

<b>QUESTION (page 5)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Premier, have you received a briefing in relation to the impact of the NZYQ High Court case?</p> <p><b>Mr CHRIS MINNS:</b> What is that an acronym for?</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> It's the name of the case.</p> <p><b>Mr CHRIS MINNS:</b> Of course, yes, in relation to the Federal Government—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> You don't know what that case is?</p> <p><b>Mr CHRIS MINNS:</b> If it's in relation to the Federal Government's immigration changes, in particular the continuing detention of those who are not Australian citizens in Australian correctional facilities, then I have been given a brief.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> When were you given that briefing?</p> <p><b>Mr CHRIS MINNS:</b> I would have to take that on notice. I couldn't recall the date off the top of my head.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Were you given a briefing before the decision?</p> <p><b>Mr CHRIS MINNS:</b> I would have to take that on notice.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>There were written and verbal briefings from The Cabinet Office, the Premier's Department and the NSW Police Force between 14 November 2023 and 27 November 2023, prior to the publication of the High Court's reasons for judgment on 28 November 2023.</p>	

## Questions on Notice

<b>QUESTION (page 6)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Did your Attorney General provide you with a briefing in relation to intervening in the proceedings when they were on foot?</p> <p><b>Mr CHRIS MINNS:</b> I'd have to take that on notice.</p>	
<p><b>ANSWER:</b></p> <p>I am advised that, in accordance with longstanding practice, the Solicitor General, as delegate of the Attorney General, determined the matter. I am also advised no other State or Territory Attorney-General intervened in the proceedings.</p>	

<b>QUESTION (page 6)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Do you think it would have been appropriate for New South Wales to have intervened in those proceedings to make submissions in respect of the impact on New South Wales?</p> <p><b>Mr CHRIS MINNS:</b> I can't speak to that. I'd have to take some advice about the constitutionality of that suggested intervention, the prospects of success from a State intervention and whether it would have made a difference to the ultimate decision of the High Court or not. Look, it's an interesting proposition. I presume the Opposition put out a media release while the case was underway suggesting the Government do that?</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> I'm suggesting that the Government would have known about this and would have received a briefing about it and would have had to have made a decision about whether to intervene.</p> <p><b>Mr CHRIS MINNS:</b> Look, I'm not sure. I'd have to take it on notice and come back to you.</p>	
<p><b>ANSWER:</b></p> <p>As above.</p>	

<b>QUESTION (page 7)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Do we know how many of those individuals have been charged with serious criminal offences?</p> <p><b>KATE BOYD:</b> Yes, that information is available to us. I will take that on notice in terms of the precise numbers, yes.</p>	
<p><b>ANSWER:</b></p> <ul style="list-style-type: none"> <li>• On 12 February 2024, the Department of Home Affairs tabled a document to the Legal and Constitutional Affairs Legislation Committee in response to a request from Senator James Paterson and Senator the Hon. Michaelia Cash (the request was made ahead of Senate Estimates which commenced the week of 12 February 2024). The tabled document contains information in relation to High Court decision in <i>NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs &amp; Anor</i>. The tabled document includes the following details: <p>NZYQ Bridging Removal Pending Visa (<b>BVR</b>) cohort by most serious offence category:</p> <ul style="list-style-type: none"> <li>○ Murder and attempted murder: 7</li> <li>○ Sexually based offending, including child sex offending: 37</li> <li>○ Assault and violent offending, kidnapping, armed robbery: 72</li> <li>○ Domestic violence and stalking: 16</li> <li>○ Serious drug offending: 13</li> <li>○ People smuggling, crimes of serious international concern: &lt;5</li> </ul> <p>Note – this includes overseas offending in some cases.</p> </li> </ul>	

<b>QUESTION (page 8)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Do you think that the people of New South Wales deserve to know exactly the numbers, where they are potentially residing and the manner in which they are being monitored?</p> <p><b>Mr CHRIS MINNS:</b> Of course. But that information, as the Acting Secretary has said, is publicly available.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Are they all being monitored with ankle bracelets?</p> <p><b>The Hon. BOB NANVA:</b> Point of order: This goes to relevance and the terms of reference of this inquiry. We are now traversing subject matter that is the remit of the Commonwealth Government rather than the New South Wales Government. I ask that we stick to the terms of reference, and that is the estimated expenditure of funds from the Consolidated Fund.</p> <p><b>The Hon. SARAH MITCHELL:</b> It costs money to keep an eye on these people.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Heaps of money.</p> <p><b>The CHAIR:</b> I do not uphold the point of order. I think it is in the remit of the inquiry to pursue this line of questioning because it does fall within New South Wales and there is a cost to the taxpayer of New South Wales in overseeing this issue. I will allow the question.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> I will just finish. The number that are in fact wearing ankle monitors?</p> <p><b>KATE BOYD:</b> I believe a majority of detainees are subject to—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So there are some not?</p> <p><b>KATE BOYD:</b> —electronic monitoring as part of their visa conditions. But the precise number we would have to take on notice.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Some not?</p> <p><b>KATE BOYD:</b> I'm not quite sure. I'll have to take that on notice.</p>	
<p><b>ANSWER:</b></p> <p>I am advised that, as at there are 61 individuals residing in NSW (one individual has had their visa reinstated).</p> <p>Of these 61 individuals:</p> <ul style="list-style-type: none"> <li>○ 40 individuals are being electronically monitored by the Commonwealth Government;</li> <li>○ 21 individuals are not currently being electronically monitored (including the individual with their visa reinstated);</li> </ul>	

## Questions on Notice

Decisions regarding electronic monitoring for individuals in this cohort are made by the Commonwealth Government.
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<b>QUESTION (page 8)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> So there are some not?</p> <p><b>KATE BOYD:</b> —electronic monitoring as part of their visa conditions. But the precise number we would have to take on notice.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Some not?</p> <p><b>KATE BOYD:</b> I'm not quite sure. I'll have to take that on notice.</p> <p><b>The Hon. SARAH MITCHELL:</b> Ms Boyd, you said before that you have quite extensive information about these individuals. Is that publicly available, as the Premier has just indicated?</p> <p><b>The Hon. SARAH MITCHELL:</b> What about their potential convictions?</p> <p><b>KATE BOYD:</b> I think for some of them there are public notification requirements around registration of certain offenders and those are obviously a matter of public record. But we can give you the detail that we have on each offender. I think that another aspect is it's dynamic. People move around, so it's continually changing.</p> <p>The key point to make, I think, is that it is the responsibility of the Australian Border Force and the Australian Federal Police to monitor these detainees.</p>	
<b>ANSWER:</b>	
See above.	

<b>QUESTION (page 8)</b>	
<p><b>The Hon. ROBERT BORSAK:</b> I want to ask you some questions around an area of particular interest to me and our party, and that's regional crime and especially youth crime in the regions. Have you travelled lately to regional New South Wales and what are you hearing in regards to the issues around youth crime in regional New South Wales?</p> <p><b>Mr CHRIS MINNS:</b> Yes, I have. I was in the Shoalhaven on the weekend and the week before that I was in Casino, Lismore and Ballina. I speak to mayors, speak to local area commanders, local communities as well. There are mixed views, I think would be fair to say. Some communities are quite concerned about crime, regional crime. Others, probably the major issue that they would raise with me would be housing and cost-of-living issues, maybe planning and density changes in their local towns. Yes, I would say like bustling, busy communities in regional New South Wales there would be a variety of things that they would raise with me.</p> <p><b>The Hon. ROBERT BORSAK:</b> Is it turning up as a particular area of concern, especially when you go inland? You talk mostly about the coast in your answer.</p> <p><b>Mr CHRIS MINNS:</b> I have been to Orange as well in the last month and Eugowra. I spoke to the mayors of both those communities.</p> <p><b>The Hon. ROBERT BORSAK:</b> Walgett?</p> <p><b>Mr CHRIS MINNS:</b> Not to Walgett, although I think I was in Walgett not too long ago. I have to give you the date for that. Speaking to local communities and local members of Parliament as well, it certainly has come up, Mr Borsak, yes.</p>	
<p><b>ANSWER:</b></p> <p>I held a roundtable discussing youth crime issues at PCYC Walgett on 12 December 2023.</p>	

## Questions on Notice

<b>QUESTION (page 9)</b>	
<p><b>The Hon. ROBERT BORSAK:</b> How far under-resourced are they in terms of the numbers? Is it 2,000, 3,000?</p> <p><b>Mr CHRIS MINNS:</b> We believe the vacancies are about 1,600—maybe a bit more than that. There is a glimmer of hope. It's too early to declare success and I'm not suggesting that, but since the Government made a decision to add a \$30,000 study payment to recruits at the Goulburn academy, we've seen a 40 per cent increase in the interests of people who are considering becoming police officers in New South Wales.</p> <p><b>The Hon. ROBERT BORSAK:</b> Forty per cent is a good proportion, but what is that in actual numbers? Do you know?</p> <p><b>Mr CHRIS MINNS:</b> I'll have to get you the number over the last 12 months.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>Between 21 February 2023 and 21 February 2024 inclusive, the Police Recruitment Branch received 1,780 applications.</p>	

<b>QUESTION (page 12)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Just turning to the NZYQ case, the decision was made or orders were made on 8 November—in fact, judgement was delivered on 28 November 2023. Now that you know that, do you know whether you received any briefing before either of those dates in relation to the impact of that provision?</p> <p><b>Mr CHRIS MINNS:</b> No. I'll take it on notice. I will have to give you the exact date.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Do you know, Ms Boyd?</p> <p><b>Mr CHRIS MINNS:</b> We'll take it on notice.</p>	
<p>I am advised:</p> <p>There were written and verbal briefings from The Cabinet Office, the Premier's Department and the NSW Police Force between 14 November 2023 and 27 November 2023, prior to the publication of the High Court's reasons for judgment on 28 November 2023.</p>	

<b>QUESTION (page 13-14)</b>	
<p><b>The CHAIR:</b> Yes, if you've got—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> A question to Ms Boyd.</p> <p><b>The CHAIR:</b> Okay, let's just maintain some decorum and not badger each other. Mr Tudehope, you have a question for Ms Boyd.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Ms Boyd, do you know?</p> <p><b>KATE BOYD:</b> Sorry to disappoint you, Mr Tudehope. I'll have to take the exact date on notice, but I understand, in accordance with our usual practice, that a written brief was provided to the Premier around the date of the decision, given the significance of it.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So before the decision was made? Do you recall?</p> <p><b>KATE BOYD:</b> I'll have to take that on notice to double-check.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So it may have been made before?</p> <p><b>KATE BOYD:</b> I'll have to check the date of the briefing. I don't recall off the top of my head.</p> <p><b>Mr CHRIS MINNS:</b> You've got your answer. We'll have to take it on notice.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Can you ascertain that material during the morning tea break?</p> <p><b>The Hon. Dr SARAH KAINE:</b> Point of order—</p> <p><b>The CHAIR:</b> A point of order has been taken. Yes, Dr Kaine?</p> <p><b>The Hon. Dr SARAH KAINE:</b> According to the part of the resolution that deals with treating our witnesses with courtesy, it is verging on badgering Ms Boyd. Mr Tudehope has asked her three or four times the same question and she's answered adequately that it was around the time and they'll get the details.</p> <p><b>The CHAIR:</b> Yes, the question has been taken on notice. I'd ask Mr Tudehope to move on. Time is limited.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Ms Boyd can handle herself. Ms Boyd has been coming to these hearings a lot longer than me.</p> <p><b>The Hon. Dr SARAH KAINE:</b> It doesn't mean you can treat people badly.</p> <p><b>The CHAIR:</b> Yes, that's right.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> I don't treat her badly. Can you ascertain that during the morning tea break?</p> <p><b>KATE BOYD:</b> Yes, I'll double-check our records and let you know.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> In the morning tea break, can you ascertain the number of detainees currently in New South Wales?</p>	



Questions on Notice

<p><b>KATE BOYD:</b> Yes. I believe it is 62. I have just received some information to that.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Can you ascertain the number who are currently being monitored by ankle bracelet?</p> <p><b>KATE BOYD:</b> Yes, we will get that information to you separately on notice.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> In the morning tea break—can you ascertain that?</p> <p><b>Mr CHRIS MINNS:</b> No, we'll get it to you when we can get it to you.</p> <p><b>KATE BOYD:</b> We'll see. We'll need to confer with police, I would think, who are getting the briefings from the Federal authorities.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Would you attempt to do that during the morning tea break?</p> <p><b>KATE BOYD:</b> We will do our best, as always.</p>	
<p><b>ANSWER:</b></p> <p>The Cabinet Office provided a written brief to the Premier on 16 November 2023 regarding the High Court's decision in <i>NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs &amp; Anor</i>.</p> <p>As at 28 February 2024, there are 61 individuals residing in NSW (one individual has had their visa reinstated).</p> <p>Of these individuals:</p> <ul style="list-style-type: none"> <li>• 40 are being electronically monitored by the Commonwealth Government; and</li> <li>• 21 are not currently being electronically monitored (including the individual with their visa reinstated).</li> </ul> <p>Decisions regarding electronic monitoring for individuals in this cohort are made by the Commonwealth Government.</p>	

<p><b>QUESTION (page 21)</b></p>	
<p><b>The Hon. ROBERT BORSAK:</b> I'm certain you're right, if they can get more police officers and better resourcing. But, at the end of the day, when they are presented to the courts, if the magistrates' guidelines are such that they are simply going to let them out again to do the same again and again and again, shouldn't we be looking at what could be done to try to tighten that up?</p> <p><b>Mr CHRIS MINNS:</b> I'm happy to look at the specific case. Obviously it's within the remit of the Attorney General to examine those cases, to call for a transcript and ask for answers from his particular agencies. If there is a specific case, then we would—and we have in the past—look at it. I have to say the Government is offering</p>	

## Questions on Notice

<p>incentives, particularly for areas that have been identified as high crime, as increasing in crime or as having an alarming increase in crime. There is a \$36,000 payment for police officers to relocate, and Moree is one of the towns where that scheme is made available.</p> <p><b>The Hon. ROBERT BORSAK:</b> Just focusing back on the courts and the revolving door process on bail, what can be done about that?</p> <p><b>Mr CHRIS MINNS:</b> Mr Borsak, obviously there are, in many cases, strict bail provisions in place for those who commit offences. I'm not pretending it's applied consistently across all of New South Wales, but I'd need specifics—you've identified Moree, for example—to offer a commentary about it.</p> <p><b>The Hon. ROBERT BORSAK:</b> Could you take that on notice, please?</p> <p><b>Mr CHRIS MINNS:</b> Of course.</p> <p><b>The Hon. ROBERT BORSAK:</b> I'd like to get some commentary in relation to what is actually happening, for example, in Moree, because the police will be very frustrated. You can provide all of the resourcing and all of the extra police but, at the end of the day, if the same offenders keep turning up all the time and being bailed, it's not going to make much difference to the crime rate in town.</p>	
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<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>The NSW Government has introduced considered legislative changes to strengthen bail laws and introduce a new offence for disseminating material to advertise an offender's involvement in or the commission of targeted serious offences.</p> <p>The Government proposes to amend the Bail Act 2013 to include a temporary additional bail test for young people between 14 and 18 charged with committing certain serious break and enter offences or motor vehicle theft offences while on bail for the same offences. This means that a bail authority such as police, magistrates and judges will need to have a high degree of confidence that the young person will not commit a further serious indictable offence while on bail.</p> <p>This approach is a targeted and measured change that is designed to stop specific offending behaviour by certain young people who repeatedly engage in serious break and enter and motor theft offences. The amendments will be subject to a 12-month sunset clause so that any future action or changes can be made with evidence to assess the efficacy of the new laws.</p>
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<b>QUESTION (page 21)</b>	
<b>The Hon. ROBERT BORSAK:</b> Is there a systematic program for the culling?	

Questions on Notice

<b>Mr CHRIS MINNS:</b> I'm sure that there is, but perhaps I can take it on notice and get information from the Environment Minister.	
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**ANSWER:** I am advised:

There is a process in place for wild horse control in the park, as outlined in the Kosciuszko Wild Horse Heritage Management Plan, including the development of standard operating procedures tailored for use in the park.

QUESTION (page 22)	
<p><b>The Hon. ROBERT BORSAK:</b> You say about a thousand horses have been culled so far. I think it's actually probably more than that. You might like to take that on notice if you can.</p> <p><b>Mr CHRIS MINNS:</b> Of course, I'm happy to.</p> <p><b>The Hon. ROBERT BORSAK:</b> Is the program actually running at the moment and are horses actually being shot at the moment?</p> <p><b>Mr CHRIS MINNS:</b> My understanding is that it is running and it is in operation.</p> <p><b>The Hon. ROBERT BORSAK:</b> Do you know how many helicopters are actually engaged in the shooting?</p> <p><b>Mr CHRIS MINNS:</b> I don't. I'd have to take it on notice.</p> <p><b>The Hon. ROBERT BORSAK:</b> What are the results of the preliminary aerial shooting program that the Government held in November last year? Do you know that?</p> <p><b>Mr CHRIS MINNS:</b> I don't, but that program obviously provided the confidence for the Government to progress with the further culling of wild horses in the national park.</p> <p><b>The Hon. ROBERT BORSAK:</b> In relation to the actual count of horses in the park—and I know it is a range of horses because I sit on the Animal Welfare Committee inquiry that's going on at the moment in relation to this—are you confident that the updated count number of the horses in the park is in fact correct, because there is a rather large span in terms of the number of horses they believe are there? And are you confident of the count method?</p> <p><b>Mr CHRIS MINNS:</b> I don't pretend to have expertise, but obviously the Government has been presented evidence that the possible size of the wild horse population is anywhere between 12,000 and 20,000. I can't tell you the exact number but, given that the ultimate aim of the culling program is to get the wild horse population to I think around 3,000—</p> <p><b>The Hon. ROBERT BORSAK:</b> Three thousand is what the legislation says, and that leads me to the next question. How can you, or I, be confident that when we've reached 3,000 that is in fact the number?</p> <p><b>Mr CHRIS MINNS:</b> I would be relying on the experts that provide evidence to the Government. But given the 3,000 legislated number, even the lower estimate of the current population in the national park is four times that number. I think we could say with reasonable confidence that left unchecked they're well, well above what the park can sustain.</p> <p><b>The Hon. ROBERT BORSAK:</b> Is there a process by which certain parts of the park will be made totally free of horses and other parts be allowed to have horses to that 3,000 limit?</p>	

## Questions on Notice

<p><b>Mr CHRIS MINNS:</b> Yes. The intention is that, from memory, roughly a third of the park would have wild horses in it.</p> <p><b>The Hon. ROBERT BORSAK:</b> That third of the park, is that area where people, for example, conducting tourism on horseback et cetera would be allowed to still interact with the horses in the park?</p> <p><b>Mr CHRIS MINNS:</b> I actually don't know, Mr Borsak, but I will take it on notice.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>Between July and December 2023, 1923 wild horses were removed, including: 802 by aerial shooting, 489 by ground shooting, and 444 by passive trapping (with 191 of these being rehomed and 253 being taken to the knackery).</p> <p>Three helicopters are typically involved in the aerial shooting operations – two helicopters containing a shooter, navigator and pilot in each, and a third helicopter to be used for additional reconnaissance, staff deployment and monitoring.</p> <p>Regular scientific surveys are conducted in accordance with international best practices to estimate the population of wild horses in the park. National Parks and Wildlife Service will track the number of horses removed and, when approaching the population target of 3,000 horses in the retention areas, will conduct additional surveys to further inform the level of control.</p> <p>Regarding parts of the Park being totally free from horses, the Wild Horse Heritage Management Plan outlines retention areas where horses will remain, and removal areas that will be free from horses. This is outlined in the plan, which is publicly available.</p> <p>Horse riding tours will be able to continue under existing commercial licencing arrangements and recreational riding will continue.</p>	

<b>QUESTION (page 24)</b>	
<p><b>The CHAIR:</b> Turning to another issue, Premier, the Government had a signature policy leading into the election, which was to create future jobs and investment authorities across the State for coalmining-impacted regions—the Illawarra, north-west, Central West and Hunter. When will these authorities be populated and operational? That is in the context that we have learnt in the last short period that the Russell Vale Colliery in the Illawarra is closing, with the loss of 145 jobs, and Whitehaven Coal is closing the Werris Creek coalmine in the coming weeks. When will these authorities be populated and when can we see some of the millions of dollars they have in the bank flowing to these coalmining-affected communities?</p> <p><b>Mr CHRIS MINNS:</b> That's a good question. I'll have to give you the exact dates about when we expect those agencies to be operating. It's a big challenge for the New South Wales economy.</p> <p><b>The CHAIR:</b> Could you take that on notice?</p> <p><b>Mr CHRIS MINNS:</b> I'm happy to take that on notice. It's a big challenge for the New South Wales economy. Last year New South Wales sold over \$40 billion worth of coal to trading partners around the world. It was New South Wales's single biggest export—twice as big as education, which was the next biggest export in the State. Every single partner that we sold coal to has indicated that they want to get to net zero by a particular time. They'll do it in different ways and they'll do it on different timescales, but everyone in New South Wales, particularly its political leadership, has to be cognisant of the fact that our single biggest export, our trading partners are indicating to us that they want to get out of that industry. That's going to be a challenge more generally for the economy because we effectively have to fill a \$40 billion export hole in what we export in the years ahead. It's a particular challenge for coalmining communities. We need to make sure that manufacturing is in place. We need to make sure that the jobs of the future are ready and available. I have to say it's one of the leading reasons why the Government made the decision to build transport infrastructure in New South Wales and end the practice of the previous Government of offshoring it, because we have to provide jobs and a future for those mining communities.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>The NSW Government has committed to establishing Future Jobs and Investment Authorities in coal-reliant regions of the Hunter, Illawarra, Central West and North West.</p> <p>The NSW Government is consulting with key stakeholders to inform the scope and structure of the Authorities. Roundtable events have been held in Cessnock and Lithgow</p>	

with local communities to gauge their views. More roundtables will be held in the Illawarra (late March) and North West (early April) regions.

**QUESTION (page 25)**

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

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

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

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

**ANSWER:**

NSW welcomes measures such as the Gas Market Code that further shore up gas supply to the east coast gas market to maintain reliable and affordable supply to NSW consumers.

I am advised:

The additional gas commitments will assist the market over the rest of this decade and help to reduce the risk of gas supply shortages. The NSW Government announced as part of its response to the Electricity Supply and Reliability Check Up report that it would be commissioning AEMO to review arrangements for gas storage infrastructure, and we expect this work will provide further advice on the gas situation in NSW.

**QUESTION (page 26)**

## Questions on Notice

<p><b>The Hon. DAMIEN TUDEHOPE:</b> Ms Boyd, have you had a chance over the morning tea break to ascertain when a briefing was provided to the Premier in relation to the NZYQ case?</p> <p><b>KATE BOYD:</b> I have. We'll have to take it on notice to give you a full account of all the briefings that took place in November following the decision, but I am aware that a written briefing was provided to the Premier and signed by him on 17 November, prior to the written reasons that he handed down on the 28th.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So nothing prior to 8 November?</p> <p><b>KATE BOYD:</b> I'll have to take that on notice. There were a number of verbal and other briefings provided to the Premier around that time, but we have been able to track down that written brief, which was on 17 November.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Would you be prepared to table that brief?</p> <p><b>KATE BOYD:</b> I don't know. It may contain legal advice and there would be other issues of privilege that we would need to consider, but I'm happy to have a look at that.</p>	
<p><b>ANSWER:</b> The briefing note provided to the Premier's Office on 16 November 2023 and signed by the Premier on 17 November 2023 contained legal advice prepared by the Office of General Counsel within The Cabinet Office and is subject to legal professional privilege.</p>	

<p><b>QUESTION (page 29)</b></p>	
<p><b>Mr CHRIS MINNS:</b> I made that clear when we made the announcement—that this was going to be up to the ATC to decide and its members to decide, not the New South Wales Government. But, it was important, I believe, to explain to the people of New South Wales that we were not only receptive but open to the offer, that we thought it would be good for New South Wales, that we thought it was consistent with public transport infrastructure and infill development, but ultimately the decision has to be made by them.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> In relation to that, when did you first find out about this proposal?</p> <p><b>Mr CHRIS MINNS:</b> I can't give you the date but not long before it was announced. I have to take that on notice.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p>	



Questions on Notice

- On November 8 2023, the ATC approached the NSW Government with a pre-submission concept for the redevelopment of Rosehill for housing, plus a number related elements.
- The ATC's proposal contains a number of elements:
  - A Centre of Excellence horse training facility at Horsley Park to accommodate the relocation of 300-400 horses from Rosehill Gardens stables.
  - Warwick Farm redeveloped as a state-of-the-art racing, training, Member and spectator facility.
  - Several sites across Sydney earmarked and investigated for a new, world-class racecourse track and facilities.
  - ATC retains and develops the Rosehill Gardens site for housing, entertainment, green space and a new school.
  - Funds from the development invested in racing, training and Member and spectator facilities at all racing, training and stabling venues.
  - The NSW Government explores the feasibility of a new Metro station at Rosehill to deliver reliable public transport for the new Rosehill Gardens community.

<b>QUESTION (page 32)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Who is the probity adviser of this project?</p> <p><b>Mr CHRIS MINNS:</b> Again, there are obvious probity checks and advisers.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Who is the adviser for this project?</p> <p><b>The CHAIR:</b> Order!</p> <p><b>Mr CHRIS MINNS:</b> I will take that on notice.</p>	
<p><b>ANSWER:</b> I am advised:</p> <p>Probity advice to date has been provided by O'Connor Marsden, an approved provider on the NSW Government Performance and Management Services Scheme.</p>	

<b>QUESTION (page 34)</b>	
<p><b>The Hon. ROBERT BORSAK:</b> Where are the renewable energy zones up to?</p> <p><b>Mr CHRIS MINNS:</b> We've got the REZ, in particular, for the Central West, which we're in the midst of. The Government has significant</p>	

## Questions on Notice

challenges, particularly with the costs and time overrun on that project. The original cost, I think, was estimated to be \$600 million—or at least that was the advertised price from the previous Government and the Minister responsible, Matt Kean. The ultimate cost is over \$3 billion, I think.

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

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

**ANSWER:**

I am advised:

The 2023 NSW Network Infrastructure Strategy set out the first NSW estimate for the EnergyCo Central West Orana Renewable Energy Zone (REZ) project. This includes a central construction cost estimate of \$3.2 billion in 2021 dollars. In 2020, AEMO modelled cost for the then proposed Transgrid Central West Orana Transmission Link project; this was \$650 million. This project was for a materially different scope, route and scale to the current Central West Orana REZ. Based on the recently signed Commitment Deed, the project is in line with the NSW Network Infrastructure Strategy costings, and project costs are subject to detailed regulatory oversight and review.

**QUESTION (page 36)**

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

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

## Questions on Notice

<p><b>Ms SUE HIGGINSON:</b> Sorry. Respectfully, Premier, my question is not going to the investigation.</p> <p><b>Mr CHRIS MINNS:</b> I know that, but you did make that claim and I just have to—</p> <p><b>Ms SUE HIGGINSON:</b> It is outside the allegations with this particular—</p> <p><b>Mr CHRIS MINNS:</b> Right.</p> <p><b>Ms SUE HIGGINSON:</b> I'm talking about the broader waste circular system, the chain of custody, where these products are getting contaminated from, and through what sources and what streams.</p> <p><b>Mr CHRIS MINNS:</b> I support the EPA's decisions in relation to this latest investigation, the taskforce that has been formed and the communication with the public. I think that they've been able to inspect and test a vast area in metropolitan Sydney, in particular, and communicate that to the public. As far as other recovered substances and their reporting obligations, I would have to take it on notice. Is the suggestion that it's not strong enough or that you'd prefer more transparency?</p> <p><b>Ms SUE HIGGINSON:</b> Yes, definitely more transparency, Premier. We're seeing a large part of Sydney taped up. I think the community deserves to be kept completely abreast of what it is we're looking at. The fact is, this is not just mulch; this is a bigger issue.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>The EPA is committed to giving industry, councils and the community support and access to accurate information and to informing the community first-hand about local environmental issues.</p> <p>The EPA commissioned an independent review of the resource recovery framework in 2021. The review was undertaken by Dr Cathy Wilkinson, and was informed by consultation with industry, government and community stakeholders. Dr Wilkinson's final report includes 22 recommendations to help refine and strengthen the resource recovery framework. The EPA is now working closely with stakeholders to implement key reforms. Information on the review is available on the EPA's website:  <a href="https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/independent-review">https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/independent-review</a></p> <p>The EPA is undertaking a criminal investigation into the circumstances that have resulted in asbestos contamination being found in mulch. The NSW Government has established an Asbestos Taskforce to support the EPA's investigation. The NSW Asbestos Coordination Committee (NACC) is also considering longer term policy responses that may be required.</p> <p>The previous Government requested the Office of the Chief Scientist and Engineer to provide advice on the approach to management of asbestos contaminants in waste and</p>	

## Questions on Notice

recovered materials (including recovered fines). This is still with the Chief Scientist and Engineer and will be considered when it is presented to Government.

<b>QUESTION (page 36)</b>	
<p><b>Ms SUE HIGGINSON:</b> I think what you need to know, Premier, is that we've got some really serious problems in the waste cycle. We know how important the circular waste economy is for New South Wales, but we also know we need it to have integrity, and it needs to be healthy and guaranteed that we're not polluting the environment. Will you undertake to providing the names of the labs that have been testing and retesting and retesting, and that were featured in the article, for absolute transparency and for communicating with the public where the system has gone wrong in the past and how you're going to fix it?</p> <p><b>Mr CHRIS MINNS:</b> Would you allow me to take that on notice?</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>Some commercial laboratories retest samples at the request of their client. Commercial laboratories identify where retesting has occurred in the laboratory report. This is how the EPA has been able to identify this practice. Unlike their clients, laboratories are not required to meet, and may not be aware of, EPA regulatory requirements.</p> <p>In 2019, the EPA identified the practice at the following laboratories:</p> <ul style="list-style-type: none"> <li>• Sydney Environmental and Soil Laboratory - 16 Chilvers Road, Thornleigh</li> <li>• Resource Laboratories - 12/1 Boden Road, Seven Hills</li> <li>• Envirolab Services - 12 Ashley Street, Chatswood</li> <li>• Eurofins - Unit F3, Building F, 16 Mars Road, Lane Cove West</li> <li>• ALS Environmental - 277-289 Woodpark Road, Smithfield.</li> </ul>	

## Questions on Notice

<b>QUESTION (page 37)</b>	
<p><b>Ms ABIGAIL BOYD:</b> Coming back on that asbestos issue then, for a quick one, those of us who have been paying attention for a number of years have seen asbestos being dumped across the State in lots of different contexts. I live on the Central Coast. We've had it at Mangrove Mountain, we've had it at the Vales Point Power Station, construction materials containing asbestos being dumped around the State and it's great that we are now having attention on it here. Are you concerned about corruption in the waste and construction industry in New South Wales?</p> <p><b>Mr CHRIS MINNS:</b> I haven't had specific allegations of corruption presented to me, and I'm just—</p> <p><b>Ms ABIGAIL BOYD:</b> Are you concerned about organised crime with the waste industry in New South Wales?</p> <p><b>Mr CHRIS MINNS:</b> I would have to take it on notice but I don't recall being presented with that allegation.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>NSW Police provide advice on organised crime in NSW. Allegations of organised crime should be referred to the NSW Police.</p>	

<b>QUESTION (page 39)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Do you know who Rhys Patton is?</p> <p><b>Mr CHRIS MINNS:</b> I'd have to take it on notice. Not off the top of my head.</p>	
<p><b>ANSWER:</b></p> <p>I do not recollect meeting Rhys Patton.</p>	

<b>QUESTION (page 40)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> We are ad idem on the fact that the \$400,000 was to be allocated. What I'm raising with you is the process by which projects were added for this particular seat not in accordance with the small allocation grants program and that they weren't commitments made at the time of the election.</p> <p><b>Mr CHRIS MINNS:</b> It's important that the Committee understands that the Government has already conceded and admitted and was fully transparent—I think even during the campaign—that there were seats where the full allocation of the \$400,000 wasn't applied. Just let me finish. As a result of that, rather than those communities getting less—say, \$150,000—obviously we wanted to make sure they got the full 400.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> And I have no quibble—</p> <p><b>Mr CHRIS MINNS:</b> The process for that, I'll have to come back to you on. But I think a reasonable person would step back and say, "I'd rather you spend the money in my community" rather than saying—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> No problem with that, Premier. I'm concerned with the guidelines and the process where, potentially, a member of your staff in fact inserted—</p> <p><b>Mr CHRIS MINNS:</b> Sorry, what's the allegation now? You've actually thrown a few out, so what's the allegation now?</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>The guidelines for the local small commitments allocation can be found at <a href="https://www.nsw.gov.au/grants-and-funding/lsc#:~:text=The%20Local%20Small%20Commitments%20Allocation,benefits%20to%20communities%20in%20NSW">https://www.nsw.gov.au/grants-and-funding/lsc#:~:text=The%20Local%20Small%20Commitments%20Allocation,benefits%20to%20communities%20in%20NSW</a></p>	

## Questions on Notice

<b>QUESTION (page 45)</b>	
<p><b>The Hon. ROBERT BORSAK:</b> Specifically, do you support the waste-to-energy incinerator move to the Goulburn region?</p> <p><b>Mr CHRIS MINNS:</b> I'd like to take that on notice, just because I'm not up to date with the latest information.</p> <p><b>The Hon. ROBERT BORSAK:</b> A lot of people down there have got concerns about it, of course, especially in relation to cancer and other things.</p> <p><b>Mr CHRIS MINNS:</b> Sure. I'd love to give you an answer today but I would just like to confer with my officials about it.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>The NSW Government has a policy and strategic framework to guide the assessment of energy from waste proposals in NSW. This was developed under the previous government and is due to be reviewed this year. The framework means facilities must meet strict performance standards and be located in areas that best address the state's waste management needs. The NSW Energy from Waste Policy Statement has more stringent controls on energy from waste facilities than anywhere else in the world, to ensure that human health and the environment is protected. Proposals must demonstrate they are meeting the guidelines and best practice techniques to protect air quality and human health.</p> <p>The NSW Government's Protection of the Environment Operations (General) Regulation 2022 prohibits the thermal treatment of waste for energy recovery unless it is undertaken in a nominated precinct - Southern Goulburn Mulwaree is a nominated Precinct.</p> <p>The precincts are set out in the Energy from Waste Infrastructure Plan. The Plan commits the EPA to a review the need for additional energy from waste capacity by 2025.</p> <p>The Veolia Energy Recovery Centre in Goulburn is currently going through the planning approvals process.</p>	

<b>QUESTION (page 45)</b>	
<p><b>The Hon. ROBERT BORSAK:</b> Are the water leaks in the Powerhouse Museum, Ultimo, which were given as the reason for its urgent closure, the result of past decisions at the Museum of Applied Arts and Sciences to not fund proper maintenance of the box gutters and window seals? What's actually going on there?</p> <p><b>Mr CHRIS MINNS:</b> I don't know. But for the purposes of this questioning, sure. I'm sure that's right, that the previous Government didn't put—I mean, custom and practice would lead us to believe</p>	

## Questions on Notice

that they didn't put enough in the maintenance budget. But I'd have to take it on notice to give you a specific answer.	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>There are many drivers for the revitalisation project, including the escalating need for significant reactive maintenance to preserve the building fabric (the external part of the building) and to continue to ensure the safety of visitors and the Powerhouse collection.</p> <p>The water leaks are only one of a range of maintenance issues that need to be addressed. Other issues that the project will address include system, functionality and compliance with the Building Code of Australia and the Disability Discrimination Act.</p> <p>The costs and disruption of these works are escalating due to the deteriorating state of existing building and systems.</p> <p>Investigations by engineers Arup and Steensen Varming (mechanical and electrical specialists) found that major intervention is required to continue to keep the collections safe and preserve the museum.</p>	

<b>QUESTION (page 46)</b>	
<p><b>The CHAIR:</b> Would you commit to updating those policies in the short term, considering the author and a lot of concern in the community about coal expansions?</p> <p><b>Mr CHRIS MINNS:</b> I'd have to take that on notice, come back to you, confer with the Minister for Energy and Minister for the Environment.</p>	
<p><b>ANSWER:</b></p> <p>It is important to provide certainty to the mining industry and the community about where coal mining and gas production may and will not occur in NSW.</p> <p>I am advised:</p> <p>The previous NSW Government released the Strategic Statement on Coal and the Future of Gas Statement in 2020. The Minister for Natural Resources has stated that the current NSW Government will revisit those strategies to make sure they are fit for purpose.</p>	



## Questions on Notice

<b>QUESTION (page 48-49)</b>	
<p><b>Ms ABIGAIL BOYD:</b> Can we talk about accessible housing? Why is it that the New South Wales Government is the only government bar one in the entire country that won't provide accessible housing in terms of minimum accessibility requirements under the National Construction Code? Every other State and Territory is able to do that but we have no guarantee of accessible housing in New South Wales. Why is that?</p> <p><b>Mr CHRIS MINNS:</b> Is this accessible housing for disabled citizens?</p> <p><b>Ms ABIGAIL BOYD:</b> And older people and anyone who wants to live in their home for a longer period of time.</p> <p><b>Mr CHRIS MINNS:</b> That's a fair question. I'll have to take it on notice and come back to you.</p>	
<p><b>ANSWER:</b></p> <p>I am advised:</p> <p>In August 2022, Australian building Ministers finalised the new National Construction Code (NCC), which included mandatory accessibility standards. While these standards were not adopted by the previous government, the NSW Government is considering the best way to ensure NSW delivers quality, affordable and trustworthy homes to meet NSW's housing needs. This includes working with other jurisdictions to understand the impact of the new accessible housing provisions on the delivery of affordable and accessible homes in other States to determine how it could impact the NSW's delivery of affordable homes.</p> <p>NSW Government housing suppliers, such as the Land and Housing Corporation (LAHC), are already meeting the Silver Standard, that was used to inform the NCC requirements.</p> <p>While other jurisdictions adopted the new standards, delays have meant that they have not yet been implemented in Victoria and Queensland. In support of the Government's work to deliver more social and affordable housing stock that meets the needs of all occupants regardless of their degree of mobility or age, the building regulator held an industry and community forum on 19 September 2023 to discuss accessible housing and ensure stakeholder views and concerns are considered in informing NSW's building laws.</p>	

<b>QUESTION (page 49)</b>	
<p><b>Ms ABIGAIL BOYD:</b> Thank you. Given the continuous failures of the previous Government, which we are now also seeing, unfortunately, under this Government, to provide adequately for people in disability in policy—I point also to the schools statement that came out that didn't even mention children with disability—is it not time now to have a separate Minister for disability in your Cabinet?</p>	

## Questions on Notice

<p><b>Mr CHRIS MINNS:</b> I'd have to take that on notice. We have a colleague of ours, Liesl Tesch—</p> <p><b>Ms ABIGAIL BOYD:</b> A fabulous person.</p> <p><b>Mr CHRIS MINNS:</b> —who's a fabulous person and a Parliamentary Secretary. I think if she was giving evidence to the Committee, she would say in all candour that Government needs to do more, to be honest. I take her criticisms, feedback—however you want to put it—very seriously. I know that it cannot be the case that this becomes a second-order issue or falls off the Government's busy agenda. I take what you say very seriously. I can assure you that at the highest levels of government we've got a passionate advocate who's demanding more.</p>	
<p><b>ANSWER:</b></p> <p>The NSW Government is committed to strengthening the rights and inclusion of all people with disability across our state. This is a key priority for the Minister for Disability Inclusion, the Hon. Kate Washington MP, with the support of the Parliamentary Secretary for Disability Inclusion, Ms Liesl Tesch MP.</p>	

<p><b>QUESTION (page 51)</b></p>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> In respect of the questions which we were examining before lunch in respect of advice obtained in respect of the High Court decision, have you now had an opportunity of looking at that advice and being able to advise us the date on which it was provided?</p> <p><b>KATE BOYD:</b> It was signed by the Premier on 17 November 2023. I haven't had a chance to peruse the brief, so I can't fill you in on the contents of that, but we'll consider its release, as we indicated.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Was there any other consideration of that case before that date?</p> <p><b>KATE BOYD:</b> As I mentioned before, we'll go back and check the chronology of briefings. There were a range of verbal and other briefings on the matter. That's my understanding.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> You told us that, I think, 62 people have been in fact released as a result of the orders made in that case?</p> <p><b>KATE BOYD:</b> That's 62 people in New South Wales.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> In New South Wales? Of a total of 150, is it?</p> <p><b>KATE BOYD:</b> I'm not sure of the total number.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> But 62 in New South Wales?</p>	

Questions on Notice

<b>KATE BOYD:</b> Yes, as at a particular date, but we'll get you updated figures on those.	
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<b>ANSWER:</b>
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See responses to previous questions above (pages 5, 7, 13-14)
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## Questions on Notice

<b>QUESTION (page 51-52)</b>	
<p><b>KATE BOYD:</b> The Cabinet Office has been present in a range of verbal briefings from police on the subject, but the figures are quite fluid in that people move around and circumstances change. I wouldn't want to misrepresent the status of any of them at this moment.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Have any reoffended whilst being out of custody?</p> <p><b>KATE BOYD:</b> I understand that three of them are in custody again, so that would indicate to me that they have. Again, I'd prefer to give you a full account on notice, if I could.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> To the best of your knowledge, has Corrections made any application to have parole revoked in respect of any of those offenders in relation to offending while they were in the community?</p> <p><b>KATE BOYD:</b> I'm not aware of that.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Just in terms of the nature of the offences, do you have any details in respect of the nature of the offending by those people who have been released?</p> <p><b>KATE BOYD:</b> My recollection is that a number of those detainees had been convicted of quite serious offences. I'm not able to give you a complete breakdown of what they were.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Would you be able to give us that breakdown on notice?</p> <p><b>KATE BOYD:</b> We can have a look at it—at what information it would be appropriate to provide.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Is there any reason why it would not be appropriate?</p> <p><b>KATE BOYD:</b> I would say that there are law enforcement reasons why certain information like that may not be provided publicly, but we'll have a look at the information and make that assessment.</p>	
<p><b>ANSWER:</b></p> <p>See response to previous questions above (pages 5, 7, 13-14).</p>	

<b>QUESTION (page 54)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Did you do any checking to see whether they in fact were an election commitment?</p> <p><b>KATE MEAGHER:</b> I will probably take on notice exactly the level of detail as to how that part of the process works. Our assumption is that when that list was provided to us that they were election</p>	

Questions on Notice

<p>commitments, but I'm more than happy to find out more detail for the Committee</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> That would be something to establish prima facie as to whether they are eligible projects in accordance with the categories of grants—</p> <p><b>KATE MEAGHER:</b> That's right.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> —that they had been made as an election commitment</p>	
<p><b>ANSWER:</b></p> <p>The list of election commitments was provided to the LSCA Program Office, by the Premier's Office on 28 July 2023. Advice from the Premier's Office was that all projects were election commitments. No further investigations were undertaken by the LSCA Program Office.</p>	

<p><b>QUESTION (page 54-55)</b></p>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> If you look at the last column in relation to that, you will see that they were notified on 24 July 2023. Would that raise any concern by you as to the date on which that commitment had been made, bearing in mind of course that the Premier's commitments clearly predated the election but this advice is dated 24 July 2023?</p> <p><b>KATE MEAGHER:</b> I can't speak to why that date is there. Of course, we would be looking at—if there was any anomaly in that criteria in terms of it meeting the criteria, that would be something that the team would look at. I'm happy to take on notice how that data might be examined by the program office team.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Would you take on notice each of those projects—and are you able to identify, as part of that process, the date on which the election commitment was made?</p> <p><b>KATE MEAGHER:</b> I'm happy to take on notice trying to do that. I can't commit to doing that.</p>	
<p><b>ANSWER:</b></p> <p>The list of election commitments was provided to the LSCA Program Office, by the Premier's Office on 28 July 2023. The Premier's Department cannot comment on the construction of this list.</p>	

<p><b>QUESTION (page 55)</b></p>	
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## Questions on Notice

<p><b>The Hon. DAMIEN TUDEHOPE:</b> Well, how would you know that? If in fact these projects were parks and recreation projects, it'd be just a one-line entry—\$400,000 for parks and recreation—would it not?</p> <p><b>KATE MEAGHER:</b> It potentially could be, but I'm just not 100 per cent sure of the provenance of it. I really apologise. I'm more than happy to talk to the program office team, who are—</p>	
<p><b>ANSWER:</b></p> <p>The projects listed for the Castle Hill electorate were on the list of election commitments provided to the LSCA Program Office by the Premier's Office.</p>	

<p><b>QUESTION (page 55)</b></p>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> If they weren't in fact election commitments but were purported to be election commitments, then in those circumstances the production of this document identifying them as being election commitments would be wrong, would it not?</p> <p><b>KATE MEAGHER:</b> I'll take it on notice, I'm sorry, Mr Tudehope.</p>	
<p><b>ANSWER:</b></p> <p>The projects listed for the Castle Hill electorate were on the list of election commitments provided to the LSCA Program Office by the Premier's Office.</p>	

<p><b>QUESTION (page 56)</b></p>	
<p><b>Ms ABIGAIL BOYD:</b> Are you aware then of the disability Ministers and the building Ministers, probably more relevantly, talking about the National Construction Code minimum accessibility standards? I know that that has been a topic of discussion at those meetings for a long time now. Has there been any shift from the New South Wales Government on that?</p> <p><b>GILLIAN WHITE:</b> I would probably have to take the specifics of that on notice because we tend to, in the Cabinet Office, get involved in some of the more headline issues and not into all the specific details. To give you an example on disability, we have obviously been involved in terms of the National Cabinet discussions on the establishment of the foundational support system and those broader NDIS review implications, but some of the more specific disability issues would tend to be more fully developed by DCJ and support Minister Washington.</p>	
<p><b>ANSWER:</b></p>	

## Questions on Notice

The National Construction Code, including the accessibility standards, was discussed at the last Building Ministers Meeting in October 2023. The Building Ministers are due to meet again in March and will discuss timeframes for the adoption of the next edition of the Code, with national consistency and clear signalling being of key importance to the industry.

One of the recommendations arising from the Disability Royal Commission was that NSW increase the availability and supply of accessible and adaptive housing for people with a disability through the National Construction Code. NSW is considering this recommendation as part of broader work in responding to these recommendations.

<b>QUESTION (page 59)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> You were here when it was suggested that the grants in respect of Castle Hill and Kellyville were, in fact, prepared and were not election commitments. You were there for that evidence, were you not?</p> <p><b>KATE BOYD:</b> I'm not sure that admission was made. My recollection is that there was not a conclusive answer as to the provenance of that particular document.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> We've just heard the provenance of it.</p> <p><b>KATE BOYD:</b> In terms of the dates and other information in it. I would defer to Ms Meagher and suggest that she's taken that on notice and will revert.</p>	
<p><b>ANSWER:</b></p> <p>As noted in the hearing, the question was taken on notice by Kate Meagher, please see answers of Kate Meagher.</p>	

<b>QUESTION (page 62)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Is there a brief relating to this?</p> <p><b>KATE BOYD:</b> I believe there is and it was referred evidence at our last hearing. I think it's been—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Was that brief produced?</p> <p><b>KATE BOYD:</b> I think the Special Minister produced it, Mr Tudehope. I can check.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> You can check, because we have looked.</p> <p><b>KATE BOYD:</b> Okay.</p>	

## Questions on Notice

<p><b>The Hon. DAMIEN TUDEHOPE:</b> And it isn't there.</p> <p><b>KATE BOYD:</b> Sure.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> If there is a brief, it is purported to be produced but it's not there.</p> <p><b>KATE MEAGHER:</b> I just want to reiterate what Ms Boyd has flagged. That final brief certainly was, I guess, rounding out the process from our point of view. We're grateful to our colleagues in the Cabinet Office for ensuring that we got that final piece of documentation, from an administrator's perspective—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> If it exists in the documents, which is purportedly produced pursuant to Standing Order 52, if you could identify the document—</p> <p><b>KATE MEAGHER:</b> Sure.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> —I would be obliged to you. I would submit to you that it doesn't exist in relation to the documents which have been produced. In fact, Alison Morgan provided an email to Minister Graham's chief of staff on 18 September and Ms Morgan says she dropped off a hard copy for approval. The document exists, but we just haven't seen it.</p> <p><b>KATE MEAGHER:</b> I'm happy to take that on notice.</p>	
<p><b>ANSWER:</b></p> <p>The Brief in question (A5852997) was provided to the Clerk of the Parliaments, Legislative Council, on 10 November 2023.</p>	

<p><b>QUESTION (page 63)</b></p>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> There are claims made, which are rejected on a regular basis, in relation to a particular document which I questioned the Premier on earlier, a spreadsheet, this spreadsheet here. A claim for privilege was made in relation to this document. There was a claim for privilege that the document is expected to contain confidential information. Do you recall that?</p> <p><b>KATE BOYD:</b> I don't recall the claim on that specific document, but I understand that some privilege claims were made over documents relating to this grants program on the basis that to reveal that information would pre-empt the outcome of the independent assessment process, which I do think is an important consideration for the House in deciding whether or not to make public these documents. It's an extraordinary power that the House has to call for State papers and the publication of them shouldn't be taken lightly by the House and the House should have available to it advice from public servants on the risks of that.</p>	



## Questions on Notice

<p><b>The Hon. DAMIEN TUDEHOPE:</b> This was a document which collated claims which had been made as part of an election program.</p> <p><b>KATE BOYD:</b> Again, I'm not familiar with the particular claim.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> And the claim for privilege said that it is expected to contain confidential information. What was the confidential information which you said would say that this document— you can have a look at it if you like.</p> <p><b>KATE BOYD:</b> I'm not sure if it was even a Cabinet Office document; I doubt that it was. I'm not sure of what the claim was, but we can take that on notice and look at that.</p>	
<p><b>ANSWER:</b> The Premier's Department made a claim of privilege over document (a)1 of its return to the Order for Papers concerning Local and community grant decisions, which is a list of projects that were nominated for grant funding under the Local Small Commitments Allocation (<b>LSCA</b>) Program.</p> <p>The Department's usual practice is to not disclose information about nominations of individual projects for grant funding prior to the assessment of applications and the making of a final decision.</p> <p>As was set out in the Department's written submissions in support of its claim of privilege over document (a)1, provided with the return on 6 November 2023 and supplemented by a letter to the Deputy Clerk dated 22 November 2023, a claim of privilege was made over the document on a number of public interest immunity grounds. The primary basis for the privilege claim was that, in circumstances where the Department was not aware of the extent to which the details of individual projects were broadly publicised, deliberations of the assessment panel on the merits of projects were incomplete, and recommendations in relation to the applications had not yet been made, disclosure of the information may result in pressure from members of the public on various decision-makers to choose particular projects, prejudicing these decision-making processes.</p> <p>The Department also submitted that document (a)1 was privileged on the basis that it was reasonably expected to contain sensitive and commercial-in-confidence information by virtue of the nature of information it contained – specifically, the details of each project nominated for funding together with the amount of funding sought (as detailed in columns B and C of the spreadsheet). Preliminary investigations indicated that those details were not publicly available online. The Department was concerned that the ability of the relevant organisations to obtain commercial rates for the goods and services the subject of their grants application may be prejudiced by the public disclosure of the information with document (a)1 at that stage of the grants process, and that disclosure may undermine the ability of grant applicants to obtain value for money. As noted in the LSCA Program Guidelines, all approved funding under the LSCA Program is required to be published on the NSW Government Grants and Funding Finder website no later than 45 calendar days after the funding agreement takes effect.</p>	

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Questions on Notice

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<b>QUESTION (page 64-65)</b>	
<p><b>KATE MEAGHER:</b> Yes, and I just want to reiterate that the team that manages the media monitoring in government departments has not done anything to switch off any services to members. We were never actually providing it, and so that's why it's a little bit odd. But we have some theories.</p> <p><b>The Hon. SARAH MITCHELL:</b> I'm happy for you to take that on notice. As I said, some information seemed to indicate that the Parliamentary Library had had discussions with the media team. If there is anything you can provide to us on notice about why this has happened and, most importantly, as I said, a resolution, and maybe that's better directed to DPS at some point.</p> <p><b>KATE MEAGHER:</b> We have written to the Presiding Officers as well to update from our perspective, but I understand next steps are important as well.</p> <p><b>The Hon. SARAH MITCHELL:</b> Did either Presiding Officer proactively reach out to your department?</p> <p><b>KATE MEAGHER:</b> I think one has. I'll just double check for you.</p> <p><b>The Hon. SARAH MITCHELL:</b> That's fine. If you could provide it on notice, that would be great.</p> <p><b>KATE MEAGHER:</b> But, yes, we've been approached.</p> <p><b>The Hon. Dr SARAH KAINE:</b> It seems like new members didn't get it ever, just to help.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> All members.</p> <p><b>The Hon. SARAH MITCHELL:</b> All members used to for years and years, so it's interesting.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Intuitively, you would have thought though, Ms Meagher, that if a media monitoring service is available at the moment potentially to Ministers and Government members—I take on notice that some Government members are suggesting they don't know what we're talking about—intuitively, you would say that it wouldn't be very difficult to make the same service available to everyone.</p> <p><b>KATE MEAGHER:</b> Yes, there is a legacy.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> There might be an extra cost involved. That might be the only issue that I can conceive of but, intuitively, adding names to an email list is not that difficult.</p> <p><b>KATE MEAGHER:</b> I will have to take that on notice with regard to procurement rules et cetera.</p>	
<p><b>ANSWER:</b> The Premier's Department received correspondence, originally addressed to the Premier, regarding the Premier's Department media monitoring contract and Parliamentary Services media monitoring contract.</p>	

## Questions on Notice

The Premier's Department has replied to the Presiding Officers (response issued 4 March 2024), explaining the two separate contracts and committing assistance to Parliamentary Services to establish their new contract for a media monitoring service.

The NSW Premier's Department procures and manages whole-of-government media monitoring services (MMS) for the Government.

In 2023, Premier's Department ran a thorough procurement process to arrange the provision of media monitoring services to the sector.

Premier's Department is the Principal under the Agreement and acts as the Government's custodian for the contract and therefore led the procurement process for the next iteration of the MMS Contract.

In establishing the media monitoring contract, Premier's Department complied with the relevant law and policies including the NSW Government Procurement Framework that governs procurement *by and for the Government*. To that end, the contract is for the whole of Government, that is, for the public service, agencies, Government bodies and Government bodies and includes NSW ministers, their staff and MPs also holding official government positions, for example Parliamentary Secretaries and their staff.

MPs are not part of the Government and not eligible customers under this contract, nor are their office employees. This was the case under the Premier's Department's former contract with Meltwater and continues to be the case under the new contract with Isentia.

The NSW Parliamentary Services Library Team manages a separate contract for these MPs (and their parliamentary staff) which entails different services and agreements. The Premier's Department (and in its previous existence as Department of Premier and Cabinet) do not manage or have visibility of this contract.

Given the separate nature of the two contracts, the cessation of Premier's Department's whole-of-government Meltwater service should not have directly impacted the contract and service dates of Parliamentary Services own Meltwater contract.

The Premier's Department is actively supporting Parliamentary Services as they consider the next steps in their procurement for a new media monitoring summary service, which will, as before, be separate to the whole-of-government media monitoring contract.

<b>QUESTION (page 66)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Returning then perhaps to both Ms Kate Boyd and Mr Draper, the Public Service Commission service reported that 133 senior executives were employed at the previous Department of Premier and Cabinet as of 30 June 2023. What's the current breakdown between the Premier's Department and the Cabinet Office?</p> <p><b>KATE BOYD:</b> I think we have about 64.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Sixty-four in—</p> <p><b>KATE BOYD:</b> In the Cabinet Office.</p> <p><b>SIMON DRAPER:</b> I'll just grab my number. Have you got it there? That's total numbers. You're after executive—</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Senior executives.</p> <p><b>SIMON DRAPER:</b> Senior executives, yes. I do have that saved somewhere, Mr Tudehope. In the Premier's Department we have 44.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So 64—</p> <p><b>SIMON DRAPER:</b> Did you say just for senior executives?</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> —at the Cabinet Office?</p> <p><b>SIMON DRAPER:</b> No, I'm talking about the Premier's Department.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> So the total between the two of you was 64 and—</p> <p><b>SIMON DRAPER:</b> Have you got 64 senior executives?</p> <p><b>KATE BOYD:</b> That's just off the top off my head but now I can't find it, so maybe we should take it on notice and get you accurate figures.</p> <p><b>SIMON DRAPER:</b> I have a lower number than that. I have 32.</p> <p><b>KATE BOYD:</b> Can I take that on notice? We've got 207 FTE altogether. As to the breakdown between SES and non-, I'll have to take that on notice. I'll find it.</p> <p><b>SIMON DRAPER:</b> I do have some numbers here which might help. Sixty-four was the number at 30 June for the combined group.</p> <p><b>KATE BOYD:</b> Thank you.</p> <p><b>SIMON DRAPER:</b> The number now as of 31 December is 32.9 for the Cabinet Office and 34 for the Premier's Department.</p>	
<p><b>ANSWER:</b> As at 31 January 2024, the Public Service Senior Executive FTE for the Premier's Department was 51.0 FTE and 33.0 FTE for The Cabinet Office.</p>	

<b>QUESTION (page 68)</b>	
<p><b>SIMON DRAPER:</b> It's not fluid. It will be determined by Government. We will be seeking approval for how we meet that commitment. There will be a firm deadline and I can assure you that the expectations, particularly from the Treasurer—we will be able to progressively show how we're meeting that deadline. But we have only just received, as you know, the updated executive numbers for the whole of the government sector. We are working with the Public Service Commission to determine the scale of the reductions that are required and how they will be allocated across the whole government sector.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Mr Draper, these are questions you may want to take on notice. I don't expect you to necessarily have an answer. To date, are you aware how much has already been allocated for the Local Small Commitments Allocation program, how much has actually been approved?</p> <p><b>SIMON DRAPER:</b> No. Sorry, I thought you were following up on the public service question. You threw me for a second.</p> <p><b>KATE MEAGHER:</b> I can't give you a dollar figure, Mr Tudehope, but I can say 174 organisations have received their grant money.</p> <p><b>The Hon. SARAH MITCHELL:</b> How many, Ms Meagher, could you just repeat?</p> <p><b>KATE MEAGHER:</b> It is 174.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> You will be able to give me a dollar figure, could you, on notice?</p> <p><b>KATE MEAGHER:</b> I can find that out for you. They're all available on the web, so I don't expect you to go and tally it up.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> There will be a significant number, potentially rolled over to '24, '25. Is that what I understand by that?</p> <p><b>KATE MEAGHER:</b> I guess that's right. I feel like last time I should have prepared this answer because last time you asked me how long you thought it would take and I didn't know then. Can I take that on notice?</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Thank you.</p> <p><b>KATE MEAGHER:</b> I should have got an update there.</p>	
<p><b>ANSWER:</b></p> <p>As of 1 March 2024:</p> <ul style="list-style-type: none"> <li>• 265 projects have been approved by the Special Minister of State.</li> <li>• 198 organisations have received their grant funding.</li> <li>• \$9,851,103.00 has been paid to grantees.</li> </ul>	

## Questions on Notice

Funding is processed as project submissions are lodged by nominated organisations and are assessed and approved. The exact timing of this is significantly determined by the nominated organisations who decide when they will lodge their project's submission and when they will sign and return their funding agreement for execution and payment. The LSCA Program Office is working closely with organisations to support them to complete these processes as soon as possible. It is anticipated that the majority of projects will be finalised and paid in the 2023/24 financial year with the remainder being finalised in the 2024/25 financial year.

<b>QUESTION (page 69)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> In relation to the Stolen Generations Keeping Places program, are you aware of how much has been expended in relation to that program?</p> <p><b>SIMON DRAPER:</b> I don't have those numbers with me, but we would certainly have that.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> You might take that on notice, to date.</p> <p><b>SIMON DRAPER:</b> Yes, for sure</p>	
<p><b>ANSWER:</b></p> <p>As at 30 September 2023, Stolen Generations Keeping Places project expenditure was \$3,563,240. This includes delivery on the Final Business Case, essential repairs and maintenance, delivery of the Survivor Stories workstream and the ongoing investigations into Missing Children. It should be noted that the budget allocation for this project sits across both Aboriginal Affairs NSW (Premier's Department) and Create NSW (Department of Enterprise, Investment and Trade) budgets.</p>	

## Questions on Notice

<b>QUESTION (page 69)</b>		
<p><b>The Hon. DAMIEN TUDEHOPE:</b> Can you provide to me details of the spend that has been made by the Premier's Department on advertising? You can take it on notice.</p> <p><b>KATE MEAGHER:</b> It's pretty minimal, I think.</p> <p><b>SIMON DRAPER:</b> If we've got it with us we can give it to you now.</p> <p><b>KATE MEAGHER:</b> I've only got our Australia Day advertising budget, which is \$170,000, and 110 on social media for Australia Day. I would have to take on notice the rest.</p> <p><b>SIMON DRAPER:</b> We might take it on notice.</p> <p><b>KATE MEAGHER:</b> That's pretty much the extent of our advertising.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> On consultants?</p> <p><b>SIMON DRAPER:</b> Again, I'll take that one on notice.</p>		
<b>ANSWER:</b>		
<p>Campaign advertising spends for 1 July 2022-30 June 2023 and 1 July 2023-28 Feb 2024 are provided below. There has been a 19.8% decrease in advertising spend year on year.</p>		
<b>1 July 2022-30 June 2023</b>	<b>Channel</b>	<b>Total Advertising Spend</b>
Australia Day 2023	Print	\$51,103
	Radio	\$39,517
	Digital	\$71,913
	Social Media	\$44,725
	<b>TOTAL Advertising Spend (incl of all production/fees)</b>	<b>\$207,258</b>
<b>1 July 2023-28 February 2024</b>	<b>Channel</b>	<b>Total Advertising Spend</b>
Australia Day 2024	Print	\$49,995
	Radio	\$36,931
	Digital	\$676
	Social Media	\$78,545
	<b>TOTAL Advertising Spend</b>	<b>\$166,147</b>



## Questions on Notice

	<b>(incl of all production/fees)</b>	
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<b>QUESTION (page 69-70)</b>	
<p><b>The Hon. DAMIEN TUDEHOPE:</b> I just have one more question, to Ms Meagher. Ms Meagher, can I just take you back to the Castle Hill document in front of you? If you look at the very last line of that document— it's the second page. If you go to the last line, it states:</p> <p><i>NSW Labor to deliver up to \$25,000 to local councils across the electorate towards upgrades to playgrounds and parks.</i></p> <p>Do you see that?</p> <p><b>KATE MEAGHER:</b> Yes.</p> <p><b>The Hon. DAMIEN TUDEHOPE:</b> Would that indicate to you that all the other proposals were, in fact, not within the parks and playgrounds allocation but were in fact election commitments?</p> <p><b>KATE MEAGHER:</b> I'll refer to my earlier answer and take on notice that we're going to find out more details, thanks.</p>	
<b>ANSWER:</b>	
<p>The projects listed for the Castle Hill electorate were on the list of election commitments provided to the LSCA Program Office by the Premier's Office.</p>	