couldn't—</p> <p>The Hon. BRONNIE TAYLOR: If you could provide that to the Committee, that would be great.</p> <p>Mr CHRIS MINNS: I can't tell you off the top of my head.</p> <p>The Hon. BRONNIE TAYLOR: That's fine. Did a representative from CMAX Advisory attend this fundraiser?</p> <p>Mr CHRIS MINNS: What was the—maybe if you can help me with the person's name, I might have a better recall.</p> <p>The Hon. BRONNIE TAYLOR: The Taubenschlags?</p> <p>Mr CHRIS MINNS: The what?</p> <p>The Hon. BRONNIE TAYLOR: The Taubenschlags from CMAX Advisory.</p> <p>Mr CHRIS MINNS: It doesn't ring a bell.</p> <p>The Hon. BRONNIE TAYLOR: Did a representative from CMAX Advisory attend this fundraiser?</p> <p>Mr CHRIS MINNS: It doesn't ring a bell, but I would be reluctant to say no because I don't immediately recall the fundraiser.</p> <p>The Hon. BRONNIE TAYLOR: Just for your recollection, two weeks—</p> <p>Mr CHRIS MINNS: How many people were at the fundraiser?</p> <p>The Hon. BRONNIE TAYLOR: Well, that's a question for you. I understand it was intimate. But I also understand that, two weeks after the SO 52 was lodged, a member from CMAX Advisory attended that fundraiser and made the first ever donation to the State Labor Party of \$5,000, although they'd already only donated to the Federal Labor Party before that.</p> <p>Mr CHRIS MINNS: So they donated to Labor previously and then they donated to Labor again?</p> <p>The Hon. BRONNIE TAYLOR: No, they never donated to State Labor. But my question is to you—</p> | |

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| <p>Mr CHRIS MINNS: But they had donated to Federal Labor?</p> <p>The Hon. BRONNIE TAYLOR: I'm the one asking the questions here, Premier, and you're answering them and that's how budget estimates works.</p> <p>Mr CHRIS MINNS: Was Anthony Albanese at the fundraiser though, did you say?</p> <p>The Hon. BRONNIE TAYLOR: My question to you is did a member of CMAX Advisory attend that fundraiser. Now, I understand you're going to take that on notice. Is that correct, for the Committee?</p> <p>Mr CHRIS MINNS: I don't immediately recall the fundraiser—</p> <p>The Hon. BRONNIE TAYLOR: And that's fine, Premier. But will you take that on notice?</p> <p>Mr CHRIS MINNS: —and I don't immediately recall who attended the fundraiser, but I'm happy to take it on notice.</p> <p>The Hon. BRONNIE TAYLOR: Great.</p> <p>Mr CHRIS MINNS: But, I mean, if you're saying that—</p> <p>The Hon. BRONNIE TAYLOR: Just, again, to add to your recollection—</p> <p>The CHAIR: Order!</p> <p>The Hon. BRONNIE TAYLOR: I have another question.</p> <p>The CHAIR: Well, the Premier is seeking to answer the question and you are—</p> <p>The Hon. BRONNIE TAYLOR: Well, he has answered it, respectfully.</p> <p>The CHAIR: Order! You've got to treat all witnesses, including the Premier, with courtesy.</p> <p>The Hon. ROBERT BORSAK: Including the Premier.</p> <p>The CHAIR: Even the Premier—with courtesy. So can we be mindful of that and not interject with a barrage of questions?</p> <p>Mr CHRIS MINNS: Yes, I don't want to mislead the Committee, Mr Chair. I don't automatically remember the individual involved, but I'm not confident enough to say that they weren't there.</p> <p>The Hon. BRONNIE TAYLOR: That's great. Thanks very much. If you just provide that on notice.</p> <p>Mr CHRIS MINNS: But if the Electoral Commission reports a \$5,000 donation after this person had donated to the Federal party—and did you say Anthony Albanese was at the fundraiser?</p> <p>The Hon. BRONNIE TAYLOR: Thank you, Premier. I'm happy to move on from that line of questioning. If you just provide that information to the Committee, that would be most appreciated.</p> | |
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ANSWER:

I am advised:

Under the Electoral Funding Act, parties, candidates and other electoral participants are required to disclose reportable political donations within 21 days during the six month period before the State general election.

A reportable political donation is a donation that is valued at \$1000 or more.

A reportable political donation includes multiple donations made by the same donor to the same recipient that in aggregate are valued at \$1000 or more in one financial year.

This gives NSW voters access to the sources and amounts of reportable political donations before an election.

Details of political donations and electoral expenditure disclosed by political parties, elected members, candidates, political donors and others can be viewed at <https://elections.nsw.gov.au/funding-and-disclosure/disclosures/view-disclosures>

QUESTION (page 20)

The Hon. ROBERT BORSAK: Are you aware also that the surrounding State forests and Crown lands are also heavily populated by brumbies? Where I am going with that is saying that there's a great focus on the national park and its environmental values. These State forests and Crown lands also have environmental values, but I don't seem to ever hear any discussion around those forests. I have been to a number of those forests, and they are almost as thickly populated by horses as the park itself. How are they going to be dealt with? It's one thing cleaning the horses out of the park. If they're going to repopulate from the State and surrounding forests, how is that going to be dealt with? In other words, this is potentially a bigger program than what you're mooting.

Mr CHRIS MINNS: That's a fair question, and I presume the brumbies don't know whether they're walking in a national park or in a State forest or even wandering into the ACT. I'd have to take that on notice.

ANSWER:

I am advised:

Non-native wild animal management control methods are undertaken in accordance with the policies and plans of the Department of Primary Industries, Forestry Corp and Crown Lands and the practical limitations and considerations of their respective properties.

State forests and Crown Lands as public land managers have a duty to manage risks related to all non native wild animals (for example wild dogs and feral pigs).

There is a high level of collaboration between government agencies in relation to non-native wild animal control in these regions.

If horses enter the Kosciusko National Park from State Forest or Crown Land they will be managed by the NSW National Parks and Wildlife Service in accordance with the Kosciusko Wild Horse Heritage Management Plan.

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| <p>QUESTION (page 21)</p> | |
| <p>The CHAIR: Thank you, Premier. I turn to a different subject entirely now: engineered stone benchtops.</p> <p>You may not be aware, Premier, that I was a stonemason for 15 years. I worked in the engineered stone industry.</p> <p>I'm in the process of registering for icare to find out whether or not I'm about to die from silicosis—and I'm not alone. Hundreds of thousands of people are going to die from silicosis from engineered stone, quarrying, tunnelling et cetera. Is the Government committed to protecting workers in this State from this industry? Will you consider an outright ban on this product?</p> <p>Mr CHRIS MINNS: Obviously we are committed to ensuring that the health and safety of workers in New South Wales is protected. My understanding is that Minister Sophie Cotsis has looked at that. I know there has been strong and consistent advocacy from the affected union, the Australian Workers' Union, in relation to its application, and some other unions as well who are concerned about its continued use. It is probably a question best directed to her, but I'm happy to take it on notice and provide a comprehensive answer to the Committee about the Government's next steps.</p> | |
| <p>ANSWER:</p> <p>Every person has the right to be safe at work.</p> <p>Silicosis is an awful, debilitating disease that is a life sentence for both the sufferer and their loved ones. Research indicates a quarter of workers in the manufactured stone industry contract silicosis. This is unacceptable.</p> <p>The SafeWork Australia report unambiguously states there is no safe level of silica in manufactured stone.</p> <p>The status quo cannot continue, and the NSW Government is determined to lead in ensuring we continue to protect workers.</p> <p>A nationally consistent ban on manufactured stone is the best way forward.</p> <p>We have to get this right. We don't want a lawyer's picnic like we saw with James Hardie and asbestos and we don't want to create a backdoor where this product can enter NSW through other states.</p> | |

NSW will work with our interstate colleagues and small business, industry, unions and medical experts to achieve a national approach.

While a national ban is preferred, NSW will act alone to ban engineered stone if we cannot reach national agreement.

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| <p>QUESTION (page 21)</p> | |
| <p>Ms ABIGAIL BOYD: If we take that, then, and we look and we say, "Fine, those allocations, that part of it was really a series of election commitments", have all of those election commitments been made public?</p> <p>Mr CHRIS MINNS: My understanding is they have been, but I will take that on notice.</p> <p>Ms ABIGAIL BOYD: I can tell you they've not been. It's not possible to actually get a list of those election commitments. We've asked many times and we've tried to do an SO 52 to try and get that information as well. I understand that you gave a list of these to the people administering the grants in around June of this year, so a good three months after the election. Will you make that list publicly available?</p> <p>Mr CHRIS MINNS: I'll have to take it on notice. But I think the central principle here—that oppositions and governments make, in this case, modest promises to electorates right across New South Wales—is a good one. Having—</p> <p>Ms ABIGAIL BOYD: Yes, but in the absence of—</p> <p>Mr CHRIS MINNS: I am going to finish my answer. Having it equalised across 93 electorates was a hedge—not too dissimilar to the Community Building Partnership grants that are administered, effectively, by lower House members of Parliament—against outrageous pork-barrelling.</p> | |
| <p>ANSWER:</p> <p>Any suggestion that the commitments will not be made public is incorrect as the details of successful grants will be made publicly available on the NSW Grants and Funding website (https://www.nsw.gov.au/grants-and-funding/lscs). Labor made a public election commitment that each of the 93 electorates across New South Wales would receive \$400,000 and this was published by the Parliamentary Budget Office.</p> | |

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| <p>QUESTION (page 25)</p> | |
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| <p>The Hon. DAMIEN TUDEHOPE: When did you become aware of his candidacy for the position of Secretary of the Department of Transport?</p> <p>Mr CHRIS MINNS: I couldn't give you the exact time. I have to take it on notice and just reflect on when.</p> | |
| <p>ANSWER:</p> <p>The acting Secretary of DPC Peter Duncan briefed me.</p> | |

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| <p>QUESTION (page 32)</p> | |
| <p>The Hon. ROBERT BORSAK: In terms of the money side of things, there was a fund called the bushfire recovery and resilience fund. Does that still exist?</p> <p>Mr CHRIS MINNS: I might have to take that on notice, unless the Secretary of the Premier's Department could jump in? We can get that checked for you, Mr Borsak, and come back to you.</p> <p>The Hon. ROBERT BORSAK: Okay, thanks. What I was going to was if it does, how much is still in there and is that fund being used for what it was meant to be used for—rather than pork-barrelling, as we saw in the previous Government—and an assurance that your Government is not using those funds for other purposes as well.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>The question was answered by the Secretary of the Premier's Department after the luncheon adjournment, please refer to page 48 of the hearing transcript.</p> | |

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| <p>QUESTION (page 36)</p> | |
| <p>The Hon. SARAH MITCHELL: Premier, you've just mentioned speaking to people in the regions about palliative care. I'm not sure if you're aware. The former Government had committed \$20 million for a new palliative care building in Tamworth, obviously a big regional centre. Is that something that your Government would honour—would provide that for regional people?</p> <p>Mr CHRIS MINNS: We've got \$93 million worth of capital investment and that includes redevelopment and refurbishing health facilities, including palliative care units for Westmead, Nepean—</p> | |

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| <p>The Hon. SARAH MITCHELL: I'm asking about Tamworth.</p> <p>Mr CHRIS MINNS: Hang on a second—Westmead, Nepean, Orange, Wyong and Tamworth.</p> <p>The Hon. SARAH MITCHELL: So that \$20 million will come?</p> <p>Mr CHRIS MINNS: My information is that we're investing \$93 million.</p> <p>The Hon. SARAH MITCHELL: Could you provide on notice how much of that will go to Tamworth?</p> <p>Mr CHRIS MINNS: Happy to. Yes, of course.</p> <p>The Hon. SARAH MITCHELL: That'd be great for the community. Big issue.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>As part of current planning in line with the \$93 million investment, the Tamworth Hospital palliative care unit will be redeveloped to meet the needs of the Tamworth community and surrounds. The estimated total cost, clinical scope, and construction timeframes will be confirmed as planning progresses.</p> | |

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| <p>QUESTION (page 38 & 39)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: Premier, in 2015 you went to China, did you not?</p> <p>Mr CHRIS MINNS: Yes.</p> <p>The Hon. DAMIEN TUDEHOPE: And you were a member of Parliament at the time?</p> <p>Mr CHRIS MINNS: That's right.</p> <p>The Hon. DAMIEN TUDEHOPE: Who paid for that trip?</p> <p>Mr CHRIS MINNS: I'd have to take it on notice and report back, but I'm pretty sure it was covered in media inquiries at the time.</p> <p>The Hon. SARAH MITCHELL: Did you pay for it?</p> <p>Mr CHRIS MINNS: No.</p> <p>The Hon. DAMIEN TUDEHOPE: Do you know who paid for it?</p> <p>Mr CHRIS MINNS: I don't want to get the acronym wrong or the organisation wrong, but it was an Australia Chinese business organisation promoting trade and investment between the two countries that paid for not just me but a delegation across the board—State and Federal.</p> | |

ANSWER:

When I undertook the trip, it was my understanding it was funded by the Australian-Guangdong Chamber of Commerce.

QUESTION (page 39)

The Hon. DAMIEN TUDEHOPE: Did Huang Xiangmo pay for the trip?

Mr CHRIS MINNS: Is that related to—

The Hon. DAMIEN TUDEHOPE: Did he?

Mr CHRIS MINNS: I don't know. It's important to put on the record, Mr Chair, that the trip was paid for by that industry association, and I believe that they're the people that paid the bill.

The Hon. DAMIEN TUDEHOPE: Was he involved in that industry association?

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

ANSWER:

The Member should contact the organisation for officeholders and members.

QUESTION (page 42)

The CHAIR: On that, they certainly have been resilient. The former Government collected a bucket of moneys, the royalties for a rejuvenation—the estimates are there's \$70 million there. Most reasonable people would argue that the Hunter Valley in particular hasn't got the money back into the community that its put into the State, if you look at the amount of royalties returning to that area. Is that something that you're concerned about and you'll look to in the future to make sure that we don't have another BHP, we don't have another collapse and we get on with that sooner rather than later?

Mr CHRIS MINNS: I'll have to take that on notice about the specifics of the funds. The quantum of money that's generated by coal, particularly royalties, is massive. It's central and important for the New South Wales economy. Money is fungible, so previous governments have been able to move around funding sources and claim that they're consistent with previous commitments to royalties to the region. The bottom line here is we want to make sure that the Hunter Valley is resilient and focused on the future, and that we in Macquarie Street are also, that the next generation of industries and jobs are also. As I said, we can learn a lot from the civic, business

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| and union leaders up there. They've got their eye on the ball in terms of how their economy is changing because they've gone through it in recent memory. | |
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ANSWER:

I am advised:

The Royalties for Rejuvenation Fund was established under the Mining Act 1992 (the Act) with the provisions commencing in October 2022.

Under the Act, the object of the Fund is to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining by supporting other economic diversification in those regions, including by the funding of infrastructure, services, programs and other activities.

The current funding arrangement commits \$25 million per annum towards the Fund from 2020/21 to 2030/31. All funds must be drawn down on in a manner consistent with provisions in the Act.

The total amount deposited in the Fund in the past 3 financial years (2020/21 – 2022-23) was \$67.5 million. The total balance of the Fund is currently approximately \$68.9 million, which includes interest accrued on the deposited amounts. Deposited funds are held by NSW Treasury. Information on the fund is published on the NSW government website: <https://www.nsw.gov.au/regional-nsw/resources/royalties-for-rejuvenation-fund#:~:text=The%20NSW%20Government's%20Royalties%20for,a%20strong%20and%20vibrant%20future>

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| QUESTION (page 43) | |
| <p>Ms CATE FAEHRMANN: I want to touch on the issue of gambling and the Independent Panel on Gaming Reform. I understand that in June the Government announced that due to difficulty finalising the membership of this panel, that was the reason for the delay of the cashless trial. Can you please inform us what difficulties the Government had in finalising the membership of the panel?</p> <p>Mr CHRIS MINNS: That is probably a question best directed to the gaming Minister, although I'm happy to take it on notice and report back to the Committee. My understanding is that the membership's in place and working well. I couldn't tell you how many meetings they've had, but they have met. There will be further announcements in the not too distant future about the progress of that panel's work and where they're up to in terms of collecting evidence.</p> | |
| <p>ANSWER:</p> <p>The NSW Government took time setting up the Independent Panel to ensure the right balance of independence and expertise from law enforcement, industry experts, academics and lived experience in the field of gambling and health.</p> | |

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| QUESTION (page 44) | |
| <p>Ms SUE HIGGINSON: Premier, I take you back to the climate ambition and the fact that the current settings prescribed by regulation have a 2035 target of 70 per cent emissions reduction. Your Government right now is proposing to do less than that. Can you explain why? Why would we do that now?</p> <p>Mr CHRIS MINNS: Your assertion is that the previous Government was going to reduce emissions by 70 per cent by 2030?</p> <p>Ms SUE HIGGINSON: It's in the regulation, Premier.</p> <p>Mr CHRIS MINNS: Which regulation?</p> <p>Ms SUE HIGGINSON: It's in the Energy and Utilities Administration Regulation. It's based on all of the programs that the current Government set in place.</p> <p>Mr CHRIS MINNS: Right. I have to say I'm happy to take on notice your question, but I did quiz the previous Government whilst Leader of the Opposition what about what its targets were and whether it agreed on it—and they didn't. The environment Minister did have a target and the—</p> <p>Ms SUE HIGGINSON: They must have got it wrong.</p> <p>Mr CHRIS MINNS: —Leader of the National Party didn't have a target.</p> | |

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| <p>The Hon. DAMIEN TUDEHOPE: He mightn't have known.</p> <p>Mr CHRIS MINNS: They were all at sixes and sevens in relation to it.</p> <p>Ms SUE HIGGINSON: Perhaps it was a Liberals target, not a Nats target.</p> <p>Mr CHRIS MINNS: Well, maybe not! We should ask Mr Tudehope.</p> <p>Ms SUE HIGGINSON: But it is currently in New South Wales—</p> <p>Mr CHRIS MINNS: Is it your target, Damien?</p> <p>Ms SUE HIGGINSON: Premier, this is my question.</p> <p>The Hon. DAMIEN TUDEHOPE: It's in the—why don't you know?</p> <p>Ms SUE HIGGINSON: Premier—</p> <p>Mr CHRIS MINNS: I did ask questions about this. I'm not not asking questions—</p> <p>Ms SUE HIGGINSON: Excuse me, Premier—</p> <p>The CHAIR: Order!</p> <p>Mr CHRIS MINNS: I remember asking the then Government—</p> <p>Ms SUE HIGGINSON: Excuse me, Premier—</p> <p>Mr CHRIS MINNS: —about all this a year ago.</p> <p>Ms SUE HIGGINSON: It is in regulation and it's inconsistent with your ambition.</p> <p>Mr CHRIS MINNS: Well, that's what you say. I'm happy to take it on notice.</p> <p>Ms SUE HIGGINSON: Thank you.</p> <p>Mr CHRIS MINNS: There's a discrepancy. I do remember quizzing the previous Government about it and they couldn't agree on what their targets were.</p> <p>Ms SUE HIGGINSON: Thank you. If you can take that on notice, I would be very grateful.</p> <p>Mr CHRIS MINNS: Sure.</p> | |
| <p>ANSWER:</p> <p>The Government made an election commitment for a legislated 50% emissions reduction target by 2030, and net zero by 2050, and to establish a Net Zero Commission to monitor and review the State's progress towards its targets and objectives. The Climate Change (Net Zero Futures) Bill 2023 was introduced to Parliament by the Minister for Energy on 12 October 2023 to deliver this commitment.</p> <p>The Net Zero Commission may provide recommendations on further interim targets or greenhouse gas emissions budgets to track progress in meeting NSW's 2050 target, which could potentially include any interim targets. We want to ensure that our targets</p> | |

reflect a best-practice, science-led approach as advised by the expert, independent Commission. The current NSW targets sets a floor for our ambition, not a ceiling and we will continue to review and update.

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| QUESTION (page 48) | |
| <p>SIMON DRAPER: Chair, just before we start and take up the Coalition's time, Mr Borsak asked a question this morning of the Premier and I said I'd come back and just clarify. Is it a convenient time to quickly do that now or should I come back later?</p> <p>The CHAIR: Yes, sure.</p> <p>SIMON DRAPER: Mr Borsak asked about the Bushfire Community Recovery and Resilience Fund, which is a \$43.75 million fund. Mr Borsak asked how much of that had been expended. So far \$39.05 million of that has been paid, so there's \$4.7 million yet to be paid. That will all be paid before April 2024, when the fund expires. It has all been allocated but there are progress payments to be made.</p> <p>The Hon. ROBERT BORSAK: I think I also asked questions around what it had been allocated for.</p> <p>SIMON DRAPER: I don't have that detail. If you're after all the allocations, I can take that on notice.</p> <p>The Hon. ROBERT BORSAK: Could you take that on notice?</p> <p>SIMON DRAPER: Yes.</p> | |
| <p>ANSWER:</p> <p>Details of the allocation of funding to projects under the Bushfire Community Recovery and Resilience Fund program are available at https://www.nsw.gov.au/grants-and-funding/bushfire-community-recovery-and-resilience-fund</p> | |

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| QUESTION (page 49) | |
| <p>The Hon. DAMIEN TUDEHOPE: Just on that, where did you get the information from in relation to the grants that had been made? Who provided it to you?</p> <p>KATE MEAGHER: So the list was provided to us.</p> <p>The Hon. DAMIEN TUDEHOPE: Who by?</p> <p>KATE MEAGHER: Advisers in the Premier's office.</p> <p>The Hon. DAMIEN TUDEHOPE: An adviser in the Premier's office?</p> <p>KATE MEAGHER: Yes, advisers in the Premier's office. That's right.</p> | |

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| <p>The Hon. DAMIEN TUDEHOPE: And so have you any idea how they collated that information?</p> <p>KATE MEAGHER: I couldn't tell you, I'm sorry. We were provided with the list. That's right.</p> <p>The Hon. DAMIEN TUDEHOPE: So there was a list provided by the Premier's office—</p> <p>KATE MEAGHER: That's right.</p> <p>The Hon. DAMIEN TUDEHOPE: —from a source, which you don't know, about so-called commitments which had been made.</p> <p>KATE MEAGHER: That's correct. We were provided with that list. Then our role was to administer the list under the grants administration guidelines.</p> <p>The Hon. SARAH MITCHELL: I am happy for you to take on notice the date when you received that list from the Premier's office.</p> <p>KATE MEAGHER: Actually, I would appreciate taking that on notice, if that's okay.</p> | |
| <p>ANSWER:</p> <p>On 28 July 2023 the Premier's Office emailed the Premier's Department a spreadsheet titled <i>Local Commitment Master List</i>.</p> | |

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| <p>QUESTION (page 50)</p> | |
| <p>The Hon. SARAH MITCHELL: The point I'm trying to understand, though, is that no-one is disputing that these aren't worthy projects that may have been nominated. The question is more around how these projects were chosen, particularly when there are very good community projects right across the electorates that weren't even given an opportunity to apply. That's the sticking point where this probably differs from other grants that are open for public application and assessed. It was a very targeted list of specific projects to be considered.</p> <p>I appreciate that was the decision of the Government and not you as an agency, but that probity piece is something that I think is quite challenging. In terms of the money that will go to local councils, my understanding is that if the full \$400,000 wasn't allocated to certain projects then the leftover would be divided evenly between councils in that LGA. Is that the methodology?</p> <p>KATE MEAGHER: I think—and I will double-check the actual methodology—it is weighted depending upon how much an electorate is in a local government area.</p> | |

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| <p>The Hon. SARAH MITCHELL: If the candidate or MP had put forward a particular local government area and they had got the bulk of the money already, that's classed as a separate allocation from the general one that local government areas are getting?</p> <p>KATE MEAGHER: I might need to check that. I apologise.</p> <p>The Hon. SARAH MITCHELL: I used the Dubbo example this morning. They got the bulk of the money. There were two local government areas in that electorate that got nothing. I'm not sure what the processes are if the project that was nominated was money for a council already by a particular candidate.</p> <p>KATE MEAGHER: Yes, understood. I'm happy to take that on notice.</p> <p>The Hon. SARAH MITCHELL: That would be great.</p> | |
| <p>ANSWER:</p> <p>The Local Small Commitments Allocation (LSCA) program is structured with two categories of projects:</p> <ol style="list-style-type: none"> 1. Nominated Community projects (section 2.1 of the LSCA Guideline). These are specific identified projects to be delivered by community organisations or local councils. Some of these nominated projects are related to parks, playing fields, playgrounds, nature reserves or other green and open spaces. The location and purpose of the project has been determined in the election commitment nomination process. 2. Projects to upgrade playgrounds and parks (section 2.2 of the LSCA Guideline). Where the full allocation of \$400,000 has not been committed to nominated community projects in an electorate, remaining funds are allocated to playground and park upgrade projects to be delivered by local councils. <p>44 electorates had LSCA funding totalling \$8,796,00 allocated to playground and park upgrades. These funds have been allocated on a per capita basis in accordance with section 2.2 of the LSCA Guideline based on population figures supplied by the NSW Parliamentary Library and sourced from the Electoral Commission.</p> <p>Local councils are now working with their local MP to identify priority playground and park upgrade projects. These will be submitted to the LSCA Program Office for assessment and approval by the Minister in accordance with the LSCA Guideline.</p> | |

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| <p>QUESTION (page 52)</p> | |
| <p>The Hon. SARAH MITCHELL: To the point of my colleague, I know that there are many elected members of Parliament who have no detail as to what these projects are in their electorates. Some have been told because they've been approved and they get a</p> | |

subsequent letter. But they have community members asking them about whether their grant will be successful and they don't even know that a grant application had gone in. Other colleagues have been told that there are six projects in their electorate but no there is detail as to what they are.

This is challenging, particularly when you've got members looking at things like community building partnerships.

While I respect that it's not your fault, Ms Boyd, for lack of a better term, there hasn't really been a lot of transparency around this because we don't know which grants have been put in, we don't know which ones have been approved and we don't know the probity, and I think that's concerning members of the community. In terms of the timing of when information will be made available, is it possible for the Committee to get a list of those that have been approved already? Is that something that could be provided today?

KATE MEAGHER: Yes, and they definitely will be published.

The Hon. SARAH MITCHELL: But not for 45 days?

KATE MEAGHER: Do you mind if I check? I will have to check that. It's the Special Minister of State's portfolio.

The Hon. SARAH MITCHELL: Sure.

KATE MEAGHER: Thank you.

The Hon. DAMIEN TUDEHOPE: But you do have, do you not, Ms Meagher, a complete list already on your desk?

KATE MEAGHER: I appreciate that the Committee is interested in that complete list. I don't mean to sound like I'm being overly bureaucratic about it, but the process is such that those projects still need to be assessed. The reason that list hasn't necessarily been provided in whole to date is because we don't want to pre-empt the decision-making process.

The Hon. DAMIEN TUDEHOPE: But you could provide the list.

KATE MEAGHER: I am happy to take that on notice as well. I know the Premier was happy to consider that too. I wouldn't mind testing that from a legal law assessment process perspective to see whether that poses any problems in that respect.

The Hon. DAMIEN TUDEHOPE: And you could identify the ones that are yet to be approved so as not to give people an undue—

KATE MEAGHER: I guess that's right. Can I take it on notice, though, just to make sure that we're not setting a course that might in some way prejudice the determination?

ANSWER:

On 28 July 2023 the Premier's Office emailed the Premier's Department a spreadsheet titled *Local Commitment Master List*.

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| QUESTION (page 52) | |
| <p>The Hon. DAMIEN TUDEHOPE: Mr Draper, in relation to that, when the member for Davidson lodged a GIPAA about this list, the response that came back to him was that it was Cabinet in confidence. Was that wrong?</p> <p>SIMON DRAPER: I couldn't comment on that. But the decision-maker for that GIPAA would have considered the status of that information. They would have made that determination on the basis of the information that they had to hand.</p> <p>The Hon. DAMIEN TUDEHOPE: Even on whatever guidelines we're looking at, it was never Cabinet-in-confidence material, was it?</p> <p>SIMON DRAPER: Again, I couldn't comment on whether that had been to Cabinet or not.</p> <p>The Hon. DAMIEN TUDEHOPE: Ms Boyd, do you take the view that this should have been referred to as Cabinet in confidence?</p> <p>KATE BOYD: I'm not sure of the provenance of it either. We would have to take that on notice. I wasn't the decision-maker in that particular application.</p> <p>The Hon. DAMIEN TUDEHOPE: Would you do that? I can understand no rationale where this material, which was provided by the Premier's office and is now being assessed, is Cabinet in confidence.</p> <p>KATE BOYD: It may have been some other public interest against disclosure that was relevant to the decision, not just a Cabinet claim. But we can take that on notice and provide that detail.</p> | |
| <p>ANSWER:</p> <p>This question was answered by Kate Boyd later in the hearing (see pg 66 of the hearing transcript).</p> | |

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| QUESTION (page 52 & 53) | |
| <p>The Hon. SARAH MITCHELL: In relation to the guidelines for the program—and I haven't got a copy of them here—my recollection of reading them was that this was about \$400,000 per electorate to fulfil election commitments that were made for small projects. Is that basically correct?</p> <p>KATE MEAGHER: That's right, yes.</p> | |

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| <p>The Hon. SARAH MITCHELL: If something is an election commitment, is it important that they are announced prior to the election?</p> <p>KATE MEAGHER: I guess it's a matter for the parties. I don't know general counsel.</p> <p>The Hon. SARAH MITCHELL: I suppose my point is how are you as public servants sure that the projects that came to you on that list from the Premier's office have actually been committed prior to the election?</p> <p>KATE MEAGHER: Sorry, that's part of the eligibility criteria, yes. I beg your pardon.</p> <p>The Hon. SARAH MITCHELL: So the eligibility criteria says there have to be election commitments?</p> <p>KATE MEAGHER: That's correct, yes.</p> <p>The Hon. SARAH MITCHELL: But does that mean they have to be publicly announced?</p> <p>KATE MEAGHER: I'm not actually sure about that. I can take on notice if there's a distinction between—</p> <p>The Hon. SARAH MITCHELL: That would be good because, again, I know of many seats where there were no public announcements by any Labor candidates about what this money would be utilised for, and now certain projects are being funded. It's just getting to that transparency and that probity piece, which I think is pretty important. It might not be something you can answer, but what's the time frame anticipated for finalising which projects will be approved?</p> <p>KATE MEAGHER: It could take some months, I guess. I'm kind of speculating a little bit there. I'm happy to take that on notice. But, yes, we are working through them methodically, however—not rushing.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>Projects are being assessed on a rolling basis.</p> | |

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| <p>QUESTION (page 53)</p> | |
| <p>The Hon. SARAH MITCHELL: I think, Mr Draper, you said before that some of these might be knocked back. What will be the process? Will it just be the community groups told? Will the local member who was elected be told whether a project is being funded or not, even if they weren't in a position or asked to nominate any projects prior to the election?</p> | |

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| <p>KATE MEAGHER: They are. They will be.</p> <p>The Hon. SARAH MITCHELL: Will they know what doesn't receive funding either or which projects get knocked back?</p> <p>KATE MEAGHER: All of those decisions made by the Special Minister of State will be available online. That's all transparent.</p> <p>The Hon. SARAH MITCHELL: But that will happen 45 days after a decision has been made on each project?</p> <p>KATE MEAGHER: I'll check for you about unsuccessful projects and notification of MPs. With regard to successful projects, that's right. I think it's within 10 days of the funding deed being signed but I'll triple-check that for you and take on notice the question around unsuccessful projects, if that's okay.</p> <p>The Hon. SARAH MITCHELL: Yes, that's fine. In terms of the assessment, I think you said before about value for the community and what they were doing. Can you talk through a little bit more what that criterion is, how it's weighted and how those projects are being assessed?</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>The assessment process for the LSCA program is outlined in the Guideline at section 6.</p> <p>The details of successful organisations and projects will be published on the NSW Grants and Funding website (https://www.nsw.gov.au/grants-and-funding) in accordance with the requirements of the NSW Grants Administration Guide.</p> <p>The NSW Special Minister of State is the final decision maker about which projects are to be funded. Any departure from the recommendations of the Executive Director of the LSCA Program Office will be documented as part of the approval process and the reasons for doing so will be published on the NSW Grants and Funding website (https://www.nsw.gov.au/grants-and-funding) in accordance with the requirements of the NSW Grants Administration Guide.</p> <p>The LSCA Program Office will notify unsuccessful organisations in writing and will outline the reasons why the submission was not successful.</p> <p>The LSCA Program Office will provide any unsuccessful organisations with an opportunity for an individual feedback session to discuss the details of their submission.</p> | |
| <p>QUESTION (page 56)</p> | |

The Hon. DAMIEN TUDEHOPE: Just going back, under the administration guidelines, Ms Boyd, there are supposed to be risk mitigation guidelines prepared. Is that not right?

KATE BOYD: I think you have to assess risk but, as Simon said, it's in proportion to the amount of the grant.

The Hon. DAMIEN TUDEHOPE: Well, was there documentation prepared in relation to that?

KATE BOYD: I'll have to throw to Kate Meagher on that.

KATE MEAGHER: So we have a probity—I've got it in front of me. Yes, there's a probity plan in detail.

The Hon. DAMIEN TUDEHOPE: Could you provide a copy of that?

KATE MEAGHER: I'm happy to take advice if I can and provide it. I'll definitely come back to the Committee.

The Hon. DAMIEN TUDEHOPE: So that's the guidelines provided pursuant to clause 6.1.5 of the guidelines?

KATE MEAGHER: I'm happy to check that.

SIMON DRAPER: You're talking about—so there are specific guidelines—

KATE MEAGHER: There are the guidelines.

SIMON DRAPER: —for this program that are published that are separate from the grant administration guidelines.

The Hon. DAMIEN TUDEHOPE: Well, no. Under the grant administration guidelines documentation and risk mitigation of one-off, ad hoc grants has to be prepared. Has that documentation been prepared?

KATE MEAGHER: Yes, I think that's right. There is a probity plan and I'll find out if I can—

The Hon. DAMIEN TUDEHOPE: And this is the specific documentation pursuant to that clause.

SIMON DRAPER: I think we should clarify—

KATE MEAGHER: I'll clarify.

SIMON DRAPER: —whether this would be treated as an ad hoc, one-off grant. This is a grant program with its own program guidelines and assessment process. It's not a one-off.

The Hon. SARAH MITCHELL: But we asked the Special Minister of State a question about that in the last parliamentary sitting week. My recollection is he said it was an ad hoc and one-off grant.

KATE MEAGHER: They are ad hoc, one-off grants because they're not competitive, that's right. But I think what you're saying, Simon, is the—

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| <p>SIMON DRAPER: Unlike many of those other one-offs, this one's got program guidelines overlaid on top of it.</p> <p>The Hon. DAMIEN TUDEHOPE: But it does fit within the ad hoc, one-off grants.</p> <p>SIMON DRAPER: It may well be.</p> <p>The Hon. DAMIEN TUDEHOPE: It's not going to be there again next year and the year after.</p> <p>SIMON DRAPER: I was only raising the question about whether it would be treated like that. It's slightly different to a one-off.</p> <p>The Hon. DAMIEN TUDEHOPE: Well, the Special Minister of State has identified that it is treated as that.</p> <p>SIMON DRAPER: I'll accept his interpretation.</p> <p>The Hon. DAMIEN TUDEHOPE: Assuming that it is, I would expect there to be the relevant guidelines prepared pursuant to clause 6.1.5 of the—</p> <p>KATE MEAGHER: There are guidelines that are published. There's also supporting material as well around that with regard to probity plans et cetera. So the guidelines are published. I'm very happy to take on notice whether I can provide the Committee with any of the other documentation.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>Independent Probity Advisors were appointed in July 2023 to oversee the LSCA Program. A Probity Plan for the program was finalised prior to the commencement of the assessment of project submissions. A copy of the Probity Plan has been attached to the QoN response for the Committee's review.</p> | |

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| <p>QUESTION (page 57)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: In relation to the bargaining parameters for pay rises for public servants, what productivity enhancements have been identified in respect of pay increases for teachers?</p> <p>SAMARA DOBBINS: I believe the Premier addressed this this morning, but there are a number of processes in place in Education to identify productivity improvements for teachers and for schools.</p> <p>The Hon. DAMIEN TUDEHOPE: Well, from your knowledge, in terms of the bargaining parameters for the individual department when they were negotiating with the Teachers Federation, did those bargaining parameters include productivity enhancements?</p> | |

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| <p>SAMARA DOBBINS: As you know, I can't disclose the discussions of a Cabinet committee, so I don't have that material in front of me. I'd need to take on notice the detail of those parameters and get advice on what can be released in the public domain.</p> <p>The Hon. DAMIEN TUDEHOPE: There would've been a set of bargaining parameters—do you agree with that?</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>Decisions of Cabinet are cabinet-in-confidence, including any bargaining parameters that may have been approved. Negotiations with the NSW Teachers Federation were conducted by the Department of Education and as such Premier's Department cannot advise as to whether productivity enhancements were included in the negotiations.</p> | |

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| <p>QUESTION (page 57)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: Then subsequently the final negotiation, which was in fact settled upon, was a graduated amount for first-year teachers and a further amount for five-year teachers. Do you recall that?</p> <p>SAMARA DOBBINS: That's correct.</p> <p>The Hon. DAMIEN TUDEHOPE: You're aware of that?</p> <p>SAMARA DOBBINS: Yes.</p> <p>The Hon. DAMIEN TUDEHOPE: And you would have been party to documenting that agreement?</p> <p>SAMARA DOBBINS: Not documenting the final agreement, no, because of course the agreement is between the employer and the federation.</p> <p>The Hon. DAMIEN TUDEHOPE: The 2½ per cent which has been agreed for each of the following years—you're aware that that agreement has also been reached with the Teachers Federation?</p> <p>SAMARA DOBBINS: There's a heads of agreement, yes.</p> <p>The Hon. DAMIEN TUDEHOPE: Has that been approved, by the way, by the industrial commission?</p> <p>SAMARA DOBBINS: I'm sorry, I'll have to take that on notice. I'm not sure.</p> <p>The Hon. DAMIEN TUDEHOPE: I assume it has been. I think the pay rises are already flowing, so you would assume that it has been approved.</p> <p>SAMARA DOBBINS: I think you're right.</p> | |

ANSWER:

I am advised:

The Heads of Agreement was signed between the Department of Education and the NSW Teachers Federation. It is not required to be approved by the Industrial Relations Commission.

QUESTION (page 57 & 58)

The Hon. DAMIEN TUDEHOPE: As you sit here today, for all the industrial agreements which are currently being negotiated, and the bargaining parameters which have been agreed to by the Government in relation to those public sector wage increases, do any of them or all of them contain productivity requirements as part of the entering into of an award?

SAMARA DOBBINS: As you're aware, there are many employee groups whose awards expire over the next several months, and they're all at different stages of discussion and negotiation. I'm not across the detail of all of them, I'm sorry.

The Hon. DAMIEN TUDEHOPE: Which one is the next one coming up for negotiation?

SAMARA DOBBINS: I think I've got that information somewhere in here. I think it might be something in Transport, but I'll have to take that on notice.

The Hon. DAMIEN TUDEHOPE: Are there productivity enhancements in relation to that award?

SAMARA DOBBINS: I'm not aware. Sorry.

The Hon. DAMIEN TUDEHOPE: You're not aware?

SIMON DRAPER: I think for the one that Ms Dobbins is referring to the expiry is 1 May next year, so there's some time before those negotiations would be advanced and completed.

ANSWER:

I am advised:

The Government's pay offer for FY2023-24 was for 4 per cent plus superannuation. There was no requirement for productivity reforms.

The industrial instruments which are next to nominally expire are the *Crown Employees (Education Employees Department of Communities and Justice Corrective Services NSW) Award 2022*, the *TAFE Commission of NSW TAFE Managers Enterprise Agreement 2022*, and the *Crown Employees (School Psychologists – Department of Education) Salaries Award 2022* which all nominally expire on 31 December 2023.

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| QUESTION (page 58) | |
| <p>The Hon. DAMIEN TUDEHOPE: Ms Dobbins, I'm happy for you to answer. You've had that bit of time to think about that now. Are you aware in respect of any of the agreements which have been entered into— and these were within your province—of any productivity savings which constitute the agreements which have been entered into?</p> <p>SAMARA DOBBINS: As I said, I don't have the detail in front of me for each of the agreements that have been made, but I'm happy to take it on notice.</p> <p>The Hon. DAMIEN TUDEHOPE: In taking that on notice, would you then identify each agreement and the productivity savings which are made as part of that agreement?</p> <p>SAMARA DOBBINS: I'll see if I can get that detail, yes.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>The Government's pay offer for FY2023-24 was for four per cent plus superannuation. There was no requirement for productivity reforms.</p> <p>In respect of the Teacher's Agreement, as part of the Heads of Agreement the parties agreed to implement a number of system initiatives to address teacher workload and complexity, improve system efficiencies, and provide a comprehensive career pathway.</p> | |

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| QUESTION (page 59) | |
| <p>The Hon. DAMIEN TUDEHOPE: Anyway, you'll provide the list of agreements and the productivity improvements which constitute parts of those agreements?</p> <p>SAMARA DOBBINS: I'll take that on notice, yes.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>There was no requirement for productivity reforms in return for the four per cent increase. The following instruments have been made or varied to provide a four per cent increase (* or a flat-rate increase of \$3,502 - HSU-only awards) for FY2023-24:</p> <p>Crown Employees (Fire and Rescue NSW Tradespersons) Award 2023</p> <p>WIN Sports and Entertainment Centres Australian Workers Union (State) Award 2023</p> | |

Crown Employees (NSW Police Force (Nurses')) Award 2023

NSW Police Force Civilian Pilots Section 86 Determination no 357 of 2023

NSW Police Force - Civilian Academic Staff, Education Services, Section 86 Determination, No. 360 of 2023

NSW Police Force Aircraft Maintenance Engineers Section 86 Determination no 358 of 2023

NSW Police Medical Officer (Health and Wellbeing) Section 86 Determination 363 of 2023

Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2023

Crown Employees (NSW Fire and Rescue NSW Retained Firefighting Staff) Award 2023

Service NSW (Salaries and Conditions) Employees Award 2022

Rates of Pay for Examination Staff other than Markers Determination 2023/24

Crown Employees (Department of Planning, Industry and Environment) Sydney Olympic Park Authority Managed Sports Venues Award 2023

Landcom Award 2022

Local Land Services Award 2022

Crown Employees (School Administrative and Support Staff) Award 2022

Crown Employees (Department of Planning, Industry and Environment) Wages Staff Award 2022

Crown Employees (Department of Planning Industry and Environment - National Parks and Wildlife Service) Field Officers and Skilled Trades Salaries and Conditions 2022

Taronga Conservation Society Australia Retail and Restaurant Award Employees' Award 2022 - 2023

Taronga Conservation Society Australia Wages Employees' Award 2022-23

Landcom (UrbanGrowth) Common Law Contracts 2023

Essential Energy Common Law Contracts

Water New South Wales Common Law Contracts 2023

WaterNSW Enterprise Agreement 2023-2026

Hunter Water Corporation Common Law Contracts 2023

Staff Specialists (State) Award 2023

Ambulance Service of New South Wales Administrative and Clerical Employees (State) Award 2023

* Health Employees (State) Award 2023

* Health Employees' Administrative Staff (State) Award 2023

* Health Employees' Interpreters (State) Award 2023

* Health Employees' Computer Staff (State) Award 2023

* Health Managers (State) Award 2023

* Health Employees' Engineers (State) Award 2023

* Health Employees' General Administrative Staff (State) Award 2023

* Health Employees' Medical Radiation Scientists (State) Award 2023

* Health Employees' Pharmacists (State) Award 2023

* Health Employees' Technical (State) Award 2023

* Health Professional and Medical Salaries (State) Award 2023

* HealthShare NSW Patient Transport Officers' Salaries (State) Award 2023

* NSW Health Service Allied Health Assistants (State) Award 2023

* Public Hospital Medical Physicists (State) Award 2023

* NSW Health Service Health Professionals (State) Award 2023

* Public Hospital (Training Wage) (State) Award 2023

* Teachers (NSW Health Early Childhood Service Centres) Salaries and Miscellaneous Conditions Award 2023

* Health and Community Employees' Psychologists (State) Award 2023

Public Health Service Employees Skilled Trades (State) Award 2023

Crown Employees Nurses' (State) Award 2021

Public Health System Nurses' and Midwives' (State) Award 2021

Operational Ambulance Managers (State) Award 2022

Parliament of NSW - Parliamentary Senior Officer Determination

Parliament of NSW - Member's Staff Conditions of Employment - Determination of the Presiding Officers - MoPS Act 2022

Roads and Maritime Services (Wages Staff) Award 2019

Roads and Maritime Services School Crossing Supervisors Award 2019

Roads and Maritime Services Consolidated Salaried Award 2019

Transport for New South Wales and Sydney Metro Salaries and Conditions of Employment Award 2022

T-Corp Common Law Contracts 2023

Insurance and Care NSW Award 2022

Crown Employees (SAS Trustee Corporation) Award 2021
 Crown Employees (Public Sector - Salaries 2022) Award
 Crown Employees Wages Staff (Rates of Pay) Award 2022
 Parliamentary Reporting Staff (Salaries) Award 2023
 Independent Commission Against Corruption Award 2022
 Crown Employees (Audit Office) Award 2022

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| QUESTION (page 59) | |
| <p>The Hon. DAMIEN TUDEHOPE: Mr Murphy, thank you for being here. You've been waiting a while to be asked a question. Were you involved in the conducting of the Broadmeadow Governance Review?</p> <p>WILLIAM MURPHY: I was.</p> <p>The Hon. DAMIEN TUDEHOPE: Who did you take evidence from?</p> <p>WILLIAM MURPHY: Actually, we spoke to quite a few people. I think it was 5 August that we commenced the review, and it was a very short review looking at the governance framework around decision-making in the Broadmeadow investigation area. We spoke to a range of stakeholders across New South Wales government agencies that were involved—obviously the Department of Planning, Transport and other New South Wales government agencies. We spent a lot of time talking to Newcastle council as well about that.</p> <p>The Hon. DAMIEN TUDEHOPE: So you didn't, in fact, for the purposes of that review, interview the planning Minister?</p> <p>WILLIAM MURPHY: I didn't speak to the planning Minister, but we had others conducting the review.</p> <p>The Hon. DAMIEN TUDEHOPE: Did anyone speak to the planning Minister?</p> <p>WILLIAM MURPHY: I can't answer that question today. I certainly didn't, but I'm happy to come back to you with an answer if someone involved in the review did.</p> | |
| <p>ANSWER:</p> <p>This question was answered during the session, see page 60 of transcript.</p> | |

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| QUESTION (page 61) | |
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| <p>The Hon. DAMIEN TUDEHOPE: Isn't it the case that on the Cabinet Office website at the moment, the Premier's memorandum M2022-05, which is the previous Government's wages policy, is showing as being active?</p> <p>SAMARA DOBBINS: Is that the Premier's memorandum that discusses the process and the concurrence of the Minister for Industrial Relations?</p> <p>The Hon. DAMIEN TUDEHOPE: No, it's the memorandum relating to the 3 per cent and then the 3.5 per cent for productivity enhancement which was set in May last year.</p> <p>SAMARA DOBBINS: If that is still live and active on the Cabinet Office website, it shouldn't be. I can look into that. But that's not the current Government's approach, no.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>On 4 June 2023 the Government announced “fair pay policy” providing a four per cent pay increase for one year and subsequently lapsing the wages cap regulation and replacing the former Government’s wages restrictions.</p> <p>The processes in the Premier’s Memorandum M2022-05 NSW Public Sector Wages Policy 2022 remain current while the Industrial Relations Taskforce Report is considered and therefore it is appropriate for it to remain on The Cabinet Office website at this time.</p> | |

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| <p>QUESTION (page 62)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: I think that's the figure that has been allocated for that. That totals about \$48.6 million, those three figures.</p> <p>SIMON DRAPER: Yes.</p> <p>The Hon. DAMIEN TUDEHOPE: They are the measures in the measures statement for the Premier's Department. We're trying to get to \$99.6 million. How's the balance being spent?</p> <p>SIMON DRAPER: I'll have to get a breakdown on the balance. But yes, they would be the most significant elements. That's why they're referred to as the material measures. But I can take that on notice.</p> <p>The Hon. DAMIEN TUDEHOPE: But you are able to give that, aren't you, the 99—if that figure exists there, there should be a breakdown of how that figure is arrived at, should there not?</p> <p>SIMON DRAPER: Yes. I've said I'll take it on notice.</p> | |
| <p>ANSWER:</p> | |

I am advised that the \$99.6M over the forward years is the net budget and comprises of \$145.9M new budget proposal offset by \$46.3M of savings. The savings partially offset new budget proposals.

- \$145.9M new budget proposal over the forward years comprises of funding for the Local Small Commitments Allocation, the Stolen Generation Keeping Places Program, Surf Life Saving NSW, establishment for the Industrial Relations Taskforce as well as election commitments and miscellaneous minor budget uplifts;
offset against
- \$(46.2)M of savings allocated over the forward years. These savings include but are not limited to the Election Commitment Savings and savings arising from the Whole-of-Government Comprehensive Expenditure Review.

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| <p>QUESTION (page 62)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: Mr Murphy, there was a statement put out by the Premier's office, based on your understanding of the Broadmeadow review. The statement said this:</p> <p><i>The review found undisclosed property holdings relating to the former minister did not impact on decision making processes or governance relating to the Broadmeadow project.</i></p> <p>Do I understand, from what your evidence today, that that statement is wrong?</p> <p>WILLIAM MURPHY: Are you saying that's a—sorry, that was a statement—</p> <p>The Hon. DAMIEN TUDEHOPE: I'm just saying that the manner in which the review has been interpreted is this:</p> <p><i>The review found undisclosed property holdings relating to the former minister did not impact on decision making processes or governance relating to the Broadmeadow project.</i></p> <p>You've told us today, have you not, that you didn't even consider that?</p> <p>WILLIAM MURPHY: I don't know the statement that you're referring to, but certainly the scope of the review was forward-looking and didn't look back into particular decisions. But the nature of the review was to say, "Are there robust governance and probity arrangements in place around decisions around the Broadmeadow investigation area?" The finding was that the appropriate mechanisms were in place.</p> | |
| <p>ANSWER:</p> | |

I am advised that the response is same as above.

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| QUESTION (page 63) | |
| <p>The Hon. DAMIEN TUDEHOPE: They are given charter letters? Are those charter letters available?</p> <p>WILLIAM MURPHY: I haven't seen those charter letters myself. I don't know if they're available. Kate, have you?</p> <p>KATE BOYD: They're not proactively released. As you would appreciate, some of them may or may not contain matters relating to Cabinet deliberations or agendas, so to that extent they would not be routinely made public.</p> <p>The Hon. DAMIEN TUDEHOPE: I take it that the charter letters—I'm aware that Ms Higginson is here.</p> <p>Ms SUE HIGGINSON: And you've already stolen all my time. No, I'm joking. It's fine. We weren't here.</p> <p>The Hon. DAMIEN TUDEHOPE: In relation to the charter letters, they do set out the Premier's Priorities, I assume?</p> <p>KATE BOYD: Yes, they set out what the Premier's expectations are in relation to that Minister's portfolio.</p> <p>The Hon. DAMIEN TUDEHOPE: Are you saying to me you can't produce the charter letters issued to individual Ministers?</p> <p>KATE BOYD: We would have to assess each one on its face, I would think, just as to whether or not there was a public interest against disclosure of that document.</p> <p>The Hon. DAMIEN TUDEHOPE: Can you take that on notice—</p> <p>KATE BOYD: Yes, sure.</p> | |
| <p>ANSWER:</p> <p>Any person may make an application for access to government information under the <i>Government Information (Public Access) Act 2013</i> (the GIPA Act). The GIPA Act provides an established framework for the consideration of the public interest factors for and against disclosure of Government information, including charter letters.</p> | |

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| <p>QUESTION (page 65)</p> | |
| <p>Ms SUE HIGGINSON: Thank you. Can I also ask, earlier the Premier was confused about the existing legal climate change targets that we have in terms of emissions reductions. Is the Premier's Department and the Cabinet Office aware what the current legal obligations are in relation to climate change and emissions reduction and was he perhaps just a bit confused?</p> <p>KATE BOYD: Yes, I think the confusion might have arisen because it's part of the functions of the net zero board and they are to consider those objectives in providing advice to government, so there are a couple of steps. I think that's probably how that arose. But we can take that on notice and provide you with a clearer answer once we've reflected on it.</p> | |

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| <p>Ms SUE HIGGINSON: Thank you. Just on that, does the net zero board—it reports to government, it actually reports to the Premier's office?</p> <p>KATE BOYD: My understanding of the governance around that board is not very detailed, but we would be more than happy to take that on oath and provide you with a proper answer about that.</p> <p>Ms SUE HIGGINSON: Thank you. Is the Premier's office aware of how we are tracking with the objectives and targets that we currently have?</p> <p>KATE BOYD: I think that would be a question for them, but we can certainly go away and have a look at it, the current status of it.</p> <p>Ms SUE HIGGINSON: Is there somewhere that a member of the public can see how we are tracking in terms of those emissions reductions?</p> <p>WILLIAM MURPHY: We can come back to you on that question as well. I'm not across the operation of that board myself. I've been in this role now for about seven weeks and getting across the agenda but I'm happy to look into that in detail and come back to you.</p> | |
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| <p>ANSWER:</p> <p>I am advised:</p> <p>The functions of the Net Zero Emissions and Clean Economy Board are set out in s.8 of the Energy and Utilities Administration Regulation 2021, and the Board advises the Minister for Energy on the implementation of the state's Net Zero Plan.</p> <p>Tracking of emissions targets is managed by the Department of Planning and Environment and can be accessed on the following website: https://www.seed.nsw.gov.au/net-zero-emissions-dashboard</p> |
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| <p>QUESTION (page 66 – 67)</p> <p>The Hon. DAMIEN TUDEHOPE: For an abundance of clarity, for the purposes of assessing the probity relating to the making of these grants, there is an initial process where the member or the candidate is advised that they have an opportunity of making commitments of up to \$400,000, and then there is a further process which Ms Meagher conducts to actually assess the worthiness or otherwise of the grant should it actually be made. At that first stage, is there a code of conduct which applies to the candidate, other than a general code to act ethically in relation to the manner in which they make promises in relation to the government's money?</p> <p>KATE BOYD: Yes. So if the candidate is also an MP, the members' code would apply. If the candidate is not an MP, the point I made earlier was that they are still subject to the corrupt conduct regime</p> | |
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that applies to all public officials, even prospective candidates. There's a provision in the ICAC Act that extends that regime to prospective public officials.

The Hon. DAMIEN TUDEHOPE: If a prospective public official was promising government money and not disclosing a conflict of interest in relation to it, that could in fact breach that normal—

KATE BOYD: No, I wouldn't agree with that. There are no rules around disclosure that are specific to candidates. I think it would really depend on the facts and circumstances as to whether or not any misconduct had occurred. The point that I'm trying to make is that the appropriate body to consider these issues in New South Wales is the ICAC. So if you have a concern, it might be better if you raise that concern with them rather than us.

The Hon. DAMIEN TUDEHOPE: We've got the commissioner coming this afternoon. I'm concerned, though, that you say to a candidate who's not already an MP, "There's \$400,000 and you can make commitments in relation to it", and there are guidelines or general requirements that they do act in accordance with the guidelines which relate to public officials in respect of making those commitments.

KATE BOYD: Yes, the laws. Yes. They have to comply with the law.

ANSWER:

I am advised:

Subsection 8(4) of the *Independent Commission Against Corruption Act 1988*, regarding the definition of corrupt conduct, states:

“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” [emphasis added].

The second sentence in subsection 8(4) was inserted by the *Independent Commission Against Corruption Amendment Act 2015*. This Act implemented recommendations following an independent review of the jurisdiction of the ICAC following the High Court's decision in *Cunneen*, conducted by the Hon. Murray Gleeson AC and Mr Bruce McClintock SC. In the second reading speech for the Bill, the then Premier stated that:

an amendment is made to section 8 to clarify that people who seek public office – such as candidates for election – may be engaged in corrupt conduct even if they do not succeed in being elected or appointed to public office. A candidate who accepts an unlawful payment in return for promising to do something once elected will clearly have engaged in ‘corrupt conduct’, and this should be so whether or not they happen to subsequently be elected as a public official. The proposed amendment will make this clear [emphasis added].

A person may make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.

| QUESTION (page 68) | |
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| <p>The Hon. BOB NANVA: A very quick one from me—a follow-up to Ms Higginson's questions around SO 52s. Ms Boyd, can you give the Committee a breakdown of the number of SO 52s and the volume of materials—so documents, pages, labour hours—spent preparing them?</p> <p>KATE BOYD: I have a handy note here. I was hoping someone would ask this.</p> <p>The Hon. SARAH MITCHELL: A lot less than the last Parliament?</p> <p>The Hon. DAMIEN TUDEHOPE: And compare that with the previous Government?</p> <p>The Hon. SARAH MITCHELL: You weren't here, Bob, but trust me—we've got a long way to go to catch up.</p> <p>KATE BOYD: We know for sure that so far it's more than 1,190 hours of public official time dealing with orders for papers. That's not a definitive number because we don't have estimates for all of the orders because people don't have time to provide them.</p> <p>The Hon. BOB NANVA: Sorry, that covers the period from March to—</p> <p>KATE BOYD: To this term of government.</p> <p>The Hon. DAMIEN TUDEHOPE: And in the previous year?</p> <p>KATE BOYD: I don't have that to hand.</p> <p>The Hon. DAMIEN TUDEHOPE: Could you provide that on notice?</p> <p>KATE BOYD: It's all a blur.</p> <p>Ms SUE HIGGINSON: There isn't a big enough number.</p> <p>The Hon. SARAH MITCHELL: Could you provide it on notice?</p> <p>KATE BOYD: Yes, I think we could.</p> | |

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| <p>The Hon. SARAH MITCHELL: That would be great.</p> <p>KATE BOYD: There have been 20 orders for papers passed in the Fifty-Eighth Parliament. We've returned 57 boxes of privileged and personal documents and 53 boxes of non-privileged documents—so a total of 110 boxes. And there have been eight special requests for documents under the protocol since it was introduced.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <p>Based on information provided by seven Departments, it is estimated that at least 65,512 hours of public official time was spent by agencies responding to orders for papers in the 2021/2022 financial year.</p> | |

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| <p>QUESTION (page 74)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: In terms of your experience in relation to this, on average how many senior executives each year resign, retire or die?</p> <p>KATHRINA LO: I would need to take that on notice.</p> <p>The Hon. DAMIEN TUDEHOPE: Apart from band 4 senior executives, how many new senior executives have been recruited since 1 April 2023?</p> <p>KATHRINA LO: I would need to take that on notice too.</p> | |
| <p>ANSWER:</p> <p>I am advised:</p> <ul style="list-style-type: none"> • There are an average of 203 government sector senior executives who were recorded in the workforce profile as having resigned, retired, or died each year over the period 2014-2022. • The PSC does not hold reliable data on the number of new senior executives recruited in the government sector since 1 April 2023. • The 2023 workforce profile data will be available in 2024 after the PSC's State of Public Sector Report and Workforce Profile Report are tabled in Parliament and then published. | |

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| <p>QUESTION (page 76)</p> | |
| <p>The Hon. ROBERT BORSAK: Well, there are parties in this—and The Greens, for example, are one. I think other parties do the same,</p> | |

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| <p>where amounts are deducted from the members' pay before they get it and it's put straight back into the party.</p> <p>RACHEL McCALLUM: I might take that on notice, Mr Borsak.</p> | |
| <p>ANSWER:</p> <p>Answer to be provided by Agency to the Committee.</p> | |

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| <p>QUESTION (page 76)</p> | |
| <p>The Hon. ROBERT BORSAK: According to the website of Indus Engineering Pty Ltd, the company offers services to many aspects of the building, construction and planning industry. Additionally, the website lists Mr Omar Faruqi as one of its directors. Is the commissioner aware of who the spouse of Mr Faruqi is?</p> <p>JOHN SCHMIDT: We would have to take on notice any questions about specific individuals or companies. It's a well-known matter for this Committee and the Joint Standing Committee on Electoral Matters that the commission—I'm here as the commissioner; of course, the three-member commission deals with the area that you're delving into now—is subject to very strict secrecy provisions. In fact, they have only recently been amended to introduce a limited public interest test. One, I'm not going say whether I do or don't know whether an investigation has been looked at or an allegation has been received. But if you wish to raise something with us, we will take it on notice. Whether, in fact, we can then say anything about that will depend on the commission's view about the operation of the legislation.</p> | |
| <p>ANSWER:</p> <p>Answer to be provided by Agency to the Committee.</p> | |

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| <p>QUESTION (page 78)</p> | |
| <p>RACHEL McCALLUM: If it is a donation, it would be disclosed.</p> <p>The Hon. ROBERT BORSAK: You said that a tithe was a donation, but it was exempt from the cap.</p> <p>JOHN SCHMIDT: Can we take this on notice and we will come back with a—</p> <p>RACHEL McCALLUM: Yes.</p> <p>The Hon. ROBERT BORSAK: Basically you are saying "Yes", but the reality is you are not really sure about what the answer to that is in terms of disclosure, because from my review of it, no disclosure</p> | |

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| has been made at all in relation to what Mehreen Faruqi is donating to the NSW Greens from her Federal Senate requirements in accordance with the New South Wales Greens constitution. JOHN SCHMIDT: We will take the question on notice. | |
| ANSWER: Answer to be provided by Agency to the Committee. | |

| QUESTION (page 78) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Ms ABIGAIL BOYD: Do you have any data around where those people with disability are sitting within the workforce? There has been some concern that people with disability tend to be in the lower payrolls. Do you have any further data on where they are sitting?</p> <p>KATHRINA LO: I can get that data to you. I can break that down by grade.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ANSWER: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2022 distribution of NSW government sector employees by salary range | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Equivalent grade of salary range</th> <th>People with disability</th> <th>All employees</th> </tr> </thead> <tbody> <tr> <td>General Scale</td> <td>24%</td> <td>20%</td> </tr> <tr> <td>Grade 1/2</td> <td>10%</td> <td>10%</td> </tr> <tr> <td>Grade 3/4</td> <td>11%</td> <td>10%</td> </tr> <tr> <td>Grade 5/6</td> <td>12%</td> <td>16%</td> </tr> <tr> <td>Grade 7/8</td> <td>20%</td> <td>20%</td> </tr> <tr> <td>Grade 9/10</td> <td>12%</td> <td>13%</td> </tr> <tr> <td>Grade 11/12</td> <td>7%</td> <td>7%</td> </tr> <tr> <td>Above Grade 11/12 & below Senior Executives</td> <td>1%</td> <td>2%</td> </tr> <tr> <td>Senior Executive</td> <td>2%</td> <td>2%</td> </tr> <tr> <td>Total government sector</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> | Equivalent grade of salary range | People with disability | All employees | General Scale | 24% | 20% | Grade 1/2 | 10% | 10% | Grade 3/4 | 11% | 10% | Grade 5/6 | 12% | 16% | Grade 7/8 | 20% | 20% | Grade 9/10 | 12% | 13% | Grade 11/12 | 7% | 7% | Above Grade 11/12 & below Senior Executives | 1% | 2% | Senior Executive | 2% | 2% | Total government sector | 100% | 100% | |
| Equivalent grade of salary range | People with disability | All employees | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Grade 1/2 | 10% | 10% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Grade 7/8 | 20% | 20% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grade 9/10 | 12% | 13% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grade 11/12 | 7% | 7% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Above Grade 11/12 & below Senior Executives | 1% | 2% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Senior Executive | 2% | 2% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total government sector | 100% | 100% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| QUESTION (page 80) | |
| Ms SUE HIGGINSON: In terms of the amount of complaints LECC receives, what proportion of those do you actually have the resources to investigate or deal with? This is obviously outside of the critical incidents. | |

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| <p>PETER JOHNSON: We are a relatively small agency. We've got about 112 people all up. Clearly, there are practical limits on what we could do as a primary investigatory agency. I make that observation, which is the starting point. It is a relatively small proportion that we investigate directly because of those limits, but at the same time there is a process—a process which involves the commissioners and senior officers and the commission in assessing, looking at matters, determining what should be considered for investigation. If it's not to be investigated by the commission—and the great bulk are not—what is the subject of our oversight function?</p> <p>We also have to bear in mind that there is a lengthy objects clause in the LECC Act, which actually makes one of the primary roles that the police and the Crime Commission, to the extent that they may have a problem in this area, investigate the matters themselves. That goes back to the Wood royal commission report in the sense where Justice Wood made clear that the police have to own the problem. If they don't own the problem then they just pass the problem to someone else—namely, an independent agency. It is that aspect, which has its tensions, that is played out from day to day in what the commission has to decide to investigate.</p> <p>Ms SUE HIGGINSON: Can I just ask one follow-up? Is it available, the proportion of complaints that LECC actually investigates to the complaints that it receives? Is that information available?</p> <p>PETER JOHNSON: Could I take that on notice? I'm conscious that there's an annual report that's come out recently, but there's some information.</p> <p>Ms SUE HIGGINSON: Thank you.</p> | |
| <p>ANSWER:</p> <p>Answer to be provided by Agency to the Committee.</p> | |

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| <p>QUESTION (page 81)</p> | |
| <p>The Hon. DAMIEN TUDEHOPE: Ms Crawford, returning to you, could I ask you some questions about the Central Coast Council? You provided unmodified or unqualified—I don't know whether "modified" or "unqualified". Are they interchangeable?</p> <p>MARGARET CRAWFORD: Qualified. Modified is qualified.</p> <p>The Hon. DAMIEN TUDEHOPE: So unmodified is unqualified?</p> <p>MARGARET CRAWFORD: Yes.</p> <p>The Hon. DAMIEN TUDEHOPE: So you did provide unqualified audit reports—that's an expression I use more often—for Central</p> | |

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| <p>Coast Council for the years 2016-17, 2017-18 and 2018-19, that's correct?</p> <p>MARGARET CRAWFORD: From memory, yes. I probably should take it on notice because I don't have that information in front of me, but from memory.</p> | |
| <p>ANSWER:</p> <p>Answer to be provided by Agency to the Committee.</p> | |

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| <p>QUESTION (page 82 & 83)</p> | |
| <p>IAN GOODWIN: Thank you. I'd probably just look to first point out that this matter was covered in the Auditor-General's report called Report on Local Government 2020. That report should be able to provide you the answer to the question. There was something unique about Central Coast Council. The water, sewerage and drainage arrangements for Central Coast Council are quite unique to all other councils in New South Wales. They are regulated under the Water Management Act where they operate because they operate a water supply authority. For other councils, these arrangements are regulated under the Local Government Act. That makes Central Coast a little bit unique in terms of how that was done. The issue around the financial audit—the financial audit is opining on whether the financial statements are true and fair, for want of a term. You mentioned the question of insolvency. My recollection on it—and we would have to take this on notice—is that we did not raise an issue around going concern, which goes to the question of insolvency. There was a very complex matter, though, around the treatment of whether the moneys were restricted or not restricted. There was a number of legal opinions that were sought. One of those opinions was from the Crown Solicitor's Office, and that opinion is appended to that local government report that the Auditor-General tabled.</p> | |
| <p>ANSWER:</p> <p>Answer to be provided by Agency to the Committee.</p> | |

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| <p>QUESTION (page 84)</p> | |
| <p>The Hon. SARAH MITCHELL: When would that be made available to the Committee, or to the public, whichever way you do it?</p> <p>JOHN SCHMIDT: It will be some months, because the process is ongoing. We can give you figures from the previous—if it would</p> | |

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| assist in your deliberations, I will take it on notice and give you the figures for that process from the last State general election. | |
| ANSWER: | |
| Answer to be provided by Agency to the Committee. | |

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| QUESTION (page 84 & 85) | |
| <p>KATHRINA LO: Yes, it is. That's correct; it doesn't apply. So that part 3—</p> <p>The Hon. DAMIEN TUDEHOPE: Why does the brief say that it does apply?</p> <p>KATHRINA LO: I don't have the brief in front of me, so I can't answer that.</p> <p>The Hon. DAMIEN TUDEHOPE: Can you take that on notice—</p> <p>KATHRINA LO: Sure.</p> <p>The Hon. DAMIEN TUDEHOPE: —and provide an explanation as to why the brief may have said that rule 17 does apply?</p> <p>KATHRINA LO: Sure.</p> | |
| ANSWER: | |
| <ul style="list-style-type: none"> • The brief Mr Tudehope is referring to was drafted by the Department of Premier and Cabinet and not the Public Service Commission. • Any questions on the content of that document should be referred to the Premier's Department. | |

Probity Plan

Prepared for:

New South Wales Government

Premier's Department




Project:

Local Small Commitments Allocation (LSCA) Program

Version Control:

| Revision | Reason for Issue | Date |
|----------|--|------------|
| 0 | Draft for review | 27/07/2023 |
| 0.1 | Updated draft following feedback from LSCA Program Office for review | 28/07/2023 |
| 1 | Issued for Use | 31/07/2023 |

Probity plan endorsement:

| Name | Role | Signature | Date |
|-----------------|---|---|------------|
| Alison Morgan | Executive Director, LSCA Program Office |  | 31/7/2023 |
| Jacinta Mann | Associate Director, Governance LSCA Program Office |  | 31/7/2023 |
| Michael Batiste | Probity Advisor |  | 31/07/2023 |

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1 Purpose

- The purpose of this Probity Plan is to outline the probity requirements that will apply to the assessment process of grants under the New South Wales Premier's Department Local Small Commitments Allocation Program.
- This Probity Plan has been prepared by Procurement Co, a specialist procurement and probity consultancy firm, for endorsement by the Premier's Department.
- Michael Batiste and Heath Jess from Procurement Co will act as the independent Probity Advisor for this Program, ensuring the Plan is adhered to by all participants and probity objectives are achieved.

2 Background

2.1 Program overview

- The Local Small Commitments Allocation (LSCA) Program was established by the NSW Government following the 2023 election. The LSCA will provide grants up to the value of \$400,000 in 2023-24 to each of the 93 NSW electorates and will fund small local projects to enhance community wellbeing and provide benefits to communities in NSW.
- The total cost of the LSCA is \$37.2 million and will be funded from the NSW Generations Fund – Community Services and Facilities Fund (CSFF).
- The LSCA is a non-competitive one-off grants program. It will be managed in accordance with the requirements of the NSW Grant Administration Guide and will meet the grant-related requirements outlined in the *Government Sector Finance Act 2018*.
- Local councils and community organisations will be invited to submit proposals to deliver small local projects. These include upgrades to community centres, playgrounds and parks, and the delivery of welfare services, educational programs, and community events. Local councils and community organisations may seek support to develop their project proposals. This support may come from Members of Parliament, Local Government Counsellors, and their staff, without there being a conflict of interest as they will not be involved in the project assessment process.
- The LSCA Program, administered by the LSCA Program Office within the NSW Premier's Department, is being managed in two tranches:
 - Tranche A - Nominated Community Projects (Local Councils and Community Organisations):

- In 41 electorates all of the community projects totaling \$400,000 have been nominated and announced as election commitments.
- In 31 electorates some community projects have been nominated and announced, and there are still unallocated funds available to the electorate.
- Tranche B - Nominated Playground and Park Upgrades (Local Councils):
 - In 21 electorates there were no Tranche A projects nominated and the \$400,000 has been allocated to local councils to deliver playground and park upgrades.
 - There were 31 electorates where funds remained after Tranche A Projects had been nominated and announced. These funds have been allocated to local councils to fund upgrades to playgrounds and parks.
- The NSW Special Minister of State is the final decision maker about which projects are to be funded.

2.2 Key Dates

- The indicative planning dates for the LSCA assessment stage are contained in the table below.

| Assessment Stage | Date |
|---|--|
| Assessment Panel induction | Thursday 3 August 2023 |
| Submission of Project Details Form - Tranche A | From 31 July 2023 |
| Submission of Project Details Form - Tranche B | From 4 September 2023 |
| Assessment commences- Tranche A projects | From 7 August 2023 |
| Assessment commences - Tranche B projects | From 11 September 2023 |
| Assessment Panel Reports | Ongoing basis following assessment panel reviews |
| Brief to the Special Minister of State outlining recommendations for funding from the Executive Director, LSCA Program Office | Ongoing basis following assessment panel reviews |

| Assessment Stage | Date |
|---|--|
| NSW Special Minister of State considers recommendations and approves project grants | Ongoing basis until final project assessed |
| Successful organisations advised | From mid-August 2023 |
| Funding Agreements executed and payments made | From late August 2023 |

3 Adherence to Probity Principles

- In accordance with the NSW Government Grants Administration Guide 2022, “Probity relates to ethical behavior and grants administration must be conducted honestly, impartially and with integrity and accountability”. The LSCA Program Office seeks to undertake a grant submission assessment process which ensures all decisions in the process are:
 - impartial, appropriately documented and published;
 - transparent, defensible, and lawful; and
 - supported by appropriate safeguards against fraud, unlawful activities, and other inappropriate conduct.
- The outcomes above are to be achieved through the implementation of the following, as a minimum:
 - Appropriate governance mechanisms to maintain the integrity of the grant submission and assessment and decision-making processes.
 - A publicly available LSCA Program Guideline that provides information to all nominated organisations regarding the process to submit grant Project Details Forms, the method to assess project proposals, the manner in which project proposal submissions will be approved and the governance arrangements of the LSCA Program.
 - An Assessment Plan with clear processes and accountabilities that are adhered to.
 - Rigor throughout each stage of the grant submission and assessment, and decision making processes from planning to award, to ensure all decisions made

in leading to the outcome withstand public scrutiny and preserve confidence in the assessment process.

- Nominated organisations are treated equally and have the same opportunity and access to information.

4 Probity Advisor responsibilities

4.1 Role of the Probity Advisor

- As the Probity Advisor, Procurement Co's role in the grant program is to:
 - provide analysis and assessment of probity risk;
 - provide probity advice and consultation regarding the grant submission, assessment and decision making processes;
 - provide probity awareness training at the briefing session for the members of the Assessment Panel;
 - assist with the mitigation and resolution of any probity issues that arise; and
 - provide a probity report.
- Additionally, Procurement Co's involvement ensures that the grant submission and assessment, and decision-making processes are in accordance with the required standards and independently validated.

4.2 Probity Advisor involvement

- This Probity Plan, and consistent consultation and involvement of the Probity Advisor, is required to ensure that:
 - the integrity of the grant submission and assessment, and decision making processes is maintained through compliance with grant documents, process, and procedures, as well as relevant Acts and legislation including the NSW Grants Administration Guide and Government Sector Finance Act (GSF 2018);
 - all applications are assessed objectively and consistently;
 - all confidential information is secured and handled appropriately;
 - any actual, potential, or perceived conflicts of interest are addressed and effectively managed;
 - transparency and accountability are maintained;

- public and nominated organisation confidence is preserved in the chosen processes; and
- decisions and processes are defensible.

4.3 Independence and objectivity

- It is critical that the Probity Advisor's independence and objectivity be maintained throughout the grant submission and assessment, and decision-making processes. Therefore, the Probity Advisor cannot participate as an evaluator or approver of the grant submissions. The capacity of the Probity Advisor will be restricted to observing the process, reviewing and advising on documentation relating to the grant submission and assessment, and decision-making processes, providing advice relating to probity related matters, and developing plans and reports relating to probity matters.
- As the LSCA is a non-competitive one-off grants program, grant submissions will be assessed for their eligibility and merit as they are received. As assessments are completed, the LSCA Program Office may elect to make funding recommendations on a regular rolling basis. The Probity Advisor will be responsible for producing a Probity Assurance Statement for inclusion with each funding recommendation prepared by the LSCA Program Office.
- The Probity Advisor will be responsible for producing a final Probity Report at the completion of the grant submission and assessment processes. The Probity Report will identify any probity issues that may have arisen and the management of such issues, as well as any recommendations for process improvements.

4.4 Key probity activities

- The key activities of the Probity Advisor for the grant submission and assessment, and decision making processes are outlined in the table below:

| Phase | Activity | Description |
|--------------------------|------------------|--|
| Preparation Phase | Probity Briefing | Provide probity induction email and briefing to LSCA Program team and Assessment Panel as soon as possible. |
| | Document Review | Review grant program documentation, assessment plans, and any other relevant documentation for probity related issues. |
| | Probity plan | Develop and provide of Probity Plan |

| | | |
|------------------------------------|---|---|
| Submission Phase | Probity Advice | Review and provide advice regarding any probity related issues experienced during the community engagement phase |
| Pre-Assessment Phase | COI Declaration | Review any pre-assessment conflicts of interest and manage accordingly |
| Grant submission assessment | Conflict of Interest | Ensure that completed conflicts of interest and confidentiality declarations are suitable and any probity conflicts addressed. |
| | Meeting attendance | Attend Assessment Panel Moderation Meetings as requested |
| | Review grant application assessment documentation | Undertake reviews of assessment documentation, including: <ul style="list-style-type: none"> • Assessment ratings • Clarification responses • Assessment reports and recommendations |
| | Performance Reporting | Provide probity performance reports, including: <ul style="list-style-type: none"> • Any probity issues and remediation • Opportunities for improvement |
| | Probity Assurance Statements | Develop and submit Probity Assurance Statements for inclusion in LSCA Program Office funding recommendations. |
| | Attend Applicant debrief sessions | Attend debrief sessions with unsuccessful nominated organisations if requested |
| | Post-assessment support | Review and assist with responses to any objections or challenges by unsuccessful invited nominated organisations |
| | Probity Report | Develop and submit a final Probity Report |

5 Probity Procedures

5.1 Conflict of interest management

- There are three types of conflict of interest to be aware of:
 - An actual conflict of interest – where a person is in a position to be influenced by their private interests when doing their job.
 - A perceived conflict of interest – where a person is in a position to appear to be influenced by their interests when doing their job.
 - A potential conflict of interest – where a person is in a position where they may be influenced in the future, by their private interests when doing their job.

- A conflict of interest arises where a person has an affiliation or interest that may be seen to prejudice their impartiality, such as where a business decision in which they have influence may lead to their (or a member of their family/friends) personal gain. At times, individuals may find themselves in a position where they have an actual, perceived or potential conflict of interest. While this cannot always be avoided, it is essential that the individual declares this conflict to the Executive Director, LSCA Program Office and the Probity Advisor during the grant assessment process, to establish a plan of action that is in the best interest of the Premier's Department.
- The management of conflicts of interest will be via:
 - An ongoing conflict declaration process;
 - independent review of any declared potential conflicts by the Probity Advisor; and
 - the implementation of appropriate steps to minimise the risk associated with the conflict.
- All members of the LSCA Program Office and the Assessment Panel are to initially complete the Premier's Office LSCA conflict of interest (COI) and confidentiality declaration form. The COI and confidentiality declaration forms are to be provided to the Executive Director, LSCA Program Office and the Probity Advisor.
- Once persons participating in the grant assessment process are provided with the list of nominated organisations and the name of nominated organisation's key contacts, and before working through the assessment process, they must declare the existence or potential of a COI using the SmartyGrants functionality. Any COI highlighted in the SmartyGrants form must be notified to the Executive Director, LSCA Program Office and the Probity Advisor.
- There is an ongoing obligation on all members of the LSCA Program Office and the Assessment Panel to remain vigilant against COI and declare any COI should the situation arise.
- Should an actual, perceived or potential COI arise, they will be addressed on a case-by-case basis and it is not possible to be prescriptive for all situations. However, it is important to note that perceptions of COI are as potentially damaging as reality. Where there is any doubt whether something could be a conflicting issue, the Probity Advisor should be consulted.

5.2 Communication with third parties

5.2.1 Members of government

- Due to the nature of the LSCA Program, the risk of COI may be considered higher than usual, due to perceived political involvement in the assessment of projects. The LSCA Program Office must develop and implement protocols to ensure Members of Parliament, Local Government Councillors, and their staff, are not involved in, or influence, the assessment process. Any contact from a Member of Parliament, Local Government Councillors, or their staff, with the LSCA Program Office regarding the assessment of submissions should be managed under COI protocols.
- Following grant recommendations from the Executive Director, LSCA Program Office, the NSW Special Minister of State is the final decision maker about which projects are to be funded. The Special Minister of State should not consult with Members of Parliament, Local Government Councillors, or their staff, prior to making the funding decisions to preserve the integrity of the assessment process.
- The Special Minister of State may seek advice from the Probitry Advisors at any time during the project submission, assessment or decision-making process.

5.2.2 LSCA nominated organisations

- Any general LSCA Program information that is not public knowledge will only be communicated to a nominated organisation if it is communicated to all invited organisations. Communication of such information is to be in writing and forwarded through a person nominated by Executive Director, LSCA Program Office.
- The LSCA Program Office may contact a nominated organisation to seek clarification of information provided in the nominated organisation's project details form. The LSCA Program Office may only discuss information specific to that project and not the projects of other nominated organisations.
- The LSCA Program Office and Assessment Panel members must provide consistent information regarding the LSCA program to nominated organisations during any interviews, clarifications, consultation or other meetings. This information must be supplied uniformly to ensure that no nominated organisation receives any advantage over another.
- No nominated organisation should receive, or be perceived to have received, additional information to that which is publicly available in respect of the grant submission process.

- Nominated organisations should be advised to deal directly with the LSCA Program Office officers via the email and telephone contact line in all matters in relation to the grant submission and assessment processes, their submission or its status. Other staff or advisors should refuse to enter discussions of this nature.
- If a nominated organisation requests a meeting with the LSCA Program Office during the assessment process, the matters to be addressed in the meeting must be clearly identified and submitted in writing, prior to acceptance by the Executive Director, LSCA Program Office to conduct the meeting. The meeting should be attended by the Probity Advisor.

5.3 Receiving, Recording and Security of Applications

- Project Details Forms are to be submitted in accordance with the lodgement details provided in the LSCA Guideline. The procedure for receiving, recording and maintaining security of submissions will be in accordance with the procedure outlined in the LSCA Assessment Plan and the Premier's Department Records & Information Management policies and procedures.

5.4 Confidentiality and Security of Information and Materials

- The LSCA Program will establish a dedicated email address to facilitate contact for all external communication relating to the grant process.
- The LSCA Program Office will implement protocols to ensure the Assessment Panel adheres to the requirements below:
 - All participants in the process are required to sign COI and confidentiality forms, as soon as a practicable, following involvement with the Program.
 - All grant submission assessment documentation (e.g., assessment plan, assessment score sheets etc.), both paper and electronic, is to be stored in the SmartyGrants system and secure at all times.
 - Applications that contain commercially sensitive or proprietary information are to be stored at all times in secure conditions, with access only by authorised persons.
 - No person unless specifically authorised by the Executive Director, LSCA Program Office will communicate any information contained in a submission, or relating to any assessment process, in whatever form, to any other person.
 - The LSCA Program Office may provide LSCA Program reporting to Members of Parliament, Local Government Councillors, and their staff. Under no

circumstances will any person answer any questions or provide any information regarding the detailed assessment of individual submissions during the assessment phase to the Members of Parliament, Local Government Councillors, and their staff.

- Under no circumstances will any person answer any questions or provide any information to the media regarding the Program without the express permission in writing of the Executive Director, LSCA Program Office.

5.5 Record keeping

- The LSCA Program Office will develop and implement protocols for appropriate and secure record keeping. The documents to be appropriately stored and managed include, but are not limited to:
 - A register of all LSCA nominated organisations;
 - grant submission documents, and associated supporting information;
 - assessment materials such as individual assessor evaluations, minutes of assessment moderation meetings, and assessment reports;
 - COI and confidentiality declarations, and any associated management plans; and
 - any contact with Members of Parliament, Local Government Councillors, and their staff.

6 Probity Breaches

6.1 When is probity breached?

- When the integrity of the grant submission assessment process is compromised, a probity breach occurs. Deviating from the Probity Plan, Program Guideline, Assessment Plan or NSW grant policies and procedures can lead to a probity breach. Where the fairness of the process is brought into question or information security is threatened, there may be a breach. There may not have been preferential treatment or actual leaking of information to constitute a breach – the appearance of bias or a lack of security can compromise probity and undermine the process.
- Examples of probity breaches may include:
 - an Assessment Panel participant not observing the processes and guidelines,
 - an LSCA nominated organisation seeking to influence an Assessment Panel participant,

- the political affiliation of a nominated organisation unduly influencing the assessment of the merits of their submission; or
- Members of Parliament, Local Government Councillors, and their staff seeking to influence the assessment of submissions.
- If any person involved in the assessment process believes there is an actual or potential probity breach, they should contact the Probity Advisor. The Probity Advisor will record, investigate and provide a recommendation to the Executive Director, LSCA Program Office on the matter.

7 Probity Advisor contact information

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