

Budget Estimates Hearing 11 March 2020

Questions on Notice

Transport and Roads

Question 1

The Hon. JOHN GRAHAM: Well, there is a range of reasons why patronage might increase, Minister, including the fact that the roads are slowing to a crawl. We will come to that later. So there are push and pull factors here. Let me talk to you about some of those specific bus stops. One of those currently proposed to be removed is in Sylvania. It is right near to Rise & Shine Kindergarten—that is where parents might be jumping of the bus to drop their kids. There is another one at Menai, near the Holy Family Catholic Church. People going to church services are no longer able to get off there. Some of those people might be aged, of course, and might not have the mobility that others have.

In Padstow, a range of small businesses are right near the bus stop that is proposed to be ripped out. That, of course, has a massive economic impact on those small businesses that are under pressure at the moment. This might be good for on-time running, it might be good for what will be private services, but it is not necessarily good for bus customers, is it?

Mr ANDREW CONSTANCE: I am happy to go away and review the three that you have identified.

ANSWER

I am advised:

The NSW Government has funded the Bus Priority Infrastructure Program (BPIP). The program aims to improve the reliability of bus services on Sydney's main bus corridors

These schemes are developed based on analysis of Opal ticketing/patronage data, Public Transport Information and Priority System data and feedback from bus operators, stakeholders and the community. Careful consideration is also given to spacing between stops, land use and topography.

BPIP also makes changes to stops for safety reasons or to formalise or upgrade an existing stop which may be missing infrastructure.

Below is a summary of Bus Stop Changes at the three locations queried:

1. Bus stop changes at Menai Road near Allison Crescent, Menai (near the Holy Family Catholic Church) – just before the roundabout at the intersection of Menai Rd and Allison Crescent:

The bus stop changes are as per Bus Stop Guidelines; the changes include removal of the eastbound bus stop (ID223445) before Allison Crescent, as there are two alternative bus stops within 230m and 290m distance

respectively, this bus stop also has low patronage and the stop is essentially orphaned, it does not have a walk up catchment due to the fact that the rear of the adjacent properties face Menai Road.

2. Bus stop changes in Padstow.

Ryan Road:

- Removal of two westbound bus stops (ID221111 and ID221113) between Davies Road and Parker Lane as there are alternative bus stops within 120m to 130m distance. These two bus stops will be consolidated into a new bus stop (ID22112).
- Relocation of the westbound bus stop (ID221112) by about 50m east to allow enough space for buses to safely enter and exit the bus stop.
- Extension of the eastbound bus stop (ID221117) by about 15m east towards Davies Road to allow enough space for buses to safely enter and exit the stop.

Gibson Avenue:

- Removal of the southbound bus stop (ID221144) before Gow Street as there are alternative bus stops within 100m and 130m distance.
- Removal of the northbound bus stop (ID221188) before Stiles Avenue as there are alternative bus stops within 110m and 130m distance.

3. Sylvania (near Rise & Shine Kindergarten)

The bus stop that is near to Rise & Shine Kindergarten (also outside the BMW dealership) is not proposed to be removed.

The bus stop that was proposed to be removed is the westbound bus stop (ID222413) at the Southgate Shopping Centre, as there are alternative bus stops within 270m and 415m. However, as the stop is a major bus stop for the elderly and shoppers for the shopping centre and also after receiving feedback from the community, the Bus Priority Infrastructure Program has retained this bus stop.

Further information regarding the Bus Priority Infrastructure Program is available at <https://www.rms.nsw.gov.au/projects/easing-sydneys-congestion/bus-priority-program.html>

Question 2

Mr ANDREW CONSTANCE: This is the point: Ultimately I want to ensure that, if there is a relocation of the stop, it is done well, and if you have concerns we are happy to go away and review those. On the basis of what you have just presented, it would make sense not to move those bus stops, but again, let us look at that. Also, one of the great advantages of—

The Hon. JOHN GRAHAM: I appreciate that you are making that offer on those three and I will table the full list. I will seek leave to table that.

ANSWER

I am advised:

I refer you to the response to Question on Notice 1.

Question 3

Mr ANDREW CONSTANCE: Can you tell me how many bus stops there are in the city?

The Hon. JOHN GRAHAM: You have suggested a couple of thousand.

Mr ANDREW CONSTANCE: I will find out the exact number before the end of the hearing.

The Hon. JOHN GRAHAM: I am happy for you to be more specific.

ANSWER

I am advised:

I refer to the answer I provided later in the hearing.

Question 4

The Hon. JOHN GRAHAM: I have concerns about 150.

Mr ANDREW CONSTANCE: Okay, and I am happy to go and review those.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 5.

Question 5

The Hon. JOHN GRAHAM: I also have concerns about the principle. Will more be removed after this? Can you give us some sense of whether you are going to take more than 150 out—

Mr ANDREW CONSTANCE: I am happy to go and review those, I am absolutely happy, but I will also check the number of bus stops we might be putting in.

ANSWER

I am advised:

The NSW Government has funded the Bus Priority Infrastructure Program (BPIP). The program aims to improve the reliability of bus services on Sydney's main bus corridors.

The NSW Government released its roadmap to deliver the state's future transport network, the [Future Transport Strategy 2056](#), in 2018. BPIP supports this vision by delivering infrastructure that make bus services faster and more reliable, such as bus lanes, bus priority at intersections, more efficient bus stop placement and bus stop rationalisation.

BPIP delivers On-Time-Running improvements, these improvements make it easier for buses to move in and out of bus stops by removing or relocating on-street

parking, or, by reducing the number of locations at which buses need to stop by combining or removing some bus stops.

These schemes are developed based on analysis of Opal ticketing / patronage data, Public Transport Information and Priority System data and feedback from bus operators, stakeholders and the community. Careful consideration is also given to spacing between stops, land use and topography.

BPIP also makes changes to stops for safety reasons or to formalise or upgrade an existing stop which may be missing infrastructure.

Further information regarding the Bus Priority Infrastructure Program is available at <https://www.rms.nsw.gov.au/projects/easing-sydneys-congestion/bus-priority-program.html>

There are no new schemes planned for the remainder of this financial year. The performance of some of the busiest bus service routes in Greater Sydney will continue to be reviewed.

Question 6

Mr ANDREW CONSTANCE: Yes, but the other benefit of ensuring the resources are well placed and managed is that we have also been able to grow the number of staff in the inner west region by over 150, including over 130 new bus drivers, which is of course great for everybody, so I do not think you can in isolation say, "You are removing 150 bus stops." We might be putting 300 in. I will get the exact numbers for you.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 5.

Question 7

Mr ANDREW CONSTANCE: What we have done with the NorthConnex project is actually put a gantry on Pennant Hills Road to ensure that trucks are not at surface level and continuing to make Pennant Hills Road unworkable for local residents.

The Hon. JOHN GRAHAM: I understand that, but if they do not pay the toll they will pay a fine for driving on the surface road.

Mr ANDREW CONSTANCE: No, they pay a toll on the surface road. It is a gantry and they pay the same toll.

The Hon. JOHN GRAHAM: It has been reported as paying \$200 for driving on the surface road.

Mr ANDREW CONSTANCE: I will double-check what you are saying.

ANSWER

I am advised:

This information is publicly available.

When NorthConnex opens, two newly installed gantries will monitor trucks and buses on Pennant Hills Road travelling between the M1 and M2 intersections – at Normanhurst in the north and at Beecroft/West Pennant Hills in the south.

Trucks and buses (over 12.5 metres long or over 2.8 metres clearance height) travelling between the M1 and M2 must use NorthConnex unless they have a genuine delivery or pick up destination only accessible via Pennant Hills Road.

Cameras in the gantries will record the height and length of trucks and buses. Trucks and buses (over 12.5 metres long or over 2.8 metres clearance height) which pass both gantries with the flow of traffic will receive a fine of \$191 with no loss of demerit points.

Some exemptions apply: emergency service vehicles, recreational vehicles (e.g. motorhome or car towing a caravan, trailer, boat or horse float) and light vehicles (e.g. car).

Vehicles transporting dangerous goods with a dangerous goods placard or sign and oversized vehicles operating under a Class 1 permit or notice approved to use Pennant Hills Road must use Pennant Hills Road, not NorthConnex.

Question 8

The Hon. JOHN GRAHAM: When is the last time the Sydney Harbour Bridge toll was increased?

Mr ANDREW CONSTANCE: I will come back to you with the exact number in respect of the escalation rate.

The Hon. JOHN GRAHAM: Has it ever been increased in the life of this Government?

Mr ANDREW CONSTANCE: I will get the exact numbers for you in respect of this Government over the last nine years and the escalation around tolls on the bridge.

ANSWER

I am advised:

The Sydney Harbour Bridge Tolls were last increased in January 2009, in-line with the introduction of time-of-day Tolling.

Question 9

The Hon. MARK BANASIAK: Looking at the Peter Collins report, under a Government Information (Public Access) Act request it was released but heavily redacted. The reason the agriculture Minister stated was the cruise ship industry representatives had concerns about commercial-in-confidence information about their finances. Will you explain why a list of alternative sites was redacted, the benefits and drawbacks of each of those sites was redacted, the engineering considerations for each site was redacted and any site recommendation data was redacted? It seems as though it is not commercial information, but information has been purposely hidden.

Mr ANDREW CONSTANCE: For argument's sake, one of the things that we all need to be aware of is that there is a willingness from the private sector to make a contribution towards that passenger terminal if it should go ahead. Maybe that is on the basis the redaction was made. I can go away and check that for you.

ANSWER

I am advised:

This is a matter for Treasury.

Question 10-11

The Hon. MARK BANASIAK: In 2014 there was a \$5 million Port Botany boating and fishing infrastructure program and part of it was to deliver some additional boating access in Botany Bay. Will you give us an update as to how much has been spent of that \$5 million?

Mr ANDREW CONSTANCE: I will take that on notice, as you can appreciate.

Mr ANDREW CONSTANCE: It is not on the top of my head, I am sorry. But we can go back and look at that 2014 announcement and see where that has landed. My expectation is, as with all these boating-style projects, we have seen good moneys put into the program across the State and there have been significant improvements but also take on board the concerns that a lot of the recreational fishers in particular have about the rollout of that. These cases are also very dependent on local government to be able to deliver those programs. I will check to see whether the council was involved in that 2014 initiative or not and also find out where the department is at.

ANSWER

I am advised:

\$3.4 million has been spent to date on the program.

Question 12

The Hon. MARK BANASIAK: Is there a date that you need them to be vacated for the stabling?

Mr ANDREW CONSTANCE: I can get you the exact dates but we can probably answer that by the end of the hearing, to be honest.

ANSWER

I am advised:

This information is publicly available on the Sydney Metro website.

Construction will commence in late 2020 and is expected to be completed by the start of the speedway racing season in 2021.

The NSW Government has previously indicated that it is committed to ensuring that the racing community has continuous access to a speedway in Sydney during the transition of the sport to its new home at Eastern Creek.

Question 13

The CHAIR: Minister, how much revenue does the Government receive from advertising space sold on public transport assets?

Mr ANDREW CONSTANCE: I do not have that exact number in front of me but we can take it on notice.

ANSWER

I am advised:

I refer to the answer given during in the hearing.

Question 14

The CHAIR: You may be aware that there were a number of complaints at least reported in the media in relation to the amount of advertising that was put on the light rail. In particular there were pictures of the light rail covered in McDonald's advertising from head to toe. There were concerns that basically there is a moving billboard going through the city. What assurance can you give people that—are there limits that you would place on the amount of advertising that would go on to the light rail?

Mr ANDREW CONSTANCE: You are making me smile because a couple of years ago The Greens got an ad stuck on the side of a Sydney train and I had to get it removed because it was political advertising. The thing about it is that ultimately all revenue generated from advertising on public transport goes back into revenue sources to help us grow the services. Again the key element of that is that I am also very conscious of the very nature of that advertising. I think the guidelines need to be constantly reviewed to be in line with community expectations and standards. I recently had to get involved with an issue up in Newcastle. Again ultimately, given the sensitivity around the issue, I think it is really important that we see guidelines put in place that do meet community expectations, particularly if the advertising is political in nature, health-related or those types of things.

The CHAIR: In relation to the light rail I have also seen alcohol being advertised.

Mr ANDREW CONSTANCE: I will have to check that with the operator.

ANSWER

I am advised:

I refer you to the answer given during the hearing.

Question 15

Mr ANDREW CONSTANCE: I am not going to going to the specific issue that I got involved in recently in the last 12 months. I think the key element out of this is that I am happy to provide the full set of guidelines to you through the Committee.

ANSWER

I am advised:

Transport for NSW Third Party Advertising Content Standards

It is a requirement that all Advertising Material displayed or broadcast on Transport for NSW assets:

- a) complies with all applicable Laws, accepted industry standards and voluntary codes of conduct established by the advertising industry, as may be updated from time to time, including:
 - (i) Australian Association of National Advertisers (AANA) Advertiser Code of Ethics and AANA Code of Ethics Practice Note;
 - (ii) Section 28 of Fair Trading Act 1987 (NSW): the Australian Consumer Law will apply – A person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive;
 - (iii) Classification (Publications, Films and Computer Games) Enforcement Act 1995;
 - (iv) NSW Office of Fair Trading Code of Practice for the Ticketing of Live Entertainment Events in Australia;
 - (v) Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising;
 - (vi) AANA Code for Advertising & Marketing Communications to Children;
 - (vii) AANA Practice Guidelines: Managing Images of Children and Young People;
 - (viii) AANA Food & Beverages Code and Advertising & Marketing Communications Code Practice Note;
 - (ix) FCAI Motor Vehicle Advertising Code and FCAI Motor Vehicle Code Practice Note;
 - (x) Therapeutic Goods Advertising Code;
 - (xi) Weight Management Code of Practice;

- (xii) AANA Environmental Claims in Advertising and Marketing Code and AANA Environmental Claims in Advertising and Marketing Code - Practice Note; and
 - (xiii) ABAC Scheme: Alcohol Beverages Advertising (and Packaging) Code;
 - (xiv) Outdoor Media Association (OMA) Placement Policy
 - (xv) Outdoor Media Association (OMA) Health and Wellbeing Policy
- b) does not discriminate, vilify or degrade any persons or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief;
- c) does not depict political, religious or other subject matter which, in the Principal's reasonable assessment, is or may reasonably be considered to be, contentious;
- d) does not depict content or other subject matter which, in the Principal's reasonable assessment, is or may reasonably be considered to be of a sexual nature;
- e) does not depict or include any material:
- (i) which may, or is designed to, influence support for:
 - i. a political party;
 - ii. an individual elected to Parliament; or
 - iii. an individual who is a candidate for an election to Parliament;
 - (ii) that contains the name, or gives prominence to the voice or image of a Minister, any other member of Parliament or a candidate for an election to Parliament; or
 - (iii) that contains the name, logo, slogan or policy of a political party or an independent member of Parliament or candidate for an election to Parliament;
- f) does not portray violence, unless it is justifiable in the context of the product or service advertised;
- g) does not adversely comment on, mock or denigrate the Principal, its clientele or the Principal's network;
- h) does not adversely comment on, mock or denigrate the New South Wales Government;
- i) does not depict subject matter which is offensive;
- j) does not resemble or be capable of confusion with directional or informational signs either by shape, size or colour;

- k) is not, in the Principal's reasonable opinion, excessively bright or reflective;
- l) is not hazardous to persons or property in any manner whatsoever;
- m) does not impact on the security and safety of the Principal's Infrastructure;
- n) does not breach any Intellectual Property Rights or other rights of any person, including the Principal;
- o) is fit for the purpose for which they have been designed;
- p) is finished to a high standard consistent with the highest standards in the advertising industry;
- q) is installed by a qualified and experienced person in a professional and tradesman like manner;
- r) does not breach any other reasonable requirement notified by the Principal to the Supplier in writing from time to time;
- s) does not depict the Principal's or Transport for NSW's trademarks or logos without that party's prior written consent; and
- t) is at all times consistent with all safety and environment policies or procedures of the Principal relating to Advertising set out in this Agreement or which have been notified to the Supplier in writing.

Supplier refers to the Advertising Media Agency appointed to manage advertising on behalf of Transport for NSW or their appointed representative, and
Principal refers to Transport for NSW, their related entity, or operator of the transport asset.

Question 16

The CHAIR: Are you personally concerned that McDonald's advertising was completely covering a light rail as it snaked through the city?

Mr ANDREW CONSTANCE: Again without having seen that ad—I will go and have a look.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 15.

Question 17

The Hon. DANIEL MOOKHEY: And of course Transport is subject to the Treasury forecast escalators—that is why you guys have to do your budgets. There is no criticism in that respect. Do you recall when precisely you would have had that discussion with the Treasurer?

Mr ANDREW CONSTANCE: No. But, again, I made it clear that I was aware of the significant cost escalation after the election. I would have had a discussion back then. Of course, I would.

The Hon. JOHN GRAHAM: It would have been around April when you found out?

Mr ANDREW CONSTANCE: I will go back and have a look.

ANSWER

I am advised:

I regularly have discussions with the Treasurer, the Hon Dominic Perrottet MP, on a range of matters.

Question 18

The Hon. DANIEL MOOKHEY: I thoroughly appreciate that as well. It has been flagged that in addition to the market pressures as the reason for the increase in the cost that you have mentioned, other reasons why the project has exceeded its budget is that the original planning for it did not include, for example, the inclusion of \$220 million for temporary transport, which includes replacement buses while the Bankstown rail line is closed. The final business case underestimated many of the costs for new train systems as well as the scope of works at Chatswood. It also underestimated the cost of buying new trains and systems and then integrating them into the rail network. Do you understand those reasons to be also a part of the reason why the cost exceeded the original business case?

Mr ANDREW CONSTANCE: Yes. This is, again, part of the point that I am making. Obviously the original forecast estimate from 2015 did not factor in a number of those costs and you are right to identify those. I do not know if Mr Staples wants to add to that.

ANSWER

I am advised:

I refer you to the answer provided in the Hearing.

The business case was developed in 2015 and many factors have changed since then.

A number of changes have been made to the delivery approach based on prevailing market conditions and customer, stakeholder and industry feedback.

Question 19

The Hon. DANIEL MOOKHEY: To the best of your knowledge, to either yourself or to Mr Staples, are they the only costs which, in your view, were not factored in appropriately in the 2015 business case?

Mr STAPLES: I will have to take that on notice. This a very detailed, complex project. To give a sweeping response to a question like that I would not be able to do.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 18.

Question 20

The Hon. MARK BANASIAK: Just looking at Maleny Point, which falls under your jurisdiction, the Recreational Anglers have funds to build a safe fishing platform, which would alleviate concerns about rock fishing in the area, but they are faced with rolls of barbed wire and there are hundreds of threatening signs from the Port Authority. Given that you supported recreational anglers by giving them access back in Batemans Bay Marine Park, would you consider giving them back access, which they originally had, in this area and allow them to build that safe—

Mr ANDREW CONSTANCE: I am happy to take it away and look at the access for the recreational fishers in this area.

ANSWER

I am advised:

The Port Authority of NSW does not manage any site named Maleny Point.

Question 21

The Hon. MARK BANASIAK: I appreciate you might have to take some of this on notice but it is only to the recreation boating fees and licences. What is the total State income derived from recreational boating fees and licences each year?

Mr ANDREW CONSTANCE: I mean—

The Hon. MARK BANASIAK: I know you do not have that in your head.

Mr ANDREW CONSTANCE: I can take that on notice.

ANSWER

I am advised:

This information is publicly available at www.rms.nsw.gov.au/maritime/fees.html.

Question 22

The Hon. MARK BANASIAK: And can you give us a bit of a dissection how much of that income is actually being spent on projects, how many staff are employed, utilising those fees and licences and what are the total salaries taken from those boating fees and licences?

Mr ANDREW CONSTANCE: Yes.

ANSWER

I am advised:

There is no breakdown which directly links licence/registration fees revenue to specific expenditure items.

Expenditure for boating grants (projects) is published per in the 2018-19 Annual Report.

Details of individual licence/regos costs are publicly available at:

<https://www.rms.nsw.gov.au/maritime/fees.html>

Question 23

The Hon. MARK BANASIAK: Has there been any assessment done to identify how many locations in New South Wales do not provide or do not comply with maritime guidelines which stipulate that you must cater for those disabled or less mobile to allow them to go boating?

Mr ANDREW CONSTANCE: Ultimately I can go and check with the agency in terms of disability access.

ANSWER

I am advised:

Most recreational boating facilities in New South Wales are under the ownership and control of local councils. There is no legislative requirement for recreational boating facilities to meet particular standards for disabled or less mobile persons.

In 2015, Roads and Maritime Services developed NSW Boat Ramp Facility Guidelines to provide asset owners advice on the main functional and design aspects that should be considered when planning the layout and components to be included within a new boat ramp facility or incorporated in an upgrade to an existing boat ramp facility. The Guidelines include references to *Australian Standard 14280-2010 'Design for access and mobility set'*.

The NSW Maritime Infrastructure Plan 2019-2024 includes a commitment to review the NSW Boat Ramp Facility Guidelines 2015 to incorporate the principles of the Transport for NSW Disability Inclusion Action Plan 2018-2022. This work is expected to commence later in 2020.

Question 24

The Hon. MARK BANASIAK: Will you be putting your two cents worth into the local council and encouraging them to not close the Clyde River boat ramp?

Mr ANDREW CONSTANCE: Again, as long as we are able to do that around that. But Batemans Bay Bridge development I am happy to obviously take that away.

ANSWER

I am advised:

Matters related to the Clyde Street boat ramp on the Clyde River at Batemans Bay, including any potential closure or removal of the ramp, are not managed by Transport for NSW.

Transport for NSW is committed to providing boat ramp access to the Clyde River at Batemans Bay during the Batemans Bay Bridge replacement project.

Question 25

The Hon. DANIEL MOOKHEY: The INSW review that you would have undertaken would also have been provided to transport, obviously Infrastructure NSW, because it is undertaken by their supervision, presumably the Premier's department because that is what they are invited to say, but also the Treasury as well. All agencies would have been involved in that process.

Mr STAPLES: And yes, that process went over a number of months from April.

The Hon. DANIEL MOOKHEY: When did it finish, by the way?

Mr STAPLES: I would have to go back and look at the specifics on that but it was a number of months before we finalised a view on the budget adjustment that could be considered by government. Obviously the difficulty for me here is that a number of these things are in a Cabinet process as well.

ANSWER

I am advised:

This information is cabinet in confidence.

Transport for NSW and Infrastructure NSW are in regular contact on a range of matters.

The NSW Government's knowledge of the State's finances prior to and at the 2019 State Election is as set out in the independent Pre-election Budget Update prepared by the Treasury Secretary and submitted to the NSW Parliament.

Question 26

The Hon. JOHN GRAHAM: You have talked about those two changes in scope. How much are those changes in scope contributing to the budget increase? What is the price of those two changes in scope?

Mr ANDREW CONSTANCE: I can get you the exact price tags of both.

The Hon. JOHN GRAHAM: Okay, on notice.

ANSWER

I am advised:

I refer you to my public remarks on this matter, including those provided at the Hearing.

Question 27

The Hon. DANIEL MOOKHEY: Minister, I want to move to another subject altogether. There is news currently breaking about a collision between a vehicle and a tram on the CBD light rail. Firstly, what has happened and, equally, what is the impact on the network? Secondly, what are the safety implications?

Mr ANDREW CONSTANCE: To be honest with you, it would be inappropriate for us to appear before a budget estimates committee and respond to a real-time incident without, firstly, going out of here and making some appropriate phone calls to the people on the ground and the operator. I would prefer—

The Hon. DANIEL MOOKHEY: Okay. Mr Collins does seem to be in a position to provide us with some information but it is your choice, Minister.

Mr ANDREW CONSTANCE: As a matter of course, I think it would be inappropriate. Absolutely Mr Collins can give a response once it is checked, because without knowing the circumstances—what has caused it, whether it is driver error, whether it is the tram's fault, whatever—I would prefer that we did this properly.

ANSWER

I am advised:

At 10:03am on 11 March 2020, a light commercial vehicle collided with a tram at George Street, Sydney between Market and King Streets. There were no injuries reported as a result of the incident. All trams were stopped at safe locations and all passengers were safely disembarked.

At 10:10am Police attended the site and held the tram until 10:45am. The tram was assessed and initially moved to Circular Quay and later moved to the Randwick Stabling Yard for inspection.

Services resumed between Town Hall and Randwick at approximately 10.55am, and the full network resumed by 11:15am.

The tram remains out of service whilst damage to the front door, panels and window are repaired. The incident is still under investigation and final determinations are yet to be made.

Question 28

The Hon. DANIEL MOOKHEY: Sure, and I would welcome any information you can provide later in the session, if it is possible, once you have had the opportunity to verify that. I understand where you are coming from, Minister, and I do not want to dwell on it. In the circa 57 days since it was opened, do we have a figure for the number of these sorts of incidents that have taken place?

Mr ANDREW CONSTANCE: Yes, we can get you the data for the incidents. One thing I will say is I do want to thank the city for responding to the campaigns we have had in place. No-one wants to see any incident on public transport. We have as much of a challenge with pedestrians on their mobile phones walking in front of buses as we do with the light rail in the city. I think that is an important point that needs to be made: The behaviour of us all with mobile phones is a major challenge across the city.

The Hon. DANIEL MOOKHEY: Of course, Minister, if we could just have the figures.

ANSWER

I am advised:

Between 14 December 2019 and 22 March 2020, there have been eight incidents that have occurred on the CBD and South East Light Rail network (including the L3 Kingsford Line in testing) which have involved motor vehicles or pedestrians.

This has included two minor collisions involving a tram and pedestrian, with no injuries to pedestrians reported, and five incidents involving a tram and a motor vehicle, as well a motor vehicle collision with light rail infrastructure.

Transport for NSW has run multiple safety awareness campaigns since early 2018 advising people to keep their heads up around trams, and reminding drivers to stay out of the tram corridor and to not queue across intersections.

Question 29

Mr ANDREW CONSTANCE: Specifically in relation to light rail and the number of incidents, we can provide an update to the Committee in terms of the latest data in this regard. We have worked over time to prepare the city in relation to the dangers with light rail.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 28.

Question 30

The Hon. DANIEL MOOKHEY: Minister, at various points you have said in relation to other projects that the final cost will be known when it is finished. Given that we have pretty much finished, what is the final cost?

Mr ANDREW CONSTANCE: Again, as you know, I have had two months away from the role, so I am not sure we can answer that right now but I can get you the—

ANSWER

I am advised:

On 7 June 2019, Transport for NSW entered into a revised Public Private Partnership with ALTRAC for the delivery and operation of the CBD and South East Light Rail project.

Separately, Transport for NSW revised the construction costs for the CBD and South East Light Rail project, which equates to \$2.9 billion.

As with all major infrastructure projects, the final cost of the project will not be known until a final completion review by Infrastructure NSW is complete.

Question 31

The Hon. MARK BANASIAK: Why was the process different for hire cars compared to taxis? They were exempt from the social security—they were not taxed on their compensation and the taxi owners were.

Mr ANDREW CONSTANCE: I will have to take that one on notice in terms of their treatment, specifically around their payments.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 69 -70.

Question 32

The CHAIR: Minister, I want to ask a few questions about the Western Harbour Tunnel and Beaches Link. Picking up on our previous discussion in relation to air quality and the benefit of electric vehicles in reducing pollution, another common way around the world to reduce air pollution is through the filtering process, particularly within tunnels. Is your department committing to filtering the air stacks to the best possible worldwide standard in relation to that project?

Mr ANDREW CONSTANCE: Again, what we saw—and it was an important process to give the community comfort with this engagement with their chief scientist around air quality and, of course, also stacks. The point is that we have to defer to the chief scientist's expertise in this regard. One of the great advents of electric vehicles is that we will not need stacks, hopefully sooner rather than later. At the same time, my expectation through any assessment and independent oversight that has been provided through the work of the chief scientist is that it

does guide us. I am happy to provide further information to you specifically around that, unless Mr Staples has anything further to add at this stage.

ANSWER

I am advised:

All ventilation systems for the Western Harbour Tunnel and Beaches Link program will be built strictly in compliance with any conditions specified in the Department of Planning, Industry and Environment's planning approval, and will be operated to comply with the terms of the Environment Protection Licence to be issued by the NSW Environment Protection Authority.

You may be assured that air quality will be monitored at all stages of the Western Harbour Tunnel and Beaches Link program, including once it is operational. I am advised that the tunnels will be built to meet strict air-quality standards using state-of-the-art ventilation and tunnel design.

You may be interested to know that the independent NSW Chief Scientist and Engineer has recently released a report in relation to road tunnel air quality. The report found that emissions from well-designed road tunnels cause a negligible change to surrounding air quality, and as such, there is little to no health benefit for surrounding communities in installing filtration and air-treatment systems in such tunnels. Further information is available at www.chiefscientist.nsw.gov.au and nswroads.work/airquality.

Question 33

The Hon. MARK BANASIAK: How much has been raised so far? The point to point commissioner could not give me a straight answer last time.

Mr ANDREW CONSTANCE: That is alright. I can get you the most up-to-date numbers in terms of what has been raised and what has gone out, if that is what you are after.

ANSWER

I am advised:

Figures relating to the collection of the Passenger Service Levy are published on the Revenue NSW website and updated quarterly.

Question 34

The Hon. MARK BANASIAK: Well, neither was I. Was there money allocated in the budget and then the levy would come underneath and replace that money that was expended?

Mr ANDREW CONSTANCE: Look, put it this way—do not quote me on this. If I remember correctly we actually put tens of millions of dollars out in the first place as we were collecting the levy. We made a first instalment of around \$20,000 per plate up to a maximum of two plates and I think from memory it was around that \$91 million to \$96 million amount. I can get you all of that breakdown but the point

out of it is that we ultimately are trying to help the industry get through this. That is the end aim. No system is perfect in this regard but we want to try and help people. That is why we put up the hardship panel separate to that initial instalment that was made.

ANSWER

I am advised:

The \$250 million point to point industry assistance funds were allocated as part of the 2016-17 NSW Budget. This package is funded by a \$1 levy on all point-to-point transport trips in NSW. The levy commenced in February 2018.

Question 35

The CHAIR: Minister, are you aware that workers employed by Redflex, which is a contractor to the New South Wales RMS, have been terminated after refusing to sign an agreement that would transfer their employment from permanent to a day-by-day casual basis?

Mr ANDREW CONSTANCE: I am not aware of that individual circumstance. It does not mean my office or the department is not, but I will ask Mr Staples.

The CHAIR: Is the department aware, Mr Staples?

Mr STAPLES: I am happy to have a look at what that is. You said Redflex?

The CHAIR: This is Redflex.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 36.

Question 36

The CHAIR: Sure, but if one of RMS's contractors is breaching legally binding agreements with employees, is that something that you would consider and take issue with?

Mr STAPLES: Our expectation is that all of our suppliers meet their legal obligations in terms of employment arrangements.

The CHAIR: And what would be the consequence if they were found not to have been?

Mr STAPLES: It would depend on the particular circumstance. I would not want to speculate on that. If there is a position here that you think that they are breaching the law, we would certainly have a look at that. That is not something I am going to be able to respond to you within a matter of hours on, but I am certainly happy to undertake and see whether or not we can see anything in it.

Mr ANDREW CONSTANCE: I am happy to at any time in a private circumstance facilitate that if you have those concerns, in fairness to the employees, the company and even the agency. I think ultimately my door is open for those things to be looked at rather than in a public hearing.

The CHAIR: Now that you are on notice of it, given your commitment to have a look, that would be great.

ANSWER

I am advised:

The NSW Government has a minimum set of expectations and behaviours for suppliers doing business with the government including Transport for NSW. These expectations and behaviours are set out in the NSW Government's Supplier Code of Conduct. The policy requires that suppliers, including Redflex:

- comply with all applicable laws, regulations, policies, procedures and good business practices
- act with integrity and openness
- conduct business in an ethical and safe manner
- provide a fair and ethical workplace free from workplace bullying, harassment, victimisation and abuse.

Non-compliance with the code, or demonstrated corrupt or unethical conduct, could lead to termination of contracts, loss of future work, loss of reputation or removal from prequalification or panel arrangements.

Transport for NSW's contract with Redflex also requires Redflex to comply with relevant employment laws and all other obligations that Redflex has to its employees and contractors, including the terms of its contracts with its staff. Redflex is responsible for its employment arrangements with staff and contractors and ensuring that those arrangements are compliant with relevant laws.

Transport for NSW is not aware of, and has not been notified of, any breach of Redflex's obligations to its staff, at law or under the Supplier Code of Conduct.

Question 37

The CHAIR: How often does the Newcastle Light Rail service break down?

Mr ANDREW CONSTANCE: Who is best to answer that?

Mr STAPLES: It is me, but I do not have the details on the number of incidents. I am happy to take it on notice and provide you a summary of the incidents we have had.

ANSWER

I am advised:

Newcastle Light Rail provides a reliable and frequent 7.5 minute peak service through the Newcastle CBD. Newcastle Transport is focussed on the customer and equipped to manage any contingency if a network disruption occurs. Customers have embraced the Newcastle Light Rail with over 1.2 million passengers in the first year of service.

Question 38

Mr ANDREW CONSTANCE: That is okay. In fairness, the point is that into the future it is a project that has the capacity and ability to expand because the community loves light rail in Newcastle. We have seen that. We have seen an extraordinary usage of it. It has come at a time where the city has got its mojo. It is very pleasing to see.

The CHAIR: Minister, will you also take on notice the patronage numbers for the light rail service monthly since opening?

Mr ANDREW CONSTANCE: Yes. It is pretty good I think.

ANSWER

I am advised:

I refer you to my answer given in the hearing. Further information is available on the Transport for NSW website at <https://www.transport.nsw.gov.au/data-and-research/passenger-travel/light-rail-patronage/light-rail-patronage-monthly-comparison>

Question 39

The Hon. DANIEL MOOKHEY: Sorry, before you do, Mr Staples—Minister, you say that you made that declaration and responsibility transferred to Minister Toole. When did that happen?

Mr ANDREW CONSTANCE: Last year, I think.

The Hon. DANIEL MOOKHEY: Towards the end of last year?

Mr ANDREW CONSTANCE: No, no. I can find out the dates when I sought that advice.

ANSWER

I am advised:

In accordance with the Ministerial Code of Conduct, I made a declaration to the Premier in April 2019. The Hon. Paul Toole MP, Minister for Regional Transport and Roads, with whom I jointly administer, among others, the *Roads Act 1993*, has assumed responsibility on a standing basis for all necessary statutory functions relating to WestConnex Stage 3B.

Question 40

The Hon. MARK BANASIAK: Going back to the levy, you said you would take some of these details on notice. Can you also take on notice how many [trips] have been taken since the levy was introduced?

Mr ANDREW CONSTANCE: Sure, if we have access to that information. It depends on it.

ANSWER

I am advised:

Revenue NSW published data up until 31 December 2019 states 125,506,606 leviable trips since the levy commenced.

Question 41

The Hon. MARK BANASIAK: If you do, and if you could do a breakdown in terms of how much of it is coming from [taxis] and how much of it is coming from rideshare.

Mr ANDREW CONSTANCE: Yes, but I would need to check in with the Point to Point Transport Commissioner as to what available information we have in that regard before—

ANSWER

I am advised:

Revenue NSW does not split trip numbers between taxis and rideshare.

Question 42-43

The Hon. MARK BANASIAK: We spoke about rank and hail and you said that rank and hail is protected. You have got Bondi Junction shopping centre setting up rank and hail for Uber. You have got the Sydney Airport doing the same. The taxi industry was on the verge of striking at the airport the other week.

Mr ANDREW CONSTANCE: That is pick-up and drop-off stops. One thing you have to remember is that rank and hail—

The Hon. MARK BANASIAK: That looks like—

Mr ANDREW CONSTANCE: Sorry, Mr Banasiak, I just want to be clear: If that is a rank and hail, that is against the law.

The Hon. MARK BANASIAK: I think we are playing semantics. Pick-up and drop-off, essentially that is what rank and hail is—you sit there and you wait for someone to come in. I think we are playing semantics with rank and hail and pick-up and drop-off.

Mr ANDREW CONSTANCE: No, because one of the requirements under the legislation is that the technology provides security for customers. Rank and hail is, in essence, an anonymous pick-up in a clearly identified taxi at a rank. One of the things about ridesharing is that the information caught in ordering the service is the driver, the passenger, the method of payment, and that gives security and surety if something were to go wrong that the authorities can get real-time information and identify problems.

The Hon. MARK BANASIAK: Will you investigate—

Mr ANDREW CONSTANCE: Yes, I am happy to go and have a look at that because very clearly, and it was stipulated at the time by me, rank and hail is the purview of the taxi industry because it is critical, absolutely critical, that we protect the community, and that is where ultimately the smart phone application comes in and the requirements to make sure that their drivers have the appropriate accreditation, particularly when it comes to criminal record checks and the like.

ANSWER

I am advised:

Westfield has dedicated areas within some of their carparks, such as at Bondi Junction and Warringah Mall, for Uber to use to pick up passengers who have pre-booked a service or drop off passengers.

Sydney Airport Corporation has designated pick up and drop off areas at both the International and Domestic Terminals for pre-booked hire vehicles. A fee is charged for these vehicles to enter these secure areas.

The Point to Point Transport Commissioner's Authorised Officers carry out inspections at these locations to ensure the vehicle stopping in this zone has been pre booked and is not conducting rank or hail work.

Question 44

The Hon. MARK BANASIAK: Will you investigate Manly council, who have set up rank and hail ranks, and it specifically says rideshare—I have seen it with my own eyes when I have been down there; it says "rideshare ramp"?

Mr STAPLES: These are matters that can be referred to the Point to Point Commissioner. He is here this afternoon. So I think if you want to explore the means by which we are looking to enforce those things I think he can give you some more information on what we are doing, and any items that you have got for him to look at he will be able to take on and look at.

ANSWER

I am advised:

Manly Council has provided a designated pickup and drop off zone for pre-booked hire vehicle services to use at Manly Wharf. The same designated zone at the wharf is also a designated "kiss and ride" pickup and drop off area for members of the public. The zone is located in front of the designated taxi rank. Only taxis are permitted to accept rank and hail work.

Westfield has dedicated areas within some of their carparks, such as at Bondi Junction and Warringah Mall, for Uber to use to pick up passengers who have pre-booked a service or drop off passengers.

The Point to Point Transport Commissioner's Authorised Officers carry out inspections at these locations to ensure the vehicle stopping in this zone has been pre booked and is not conducting rank and hail work.

Question 45

The Hon. MARK BANASIAK: Why is there no taxi information on the Trip Planner website? There is a lot about ferries and trains. It just seems that taxis are the missing link.

Mr ANDREW CONSTANCE: I think there is.

The Hon. MARK BANASIAK: I just had a quick look and I could not see it. It might have been a bit of a man-scan by me.

Mr ANDREW CONSTANCE: We will double-check that and come back to you, but I think there might be.

ANSWER

I am advised:

The Trip Planner website does incorporate taxis. In the Transport for NSW trip planner products (transportnsw.info, Opal Travel App and Transport Bots) customers are able to click a link to take them to book a taxi via the Ingogo website.

General Taxi information is available via: <https://transportnsw.info/travel-info/ways-to-get-around/taxi-hire-vehicle>.

Question 46

The Hon. MARK BANASIAK: Why are Uber allowed to operate on 0.05 then?

Mr ANDREW CONSTANCE: You might have found an anomaly in the Act, which we can go and have a look at. But, again, the point that I would make in relation to this and the very nature of the innovation and the shared economy is that there is a merging of private citizen being a sole operator relying on a software platform to provide a service. To your point, level playing fields incorporate everything. So I am happy to go and have a look at that one.

ANSWER

I am advised:

I refer to the answer provided by the Point to Point Commissioner in the afternoon session of the Budget Estimates hearing on 11 March 2020.

Question 47-49

Mr ANDREW CONSTANCE: I was just checking with my chief of staff. Apparently I got invited to some meeting I could not attend and the video went though. I am happy to go back and have a look at it. I do not understand why you are asking me about a video though.

The CHAIR: I am giving you the chance to clarify.

Mr ANDREW CONSTANCE: To be honest with you, I am involved in a lot of stuff in this role and I will go back and have a look at it. So put it on notice and I will clarify it through that.

The CHAIR: Because your office has previously claimed that the video did not exist.

Mr ANDREW CONSTANCE: That is why I am just asking you. I do not even know which video. It is like the documents the guys were asking me about before.

The CHAIR: Yes. There are also emails from your office showing—

Mr ANDREW CONSTANCE: Are they in your inbox? How did my emails get to your inbox?

The Hon. DANIEL MOOKHEY: Russia.

Mr ANDREW CONSTANCE: Russia? Well, it is The Greens.

The CHAIR: —emails in relation to a request from metro southwest asking you for a video.

Mr ANDREW CONSTANCE: Let me go and check it.

The CHAIR: If you could take on notice whether you were involved.

Mr ANDREW CONSTANCE: Yes, I will take it on notice. I do not even know what you are talking about but I will go and have a look at it and come back to you.

The CHAIR: Also whether your office expended any money in relation to the production of the video as well.

Mr ANDREW CONSTANCE: So you want to know if I was paid to produce a video?

The CHAIR: Whether you were paid for it or whether you actually incurred a cost in producing it.

ANSWER

I am advised:

I was invited to an event but could not attend. I filmed a video for the community group on an iPhone in lieu of my attendance. I was not paid to produce the video.

The NSW Government and Sydney Metro has provided information regarding the Sydney Metro City and Southwest Project to numerous community groups, including the Sydenham to Bankstown Alliance (which includes Save Dully Action Group, Hurlstone Park Association, Marrickville Residents' Action Group, Keep Our Area Suburban, Friends of Erskineville, the Cooks River Valley Association, Save Marrickville, Canterbury Residents Action Group, Save the T3 and the Cooks River Eco Volunteers), Locals for Metro Southwest, Save T3 Bankstown Line, Restore Inner West Line, Wolli Creek Preservation Society and Inner West Environment group.

All community groups are also welcome to access publicly available project information either on Sydney Metro's website or by contacting Sydney Metro.

Question 50

The Hon. JOHN GRAHAM: It does. Just to be clear though, I was not asking about a brief that would go to the Executive Council. I was asking about a brief—

Mr ANDREW CONSTANCE: Brief to me?

The Hon. JOHN GRAHAM: Yes.

Mr ANDREW CONSTANCE: I am not aware of one.

The Hon. JOHN GRAHAM: I accept precisely your answer, although I just want to make the point it is not precisely to the point.

Mr ANDREW CONSTANCE: I can triple check but I am not aware of any briefing notes and neither is my office at this stage.

ANSWER

I am advised:

I refer to the answer given at the hearing.

Question 51

The Hon. DANIEL MOOKHEY: Do you know when that happened?

Mr STAPLES: I will see if I can find out the specific dates of when that was but that was certainly last year. We have been operating under that in terms of property acquisition notification processes and so forth from pretty early on in the allocation. We will see if we can find the specifics on that.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 39.

Question 52

The Hon. DANIEL MOOKHEY: Mr Staples, were you at that meeting with Mr Lamonte and explained all this?

Mr STAPLES: I would have to check my records. I do not recall having been at that particular meeting. I think on the point of what is in and out, the important thing at that point was that we made sure that it went through an independent assessment.

ANSWER

I am advised:

The Secretary attends a range of meetings with a variety of stakeholders on various matters.

Question 53

The Hon. DANIEL MOOKHEY: On notice, is it possible that you can get the date on which you triggered the INSW review?

Mr STAPLES: I think you will appreciate that I am now getting into the Cabinet process.

The Hon. DANIEL MOOKHEY: That is fine.

Mr STAPLES: I will take it on notice and see what we can provide around that, but I am just putting the caveat that I need to get advice on what is and is not appropriate to share in regard to that.

ANSWER

I am advised:

Agencies within the Transport cluster are regularly in contact with Infrastructure NSW on a range of matters.

The NSW Government's knowledge of the State's finances prior to, at and following the 2019 State Election is as set out in the independent Pre-election Budget Update prepared by the Treasury Secretary and submitted to the NSW Parliament. The Pre-election Budget Update did not contain any suggestion of financial pressures on the Sydney Metro City and Southwest Project.

Question 54

The Hon. DANIEL MOOKHEY: Who is in your board—on notice, perhaps?

Mr LAMONTE: I can certainly, on notice, give you all the names. It is chaired currently by John Arthur. At the time you were talking about, it was Kerry Schott.

ANSWER

I am advised:

This information is publicly available on the Sydney Metro website in its Corporate Plan.

Question 55

The Hon. DANIEL MOOKHEY: We will unpick that a bit. When was the first monthly report in which it was flagged that the forecast final cost was above the project budget and, incidentally, the month that the first forecast final cost showed the \$3 billion rise?

Mr LAMONTE: I would have to check my records on that.

ANSWER

I am advised:

I refer to the answer given in the hearing.

Question 56

The Hon. DANIEL MOOKHEY: Right, so it was not detected by any other structure that Transport for NSW had other than this budget review?

Mr STAPLES: Not to my knowledge. I am happy to take on notice and see whether we have got any more information.

ANSWER

I am advised:

I refer to the answer given at the hearing.

Question 57

The Hon. JOHN GRAHAM: And it was not contained in any of these monthly reports that were flowing between transport?

Mr STAPLES: Not to my knowledge.

The Hon. DANIEL MOOKHEY: But you might check?

Mr STAPLES: I am happy to take it on notice. I am not trying to be evasive. I will take it on notice and see what is available.

ANSWER

I am advised:

I refer to the answer given at the hearing.

Question 58

The Hon. DANIEL MOOKHEY: The meeting was at what level? Was it you and the secretaries of these respective agencies or you and the deputy secretaries of these respective agencies? In what format were you providing this briefing?

Mr LAMONTE: I would have to check my records on precisely who I spoke to and at what stage but by and large as the secretary has already indicated we had a process to make sure that INSW was appropriately briefed before they came in and did their own external review, which was called for. At Treasury, we would have talked to the appropriate level of my equivalent within the Treasury about what the outcomes were.

ANSWER

I am advised:

I refer to the answer given at the hearing. Officials from agencies within the Transport cluster regularly engage with officials of equal or similar seniority in NSW Treasury on a range of matters.

Question 59

The Hon. DANIEL MOOKHEY: Was it a special purpose meeting that was called or was it a regular update meeting that you do with them?

Mr LAMONTE: I would have to check the records to see that.

ANSWER

I am advised:

Officials from agencies in the Transport cluster are in regular contact with officials from NSW Treasury on a range of matters via both regular and special purpose meetings.

Question 60-63

The Hon. MARK BANASIAK: You have listed a few examples of stuff that you have done recently in this space. Would you be able to give us a more detailed breakdown going back a few years? Say, let's go back to when Uber and rideshare are declared legal in 2016. Would you be able to give us a breakdown of what has been issued and also a breakdown of who have you issued more to, taxis versus rideshare, in terms of those things? I imagine you might not have the warnings because they are probably a more informal conversation, but the more formal stuff: the improvement notices, the prohibitions, the penalty notices and, obviously, the court sanctions.

Mr WING: The commission commenced on 1 November 2017, so I can give you total numbers since then.

The Hon. MARK BANASIAK: Let's go from there.

Mr WING: I can give you total numbers, but I will have to take on notice some of those breakdowns that you are asking for.

Mr WING: We have issued a total of 559 improvement notices over that period. We have issued a total of 31 prohibition notices. We and police, between us, have issued a total of—I am going to have to do some maths here—approximately 4,700 penalty infringements. I will have to take on notice the actual amounts, but the most common ones there are, one, to hire vehicle drivers, which includes rideshare, for not having a retroreflective sign in the back of the vehicle; secondly, to taxi drivers who do not have their driver ID displayed; and the third most common is, in fact, issued by police to persons who have tried to evade their fare—so, passengers who have evaded their fare. For example, they have jumped out of a taxi and tried to not pay.

Mr WING: We have commenced five prosecutions and we have cancelled seven wheelchair accessible taxi licences and we have conducted a large number of audits and advisory visits. We have conducted 710 advisory visits to service providers over that period, 209 safety audits to service providers and 69 levy audits. As I say, those are total numbers so I will have to take on notice the breakdowns.

ANSWER

I am advised:

As at 11 March 2020 the breakdown of compliance activity since 1 November 2017 between taxis and hire vehicles is as follows:

Notice Type	Taxi Service Providers	Booking Service Providers	Unknown or Other
Improvement Notice	229	330	
Prohibition Notice	12	19	
Penalty Notices	386	2813	934

Audit Activity	Taxi Service Providers	Booking Service Providers	Total
Advisory Visit	170	539	709
Safety Audit	52	157	209
Levy Audit	12	68	80

Question 64-65

The Hon. MARK BANASIAK: I indicated to Minister Constance that I had some examples of potential breaches of the rank and hail. I might pass that information to you and you can perhaps take it on notice, go away and have a look at it and come back to us.

Mr WING: Yes, please. That would be good.

The Hon. MARK BANASIAK: There is Bondi Junction shopping centre—setting up signage for Uber to sit there and wait. Also, Manly council have signs on the street indicating stopping bays for rideshare, clearly labelled rideshare.

Mr WING: Yes, we will definitely look at those. If it is a drop-off/pick-up zone that is obviously for people who have got bookings, then that is allowed. What we do not want to see is people sitting there, waiting for passengers to walk up to them and just catch them as though they were a rank and hail taxi. We will have a look.

ANSWER

I am advised:

I refer you to the answers to Questions on Notice 42, 43 and 44.

Question 66

Mr STAPLES: We have an audit and risk committee in Transport for NSW, yes.

The Hon. DANIEL MOOKHEY: And who is on that audit and risk committee?

Mr STAPLES: I will get you the names.

ANSWER

I am advised:

I refer you to the answer given at the hearing. The Transport for NSW Audit and Risk Committee is comprised of three independent members, one of which is the chair.

Question 67

The Hon. DANIEL MOOKHEY: When in December 2018 was it commissioned? Was it commissioned by the board or was it commissioned by the secretary? Or both?

Mr LAMONTE: I would have done that in conjunction with the board. I can come back to you and provide you with more detail on precisely when.

ANSWER

I am advised:

I refer you to the answer given in the hearing.

Question 68

The Hon. DANIEL MOOKHEY: Was it included in the incoming brief for government that the department was required to prepare for both the Coalition and the Opposition? Was this listed as a risk in either of those two documents?

Mr STAPLES: I am not sure that we are able to advise on that. I am happy to go and find out if we can—I certainly will—but I am not sure whether we are in a position to provide that.

ANSWER

I am advised:

The contents of incoming government briefs are Cabinet in Confidence.

The NSW Government's knowledge of the State's finances prior to, at and following the 2019 State Election is as set out in the independent Pre-election Budget Update prepared by the Treasury Secretary and submitted to the NSW Parliament. The Pre-election Budget Update did not contain any suggestion of financial pressures on the Sydney Metro City and Southwest Project.

Question 69-70

The Hon. MARK BANASIAK: For the benefit of the witnesses who were not here this morning, we were talking with the Minister about the differences between assistance offered to taxis versus hire cars. I am just wondering who decided that there needed to be a differentiation in how that assistance was delivered—the taxi assistance was subject to taxation; the hire car assistance was not—and the differentiation in terms of the payout figures. Country hire car plates were worth around 30 grand, whereas regular taxis were only capped at 20 grand per plate. Who was involved in—

Mr STAPLES: I might just clarify that the Point to Point Transport Commissioner's role is not to deal with this industry assistance process. It is really to regulate the

industry that is actually in operation. You may recall I have put on record before some level of conflict of interest that I personally have because of my mother owning a taxi plate. However, I have not got an answer as to the differential between the hire car and the taxi and why. I will see if we can find out some more information on that this afternoon and come back to you. I understand the question you are asking but I am not sure—I will try and get an answer for you this afternoon.

ANSWER

I am advised:

All of this information is available in the public domain.

In relation to Hire Vehicle Licences:

The independent Point to Point Transport Taskforce recommended that the requirement to have a hire vehicle licence to provide a hire vehicle service be removed. The Government accepted that recommendation.

On 18 December 2015 the *Passenger Transport Amendment (Taxis and Hire Vehicles) Regulation 2015* commenced exempting a hire vehicle service provider from the requirement to hold a licence and removed the entitlement of a holder to renew an existing hire vehicle licence. This change meant that existing perpetual hire vehicle licences could no longer be traded and no longer had value. Taxi licences on the other hand, continue to provide rank and hail services and perpetual taxi licences are still able to be traded.

In recognition of the impacts of this change the NSW Government established under the Additional Assistance Hire Vehicles Payments (AAHVP) Scheme for holders of perpetual hire vehicle licences.

Payments to eligible hire vehicle licence holders were based on the recommendations of the Taxi and Hire Vehicle Industries Assistance Panel (Panel) and approved by then Minister for Transport and Infrastructure. The Panel was established to have oversight of the distribution of the NSW Government's point to point industry assistance package, and consisted of representatives from Transport for NSW, NSW Department of Premier and Cabinet, NSW Treasury and the NSW Taxi Council.

The Panel recommended that AAHVP payments should be the purchase price of the eligible hire vehicle licence indexed by the Consumer Price Index.

Transport for NSW obtained a ruling from the Australian Government Department of Social Services (DSS) that payments under the AAHVP scheme are an exempt lump sum payment for the purposes of the social security income test.

Payments under the AAHVP may have had different taxation impacts for different persons (eg for the purpose of assessment as income tax by the ATO) depending on how they structured their assets and or business. Transport for NSW recommended that all AAHVP payment recipients seek independent advice about the possible taxation implications of payments.

In relation to Taxi Licences:

Transport for NSW established a Transitional Assistance Payment (TAP) scheme, available to Taxi licence holders to assist them to adjust to changes to the regulation of the point to point industry. Licence holders were able to apply for payment for \$20,000 for each eligible ordinary licence up to a maximum of two licences.

Transport for NSW was successful in obtaining a ruling from DSS that payments were an exempt lump sum payment for the purposes of the social security income test. The ATO deemed TAP payments as income support, and as such they were treated as income for tax purposes. Transport for NSW recommended that all payment recipients seek independent advice about the possible implications of TAP payments.

Transport for NSW also established an Additional Assistance Payment Scheme (AAPS) to assist taxi licence holders experiencing financial hardship as a direct result of the point to point reforms. This was not established as a compensatory scheme or 'buy-back'.

Transport for NSW sought a ruling from DSS to obtain an exemption for AAPS payments, for the purposes of the social security income test. DSS did not grant an exemption for these purposes. The ATO deemed AAPS payments as income support, and as such they were treated as income for tax purposes. Transport for NSW advised all recipients of AAPS payments to seek independent legal or professional financial/taxation advice.

Question 71-72

Mr STAPLES: So you are talking public transport? What licence are you referring to?

The Hon. MARK BANASIAK: Passenger transport licences.

Mr STAPLES: Are you referring to a number from the Transport for NSW website?

The Hon. MARK BANASIAK: Yes.

Mr STAPLES: Can you give me a reference for that as that way I can clarify exactly what is in it?

The Hon. MARK BANASIAK: No.

Mr STAPLES: I will see if I can get the team to search that number down. Could you repeat it please?

The Hon. MARK BANASIAK: February 2020 it was reading at 121,568.

Mr STAPLES: Okay. We will see if we can find out specifically what that is. It does remind me that we had one more point of clarification around the alcohol limits.

ANSWER

I am advised:

That 121,568 is the number of drivers who have nominated to have the Passenger Transport code on their NSW driver licence and meet the medical standards for commercial vehicle drivers.

The Passenger Transport Code is applied when a person has informed Transport for NSW that they are intending to drive a point to point transport vehicle and they meet the medical standards for commercial vehicle drivers. The industry experiences considerable churn and not all are currently active in the industry.

Question 73 - 74

The CHAIR: I think we will leave it there on that particular issue and take it up with the Minister. I am sure the media will take it up with him anyway. If we can turn to something a bit more simple, how much does the Opal ticketing system cost to operate and manage annually? Can you give me at least a ballpark figure?

Mr STAPLES: I think I am going to have to take that on notice. We will see if we can find out in essence what the—

Mr STAPLES: Bear in mind that the Opal system is delivered by Cubic under a long-term contract. So we can see whether we have got some indication of that.

The CHAIR: I am particularly interested in the total costs involved with the ongoing management operation of the Opal system as a proportion of fare revenue. It would be very useful if you could give that indication.

ANSWER

I am advised:

The total cost of operating Opal is distributed throughout the Transport cluster and our contracted transport operators so it is not possible to provide a definitive answer to this. The centralised elements of Opal operating costs are approximately 7.5 per cent of the fare box revenue from the Opal enabled region for the last financial year.

Question 75

The Hon. DANIEL MOOKHEY: Mr Secretary, has there been any other project in the cluster infrastructure spend for which you have ordered a budget review?

Mr STAPLES: We undertake reviews on projects all the time.

The Hon. DANIEL MOOKHEY: So which ones have you ordered a review on in the last six months?

Mr STAPLES: I would have to take on notice what we have done around that. I think it is not just for me. Cabinet can choose to do that. Mr Regan as overseer of the broader capital program can ask to do that.

ANSWER

I am advised:

Transport for NSW monitors its projects regularly through robust project reporting and assurance processes.

Project reporting is done internally through project control groups and externally to Infrastructure New South Wales (INSW) and NSW Treasury as part of budgeting reporting requirements, as well as to the Federal Government.

Assurance reviews and deep dives are conducted to identify project risks, with reviews undertaken if significant changes to projects are proposed.

External assurance is conducted by INSW in accordance with the Infrastructure Investor Assurance Framework (IIAF), including regular health checks for Tier 1 projects and Gateway reviews as projects progress through the IIAF lifecycle.

Question 76

The Hon. DANIEL MOOKHEY: Just a final follow-up on that line: In terms of the Minister's decision to announce this publicly on 21 February, did the department advise him at any stage that this should be released earlier?

Mr STAPLES: Not to my knowledge but I am happy to take that on notice and see whether we have got any information around that.

ANSWER

I am advised:

I am in regular contact with the Transport Secretary on a range of matters.

Question 77

The Hon. MARK BANASIAK: Outside of the rideshare companies that we currently have operating in New South Wales, how many applications for other rideshare companies do we have in the wings potentially to be approved?

Mr STAPLES: I might ask Mr Wing whether he has an answer to that.

Mr WING: Firstly, I should say that rideshare itself is not defined in the Act, we get applications for booking service providers. I am not aware of any applications currently waiting with us at the moment. I will take that on notice and check that number.

ANSWER

I am advised:

There are currently 1,987 authorised booking service providers in NSW. There are three applications for new service providers currently being assessed (as of 26 March, 2020).

Question 78

The Hon. MARK BANASIAK: Do those jurisdictions include places such as New York, which does have a cap on the number of entrants?

Mr STAPLES: I do not know whether New York has come—I would have to go and check that. Would you like me to take it on notice to see whether we have had conversations with New York?

The Hon. MARK BANASIAK: Yes, thank you.

ANSWER

I am advised:

NSW transport agencies have not had contact with officials from New York in relation to these matters.

Question 79

The Hon. DANIEL MOOKHEY: Can I take you forward in time beyond the annual report to the Audit Office's release of its review of your 2019 accounts? In terms of project management, this is what the Audit Office says:

The capital budget for the Transport cluster was \$14.7 billion

She goes on to say:

The Transport cluster is involved in several significant infrastructure projects. The Audit Office reviewed information on three significant ongoing capital projects in the Transport cluster - CBD and South East Light Rail, WestConnex and NorthConnex. These three projects were selected for review due to their size and significant public interest. The common factors emerging from the review of these projects include:

- a lack of transparency in reporting of project status and costs
- cost overruns and revisions to budgets
- time delays in the delivery of the project.

The Auditor-General, Ms Crawford, does not make any mention of the blowout on this project. Did you draw that to the Audit Office's attention? This was released in 28 November 2019, and it does not cover this either. Was the Auditor-General provided a copy of this review?

Mr STAPLES: I would have to take that on notice.

ANSWER

I am advised:

Sydney Metro complied with all financial and accounting requirements in relation to the audit of our Financial Report for year ended 30 June 2019, which was subject to the Auditor-General's audit under section 41C of the *Public Finance and Audit Act 1983*.

Question 80

The Hon. DANIEL MOOKHEY: Did the Audit Office make any inquiries in the course of them preparing their report last year in respect to this project?

Mr STAPLES: I would have to take that on notice.

The Hon. DANIEL MOOKHEY: Was any disclosure made to the Audit Office prior to this report? Any other disclosure or in the course of any other Audit Office—

Mr STAPLES: I will take it on notice. I think the thing you need to understand is the sequencing of time events here and when government would have made decisions around the project. We had a Cabinet process running from April.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 79.

Question 81

The Hon. DANIEL MOOKHEY: The responsibility of the Audit Office is to report risk, amongst many other things. In fact, in her report last year she lists a whole bunch of risks, including some new ones that were not in her predecessor's reports. But this one is not listed there. It is pretty significant; it is a \$3 billion variation. But the Audit Office does not mention it, which means that either they concluded that it was not worth mentioning—that is one conclusion which is open—or they were not told. I am trying to understand, did Transport for NSW draw it to the attention of the Audit Office when the Auditor-General was auditing you for the last financial year? You knew by this point in time.

Mr STAPLES: As I indicated to you, I will take that on notice in terms of the specifics but also be clear around the fact that we had a Cabinet process in flight around about that same time, and that may have affected whether we could or could not give advice to the Audit Office at that stage.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 79.

Question 82-83

The Hon. DANIEL MOOKHEY: Is there real-time video surveillance of this? I am being sent a flood of photos of trucks and vans riding on the shared path.

Ms MILDWATER: I would have to check whether there is video surveillance, but we actually have people on the ground at the moment.

Ms MILDWATER: Traffic management is a condition of the diversion, so there will be people there directing the traffic and stopping them mingling the whole time. In terms of the actual people helping direct people, we will leave them there for as long as needed. But I will also take the question of cameras on notice.

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

There are two CCTV cameras in the area underneath the Anzac bridge.

These cameras are on a private secured network owned by a private security company. The Transport Management Centre is investigating whether it is possible to gain access to a live feed for traffic surveillance purposes, subject to permissions and privacy considerations.

Question 84

The Hon. DANIEL MOOKHEY: Yes, the safe systems approach to hazard evaluation, particularly in construction phases—does it apply to that diversion?

Ms MILDWATER: I would be happy to ask Mr Regan whether he knows.

Certainly, we have had road safety audits and we have had our own people out on the ground looking at it.

Mr REGAN: I would have to check and I can revert on whether that specific requirement—

The Hon. DANIEL MOOKHEY: Can you take it on notice?

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

A Road Safety Audit was conducted before the alternate routes were brought into operation, and another audit conducted after the alternate routes were brought into operation.

The alternate routes are compliant with the relevant Australian Standards and Austroads Guides, namely the Cycling Aspects of Austroads Guides, and the Guides to Road Design and Traffic Management. Additionally, the Road Safety Audits conducted on the alternate routes were developed in accordance with the procedures and guidelines described in the Roads and Maritime Services' 2011 Guidelines for Road Safety Audit Practices and the 2019 Austroads Guide to Road Safety: Part 6 Roads Safety Audit checklist.

Transport for NSW conducted hazard identification and mitigation.

Question 85

The Hon. DANIEL MOOKHEY: I will ask again: Did you undertake a safety audit prior to this diversion and this route?

Ms MILDWATER: I am certainly aware of the road safety audit that was taken—I am not exactly sure but some time ago—and then works were put in place to address the outcomes of that. But we could take it on notice to see when the latest one was done.

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

I refer you to the answer to Question on Notice 84.

Question 86

The Hon. DANIEL MOOKHEY: (a) Could you take on notice to give us how many have been done, when they were done and whether or not they are public. It would be useful, if that is okay. Finally on this, (b) did transport officials make any assurances to Bicycle NSW or any other stakeholders that nothing would be removed on Gordon Street?

Mr REGAN: I think I might take that one on notice as well if you are asking whether specific assurance was made. I know that there was significant interaction with Bicycle.

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

- a) I refer you to the answer to Question on Notice 84. This information is not publicly available.
- b) Transport for NSW committed to Bicycle NSW to review whether it would be possible to remove parking on Gordon Street. It did not commit to removing parking on Gordon Street.

Question 87

The Hon. JOHN GRAHAM: Just to be more specific on the safe system guidelines, one of the concerns that has been raised is that the guides for traffic management and road safety that were being used to assess this were the 2009 ones rather than the more up-to-date Austroads Guide to Temporary Traffic or the Guide to Traffic Management, which are much more recent documents. Therefore, that is one of the issues here. The contractor will not have had to demonstrate a safe system approach in assessing its project. I welcome any response but I am providing that to assist you, as you are taking that on notice.

Mr REGAN: That is helpful, thank you. I will revert on that basis in my response as well on notice.

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

The alternate routes are compliant with the relevant Australian Standards and Austroads Guides, namely the Cycling Aspects of Austroads Guides, and the Guides to Road Design and Traffic Management.

Additionally, the Road Safety Audits conducted on the alternate routes were developed in accordance with the procedures and guidelines described in the Roads and Maritime Services' 2011 Guidelines for Road Safety Audit Practices and the 2019 Austroads Guide to Road Safety: Part 6 Roads Safety Audit checklist.

Question 88

The Hon. DANIEL MOOKHEY: Mr Secretary, Steffen Faurby left STA on what date?

Mr STAPLES: I would have to take the specifics on notice. I could ask Mr Eid what date he started and I think that would give us an indication when Mr Faurby completed. It was around December or January.

ANSWER

I am advised:

I refer to the answer given at the hearing.

Question 89-90

The Hon. JOHN GRAHAM: Ms Mildwater, I might just step back to cycling to ask one final question. That division that we have been talking about for cycling, what was the cost of putting that in place?

Ms MILDWATER: I might just ask Mr Regan because it is a construction cost. I am not aware of the particular cost.

Mr REGAN: Unfortunately, I do not have the particular cost of the diversion to hand. I am happy to take it on notice and come back on that.

The Hon. JOHN GRAHAM: We would be really happy if you take it on notice.

Mr REGAN: Some of the elements are in the major construction contract and some of the elements are works that we have done separately to that. I would just have to go and have a look.

ANSWER

I reiterate I have declared an interest in this project.

I am advised by Transport for NSW:

The budget for temporary works was included in the Rozelle Interchange and Western Harbour Tunnel Enabling Works Contract which is available on the NSW eTendering website.

The department does not have a detailed breakdown of the cost of temporary alternate routes.

Question 91

The Hon. DANIEL MOOKHEY: But do the longer term actions that you are exploring include a light rail?

Ms MILDWATER: It includes a few things but buses to start with probably but more different solutions in the long run.

The Hon. DANIEL MOOKHEY: But not light rail?

Ms MILDWATER: The initial solution will be heavy rail. Metro and heavy rail.

The Hon. DANIEL MOOKHEY: And long term? Not light rail therefore?

Ms MILDWATER: We have not gone that far yet.

The Hon. DANIEL MOOKHEY: I think that addresses my concerns and perhaps on notice we can get the rest because I do want to keep moving through it just so we can get through.

ANSWER

I am advised:

Transport for NSW worked with the City of Sydney to develop the Green Square - Waterloo Transport Action Plan. The plan was agreed in 2019.

The Green Square-Waterloo Transport Action Plan covers a five-year period. It includes the provision of additional train paths on the T8 Airport Line through digital signalling, and the opening of the Waterloo Metro station.

The actions from the Green Square - Waterloo Transport Action Plan that are completed or underway include:

- extra bus services to the area implemented in December 2018
- lower speed limits implemented in the Waterloo-Zetland area in September and October 2019 (Transport and City of Sydney)
- Transport for NSW is delivering a campaign to encourage commuters to consider changing how and when they normally travel into the CBD. This was successfully implemented in Macquarie Park during StationLink
- Transport for NSW is delivering the 'Give Yourself a Lift' (post COVID-19) campaign, in partnership with the City of Sydney. The campaign raises awareness about riding as a transport option from the area, increases ridership and skills, while showing that cycling is enjoyable and convenient from Green Square
- a mode (metro, bus, light rail) for further improvements (beyond the Sydney Metro City South West station at Waterloo and ongoing improvements to bus

services) has not been determined. Transport for NSW continues to work closely with the City of Sydney in planning for the area.

Question 92

The Hon. JOHN GRAHAM: I would like to turn to the Minister's evidence about Parramatta Road. He outlined his vision for the strip. I want to ask about the process though. What is the next step with Parramatta Road and the transformation, either as outlined by the planning conditions or the vision the Minister outlined this morning?

Mr STAPLES: Yes, I think we might need to take that one on notice, sorry, to be honest with you. I understand what you are asking about in terms of that planning condition but in terms of coming back with some timing—

The Hon. JOHN GRAHAM: Okay. Timing or process—it is the both of those I would be interested in.

Mr STAPLES: Process—certainly. Yes. Understood.

ANSWER

I am advised:

Transport for NSW has been working to improve the reliability of bus movements on Parramatta Road in the short term, as part of the Bus Performance Improvement Program.

Transport for NSW has been boosting bus services along Parramatta Road between Burwood and the Sydney CBD, as identified in *Future Transport 2056*.

It is also investigating a package of public transport improvements that would support urban renewal along Parramatta Road.

Delivery of the Sydney Metro West in the late 2020s will further strengthen urban renewal investment and further boost public transport services in the area. City serving and centre serving public transport along the corridor will complement this and provide important north-south connections between the T1 Western Line, Parramatta Road and Sydney Metro West.

Question 93

The Hon. JOHN GRAHAM: The Department of Planning and Environment is on record as having written to the then RMS in July 2018 recommending that the public transport options be implemented as soon as possible. Is that an accurate report? Did planning write to transport or RMS?

Mr STAPLES: Have you got a copy of that that you could—

The Hon. JOHN GRAHAM: I have only seen the public reports of it:

A spokesperson from [planning and environment] said: ...

"The department wrote to the RMS in July 2018 recommending that the public transport options be implemented as soon as possible."

So they are on record saying that. I guess my question then to you is: Is there any response to that correspondence from planning about where this is up to?

Mr STAPLES: We have taken on notice the question.

ANSWER

I am advised:

The letter written by the Department of Planning and Environment in July 2018 advised that public transport improvement options for Parramatta Road should be implemented as soon as possible to establish public transport patterns and realise benefits.

I refer you to the answer to Question on Notice 92.

Question 94

Mr STAPLES: We have taken on notice the question about process—I think that will tie with that and we will look at what correspondence we have got.

The Hon. JOHN GRAHAM: Yes, good. Perhaps if you supply the Transport response to the Committee on notice.

Mr STAPLES: I will see what is there—obviously going back into 2018 and RMS, so I will just need to do a bit of investigation on this.

The Hon. JOHN GRAHAM: Yes. I will ask for it on notice. What you do after that is up to you.

ANSWER

I am advised:

The former Roads and Maritime Services (now Transport for NSW) wrote to the former Department of Planning and Environment (now the Department of Planning, Industry and Environment) in May 2018 to clarify the Condition of Approval B34 (improved public transport options for Parramatta Road) for the WestConnex M4 East Project.

The former Department of Planning and Environment responded on 9 July 2018 requesting that the condition be addressed as soon as possible and welcoming further consultation to achieve that.

Question 95

The Hon. JOHN GRAHAM: Perhaps the easiest way to do this is, on notice, could you notify about changes to the light phasing on Parramatta Road? I am more interested in the operation of Parramatta Road than necessarily the changes that are strictly about the opening of the motorway, although I understand they are related.

Mr STAPLES: Just to be clear, any deliberate interventions—because the SCATS traffic system is actually a self-adjusting system, so you are looking for anything where we might have deliberately intervened with the set-up of that system in relation to traffic flows on Parramatta Road.

The Hon. JOHN GRAHAM: Yes, I believe so.

Mr STAPLES: Okay. Thank you. I just wanted to clarify.

ANSWER

I am advised:

Transport for NSW continually optimises traffic light phasing to meet the demands along road corridors. The section of Parramatta Road, from Concord Road to Harris Road, was reviewed following a reduction in traffic levels. The new SCATS base model for this section has reduced the phase cycle times at nine sets of traffic lights on Parramatta Road and a further three sites along Concord Road.

Following the changes, the AM and PM travel time was observed showing less delays for all roads users with particular benefits to on time bus running and freight productivity.

From a community perspective, the main change would be that the traffic signals change phases more frequently and provide more green time to the road user.

Question 96

Hon. DANIEL MOOKHEY: Where are we up to on the Premier's commitment to bring back the 378 bus?

Mr STAPLES: I am just checking because that is a very specific question and I am just getting up that information. I have to declare it was a favourite bus ride of mine when I was a child.

The Hon. DANIEL MOOKHEY: Curb your enthusiasm on this matter. We might allow you to draw up the information and you can come back to me.

ANSWER

I am advised:

In February 2019, the State Government announced a commitment to re-introduce route 378 between Bronte and the City.

Transport for NSW is considering opportunities to introduce this as soon as practicable.

Availability of new fleet, and potential adjustments to other services to facilitate the introduction of route 378, will need to be considered as part of planning for this election commitment.

Further details of this initiative will be made available closer to the time of implementation.

Question 97

The Hon. JOHN GRAHAM: I might turn to clearways in general. Obviously, as the clearways team is working through particular neighbourhoods, they are working closely with some traffic modelling about exactly what impact this is having, importantly, to get people home or to work. What economic modelling is done in parallel at the same time about the impact on businesses?

Mr STAPLES: I am happy to ask Ms Mildwater to respond to that. Obviously we have rolled out a pretty significant expansion of the clearways program, particularly things like weekend clearways and so forth, but either Ms Mildwater or Mr Issa might have some more detail about where we are up to and the economics modelling around that.

ANSWER

I am advised:

During the planning phase, the clearway program team analyses any proposed changes to the road configuration, with particular attention given to parking and associated impacts on local businesses.

The clearways program ensures that any parking which is removed for the clearway operation is offset with alternative parking nearby. Through the program we aim to match displaced parking and in many cases additional parking is provided. Through this program, detailed economic modelling is not undertaken as the quantum of parking is retained.

The program teams work closely with local governments to identify suitable parking options in local side streets away from the state road but still close to businesses.

Where additional parking is required, funding is offered to local government to design and construct additional business customer parking. Funding can facilitate changes to timed parking restrictions, reconfiguring local roads to angled parking and construction of at-grade car parks.

Question 98

Ms MILDWATER: Obviously there is quite a significant clearway program underway over a series of years. From a strategy that started in 2013 I think we still—I think about \$121 million was committed to clearway rollout, which does not include a lot of construction. Sometimes it is spent on other things, such as parking and property development. We still have about \$80 million of that to go, so we are still early days. Having said that, I think we have installed about 719 kilometres of new or extended clearways. The process when we roll these out, I cannot speak to modelling but I could take that on notice. But I know there is a significant amount of consultation and engagement with businesses, particularly small strip-shop businesses, who are often concerned with the parking arrangements. So quite a significant chunk of the budget that we have goes to obtaining alternate parking for those businesses.

The Hon. JOHN GRAHAM: I am conscious of the time, so it would be helpful if you could provide on notice a bit of detail about what is the consultation process, particularly is there modelling and how do you do that?

Ms MILDWATER: Yes. There are significant consultation processes but I would be happy to provide detail on notice.

ANSWER

I am advised:

Community engagement is undertaken for all clearways projects. When considering clearways projects feedback is sought from the community on alternative parking options for business customers.

Feedback is sought through various mediums including letter box distribution, advertisements in local papers, community information kiosks, on-site feedback interviews, door knocking impacted businesses, telephone hotline, email and written letter submissions, as well as social media. The types of community engagement tools used is dependent on the project and the associated impacts.

Engagement is also undertaken with key stakeholders, such as local councils, to obtain their feedback on alternative parking and community place enhancement options.

Detailed analysis, including modelling, is used to support the community engagement process.

All feedback is considered and responses to submissions received are published online in a community engagement report.

Question 99-101

99. The Hon. DANIEL MOOKHEY: Can I get an update as to where we are in terms of the property acquisitions required for the western metro?

Mr STAPLES: I am happy for Mr Lamonte—he is leading that too—to run through that, thanks.

Mr LAMONTE: We have engaged, as we normally would, with all the property owners—

The Hon. DANIEL MOOKHEY: Just to refresh, we are talking about 163 acquisitions?

Mr LAMONTE: I will come back to you in a second with the precise numbers but let me talk in general.

100. Mr LAMONTE: ... properties. I will have to take on notice to come back to you with a little bit more detail of the numbers involved.

The Hon. DANIEL MOOKHEY: Okay, but when do you anticipate the first property acquisition notices being issued?

Mr LAMONTE: I will have to take on notice and come back to you with that.

101. The Hon. DANIEL MOOKHEY: When do you envisage that the last property acquisition?

Mr LAMONTE: Again, I will take that on notice as well.

ANSWER

I am advised:

In total, 115 properties between Westmead and The Bays need to be acquired for the Sydney Metro West project.

There is a whole-of-government process used by NSW Government agencies to buy land which is required for a public purpose such as railway infrastructure. *The Land Acquisition (Just Terms Compensation) Act 1991* sets out the process to fairly compensate affected land owners and tenants. Sydney Metro's preference – just as was done with 85 per cent of people on Sydney Metro Northwest and 80 per cent of people on Sydney Metro City & Southwest – is to reach a commercial agreement with affected land owners/tenants. Sydney Metro will exhaust all reasonable attempts to reach a negotiated agreement with property owners and tenants affected by acquisitions with a minimum six month negotiation and consultation period required prior to the issue of any proposed acquisition notice (PAN).

It is too early in the acquisition process for Sydney Metro to confirm a date by which the last property acquisition will occur.

Question 102

Hon. DANIEL MOOKHEY: Do we have any further news about the 378 bus?

Ms MILDWATER: I will have to take that on notice as well.

ANSWER

I am advised:

I refer you to the answer given for Question on Notice 96.

Question 103

Mr STAPLES: One thing I can confirm is the membership of the audit and risk committee for Transport, if you would like me to run through that.

The Hon. DANIEL MOOKHEY: Yes.

Mr STAPLES: The chair is Carolyn Burlew.

The Hon. DANIEL MOOKHEY: We can take it on notice, Mr Staples, if you want.

ANSWER

I am advised:

I refer to the answer given for Question on Notice 66.

Question 104-105

The Hon. JOHN GRAHAM: I just want to turn to an issue about region 6 buses. It is about the employment of drivers. The contract that was entered into suggested that Transit Systems West, the operator, would employ all the bus drivers. They seem to have set up two different companies, part of that group, who employ drivers but in two different groups—the drivers who were formerly driving and then new drivers. Is that the case and have they sought the prior written agreement of Transport for NSW?

Ms MILDWATER: I might just look and see whether Mr Issa has that detail there about what the contract arrangements were—the specifics of what approval was required or not. I am actually not sure but I am not sure if Mr Issa was actually involved at the right time. So probably neither of us here know the answer that, so we can take that on notice.

The Hon. JOHN GRAHAM: If you could take it on notice and also if, given that was not what was envisaged in the contract, have they sought prior written agreement? If they have not, is that consistent with the contract or is it a breach of the contract?

Ms MILDWATER: We would have to take that on notice too. I cannot confirm whether it is in the contract or not.

ANSWER

I am advised:

Transit Systems, holder of SBSC 6 Contract, had identified that there would be two industrial instruments, one for transitioning drivers and the other for new drivers,

and that new drivers would start to be engaged prior to the start of the Region 6 contract commencement to ensure it had enough drivers to deliver the full contracted services.

There are two companies in NSW that employ bus drivers for the Transit System Group Transport for NSW bus contracts, SMBSC3 and SBSC6:

1. Transit (NSW) Services Pty Ltd employs all enterprise agreement drivers in Contract SMBSC 3 and, as of 12 February 2018, all new employee drivers in Contract SBSC 6.
2. Transit Systems West Services Pty Ltd employs all transferred (ex- State Transit) bus drivers under the Copied State Award.

Further details cannot be provided due to the confidentiality requirements relevant to any tender process.

Question 106

The Hon. DANIEL MOOKHEY: They are two separate categories: modifications and variations. Is that correct? And you maintain a modifications and variations register and you work your way through them in accordance with the new deed you entered into. I am asking how many modifications have been asked for by the contractor since September?

Mr REGAN: The settlement arrangements that were put in place did not change the way the contract works in terms of variations.

The Hon. DANIEL MOOKHEY: I know.

Mr REGAN: I am not aware of a material number or size of any modification requests from the contractor but I will happily take on notice to respond to that.

The Hon. DANIEL MOOKHEY: Well, you did actually provide some answers on notice last time.

Mr REGAN: Yes, I am not sure if there have been any. That is what I am saying. I would have to check.

ANSWER

I am advised:

Modifications and claims are not uncommon on large infrastructure projects, which is why there are requirements under the contract for notifications of future claims to be provided by ALTRAC and dispute mechanisms in place. Modifications may be directed by Transport for NSW and initiated by ALTRAC for Transport for NSW consideration.

All notifications of claims and modifications are assessed in accordance with the Sydney Light Rail Project Deed and worked through with the contractor on a commercial basis.

There have been 154 technical contractor-initiated modifications formally submitted by ALTRAC since 1 September 2019 (as at 11 March 2020), for Transport for NSW consideration. These include design clarifications and do not

have any cost or time implications. No modifications have been issued by Transport for NSW for these contractor-initiated modifications.

Question 107-108

The Hon. JOHN GRAHAM: I want to return to the issue I was raising with the Minister about the Harbour Bridge toll. He was entirely correct when he suggested that this obligation in the legislation attaches to the agency, not to the Minister, although previously the position of the agency has been that certainly they are required to assess the toll, they are required to take into account CPI as they make their decision, but they annually put this to the Minister. That was certainly the view of the head of Roads and Maritime Services previously. Is that still the practice—I guess that is my first question—that this is reviewed annually?

Mr STAPLES: I might have to look at specifically what we have asked of the Minister in relation to review, either in the last financial year or the years before that, so we can take that on notice to look at it. The obvious difference with the Harbour Bridge, relative to other tolls, is that the Harbour Bridge is passed a toll concession essentially, whereas all of the other tolls that we talk about with particular incremental increases are built into the financial models of the—

The Hon. JOHN GRAHAM: Yes. I would be happy on notice for you to just provide any update about is this still being annually briefed and any context that you want to provide around that. I think that is the best way to do it.

Mr STAPLES: Yes.

ANSWER

I am advised:

I refer you to the response provided at the hearing.

The last time tolls on the Sydney Harbour Bridge were varied was 27 January 2009. This was for the introduction of time of day tolling and was the first variation/increase since 2002. The increase in the toll does attach to the agency. Under the legislations the toll may be increased but that increase must take into account the CPI.