

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Friday, 3 September 2021

Examination of proposed expenditure for the portfolio area

TRANSPORT AND ROADS

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The Committee met at 09:30

MEMBERS

Ms Abigail Boyd (Chair)

The Hon. Mark Banasiak (Deputy Chair)

The Hon. Mark Buttigieg

The Hon. Wes Fang

The Hon. Scott Farlow

The Hon. John Graham

The Hon. Daniel Mookhey

The Hon. Peter Poulos

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Welcome to the virtual hearing for the inquiry into budget estimates 2021-2022. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of the land on which Parliament sits. I also pay respect to Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals who are viewing this broadcast. Today the Committee will examine the proposed expenditure for the portfolios of Transport and Roads. Today's hearing is being conducted as a fully virtual hearing, which enables the work of the Committee to continue during the COVID-19 pandemic without compromising the health and safety of members, witnesses and staff. As we break new ground with this technology, I ask for everyone's patience through any technical difficulties we may encounter today. If participants lose their internet connection and are disconnected from the virtual hearing, they are asked to rejoin the hearing by using the same link as provided by the Committee secretariat.

Before we commence I would like to make some brief comments about the procedures for today's hearing. There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution that was adopted by the House in 2018. Today's proceedings are being broadcast live from Parliament's YouTube channel and a transcript will be placed on the Committee's website once it becomes available.

Finally, a few notes on virtual hearing etiquette to minimise disruptions and to assist our Hansard reporters. Could I ask committee members to clearly identify who questions are directed to and that everyone please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Please remember to turn your microphones back on when you are getting ready to speak. There is always one, so, if you are that one, don't worry. If you start speaking while muted, please start your question or answer again so that it can be recorded in the transcript. Members and witnesses should avoid speaking over each other so that we can all be heard clearly. Also to assist Hansard may I remind witnesses and members to speak directly into the microphone and avoid making comments when your head is turned away. All witnesses will be sworn prior to giving evidence.

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ROBERT SHARP, Secretary, Transport for NSW, affirmed and examined

MEGAN BOURKE-O'NEIL, Deputy Secretary, Greater Sydney, Transport for NSW, affirmed and examined

HOWARD COLLINS, Chief Operations Officer, Greater Sydney, Transport for NSW, sworn and examined

CAMILLA DROVER, Acting Deputy Secretary, Infrastructure and Place, Transport for NSW, affirmed and examined

PETER REGAN, Chief Executive, Sydney Metro, affirmed and examined

BERNARD CARLON, Executive Director, Centre for Road Safety and Centre for Maritime Safety, Transport for NSW, sworn and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 11.00 a.m. and from 11.15 a.m. to 12.45 p.m. with questions from Opposition and crossbench members only. If required, an additional 15 minutes is allocated at the end of the hearing for Government questions. As there is no provision for any witness to make an opening statement before the Committee commences its questioning, we will begin with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Thank you, Mr Secretary, and thank you to the other Transport officials who have joined us this morning. Can I first convey certainly the Opposition's appreciation for the work that the staff of Transport for NSW and the wider Transport cluster has done during this lockdown. Mr Secretary, can I start by asking about the effect on Transport staff by COVID-19. Do you have information about the number of essential public transport workers who have been directly impacted by COVID and, as a result, are currently isolating or have had to isolate since the lockdown started?

Mr SHARP: Thank you for that question. Yes, we do have staff that are impacted by COVID, and in two ways: One is those who have directly been impacted with COVID, and then also those that are put into isolation because they have been deemed to be close contacts. Both do impact our staff. Since March 2020 more than 120 of our staff and contractors, who work directly for us, have contracted COVID. All of those have been in isolation for 14 days following their positive tests.

The Hon. DANIEL MOOKHEY: Do you have the number of close contacts who have had to isolate?

Mr SHARP: In terms of the overall number, no, I don't. I will just pass to Ms Bourke-O'Neil to see if she has the number at hand.

Ms BOURKE-O'NEIL: Thank you, Secretary. Thank you for your question. That number does change from day to day as staff come in and out of isolation. Currently we are confirming today's numbers, but it is approximately 400 staff currently isolating.

The Hon. DANIEL MOOKHEY: Yes, and the accumulative total of close contacts in the Transport workforce since the—well, we will use the March timescale that the Secretary used.

Ms BOURKE-O'NEIL: I am sorry, was that question to the Secretary?

The Hon. DANIEL MOOKHEY: It is to the Secretary or to yourself—whoever has the information at hand.

Ms BOURKE-O'NEIL: Thank you. No, I do not have the number of total isolation that you have asked for. I can take that on notice and see if we can provide that.

The Hon. DANIEL MOOKHEY: Thank you. I would appreciate that. Can I just ask: Of that 120 and 400, how many of them are bus drivers, train drivers? Can you give us a bit more information about precisely whom in the Transport workforce have had to or are currently isolating?

Ms BOURKE-O'NEIL: The vast majority of that approximate number I have given you for today are operational staff. I do not have the breakdown across the different modes. I will just ask our Chief Operations Officer, Mr Collins, if he can add to my answer.

Mr COLLINS: Thank you very much. I cannot give you the precise number but we know that there were a dozen bus operators split between the State Transit Authority [STA] and private, and a number of different operational and engineering workers, but the number is relatively low. I can take on notice and give you those numbers in detail, but it also includes office workers and other people who have not been at work and are working from home. Generally the number is about two-thirds operational, one-third non-operational. There are a number of construction workers, as well, who have been positive and they have isolated. Thank you.

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The Hon. DANIEL MOOKHEY: If it is possible that we can get that on notice, that would be appreciated, Mr Collins. Thank you very much. **Mr Secretary, has Transport for NSW considered a rapid antigen testing regime across the Transport network for its staff and its workforce?**

Mr SHARP: Thank you for that question. We have deployed rapid antigen testing as part of the process that we have deployed to protect our staff. We have a number of layers of activities to protect our staff during COVID including protective barriers, sanitisers, masks and, in regards to the recent public health orders for workers from the lockdown areas, particularly the authorised workers, rapid antigen testing has been deployed.

The Hon. DANIEL MOOKHEY: Is it still being deployed, Mr Secretary?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: What is the cost to the Transport department for establishing it?

Mr SHARP: I would have to refer that to Ms Bourke-O'Neil.

The Hon. DANIEL MOOKHEY: Do we have any information at hand or do we need to take it on notice?

Ms BOURKE-O'NEIL: I believe we will have to take it on notice. I will do a check-in with Mr Collins.

The Hon. DANIEL MOOKHEY: If you could take it on notice, that is fine. Maybe come back if you get the information.

Ms BOURKE-O'NEIL: Yes.

The Hon. DANIEL MOOKHEY: Mr Secretary, is the rapid antigen testing still being implemented?

Mr SHARP: Yes, it is. The rapid antigen testing is being deployed. We do have it up and running in one or two locations and the plan is to put it into core areas where we have the need to have large numbers of staff come through and be tested.

The Hon. DANIEL MOOKHEY: Were you intending to roll out rapid antigen testing across all worksites earlier this week or last week in response to the health order that was in effect at the time?

Mr SHARP: When the health order was issued, Transport was reviewing its procedures. Rapid antigen testing was part of the arsenal to allow authorised workers to come in and operate the train and bus networks. The point at which we started to actually deploy was when that public health order came out, along with many others across multiple industries.

The Hon. DANIEL MOOKHEY: Were you effectively scrambling to ensure that the Transport department was complying with the health orders?

Mr SHARP: Transport has a number of health providers that we have worked with throughout COVID. Those health providers are quite large national organisations. We were able to work with our partners to pull those supplies and processes in place. We have also been able to work with our Health cluster quite closely in terms of procedures that we were able to leverage. That certainly assisted in terms of being able to implement procedures in reasonably quick time frames.

The Hon. DANIEL MOOKHEY: How much notice were you given about the decision to reverse the order to require rapid antigen testing?

Mr SHARP: Transport has internally a task force which works around the clock on supporting the operation and keeping the operation going. That task force has daily meetings with Health. In terms of advice, obviously we get the formal public health order along with everyone else in terms of the specifics, but we were able to find out a couple of days earlier that changes may occur. That was able to be then fed into our task force.

The Hon. DANIEL MOOKHEY: Were you instructed to cease planning for rapid antigen testing?

Mr SHARP: No, we were not, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Moving onto the subject of the reduction in the timetable as a result of COVID. Given that we are operating on a reduced timetable right now, and that is having an effect on essential workers'—especially healthcare workers'—ability to access their workplace, why has it been essential to reduce this timetable? Are you concerned that this is creating unnecessary distress for people who are trying to get to hospitals and other sites to assist in the response to COVID?

Mr SHARP: Thank you for that question. The duality of COVID in the current lockdown and the delta strain is that we were needing to deliver essential services, at the same time providing a transport solution that

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limited mobility. That has been a balancing act. I will pass over to Mr Collins, who has been intimately involved with the dynamic scheduling, to answer the specifics of your question.

The Hon. DANIEL MOOKHEY: The specifics, Mr Sharp, of the question were more directed to you. I appreciate the operational detail that Mr Collins might be able to provide but the question was direct: Are you concerned that as a result of this reduced timetable it is impacting on the ability of essential healthcare workers to be able to travel to their workplaces?

Mr SHARP: Thank you for that clarification. The balance that I talked about is being achieved on a dynamic basis. We actually monitor each location. We have a number of cameras. We also have support staff that are out in the field. Those are actually fed back in real time and schedules are actually being updated overnight. If we find that there is a particular location where it does appear that either there is overcrowding or there are extra services needed, they are actually deployed. We have a rapid deployment, in particular, of buses, that we can move around the city at pretty short notice to address those issues. It is very much a dynamic marrying of supply with demand.

The Hon. DANIEL MOOKHEY: I appreciate that, Mr Sharp. Have we detected, through those methods, any particular issues that are affecting any of the major locations and health workers, and have you had to use those contingencies that you just outlined?

Mr SHARP: Yes. I would not describe them as contingencies. This is actually a planned process to actually match the demand profile with the supply that is needed. Effectively there is a core schedule and then we supplement that core schedule where we see the demand. As you can appreciate, with the various evolutions that have occurred through the public health orders, particularly in this last delta version of the virus, the demand profile has also shifted. Transport is multimodal, so there are buses, point to point, and that provides a number of opportunities.

The Hon. DANIEL MOOKHEY: Yes, but I am just asking specifically. The supplemental services that you just made a reference to, where have you had to deploy those supplemental services?

Mr SHARP: The supplemental services have been deployed principally on routes where there have either been uplifts—so, for example, when the construction industry was allowed to come back and commence work, obviously there was a tradie peak. That tradie peak is very early in the morning and we were able to target those services. Some of those are around the Eastern Suburbs, some are from other suburbs. The other area where we have been able to deploy this capacity is where we have had large numbers of staff isolating in our franchise bus operations. Where those operations have been impacted, we have been able to supplement some services there to have, effectively, a regular service that went down the main routes to continue to support the essential workers.

The Hon. DANIEL MOOKHEY: On notice, if you can identify precisely where the supplemental resources have been used, that would be great. But now that you mention it, in respect of the 400 workers who are currently isolating and, equally, the people who throughout this entire period have had to isolate, has that led to services having to be cancelled?

Mr SHARP: Unfortunately there have been services at points that have been cancelled. We have been able to maintain a minimum schedule. On occasions you will have noticed quite publicly that we have targeted particular schedules—for example, the Sunday timetable—which we have then supplemented to meet the demand. Some of those have been driven by the isolation events.

The Hon. DANIEL MOOKHEY: Do we know how many services have had to be cancelled and where precisely they were cancelled? And, incidentally, what were the services?

Mr SHARP: We would not have that information here, but certainly can take that on notice.

The Hon. DANIEL MOOKHEY: Do you know how many people were impacted by the cancellation of services?

Mr SHARP: I would have to pass to Mr Collins on the operational side to know whether he has got that data at hand.

The Hon. DANIEL MOOKHEY: That would be helpful. If Mr Collins could also then answer whether or not Transport has had to pay taxis or for rideshares for essential workers to be able to reach their destination, that would be helpful, too.

Mr COLLINS: Thank you very much, Mr Secretary. Thank you for the question. Certainly in terms of the use of taxis and rideshare, not specific detail. I think what we have been doing, we have some excellent monitoring data regarding loadings of trains and buses. We use our task force and our dynamic timetabling team to look at those schedules. We have worked directly with Health and Education to ensure that those schools that

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are still operating, we provide school bus services. Schools have even called in to say, "Don't send any more buses. We haven't got pupils who need schools." We have been as dynamic as possible. It is obviously going to be—where cases occur and we do need to isolate the workforce, it is obvious that we do sometimes need to cancel services. The good news is that the complaints, which initially started when we made those first changes in that two-week lockdown period, have reduced to a very, very low number now. Also, the information about what services are available to our customers is readily available—

The Hon. DANIEL MOOKHEY: Sorry, Mr Collins, my question that I think you were meant to answer was: **What essential workers have had their journeys interrupted by the cancellations? Are you monitoring that or not?**

Mr COLLINS: Absolutely. We have a whole series of authorised workers, marshals. We observe with the 12,000 CCTV cameras. We also—

The Hon. DANIEL MOOKHEY: But you just do not have the information. I appreciate the fact that you collect the information, but can we now have the result of your collection?

Mr COLLINS: I cannot give you the precise daily detail.

The Hon. DANIEL MOOKHEY: Thank you.

Mr COLLINS: We record the level of services and certainly the levels of services which are over COVID capacity, which is I think at the moment about 1½ per cent. That is recorded each day in detail.

The Hon. DANIEL MOOKHEY: On notice, can we get the more detailed information?

Mr COLLINS: We will certainly try and provide as much information as we have. As you would recognise, there are still 300,000 people travelling and most of those journeys are essentially made by essential workers.

The Hon. DANIEL MOOKHEY: Can I turn to another matter now, which is to do with the new Emerald class of ferries, and this is to you, Mr Secretary. Have the new Emerald class of ferries been tested to withstand waves up to seven metres that occur sometimes in harbour crossings?

Mr SHARP: Thank you for the question. The ferries are tested thoroughly, and Mr Howard Collins can certainly talk to that. In regards to wave height, there are a number of standards that are in place and the operators need to comply with those standards.

The Hon. DANIEL MOOKHEY: Yes, and is the ability to withstand a seven-metre swell one of them, and has it been tested? That is the question.

Mr SHARP: I would have to defer to Mr Collins in regards to the specification of the ferry.

Mr COLLINS: Thank you very much, Mr Secretary, and for the question. Regarding the Emerald class II ferries, those which will be deployed on the Manly service, their operational ability is actually identical, if not more able to deal with four- to 4½-metre swells. When waves get significantly higher than that we do withdraw Freshwater classes today. We continue to understand and work closely with our maritime colleagues about weather conditions and the alternative bus services put on. The actual ferry, the Emerald IIs, have specifically designed bows to ensure that the stability under those conditions is maintained.

The Hon. DANIEL MOOKHEY: The question was: Can they withstand swells of seven metres? I am hearing from your implication that, if you are maintaining your current policy of withdrawing ferries, then the answer is, no, they can't. Is that fair?

Mr COLLINS: They are better equipped to—

The Hon. DANIEL MOOKHEY: But has it been tested?

Mr COLLINS: They are better equipped to operate under even greater conditions of swell than the Freshwater class, but there is obviously—every captain or master will make judgement calls not only heights of swell but on other conditions [disorder].

The Hon. DANIEL MOOKHEY: I do appreciate that. It is just a really simple question: Have they been tested to withstand swells of up to seven metres?

Mr COLLINS: I believe I cannot give you that information. I will be able to get to it, but I understand the operational conditions that they are being tested in and have been tested in are those identical to the Freshwater class, and that they have the ability to operate under the same conditions.

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The Hon. DANIEL MOOKHEY: Do you have the total cost so far of building, repurposing, testing, fixing, retesting and delivering the second generation Emerald class ferries to replace the existing ferries?

Mr COLLINS: No, I do not have this information. Obviously this is not a cost to Transport for NSW. These ferries were procured from Birdon, an Australian company, by Transdev as part of their ferries contract.

The Hon. DANIEL MOOKHEY: Sure, but if you could take on notice what the cost is in that respect, that would be good. Do you have any information on the cost of strengthening the second generation Emerald class to repurpose them for harbour crossings? What are the actual extra fuel costs and emissions of adding five tonnes of hull reinforcements to the weight of these ferries?

Mr COLLINS: The Emerald class II ferries were designed by Australian architects. At the start of that design, the naval architects made sure that the hulls and structures were designed to withstand those types of conditions as part of that overall design. Therefore those were not additional costs in terms of their procurement. I do not have those costs at hand because they are through the commercial contract between Birdon and Transdev.

The Hon. DANIEL MOOKHEY: Sure, but do you have any idea as to how much extra we will be paying in fuel costs and how much extra emissions are likely to be emitted as a result of adding five tonnes of hull reinforcement to the ferries?

Mr COLLINS: To answer your question specifically, no, but they are much more efficient—very, very efficient—compared with the Freshwater class, which was commissioned in the 1980s with large diesel engines. They are more fuel efficient, and certainly fuel conditions vary depending on weather, loadings and other things. Our Emerald class ferries are very fuel efficient compared with the class of ferry they are replacing.

The CHAIR: Thank you, Mr Collins. Opposition time has expired. I will hand over to Mr Banasiak.

The Hon. MARK BANASIAK: My initial questions I will direct to Mr Sharp, but feel free to defer them if you need to. I have got quite a few questions here about the reinstatement of a ferry service and wharves at La Perouse and Kurnell. Mr Sharp, why did the 4,500-page environmental impact statement [EIS] ignore fish assemblages and spawning aggregations of species like cephalopods, and why did it ignore that this area is an important spawning ground for squid?

Mr SHARP: Thank you for your question. Transport does take its responsibilities very seriously when it comes to environmental studies. For any project or change, we go through a rigorous process. In regards to your specific question, I would have to defer to Mr Collins and see whether we need to take that on notice.

Mr COLLINS: Thank you very much for the question. In specific detail I will have to take that on notice. Obviously we are going through the whole process of consultation on the environmental impacts in that area—obviously in both locations. I fully understand the sensitivity of the site and the importance of the environmental conditions there present, but I will take that on notice to provide more information for you.

The Hon. MARK BANASIAK: Thank you. The proposal, particularly with the ferry sweep, cuts out two significant proportions of a recreational fishing haven. I am just curious as to what conversations have you had with the department of fisheries about how that recreational fishing haven may need to be compensated or adjusted due to the loss of these two significant proportions of the recreational fishing haven?

Mr COLLINS: I do not have the details. I know of extensive consultation and we certainly will take on notice your point regarding consultation, but we have certainly engaged with local council, Fisheries, the Aboriginal community, which are very keen to get involved in providing services as well, and the sensitivity of that area. But I would imagine we will be in full consultation with our colleagues from Fisheries. We work with them, as you know, every day.

The Hon. MARK BANASIAK: The Fisheries NSW comments on the project are quite interesting. They actually stated that they cannot support the project in its current form. Have you spoken to them and tried to tease out what specifically their concerns are and how you are going to address them? It seems a big hurdle to get over when another government department cannot support your project.

Mr COLLINS: Thank you very much. I will find out more specific detail. I have not personally spoken to my colleagues. This is all part of a consultation process, obviously working with the Department of Planning, Industry and Environment [DPIE] as well, understanding the impacts with the national park. We would certainly be taking seriously any comments and feedback made by those people we have consulted.

The Hon. MARK BANASIAK: Are you aware of the recent objection to this project by Randwick City Council, where they have cited negative environmental and amenity impacts as well as a shortcoming in the business case? Are you aware of that objection by Randwick City Council?

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Mr COLLINS: Not specifically. I am certainly aware of Sutherland council's feedback. I will take it on notice. The information may have been provided to my maritime and planning section regarding Randwick council. Thank you.

The Hon. MARK BANASIAK: Specifically on the business case, are you able to advise us on the annual subsidies that the department will have to provide for this ferry service, and what the proposed adult and concession fares will be on this ferry service?

Mr COLLINS: I am personally unable to provide that. I do not know whether any of my colleagues are. I think it probably is too early at this stage to understand those financials. Once we have gone through, obviously, full consultation—but I do not know whether my colleague Ms Bourke-O'Neil may have some information. But at this stage I think it is too early to say what those numbers will be.

The Hon. MARK BANASIAK: Ms Bourke-O'Neil, do you have any further comments?

Ms BOURKE-O'NEIL: No, we will need to take that on notice.

The Hon. MARK BANASIAK: Mr Collins, you say that you are still consulting, but the submissions have closed. My understanding is that there is a report that is going to be submitted to the planning Minister for his decision. So when you say "consultation", who is that with?

Mr COLLINS: Yes, I understand consultation has closed, but this is—quite often, as we know, with many of these—an ongoing process. We will in due course provide the report that you mention. There may be further questions and consultation and discussions that we may have with various parties concerning this actual proposal.

The Hon. MARK BANASIAK: You may defer this to Mr Carlon, but there have been some concerns expressed to me about the safety and reliability of this ferry service because the ferry service actually sweeps across a Port Botany commercial shipping channel, so for obvious reasons port activities would have to take precedence. I am just wondering what considerations have been given for maritime safety, given that there are up to 36 crossings of the channel per day done by the port.

Mr COLLINS: Thank you for the question. Yes, I understand that. I know the area pretty well, living close by. It is probably very similar to Sydney Harbour in many respects, in terms of traffic. We are certainly aware of the need to ensure that maritime protocols are followed at all times and that the analysis of the routes, timings and also the training of those people will be to the highest standard. I will pass to my colleague Bernard Carlon to add any further information if he wants to. Thank you.

Mr CARLON: Thanks, Mr Collins, and thanks for the question. Of course, part of the process is to gather all of the safety information as part of the development of the safety plans for mitigating any risk. Clearly I do not have that information right to hand at the moment, but we should be able to provide that information as part of the process on notice.

The Hon. MARK BANASIAK: Perhaps on notice, Mr Carlon or Mr Collins, can you provide the Committee any modelling or data that suggests how the ferry service will have to run to a time line or adjust its time line if it gets caught between these port operations? I imagine there would be a point of no return where a ferry service would have to stop and wait for the commercial operations to finish and get out of the way before a ferry service could continue. If you could give us the modelling or some data about how that process is going to be managed and how that ferry service will keep to a time line given those complications.

Mr COLLINS: Thanks for the question. Yes, obviously the details of what services will operate are yet to be defined, whether that is a service which might be not as busy as perhaps the Manly corridor in view of the numbers and the areas and forecasts involved. We can certainly, when available, provide some of the understanding of how we deal with traffic, similar in a way to movements across other harbours. But we do not expect that this particular route will be extremely busy. The great thing about it is that it will provide an opportunity for us to engage with our Aboriginal colleagues both at La Perouse and at Kurnell. We have had discussions already to ensure this becomes something to engage with the history of our First People, which is a very critical and important site on both sides of this corridor.

The Hon. MARK BANASIAK: Just going back to the question I asked about the annual subsidies, in your answer you said you are still working that out. Do we have a projected cost at all? I know there are some figures around \$17 million being spent to build it, but then there was a \$70,000 feasibility study. You obviously have got these annual subsidies and there has been commentary by the Attorney General, Mark Speakman, who I think is the member for the area, or is close to the member for the area, where he said that there would be whole-of-life asset maintenance costs on top of this as well. Do we have a projected figure in terms of how much this is going to cost us overall?

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Mr COLLINS: I do not have those figures to hand. What information we have publicly or available to this group, we will provide. I think it does depend on the commercial [inaudible] and the understanding of how [inaudible] the cost and the operation of the route will contain. We are not at that stage yet and there may well be a lot of variables in terms of overall cost and also this subsidy, if any, which need to be provided. Once those are available, obviously they can be shared with those who require it.

The Hon. MARK BANASIAK: Yes, whatever costings you can provide us would be great and, if available, a projected time frame in terms of when this project will pay for itself given that you said that there are some commercial operations involved, or the commerciality of it as well.

Mr COLLINS: Yes.

The Hon. MARK BANASIAK: I would be interested to know as to how long this will take to pay off.

Mr COLLINS: Yes.

The Hon. MARK BANASIAK: I believe my time has expired.

Mr COLLINS: Just to answer that final question, if I can: Obviously we will have to deal with some of the commercial confidentiality of any contract arrangements, but what we can provide we will in due course provide. It may not be available now. Thank you.

The CHAIR: I might just pick up on some of those questions as well, so perhaps these are directed to you, Mr Collins. The wharf at La Perouse, my understanding is it will replace a wharf that was destroyed in the 1960s. But the footprint of this new wharf will be at least seven to 10 times the original size. Why is that the case and why is the wharf so much larger than those for similar purposes, such as Pittwater and Bundeena?

Mr COLLINS: Thank you for your question. I understand that obviously this route was there many, many years ago, was damaged by a storm and then finally demolished. The issue we have, I think, certainly on the south side, is that to ensure that we can gain adequate and full access for ferry services we do need to ensure the wharf is long enough to deal with the fact that it is quite shallow in some of those areas. Obviously wharf lengths vary depending on the access and the depth of water and also the vessel that we use. The designs have been worked through obviously with our maritime colleagues and those experts. Probably that is the reason why it is larger or longer. But the design obviously takes into account, unlike previous ferries, to ensure that we minimise the impact on the environment, ensuring we actually support and encourage the wildlife and fish and other aspects of the marine life in that area.

The CHAIR: I understand that the wharf head is 40 metres long, which is quite long in terms of taking ferries that only hold 522 passengers. Are you saying that is because of the way in which the wharf will be used? Sorry, let me reframe that question. Are you saying that, although it is only intended to take those small ferries, all of the wharf is not going to be taken up with the ferries? It is about minimising the impact on the environment. Is that what you are saying?

Mr COLLINS: Really it is the operational issue of depth of water, tidal movement. If people know certainly the south area, if you look at the oil or fuel terminal jetty, which is further to the west in Kurnell, it has a long promontory along the wharf because of the depth of the vessels accessing that particular point. That area, as I think some of your colleagues would know, is relatively shallow. Therefore one of the reasons why the wharf length is there is to ensure that we can gain access to the operation at all times, whether that is low tide or under certain conditions.

The CHAIR: Okay. Understood. And what is the width of the wharf?

Mr COLLINS: It would be wrong of me to give you those details. I do not have them to hand, but we can certainly take that on notice. I think it is available through the consultation document.

The CHAIR: That would be very useful. Will the wharf be able to be used by cruise ship operators if a cruise ship terminal is built at Molineux Point in Yarra Bay?

Mr COLLINS: I will have to take that on notice. The purpose of this wharf is to support the ferry services between La Perouse and Kurnell. Really that is its main purpose. I do not have the details but certainly it is not an intention to become an area that many ships or vessels would use on a regular basis.

The CHAIR: Why was there no mention of this project in the 20-year *NSW Long Term Transport Master Plan* from December 2012, nor in the *Sydney Ferries Future 20-year plan* of May 2013?

Mr COLLINS: I cannot answer that particular question but I know that more recently this opportunity and [inaudible] has come about. We can take on notice what planning and information and the source of how this became a subject now for consultation and discussion. But it has been something which has been talked about for

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decades, I believe—locals tell me that—about the opportunity. I know that both La Perouse and Kurnell and the people involved are very keen to understand what this means for them, but also the engagement and the improvements of working with the national park and the Indigenous and Aboriginal populations.

The CHAIR: In 2018 the current Prime Minister, Scott Morrison, co-launched a \$50 million plan with the New South Wales Government to transform Kamay Botany Bay National Park to include ferry wharves at Kurnell and La Perouse and also to erect an aquatic monument—whatever that is—to James Cook. As you know and as you have alluded to, at La Perouse Aboriginal people have held a continuous connection to that land from the onset of colonisation to present. In 1883 La Perouse became a settlement for Aboriginal peoples who were forcibly displaced from their lands by the New South Wales Aborigines Protection Board. In your consultation with Aboriginal communities, do they think it is appropriate that the ferry project at La Perouse is in connection with a proposal to honour James Cook?

Mr COLLINS: I cannot answer that question because—I can tell you, though, what I will say is that we have worked very closely with the Aboriginal community at La Perouse. In fact, I have had several meetings along with the Secretary of DPIE, Jim Betts, to engage with the community and understand the opportunities for employment, for ensuring that we recognise, celebrate and understand those Aboriginal peoples on both of the sides of this particular access area. It is very much our view in Transport that we will continue to support the endeavours and the energies and the enthusiasm that this group and equivalent groups have had to ensure that we recognise it. I cannot comment on the particular proposal or monument regarding the member for Cook.

The CHAIR: I do appreciate that it is not your proposal—it is Scott Morrison's proposal—but in your negotiations with the Aboriginal community has it been made explicit that this proposed ferry wharf is in connection with this proposed monument?

Mr COLLINS: In all of my discussions and those with Mr Reardon and Mr Jim Betts, we have not, or I have not, discussed that. We have focused on ensuring that, whatever services and impacts we have on those communities, we engage fully with the Aboriginal communities and ensure that we work with them in a constructive and positive way.

The CHAIR: From your experience working with those people, would you agree that it would be inappropriate to build such a monument in such an important area for First Nation peoples?

Mr COLLINS: I do not think it is appropriate for me to comment on that.

The CHAIR: I understand. Thank you. I will hand over to the Opposition.

The Hon. JOHN GRAHAM: I ask Mr Carlon a question about the Government's mobile speed camera program. Last financial year revenue from the program was up from \$2.3 million to \$23.7 million as a result of changes to the program. We have talked about those before at estimates hearings. Hours of enforcement have tripled commencing 1 July 2021. I want you to confirm that the Government has issued two contracts for these services—one to Redflex for \$91.1 million for three years and one to Acusensus for \$77 million for three years. Is that correct?

Mr CARLON: [Inaudible].

The Hon. JOHN GRAHAM: I think you are on mute, Mr Carlon.

Mr CARLON: I will be contributing to the fund for the Christmas gifts, but anyway here we go. Thank you for the question. Yes, that information is accurate. It has been released under the Government Information (Public Access) requirements for contracts that are entered into for those programs, yes.

The Hon. JOHN GRAHAM: Those contracts appear to be regionally based. Can you tell us which areas those respective contracts cover?

Mr CARLON: The contracts cover the whole of New South Wales, essentially. The two contracts cover the north and then the south.

The Hon. JOHN GRAHAM: Which company has the north and which company has the south?

Mr CARLON: Sorry, my recollection of this—I will be able to provide you that information during the hearing but I will just have a look for that information and get back to you.

The Hon. JOHN GRAHAM: Thank you. Looking at the publicly available figures for these offences, why have fines for these cameras dropped in July from record highs in a range of locations, to zero? I might give you some examples. In Wagga in April there were 584 offences. Wagga has often been in the top 10 locations. In Queanbeyan they have dropped from 290 in April, to zero. In the electorate of Bega, from 115 in April, to zero.

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Nowra, 313 in May, to zero in July. Along the Princes Highway there were 901 offences in June. In July there are now zero. What is going on in these locations?

Mr CARLON: Just to clarify, the mobile speed camera program—to clarify the opening statement that you have made, Mr Graham—publicly it has been announced that the 21,000 hours will be introduced gradually and that that would be up until the end of this year. The statement with regard to the 21,000 hours in July is not accurate. We are rolling out the program across New South Wales. The program includes a method, which is about anywhere, anytime detection of speeding right across the network. What we know is that 91 per cent of people admit that they do speed and we know that around 50 per cent of those people are sometimes speeding and more than 20 per cent of those people admit to speeding all the time and regularly. The mode of operation for mobile speed camera programs in terms of best practice is that you have a system of rotating enforcement right across the whole of the network. The network is 200,000 kilometres of road network—

The Hon. JOHN GRAHAM: I bring you back to the question, Mr Carlon, because despite you saying this is anywhere, anytime, that is not what the public figures show. In fact, in places in Sydney, like Riverwood, while they were having record fines in April of 171, that is now zero. In north-west Sydney it has dropped from 577 in April, to zero. In some parts of the State, significant parts of the State, there are no fines being issued. What is going on?

Mr CARLON: This is the normal process of rotating enforcement across the whole of the network. There will be times where enforcement will rotate from one location right across the State to another location. This is about having anywhere, anytime detection as we start to ramp up the hours and get to the 21,000 hours by the end of the year. The random allocation across the network of enforcement is part of the best practice element of having a mobile speed camera program that deters people from speeding right across the whole of the network, not at specific locations and—

The Hon. JOHN GRAHAM: I put to you then the information about the top 100 locations in July for these speed cameras. This is not random, as you are suggesting; they are almost exclusively in the north of Sydney or in the north of the State. There are almost none, practically zero, in the south of Sydney or the south of the State in one of these two contract areas. This is not random. What is going on?

Mr CARLON: To clarify, as we start to build up the contract areas and we get to 21,000 hours by the end of the year, the coverage of both regions will be at the prescribed level for the contracts in terms of the delivery of 21,000 hours on average per month across New South Wales, and we are increasing at a rate which will get us to that level. The distribution enforcement at the moment is scheduled to be around 70 per cent in the outer metropolitan areas across the State and—

The Hon. JOHN GRAHAM: Mr Carlon, do you agree it is zero for about half the State at the moment? You hope to increase it but it has crashed from record highs to zero across about half the State in the southern region you have described.

Mr CARLON: I would not say that is an accurate description. Have a look at the distribution enforcement over the five-month, six-month period. The distribution enforcement is across the whole of the contract areas.

The Hon. JOHN GRAHAM: You are avoiding the issue, Mr Carlon. I am not asking about the last five months; I am asking about the change from April, May, June to when these 21,000 hours started and enforcement across half the State is now zero. There is no mobile speed camera enforcement in the publicly available figures. Those top 100 locations are all now in the north of the State. Do you agree that that is the case?

Mr CARLON: Look, I do not have that specific information in front of me. I will be able to take that question on notice and provide further information.

The Hon. JOHN GRAHAM: This appears to be a catastrophic failure of the administration of this scheme where there is no mobile speed camera enforcement in the south of the State. Are you aware of that or not?

Mr CARLON: I would say that is not the case that there is no mobile speed camera enforcement in the whole of the south of the State. That is, again—

The Hon. JOHN GRAHAM: How many fines have been issued in the southern contract area since 1 July?

Mr CARLON: Again, as I said, I will take that question on notice and provide further information.

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The Hon. JOHN GRAHAM: You cannot tell us which of these two companies it is. Some of these companies have been controversial. Redflex, for instance, had a high profile corruption legal action against it in 2016 in the US. Is that the sort of thing that should be assessed during the tender process?

Mr CARLON: Yes. If I could just correct the record. That particular accusation around what happened in the US, there was an independent inquiry associated with the contract in New South Wales and the operation of Redflex in Australia and it needs to be totally disconnected from that US event. That is on the public record.

The Hon. JOHN GRAHAM: Understood.

Mr CARLON: So that is not the case.

The Hon. JOHN GRAHAM: Thank you. In that southern area how many mobile speed camera cars are being operated? Do you have that detail?

Mr CARLON: I do not have that detail to hand but I can provide that information on notice.

The Hon. JOHN GRAHAM: Can you tell us how many cameras are actually operating in that southern area of the State where no fines appear to be issued?

Mr CARLON: I can provide the information on notice and noting that the number of cars is not the contract requirement. The contract requirement is for the delivery of a number of hours of enforcement—

The Hon. JOHN GRAHAM: Would you tell us how many cars, how many cameras, how many hours—that would be helpful—in this southern contract region, as you explain why they have lapsed to zero? The decision was made to split this contract in two and issue to two different companies. When was that decision made?

Mr CARLON: There was an open tender process, which put the contract into market. My recollection, but I can confirm, was in December and closed in late February, but I can provide that information on notice. A competitive tender process was run throughout New South Wales and these were the two successful contractors.

The Hon. JOHN GRAHAM: How many companies tendered?

Mr CARLON: Again, I can provide that information on notice.

The Hon. JOHN GRAHAM: The tender details state:

Transport for NSW has decided to return to the market for MSC services to ensure best value and explore a multi-vendor approach.

Who made the decision to finally adopt that multi-vendor approach?

Mr CARLON: My understanding is that every occasion where we have gone to the market for speed camera operations in New South Wales we have actually put out for an open tender for multi-vendor approaches. That is the way in which the tender operations have been conducted, as I recollect, in every instance.

The Hon. JOHN GRAHAM: The tender itself requires the company to have the following:

... a demonstrated ability to satisfy the statement of requirements as well as to perform the services.

Given that these services are not being provided by one of these companies, how did they get this contract?

Mr CARLON: I just reiterate that the rollout of a contract is happening currently and will reach the 21,000 hours by the end of the year as previously announced and the contract companies will be meeting those requirements under the contract.

The Hon. JOHN GRAHAM: How many hours are being delivered in Wagga or Queanbeyan or the south of the State at the moment? Can you tell us that?

Mr CARLON: Again, I do not have that information in front of me. As I said before, I will take that on notice.

The Hon. JOHN GRAHAM: But this company was supposed to demonstrate it could perform the services before it was issued the contract. It is also required to supply:

... resource capability and availability, including the quality of transition.

How did you test these things as the contracts were issued?

Mr CARLON: Again, I will take that on notice, noting that in general, as I said, there is a rollout of the program building up until the end of this year to 21,000 hours and both contractors are on a path to meet that requirement by the end of the year.

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The Hon. JOHN GRAHAM: Mr Carlon, they are not on track at the moment; it is at zero. Those top 100 locations, none of them are in one of these two contract areas. What assurance can you give us that this will actually be on track? Do you have concerns or are you comfortable that this is what was supposed to happen?

Mr CARLON: Again, I think I have said that I will take that on notice in terms of the details of the rollout of the contract and provide that information.

The Hon. JOHN GRAHAM: Is one of the milestones for this contract actually fining anyone for speeding in July 2021? Is that a requirement of the contract?

Mr CARLON: The specific requirements of the contract are to provide up to 21,000 hours of enforcement across the network in New South Wales. As I said, I can provide on notice the information that you have requested.

The Hon. JOHN GRAHAM: You cannot tell us at this point which of those two companies operates the southern region?

Mr CARLON: My recollection is that it is Acusensus.

The Hon. JOHN GRAHAM: Are you aware that Acusensus employed, from I understand March 2020, former Deputy Premier Troy Grant? His role was reported as being:

... facilitation of relationships and client introductions, particularly in relation to road safety and policing agencies.

Mr CARLON: No, I am not aware of that.

The Hon. JOHN GRAHAM: I might come to you at this point, Mr Sharp. Since March 2020 have any of your officials met with, talked to or received representations from former Deputy Premier Troy Grant in relation to his role with Acusensus?

Mr SHARP: I am personally not aware of that and I would have to take it on notice to canvas management and revert to you.

The Hon. JOHN GRAHAM: If you could take it on notice, Mr Secretary, I would appreciate it. I think you can understand the concern that this company seems not to be delivering the contract, for whatever reason. Perhaps it does not have the cars and the cameras. It does have a former Deputy Premier working for it; that seems to be its one asset here. If you could check that on notice I would appreciate it. Mr Secretary, are you aware that no fines for speeding are being issued across half the State under the agency's administration?

Mr SHARP: Thank you for that question. In respect to individual contract performance, no I am not aware of that. In respect to the actual details, the information has been taken on notice to provide to you. What I would say is that we do, as a general comment, with our procurement processes have detailed performance indicators that are in the contracts and there are specific review periods typically nominated in those contracts.

The Hon. JOHN GRAHAM: Mr Sharp, I am looking at the top 100 fines here, the locations across New South Wales. They are all in the north of the State—Carlingford, Forster, Blacksmiths, Northmead, Port Macquarie, Muswellbrook, Forest Hill, Lane Cove, Yamba—100 different locations, all of them in the north of the State, none of them in the south. Do you believe this is acceptable?

Mr SHARP: As I indicated, we will need to get back to you in respect to the actual data that underpins your question and we will respond to that. I do not have the facts with me to be able to comment on that specifically.

The Hon. JOHN GRAHAM: Why have you not been told? This is a catastrophic failure of a high-profile road safety scheme and you appear unaware of this altogether.

Mr SHARP: If there are issues relating to a contract, the processes would be to escalate those up through the executive chain. I am not aware of that particular issue that you are highlighting and the data will come through to you with commentary on that, as previously advised.

The Hon. JOHN GRAHAM: If this program did catastrophically fail in the way I am suggesting—and I am happy to provide this list of fines to you—would you expect to have known?

Mr SHARP: Sorry, I am not understanding the question. Would I expect to know?

The Hon. JOHN GRAHAM: Would you expect to have been briefed if a catastrophic failure of administration like this had occurred?

Mr SHARP: Thank you for that question. This comes to the protocols around issues that arise within a large organisation. There are typically escalation paths on contracts and if they are contracts that do impact on our

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ability to deliver essential services or the safety of the public, then yes, the expectation would be that that would be escalated to myself.

The Hon. JOHN GRAHAM: Yes, and that has not happened. Do you think it is appropriate that drivers are receiving record fines in the north—they have gone up again in July—meanwhile in the south of the State pretty much anything goes? We appear not to be regulating speeding at all with these mobile speed cameras. Will you investigate this issue?

Mr SHARP: As indicated, we have taken on notice to actually secure the data that you have requested and provide the commentary back to you on that.

The Hon. JOHN GRAHAM: The data is publicly available. I am asking you whether you will investigate what is going on here, Mr Secretary.

Mr SHARP: Yes. We have indicated to you that we will explore that data. The question you have raised is in regard to the contract and the mix of fines. From a public perspective the agenda for us is very much to have fines. In the north you talk about record fines. We are looking at changing the behaviour of drivers, unsafe behaviours, and this is very much part of the rollout. In respect to your question to the southern side, I have taken that on notice and will revert to you accordingly.

The Hon. JOHN GRAHAM: Does that not beg the question: Does the same principle not apply in the south of the State—in Wagga, in Queanbeyan and in the south of Sydney? This is not anywhere, anytime; this is exclusively now in half of the State.

Mr SHARP: I have taken the question on notice and we will revert specifically to you on that question.

The Hon. JOHN GRAHAM: Thank you. I will hand back to the Chair.

The CHAIR: Thank you very much. Mr Banasiak?

The Hon. MARK BANASIAK: Thank you, Chair. I go back to some more questions on that proposed ferry service, Mr Collins. Picking up from the Chair's questions about the length of the wharf, you mentioned it obviously still accommodates certain vessels but you did not go into detail as to what proposed ferries will be used for this service. Do you have any indication as to what ferries will be used, what size and class?

Mr COLLINS: Thank you for the question. I have not got any details of the types or classes of ferries, in these early days. I think the area we mentioned, and I think you understand, would not be for large vessels similar to a Freshwater class because of the conditions and the access and the numbers of people involved. We very much see that this could be a similar sort of operation to our friends at Tribal Warrior obviously working with the La Perouse alliance. We understand that they have a number of proposals, but it is early days. We are certainly looking for a vessel which is suitable for the environment, can deal with those conditions across obviously the entrance to Port Botany area and understanding what that means. But it is early to say which type or class of vessel will be operating.

The Hon. MARK BANASIAK: Are there any vessels that you can rule out based on the 4,500-page EIS directly?

Mr COLLINS: Thank you for the question. I personally am unable to provide that information. I think we obviously would consider that on a case-by-case basis but I think our experience in operation of other locations of a similar nature mean that there will be certain vessels which will not be suitable and others which will be ideally operated. But that will come through obviously further consultation, discussion and will be released as part of our proposals.

The Hon. MARK BANASIAK: In answer to questions from the Chair you spoke about the purpose of this ferry service. I have a few questions around that because the purpose seems to be multiple vessels or unclear. Recognising that there is a purpose there to connect with the Aboriginal communities, it was raised in the consultation that perhaps a more cost-effective way of doing this would be a bus service. However, that was quickly dismissed saying that it takes nearly two hours by bus to take that route. But a quick Google search will tell you in peak time it will take 45 minutes. I am wondering where that two-hour figure in the EIS was plucked from?

Mr COLLINS: Thank you for the question. I cannot give you specific details. Having driven probably from Kurnell on various occasions and from other locations, I can tell you pre-COVID times sometimes it took me an hour just to get through Cronulla, let alone get to La Perouse. We also know it is a very circuitous route and the operation obviously of a ferry service is not just about time savings. This does open up the opportunities for the National Park, for example, which is a fantastic walk. Unfortunately it is only available to us within the local government area at the moment. But I would say the opportunity of both La Perouse and Kurnell and the

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National Park, this is what this ferry is about; it is not just about providing a door-to-door service for people to get from one side of Sydney to the other.

The Hon. MARK BANASIAK: If that is the case, why does the business case, which I think is appendix K, state that 40 per cent of it will be commuter traffic, which is non-visitor, and only 6 per cent will come from new visitors? You pick up there and say that this will be a significant boost in new visitors through the National Park, but that does not seem to resonate with the figures that are included in the business case.

Mr COLLINS: Forty per cent, less than half of the people who will be using that service, may be commuters rather than others. The other 60 per cent we believe will be a mixture of new people arriving, but also people who wish to extend their exercise and experience from one side of Port Botany to the other. Certainly, as far as we are concerned, it has a multiple opportunity here—a bit like the Bundeena ferry does and has been doing since 1939. It has provided a service for those regular commuters but also those people who want to explore another great Royal National Park. But, it is early days. What we are very interested in is talking to the community and businesses and understanding what can be provided and the opportunities there for opening up this area on both sides of the land.

The Hon. MARK BANASIAK: Where have those figures been drawn from for the breakdown of visitors?

Mr COLLINS: I have not got the details. I imagine they were provided by our own customer strategy and technology team or have done some survey work to understand. We can certainly through that consultation document and information provided to the public, we can share the source of that assessment of 40 per cent who will be commuters.

The Hon. MARK BANASIAK: On notice could you provide to the Committee in some detail where those projections have come from?

Mr COLLINS: Yes, I will have a look and see if we can provide that information to you. I certainly think it has been provided as part of the assessment.

The Hon. MARK BANASIAK: Can you tell us in detail what is the proposed width of the wharf? The length is mentioned once in the EIS, which is at 180 metres, but there is no mention of the width of the wharf. I know it mentions the wharf head being 10 metres wide but not the wharf itself. Do we have those figures?

Mr COLLINS: I think I did answer this through the Chair. I do not have that information to hand. I am not sure whether that detailed information is available yet. But if it is available in terms of average or understanding of what the wharf width will be, we can certainly provide that on notice.

The Hon. MARK BANASIAK: Would it not have been critical to the EIS to have the full footprint in understanding the environmental impact? I am a bit puzzled that you would include the length but have no indication of what the width would be. It just seems a bit nonsensical to me.

Mr COLLINS: It may well be available; it may not be to the nearest millimetre but it may well be available. We will take that on notice. Obviously, there are a lot of considerations in detail design, but if it is available I will make sure that it is provided to this Committee.

The Hon. MARK BANASIAK: Digging a bit deeper, in November last year there was a Future Transport 2056 South East Sydney Transport Strategy, which seems to make La Perouse into a bit of an intermodal transport hub where that ferry connects. It proposed a four-stop, ultra-fast metro service to the CBD, a metro airport link via Randwick, three rapid bus services providing the same service. All those projects seem to connect and interconnect with the potential for a cruise terminal in Yarra Bay. Are these projects interconnected or interdependent on each other, including the proposed cruise terminal in Yarra Bay?

Mr COLLINS: I may refer the 2056 strategy to Mr Sharp, but let me just give a general comment on that. Obviously, the proposals to the south-east area are a long-term plan. There were long-term plans in the twenties for this area as well, people will remember. Certainly, as far as the impacts and the proposal regarding the cruise ferry terminal, I have not got any further information. Maybe Mr Sharp would like to comment generally about the 2056 strategy and the intent of this regarding that particular area.

Mr SHARP: The 2056 vision statement is actually looking at the south-east. There is a recognition that there is a lot of growth there, there is a lot of travel and over time transport solutions will be required. The metro agenda is currently focused to the west and the connectivity across multiple modes is a key element of the planning that we do. The actual detail plans come through separately to the vision. The vision is that long-term stake in the ground. The aspiration around where modes might travel and how they might connect, the actual detail planning will come through as it is prioritised by government and funding becomes available to deliver. The combination

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of different modes does make sense around key areas of population or where there are significant transfer opportunities between modes of transport. As a general comment that is the driver behind the vision.

The Hon. MARK BANASIAK: Thank you. I might press further when I have another opportunity.

The CHAIR: Thank you, Mr Banasiak. I found my final set of ferry questions which I will direct to Mr Collins and then I will move on to a separate issue. I wanted an update on where the Glebe ferry was at? I understand the trial ended in April 2020 and there was very strong community support for that Glebe ferry service. Understandably COVID may have got in the way, but what is the current plan for that service?

Mr COLLINS: You are absolutely right. Proposals for changing and enhancing the ferry services have been under review and put on hold in many respects because it has been the hardest hit under the COVID numbers. Less than 5 per cent of people were using the ferries at the height of the pandemic and those numbers are still not increasing. We do certainly have a plan going forward to examine a lot of options, enhancing the existing service, looking at other destinations for ferries because we recognise that Sydney Harbour is a fantastic opportunity for people to travel, not only for commuting purposes but also for leisure purposes and we seek them for that part of the strategy. I do not know whether my colleague Ms Bourke-O'Neil wants to comment generally on the ferry strategy for Greater Sydney, for example, but certainly that was an area we are very interested in and will be in the future. I pass to my colleague if that is okay.

The CHAIR: Thank you. Ms Bourke-O'Neill, if we could focus particularly on the Glebe ferry and what is going to happen with that, that will be very useful.

Ms BOURKE-O'NEIL: Thank you for your question. I do not have any details on the Glebe ferry service. I will take on notice to come back to you with some more on that.

The CHAIR: Thank you, that will be very useful. Could we talk about WestConnex? I am not sure who to direct that to, so I will start with Mr Collins and you may direct to someone else if appropriate. As I am sure you are aware, a Rozelle homeowner and his son were reported in the news as having been sent two pairs of noise-cancelling headphones and a respite deed after complaining to WestConnex contractor John Holland about the unbearable noise caused by the boring machines underneath their home. How many residents have been asked to sign such deeds that limit their ability to pursue further compensation from the project, or to talk to the media?

Mr COLLINS: I would like to ask my colleague Ms Drover to specifically answer the question as she is responsible for infrastructure and projects.

The CHAIR: Thank you. Ms Drover?

Ms DROVER: The Rozelle Interchange is being delivered by its contractor, obviously, and they are responsible for complying with the conditions of approval for the project. A part of that, of course, is ensuring that noise is mitigated and addressed on the way through. As part of the conditions of approval there are a number of mitigation measures that are offered to the community to address the noise issues. They do include the noise-cancelling headphones. There are a range of other measures that are part of the offering as well. Accommodation away from home is also offered if necessary. There are a whole suite of measures that are offered. A number of sets of those noise-cancelling headphones have been handed out to the contractor for the community, and we are of course aware of that media. In fact, that media did generate more awareness that those headsets were available and we have actually had an uptake in the community of those noise-cancelling headsets. It is obviously more challenging at the moment when people are working from home and at home, given COVID-19 and they are, therefore, more aware of the noise impacts of the construction projects. The contractor is taking special measures and greater awareness in the community of what can be done to mitigate those impacts.

The CHAIR: Thank you and I am sure that is certainly better than nothing, to receive those noise-cancelling headphones. I am particularly interested in why the contractor was using deeds and requiring residents to sign deeds to say that they would not seek any compensation and that they would not talk to the media about it. Were you concerned by the report in relation to those deeds? Were you aware?

Ms DROVER: We obviously did see that report in the media. I do not have any particular information but I can take on notice and see what we can provide. The contractor needs to meet its obligations, that there was no involvement of Transport in those deeds. But, as I said, we can take on notice to come back to you about those deeds.

The CHAIR: Thank you. If you could take on notice how many of those residents have been asked to sign those deeds. Also if you could take on notice what the department's response has been in relation to that report and whether or not you have contacted John Holland with any concerns. That would be very useful.

Ms DROVER: Happy to take it on notice.

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The CHAIR: Can you tell me how many properties have been damaged by WestConnex so far?

Ms DROVER: A bit of context: Any damage that does arise out of the WestConnex project is the responsibility of the contractor and WestConnex. There have been a number of cases of claimed damage from property owners. Those matters are in the first instance dealt with between the property owner and the contractor. If they are not satisfied with the outcome of that process they can escalate it to WestConnex. Then we also now have the Independent Property Impact Assessment Panel [IPIAP]. That is an independent panel. It is independent of Transport, WestConnex and the contractors. It has a three-person panel, structural expertise and geotechnical expertise. Property owners that believe they have been subject to damage, they can make their case to that panel. They assess the cases and they determine on behalf of the property owners.

The CHAIR: As part of the contractual arrangement that you have with the contractor, is there nothing in the contract in relation to standards of behaviour for the contractor, any key performance indicators [KPIs] in relation to damage, for instance?

Ms DROVER: Yes, absolutely. Obviously, they need to comply with the conditions of approval and part of those is very extensive monitoring, both pre-construction, during construction and both at the surface and also below ground. The other thing that the contractor is required to do, for every property that is within 50 metres of the tunnel alignment they need to do a pre-construction survey. That is at no cost to the property owner and that is offered to everyone within those parameters, 50 metres from the tunnel. That establishes the condition of the property before construction commences. Then that survey is done after construction is completed. Therefore, you can assess whether any damage has occurred on the way through. But over and above that of course there is very, very extensive monitoring of the works as they proceed.

The CHAIR: As part of that contractual obligation then, or set of contractual KPIs and the fact that this is being monitored, presumably there is a significant amount of information coming back to the department about the amount of damage and how much compensation is being claimed. Is that correct?

Ms DROVER: Yes, there is a very significant amount of information, monitoring information that is recorded. Rainfall data and other environmental data is also collected, because obviously with clay soils, they shrink and expand with weather conditions, et cetera. All that information is collected. If the matter is escalated to that IPIAP panel, that information is provided to the IPIAP panel. The IPIAP panel also has the ability, with the consent of the property owner, to go out and do a site investigation. That is obviously a little bit more problematic of late with the COVID-19 restrictions, but that is the intent, to have this independent panel. Regardless of what the contractor is saying, WestConnex or ourselves can look at the facts, the data, and make an independent determination for that property owner.

The CHAIR: Could you take on notice how many properties have been damaged by WestConnex so far, how many residents have received compensation for damage to their homes and what the average value of compensation received is?

Ms DROVER: Okay. I can say that 51 matters have been escalated to the IPIAP panel and that is right across the WestConnex portfolio. I think there is only one item that has been escalated for the Rozelle Interchange to date. There are just a handful for the M4-M5 Link. The majority are cases that arise out of the M4 East property matters. I believe just over half of those matters have been through the IPIAP process and been determined. But I can take on notice the other parts of your question.

The CHAIR: Thank you very much. We have 1½ minutes left. Does the Opposition want to grab that time with a quick question?

The Hon. DANIEL MOOKHEY: I do. Mr Secretary, this is to you. Are you going to be mandating vaccines to Transport for NSW staff and other public transport workers?

Mr SHARP: Thank you for the question. We follow public health orders and take advice from whole-of-Government policy positions. At the moment what we are doing is actually risk assessing all of our operations, the types of activities, the locations and geographies and also the mobility risks. As we transition out of COVID, particularly this delta variant, we are actively working through where those risks are.

The Hon. DANIEL MOOKHEY: Mr Sharp, as you would have heard the Chair say, my time is limited. The question is: Are you contemplating mandating vaccines for Transport for NSW staff and other public transport workers?

Mr SHARP: There is no policy to mandate. What we are doing is working through all the risks and risk assessments to actually understand that and we will also be consulting with our staff and unions in regard to any matters that come out of that risk assessment.

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The Hon. DANIEL MOOKHEY: Thank you. I appreciate that, Mr Sharp. I did ask some of these questions to the Department of Premier and Cabinet. I am aware that it is developing guidance as well. Have you sought any legal advice as to whether or not you have an obligation under workplace health and safety to check vaccination status and mandate it? Equally have you sought any legal advice as to whether you can restrict or otherwise take actions against employees if they refuse to get vaccinated?

Mr SHARP: Thank you. In regard to the evidence from the Premier's Cabinet, I cannot comment on someone else's evidence. In regard to Transport for NSW, there is quite clear legislation in regard to responsibilities for the safety of workers and there is an obligation to take reasonable activity and actions to ensure the safety of our workers. There is also quite specific legal obligations around the protection of data of our staff. So in regard to whether our staff are vaccinated, that is a private matter for them and we cannot collect that unless it is for a specific lawful reason under the public health orders.

The Hon. DANIEL MOOKHEY: To conclude then, when will we have a policy for Transport for NSW that you can tell the public and you can tell the travelling public as well as to what exactly is the vaccination policy that applies to the staff who are carrying them?

Mr SHARP: The policy is actually set out in the public health orders and the current regulatory environment. What we are doing is actually actioning our responsibilities, which are clearly articulated around us taking reasonable care and due care of our staff and we are working through that process. It is a challenging time for everyone because the COVID delta strain in particular has been evolving and there have been a number of public health orders, as you are aware. So that also factors into how we take care of our staff, and there have been a number of immediate actions that we have put in place to also support the safety of our staff whilst we are going through this transition period.

The CHAIR: Thank you. Our time for this part of the hearing is up. We will take a quick break and be back at 11.15 a.m.

(Short adjournment)

The CHAIR: Welcome back. We will start with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Mr Secretary, just a few final questions about the ferries. Given that your recent test for the new ferries suggested that you are only testing capacity for 200 passengers and it is taking more than 15 minutes to unload them, is it the case, is it not, that we are just not going to have enough capacity to carry passengers when summer peaks? Is that right?

Mr SHARP: In regards to the actual testing of the numbers, I would have to pass to Mr Collins in regards to the actual test details and the numbers that you referred to.

Mr COLLINS: Mr Mookhey, which class of ferry and which 200 are you referring to, just to clarify?

The Hon. DANIEL MOOKHEY: The Emerald class.

Mr COLLINS: The great advantage of the proposal is that we know—we are using the Emerald class every day now and we have another three arriving very soon—is that the frequency of service that we intend to provide for the Manly F1 service will be every 20 minutes. We are proposing to have a mixture of the Freshwaters at this stage, particularly at weekends. The high frequency will allow us to move more people. We have carried out, I believe, a test for 200. Those tests have shown that we can move people on and off the ferries relatively quickly and we certainly believe that the service frequency will ensure that people will get more quickly between Circular Quay and Manly.

The Hon. DANIEL MOOKHEY: Thank you, Mr Collins, that is helpful. In that test that you just confirmed about 200 passengers tested on the ferry, did it take more than 15 minutes to offload those 200 passengers? If so, why have we bought them, given that we can unload 1,100 passengers from the Freshwater class in under 10 minutes?

Mr COLLINS: I do not have to hand the details of those tests, so I will take that on notice. We have already found that with the current Emerald class, which are identical in many ways to the further three we have ordered, that, as far as I am aware, we have not had any boarding or alighting issues. Whilst the arrangements at Manly are different, as you know, with the Freshwater and the two-deck configuration, regular use of these ferries on the Manly service have not given us any increased delays even pre-lockdown and the numbers we are seeing recently. But obviously we will work through and understand those issues.

The Hon. DANIEL MOOKHEY: Mr Secretary, the transport Minister announced that he intends to electrify smaller harbour ferries, including the River-class fleet. How much is that going to cost?

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Mr SHARP: Electrification is a key agenda item in our sustainability strategy. It is subject to the normal business case processes that we pursue. Those costs are subject to—

The Hon. DANIEL MOOKHEY: Has this proposal been subjected to a business case, Mr Sharp?

Mr SHARP: No, this is a conceptual stage of the vision. Our 2056 vision very clearly states that sustainability is a key focus on agenda for Transport. The New South Wales Government has also articulated its policy around achieving emission reductions of 35 per cent and 50 per cent by 2050. These strategies flow from that. As I mentioned, the concept then gets taken into a business case stage and that is where we need to look at health benefits and other broader benefits to justify the expenditure.

The Hon. DANIEL MOOKHEY: To be fair, when the Minister made this announcement on 11 June, he did not say it was conceptual. He certainly did not reveal that it had not been to a business case. Were you actually told about this announcement prior to the Minister making it?

Mr SHARP: I can confirm that electrification of ferries is something that I am very aware of. In fact, I attended a meeting with the Minister—

The Hon. DANIEL MOOKHEY: No, I appreciate that.

Mr SHARP: —to discuss it.

The Hon. DANIEL MOOKHEY: I appreciate the Minister's passion for this because at various forms of budget estimates he has told us a great length, so it is not a shock that he intends to electrify ferries and it is not necessary that we quibble with that. My specific question to you, Mr Sharp, was about this conceptual announcement. Were you told about it before the Minister made it?

Mr SHARP: Yes, sir, I was aware of it. As I just indicated, I have been in meetings with the Minister and some suppliers who talk to the electrification of ferries. We have a technology group that sits in my team that explores where these technologies are at and we explore a number of these options and talk to a number of these options regularly.

The Hon. DANIEL MOOKHEY: Thank you, I appreciate that, Mr Secretary. Can I say, in respect of the Minister's announcement committing to electrify the Sydney train network, is that equally at the conceptual stage or has that progressed to the business case stage?

Mr SHARP: In regards to the electrification of the rail, Sydney Trains is electrified. It has a very broad electric spread right up to the north and up into the mountains.

The Hon. DANIEL MOOKHEY: I appreciate that it is electrified, so let me rephrase. The proposal, I think, has shifted to a net zero position. Are we still in concept on that or has that progressed to a business case stage?

Mr SHARP: The movement of the electric elements of rail towards zero is an operational strategy. We have a number of programs that are focused on reducing the usage of electricity but also the contractual arrangements around how we procure electricity. That is live. Those agreements and contracts are in place and actioned as part of our operational processes to procure electricity.

The Hon. DANIEL MOOKHEY: I have a final question about the ferries, the Emerald class. Is it the case that Transdev has said that they are not going to take possession of them because they leak, they cannot survive swells and they have less capacity? And is it the case that you are likely to be heading into court action with Transdev any time soon?

Mr SHARP: At a macro level, what I would say is that when we contract the suppliers there are quite clear contractual commitments. We have a long-term acquisition and operational contract with Transdev. The contractual commitments are very clear in regards to those arrangements.

The Hon. DANIEL MOOKHEY: So are they likely to sue you or are you likely to sue them for the ferries not being up to standard?

Mr SHARP: The contract is that the ferries get delivered to standard and they are working through those issues. For example, some of the items you mentioned are part of the testing and implementation phase of a new product that comes into Transport for NSW.

The Hon. DANIEL MOOKHEY: Thank you, Mr Sharp. I want to move on now and ask you some questions about the Transport Asset Holding Entity [TAHE]. Treasury has told us that in their estimates that TAHE is going to be earning \$785 million in profit, predominantly from revenue that is paid by Sydney Trains and NSW Trains. How much is Sydney Trains paying TAHE this year?

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Mr SHARP: Transport for NSW has a number of contractual arrangements with the asset holding company. The asset holding company in fact has a number of contracts not just with Transport but also with a number of other organisations, including freight [disorder].

The Hon. DANIEL MOOKHEY: Yes, but my question is about Sydney Trains and how much Sydney Trains are paying TAHE.

Mr SHARP: In respect to the last financial year the amount paid was zero. The arrangements have only just been put in place for the access fees from 1 July. The contracts for standing up the TAHE operating model all kicked in from 1 July this year.

The Hon. DANIEL MOOKHEY: Sure, which, under the shareholder agreement, is late. But incidentally, on that regulatory access regime, how has Sydney Trains and/or Transport agreed to it, given that the Independent Pricing and Regulatory Tribunal [IPART] is yet to make it?

Mr SHARP: In respect to the asset holding company, the access fees are calculated and have been reviewed by Transport. There are a number of asset holding company structures that are out there and they all typically use a [disorder].

The Hon. DANIEL MOOKHEY: No, I am asking you specifically about this one. I am aware of the other ones, Mr Sharp, but I am asking you, given that the shareholder agreement required an independent regulatory access regime to be in place, there is not one in place. IPART has not done it and it is the case, is it not, that you have just agreed to what TAHE has told you; true?

Mr SHARP: In respect to the two elements of your question, the regulatory framework is in place for the regulated assets. So for regulated assets, the freight industry and others have a very defined contractual process and that remains in place. In respect to the charges that come to Transport, as secretary, I am needing to ensure that there is value for money from any fees that we pay. There has been an extensive exercise done by Transport for NSW reviewing the proposed charges and being comfortable that they represent value for money.

The Hon. DANIEL MOOKHEY: Thank you. Treasury—

Mr SHARP: Those are based on industry norms, very similar to the regulated assets.

The Hon. DANIEL MOOKHEY: Mr Secretary, Treasury said that finding a leader for this \$40 billion corporation was the responsibility of the Transport cluster, especially TAHE's board. If there had been a failure to secure a permanent leader, it really was Transport's job to call TAHE's board to account. Given that that was Treasury's view, why did Transport let a company the size of Telstra go without a permanent CEO for more than a year?

Mr SHARP: I cannot talk specifically for TAHE, but in regards to the timings, the first year was used to actually set up the entity. Very complex commercial arrangements and contract negotiations occurred over several months. There was an interim CEO during that phase and my understanding was that, at stand up, TAHE was looking to have a permanent CEO appointed. That CEO is now in place and commenced on 1 September.

The Hon. DANIEL MOOKHEY: Transport Secretary, Transport's own documents flag the need to have a permanent CEO on day one. The shareholder agreement that TAHE executed with the Treasurer and the finance Minister said that it would have permanent leadership. The idea that somehow that was just a job to get around to once the organisation took control of \$40 billion is not true. Your own documents reveal that. Why, yet again, did Transport allow this to take place? Incidentally, given that you are on the TAHE board, what is the TAHE CEO's remuneration?

Mr SHARP: In respect to my role on the board, as any non-executive director, the information that is covered in the board is confidential and you would need to refer that specific question to the TAHE organisation.

The Hon. DANIEL MOOKHEY: I did, for what it is worth. I also asked the Treasury Secretary and the Treasury team. They made it clear that the Treasurer had signed off on remuneration arrangements but said that the specific level of remuneration was a decision for the transport Minister to provide concurrence. Given that you are on the board and given the portfolio Minister has to provide concurrence, I am asking you in your capacity as Transport Secretary, not in your capacity as a TAHE director—but I am sure you know—what is the TAHE CEO's remuneration and why is it such a secret?

Mr SHARP: The Transport for NSW role of secretary is not to set the remuneration of the TAHE CEO. That is the responsibility of the board and that question needs to be specifically addressed to TAHE in that responsibility. As secretary, I do not have input into the setting of the remuneration of another entity within government.

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The Hon. DANIEL MOOKHEY: I appreciate that you are not prepared to tell us as either the Transport secretary or as the TAHE board director, so I will move on. We recently found out that Transport was seriously considering turning itself into a for-profit corporation to prop up how TAHE is treated in the budget. Are you still secretly planning to turn Transport for NSW into a for-profit corporation?

Mr SHARP: Turning Transport into a for-profit organisation is not something that I have heard of or is in the agenda that I have, so I am not sure—

The Hon. DANIEL MOOKHEY: Well, it was recommended—

Mr SHARP: —where the reference to the question comes from.

The Hon. DANIEL MOOKHEY: Well, I refer you to some of the media coverage that I think was on the front page of the Herald maybe two weeks ago, but I appreciate you may not have seen it. I am referring to the PricewaterhouseCoopers report that was prepared for Transport for NSW in December 2019 that recommended that Transport for NSW turn itself into a State-owned corporation with a responsibility to make profit in order to prop up the TAHE budget treatment. That is the context. You might not be aware of it.

Mr SHARP: Thank you for the clarification. [Disorder] Yes, I am aware of the Pricewaterhouse report. In fact, there was a number of structuring options that were canvassed in that. My understanding is that the key focus was actually on the number of accounting and potential structuring approaches for TAHE and that the new accounting standards were being looked at. To answer your specific question around we are looking to be for-profit, the answer is no.

The Hon. DANIEL MOOKHEY: When did that work cease?

Mr SHARP: I believe the last report was issued in 2020—

The Hon. DANIEL MOOKHEY: So this work continued—

Mr SHARP: —as a follow-up to the 2019 report.

The Hon. DANIEL MOOKHEY: Right, so there was a second report that recommended or canvassed this option?

Mr SHARP: There was simply an update, I understand, of the 2019 report, which was around accounting standards and implementation of operating models.

The Hon. DANIEL MOOKHEY: Did that recommended that the idea continue on or did that recommend that the idea be abandoned?

Mr SHARP: I would have to take on notice that specific question on the follow-up report.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide us a copy of the follow-up report or am I testing our friendship, Mr Sharp?

Mr SHARP: I will take that on notice.

The Hon. DANIEL MOOKHEY: Thank you. Mr Sharp, your predecessor raised serious concerns about the risks that the TAHE model poses to rail safety. What steps have you taken to assure yourself that TAHE poses no risk to rail safety?

Mr SHARP: Any secretary would have rail safety as a number one priority, and it is certainly my number one priority—not just over our staff but for all the commuters and people who travel on the broader rail network. The safety approaches have remained unchanged. We are responsible for the operations of the rail network and part of that is maintenance.

The Hon. DANIEL MOOKHEY: Yes, but I am asking you what steps you have personally taken to assure yourself that TAHE does not pose any risks to rail safety. Have you taken any?

Mr SHARP: I have been intimately involved in the discussions around safety and the development of the commercial agreements over the past five or six months. The reason for that is that it is important that Transport maintains responsibility, accountability and the ability to underpin safety, and a key element of that is maintenance. The budget for maintenance, the strategy for maintenance and the responsibility for maintenance sits with me as secretary, so I have personally—

The Hon. DANIEL MOOKHEY: But as secretary, have you commissioned or ordered Transport to complete a safety risk assessment for itself on how TAHE is operating now and how it is expected operate in the future?

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Mr SHARP: There were specific risk assessments performed during the set-up of TAHE and our—

The Hon. DANIEL MOOKHEY: I am asking in the last year.

Mr SHARP: —safety team was specifically involved in the commercial agreement development. We also liaised with the safety authorities during that process as well.

The Hon. DANIEL MOOKHEY: Sure, but TAHE has been operating now for more than a year and you have been secretary—I accept you have come into the secretaryship in recent times. Have you commissioned a safety risk assessment on TAHE and how it operates and how it is expected operate given, as you pointed out earlier, that its commercial arrangements are ongoing, it has just had its new leader put in place and it is still in the process of being stood up? When was the last time Transport commissioned a safety risk assessment for itself on how TAHE is operating?

Mr SHARP: When you say commissioned a safety review, we have actually performed safety reviews on this extensively.

The Hon. DANIEL MOOKHEY: When? When was the last one, Mr Sharp?

Mr SHARP: The last one would have been in the last three months during the process of me coming on board. As you rightly questioned, what did I personally do to satisfy myself on the safety? I have concluded that the safety is absolutely underpinned by the commercial agreements and we have maintained the controls to ensure a safe operation.

The Hon. DANIEL MOOKHEY: Given that you have just said that you have maintained the controls to ensure a safe operation, how then is it possible that we should be treating TAHE as an organisation which is genuinely independent of government? Can you explain to me how you resolve that contradiction?

Mr SHARP: Asset holding companies are quite common and there are various activities that sit with them. For TAHE, there are regulated assets and, primarily, those are the assets that Transport uses. So these are the rail tracks, for example, the Country Rail Network. There is also infrastructure that we use 100 per cent in our own right, such as railway stations, and there are access fees paid for those.

The Hon. DANIEL MOOKHEY: Do you control—

Mr SHARP: TAHE also has unregulated assets that it makes a commercial return on. So in terms of the structure, TAHE is effectively an owner of assets, not an operator or retainer of assets.

The Hon. DANIEL MOOKHEY: No, I am aware of that. I guess my final question is: Transport for NSW controls the maintenance?

Mr SHARP: Correct.

The Hon. MARK BANASIAK: Just picking up on the Chair's questions around WestConnex, I might go to Ms Drover. Around June and July this year there was a significant privacy breach by WestConnex where it and the Government published the full name, address, lot name and whether the property was under mortgage and who with in the *Government Gazette*. Firstly, how often has this privacy breach occurred? Is this a standard practice that we publish the personal details of people potentially having their land compensated for in the *Government Gazette*?

Ms DROVER: I am not familiar with the instance that you are referring to. I assume it relates to property acquisition.

The Hon. MARK BANASIAK: Yes.

Ms DROVER: I will have to take it on notice and come back to you with what information we can on the specific incident. But, yes, as you rightly say, it is not practice to disclose the personal information of property owners that we are acquiring land from.

The Hon. MARK BANASIAK: When taking that on notice can you come back to us with how often this has happened, was this the first time someone complained about it and what steps the department is taking to ensure that this does not occur again?

Ms DROVER: Yes, I am happy to take that on notice and see what information we can bring back.

The Hon. MARK BANASIAK: Thank you. Going back to Mr Sharp, you gave some detail about the 2056 transport plan. You were talking about the vision and aspirational targets and then there are finer details. Is it an aspirational target that all these projects listed within this 2056 South East Sydney Transport Strategy are linked with a proposed cruise ship terminal at Yarra Bay?

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Mr SHARP: Is that a statement or a question?

The Hon. MARK BANASIAK: Is it part of the department's aspirations that all these projects somehow link as well to the proposed cruise ship terminal at Yarra Bay?

Mr SHARP: I cannot specifically talk to that. The long-term plan, as I mentioned earlier, is to ensure connectivity across key points and modal intersections. That is still the plan. In terms of a cruise ship, I am not across that particular point. I would have to pass over to Ms Bourke-O'Neil.

Ms BOURKE-O'NEIL: Thank you, secretary. No, I am not aware of the cruise ship terminal being directly connected into that 10-year blueprint, but I am happy to take it on notice and see if we can get some information for you during the hearing.

The Hon. MARK BANASIAK: Thank you. Sticking with you, Ms Bourke-O'Neil, unless you want to pass back to Mr Sharp, can you explain what the link with this ferry project is to Hayes Dock? Is Hayes Dock connected to this as well?

Ms BOURKE-O'NEIL: I will not pass back to the secretary. He has passed to me on this and I will have to take that on notice. I will pause for a moment and check-in with our chief operations officer, Mr Collins, to see if he has anything to add to this.

Mr COLLINS: No, I do not have any further information to provide at this stage. I am quite happy for this to be taken on notice.

Ms BOURKE-O'NEIL: We will take it on notice.

The Hon. MARK BANASIAK: While you are taking it on notice, it has been noted that Hayes Dock and Port Botany is the preferred site for the Royal Caribbean as an interim cruise ship terminal while Yarra Bay is being built. I will press a bit and ask for clarification as to whether there is a connection between Hayes Dock, these ferry services and the potential for a cruise ship terminal at Yarra Bay—if we can get some confirmation about whether there are any interdependencies, particularly with the economic viability of some of these projects. Are they heavily reliant on a cruise ship terminal being put in Yarra Bay? That would be appreciated.

Ms BOURKE-O'NEIL: Yes, I will see if we can find some information for you.

The Hon. MARK BANASIAK: I might go to another topic that may be for you, Mr Carlon, regarding the current proposals for the Marine Safety Regulation review. Would you be the best person to answer this?

Mr CARLON: Unless Mr Collins has information available on this specific question, we could see what that question is. Sorry?

The Hon. MARK BANASIAK: Yes, it is about the proposed regulations you put out. The Centre for Maritime Safety put out two options, particularly around life jacket wearing. The fact sheet states that there was an extensive evaluation and analysis process to evaluate the safety and stakeholder impacts of the reform and two options were developed. How does one evaluate stakeholder impacts without actually talking to stakeholders? Because every stakeholder that I know in boating and recreational fishing was not consulted on these proposals.

Mr CARLON: Yes, we are in a process of consultation right now on the broader Maritime Safety Plan 2026. Within that maritime safety plan were two options with regard to the extension and simplification of life jacket laws for adults. We have had a number of workshops with a range of stakeholders, including the Maritime Advisory Council, the Boating Industry Association and other stakeholder groups around the development of the Maritime Safety Plan 2026. It was through those consultations that a particular simplification of the current life jacket rules was raised as a priority. We are now moving forward again with four weeks of consultation on two options which have been developed for the wearing of life jackets to simplify the rules but also to extend them to vessels underway that are less than six metres in enclosed waters when underway and all vessels on open waters, in the open air of the vessel when underway. And another option, which is simply on all vessels that are less than six metres when underway and at all times for vessels that are less than six metres when boating alone or in alpine waters or in the [disorder].

The Hon. MARK BANASIAK: Yes, I have read the fact sheet, Mr Carlon, so we will not go into too much detail.

Mr COLLINS: If I could maybe add to that, we actually went live with consultation on Friday. There is a website that is available.

The Hon. MARK BANASIAK: I am aware of the website. My concern was more about the fact that the proposal, the plans and the options came up without wider consultation with stakeholders, particularly when you have a Recreational Vessel Advisory Group—or RVAG. The Recreational Fishing Alliance is part of that.

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The issue was never brought to that committee's attention. Why is that? It seems like a perfect opportunity. You have a group of users of recreational vessels and you did not consult them.

Mr CARLON: Actually, we launched the consultation process last Friday. We are inviting people to participate in the process now.

The Hon. MARK BANASIAK: My question is that you did not consult with these people when you came up with your two options. I do not think we are going to get an answer there. You talk about the simplification of the rules around life jackets and the vessels, and you mentioned six metres and 4.8 metres. What data or evidence do you have to suggest that raising it to six metres achieves increased safety? Do you have any data that points to six metres being a critical point in improving safety?

Mr CARLON: Yes. We have done some detailed analysis of all of the maritime associated drownings for recreational vessels in the last 10 years. The extension in option A to six metres and the requirements whilst underway, of the 98 lives that were presumed drownings as part of those incidents, where people tragically lost their lives, the analysis suggests that option A may save up to 56 of those lives had they been wearing life jackets. The extension cuts around 50 per cent of the additional vessels that would be regulated—50 per cent of the trauma. In option B, by extending to six metres that goes from 56 to 67 of those lives that would have been otherwise saved. Some 70 per cent of those people who drowned in boating incidents were not wearing life jackets at the time.

The Hon. MARK BANASIAK: May I ask you on notice to provide the source document for that research and that data, if you could, Mr Carlon?

Mr CARLON: I am happy to take that on notice.

The CHAIR: This is directed to Mr Sharp. You talked earlier about the Future Transport 2056 Strategy and identified the objective of sustainability, including the rapid electrification of transport in order to reduce greenhouse gas emissions. The electric and hybrid vehicle plan from 2019 was a document that was directed for you to produce under that Future Transport 2056 document. It identified that road transport emissions are the second largest source of greenhouse gas emissions and the fastest growing source and also one of the lowest cost opportunities for us to be able to reduce emissions. Was there anything in that document—because I have read it and I cannot see it—suggesting that we should put a tax on drivers of electric vehicles [EVs]?

Mr SHARP: The document talks about the mechanisms of achieving net reduction down from what is actually 19 per cent of the total emissions. Transport right across New South Wales is generating 19 per cent. The importance of your question is that achieving that is going to need to include addressing motor vehicles and light commercial vehicles. Whilst we have electrification of rail and others, we do acknowledge that the motor vehicle is still a main contributor to pollution. The actual vision statement of 2056 talks to outcomes, not necessarily the detailed mechanisms. My role is to take the 10-year blueprint and turn that into business plans and tangible deliverables for Transport for NSW. Those are underpinning achieving those objectives of the net zero. The actual package of motor vehicle investments includes a user charge and it includes incentives to get the motor vehicle industry going. This is to enable a faster take-up of electric vehicles in New South Wales.

The CHAIR: Could I perhaps put it to you that the package of reforms that was announced recently included a number of things which you already had in your electric and hybrid vehicle plan in relation to charging infrastructure and so on; none of that is new. What we had was a really quite controversial tax on electric vehicles embedded within—for marketing reasons, no doubt—a package of what you might call incentives but would be the bare minimum people might do to incentivise electric vehicle usage. It is a little bit like when I give my dogs their medicine wrapped in peanut butter; that is how I see the user tax. If we could just focus on the EV tax, it is correct to say, is it not, that it was not included in the 2019 document Transport produced for the electric and hybrid vehicle plan?

Mr SHARP: I would have to take on notice that exact document; however, I do note that a user charge is not a surprising element in that other jurisdictions have gone down this path. It is part of the solution of funding roads, given that, ultimately, the duties that are received through fuel will need to be replaced. The packages are a balanced outcome in terms of achieving that electrification agenda.

The CHAIR: Perhaps we could have an argument about whether replacing a Federal levy with a State revenue source is perhaps just opportunism, rather than—

Mr SHARP: That is one for the Government, I am afraid.

The CHAIR: My question then is: Given the transport Minister's quite outspoken opposition to the road user charge and the idea of a tax on electric vehicles, was Transport for NSW consulted on the Treasurer's plan?

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Mr SHARP: I am pleased to say that in my time here consultation across the clusters is working well and, yes, we were advised and also included in consultation. We provided quite a lot of the input to Treasury in regards to this. Ultimately, a new tax does sit with Treasury to issue but we were consulted and we provided input.

The CHAIR: Is Transport concerned that it will not be able to do its part in getting New South Wales to net zero emissions due to the introduction of a road user tax on EVs that could actually be a further disincentive for electric vehicle uptake?

Mr SHARP: Transport for NSW does see itself as a leader in delivering sustainable solutions. It is not about one single item. In reality, this is a very complex task and is multifaceted, so it covers all modes of transport. It includes incentives and they do need to be balanced. Ultimately, one item does not undermine a full sustainability agenda. In response to your question, I am satisfied that Transport will achieve its sustainability agenda. We have specific streams of activity; they are well advanced. We are pursuing it and Transport staff are passionate about doing their bit to address the challenges of climate change.

The CHAIR: As Secretary of Transport for NSW, do you intend to follow the electric and hybrid vehicle plan that was put out in 2019? Your earlier answers seemed to imply that you are looking only at the Future Transport 2056 document.

Mr SHARP: No, we have a number of strategy documents and inputs from a large number of people. We are evolving our strategies and we continue to put new plans out for consultation. In fact, we have just issued to the bus industry an e-bus strategy paper for input and we will continue to do these consultations and strategy engagement sessions because the technology is rapidly moving. Battery technology even two years ago was radically different to the battery technology that is available today. Likewise with the buses, we have buses getting manufactured in Australia, which are actually leading edge in terms of the battery and efficiency. So engagement is the key to it, and we will be agile in terms of getting inputs on those as these technologies develop and roll those into the broader plan.

The CHAIR: Did Minister Constance oppose the introduction of an EV tax when it was brought to Transport from Treasury?

Mr SHARP: I cannot talk for the Minister in that regard. You would have to ask the Minister directly on that.

The CHAIR: Did Transport oppose the EV tax as part of the so-called package of reforms for electric vehicles?

Mr SHARP: Transport provided input into the process of that package and it is a balanced package. Transport is always providing its input if there are other clusters that are driving strategies so that the Transport agenda is fully acknowledged.

The CHAIR: I would expect so. Was that input in the form of opposition or support?

Mr SHARP: It was in support. As I indicated earlier, Chair, it is a package that is required to deliver these sustainability uplifts. Often these packages include not only incentives but also mechanisms to actually pay for the transport that is being delivered.

The CHAIR: Are you suggesting now that the road user charge is going to be used to pay for EV infrastructure charging? What is the implication there?

Mr SHARP: No, I am not inferring that. We have infrastructure budgets that were announced as part of the package and there is a combination of the NRMA, ourselves and Planning that are delivering charging infrastructure. That will take away that anxiety element that is holding some people back from moving across to electric vehicles.

The CHAIR: Okay, but what was the reference in your previous answer to requiring the package to include elements that would pay for the rest of the package?

Mr SHARP: Apologies, I was just answering your question. You said had we commented on the tax or the user charge that had been put up by Treasury. I was saying that, yes, we had input into that and we acknowledged that there was a package that was being presented which included the infrastructure, included a user charge, included stamp duty waivers and a whole lot of other incentives to drive what has been acknowledged by the electric vehicle industry as a leading package to support electric vehicles.

The Hon. JOHN GRAHAM: Secretary Sharp, I might turn to what the Premier inadvertently referred to as toll mania. Data referred to by the Herald today confirms community concerns that while cars are using the

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M5 East and M8 corridors, trucks are not; they are on suburban streets. How does this publicly available data compare to the Transport for NSW analysis 14 months after the M8 has opened?

Mr SHARP: In respect to specific data, I would have to refer to Ms Bourke-O'Neil in regards to the movements of traffic and the data you have referred to.

Ms BOURKE-O'NEIL: Yes, the opening of the M8 and the M5 East about 12 months ago now or just over has obviously been a major component into that part of the network. Since opening we have seen good utilisation on the new infrastructure—the M8—but we have also observed a period of adjustment on the surrounding roads. That is normal with any sort of new motorway and there will be that period of adjustment as drivers make their choices about their travel. We did anticipate some increases in traffic around surrounding roads and we have observed that. I think your question, if I can clarify, was on the M8 and the M5 East itself. Can I just hear that question again?

The Hon. JOHN GRAHAM: Yes. I might ask you this question, given your answer, or to Secretary Sharp: The article today from the Herald has the review that Transport for NSW was conducting into this—that should have been released 12 months after the opening—now has no time line for its release. When will the community see that review of traffic in a lot more detail than you are providing this Committee today?

Ms BOURKE-O'NEIL: I can answer that question. To meet the project conditions of the original planning approval for the M8, Transport is required to produce a full road network performance review plan at 12 months from the project commencing. We have certainly started that, and we need to do it five years after it has commenced as well.

The Hon. JOHN GRAHAM: I want to know when you will finish it; that is the community's concern. When will it be finished? The contract that has been issued ends on 31 December this year. Are we going to see this study this year?

Ms BOURKE-O'NEIL: We have commenced the work on the study. I think our challenge at the moment is that we are not in a normal traffic environment because of the COVID-19 travel restrictions. In fact, it has been a challenge over the past 12 months because we have not been at a full road traffic volume return. The data has been really variable and because of that we need to ensure we are going to get a more accurate picture of the traffic impacts. We do know there have been some. We do know there have been increased volumes on the surrounding road network.

The Hon. JOHN GRAHAM: Is the plan to release the study this year, given those uncertainties that you are outlining?

Ms BOURKE-O'NEIL: I think we need to properly evaluate the impact of traffic by giving it a little bit more time until we have returned to more normal conditions—

The Hon. JOHN GRAHAM: But it will not be this year. It was promised midyear. It will not be this year. Is that what you are telling us?

Ms BOURKE-O'NEIL: It may not be. I think we do need to take the time to actually understand how—both a bit of time to see more normal traffic conditions—

The Hon. JOHN GRAHAM: Thank you for that answer. I am going to have to move to another issue, sorry, because of the time, but I appreciate the answer. **Secretary Sharp, I want to ask about a piece of land that we have talked about at estimates before. It is WestConnex, which is your land in Homebush, a 4,600 square kilometre block between Underwood Road and Ismay Avenue. It has been used in temporary construction. It was promised to be returned to the community. Minister Ayres before the election said "and therefore is not being considered for sale". The local candidate said he had received confirmation that the land would not be sold. The community is now concerned it will be sold by Transport for NSW. Can you update the Committee about this issue?**

Mr SHARP: Thank you for the question. I am not privy to that particular block and the status of it but I will pass to Ms Drover, who may be across the detail on that one.

Ms DROVER: Thank you for the question. Camilla Drover. I have not got the specifics of that particular parcel of land but what I can say—obviously, we acquired land for the purposes of construction for WestConnex. At the end of construction there is residual land left over. All of those parcels of land are considered and are assessed as part of a residual land management plan and each one of those plans is done for every stage of WestConnex. I am aware that that parcel of land was included in the residual land management plan. It is assessed with our planning approver, DPIE, but I am not across the exact status of that parcel of land—so happy to take that on notice.

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The Hon. JOHN GRAHAM: Ms Drover, just to clarify, this is not a suburban block. This is 18 hectares of land. The land available is bigger than Hyde Park. These were clear commitments that this land would not be sold. Can you repeat that commitment today—that this land will not be sold?

Ms DROVER: I would have to take that on notice and check the exact status of where it is in the residual land management plan and what the plans are for that parcel.

The Hon. JOHN GRAHAM: Thank you. I will hand to my colleague Mr Mookhey.

The Hon. DANIEL MOOKHEY: Mr Secretary—this might be a question that you, Ms Drover, may also need to answer—the CEO of the Balmain Tigers went public with his frustration that the future of his club is called into jeopardy because Transport for NSW is acquiring the Rozelle site used to house the Tigers. I understand that you are in dispute. You made your position clear in the paper this morning. But is it the case that Transport is currently investigating an alternative dive site for the Western Harbour Tunnel and the northern beaches link project?

Ms DROVER: Sorry, is that question to myself or the Secretary?

The Hon. DANIEL MOOKHEY: To you, Ms Drover, or Mr Secretary. However you see fit.

Ms DROVER: Camilla Drover. I am happy to take your question, although I might just need to clarify—is the question whether we are in dispute with the—

The Hon. DANIEL MOOKHEY: Are you looking at an alternative dive site despite having already issued a property acquisition notice to take over the Wests Tigers' historic home in Rozelle?

Ms DROVER: Just a couple of points of clarification, the Tigers site is the preferred tunnelling site for the Western Harbour Tunnel, as outlined in the EIS, which we have received approval for. So that is still our current plan. We obviously have not commenced procurement of the Western Harbour Tunnel and therefore we do not know the exact solution that will be offered by the preferred contractor. So there is always the opportunity that—although it is our preferred site based on all the best knowledge we have—when we get a preferred contractor, they may come along with a different proposal and therefore the site may not be needed. If I can just comment on the acquisition status—

The Hon. DANIEL MOOKHEY: I appreciate that, but the question was about whether or not you are investigating an alternative site. You said that basically, yes, you are and a preferred contractor might come in and look at it. But is the reason why you have not concluded an agreement with the developer of this site basically to drag out the acquisition process until the alternate dive site is sourced and secured and therefore you would end up paying far less than you otherwise would?

Ms DROVER: Camilla Drover. Just on the first matter, we are not actively pursuing an alternative dive site. In terms of the acquisition status, we started engagement with the landowner, Heworth, back in 2018 when the concept design for the project was first displayed. We have had very active discussions and engagement with that landowner since then, so much so that originally we were looking for an outright acquisition of the site but through discussions with Heworth—their preference was that we take a construction lease. So the intent is that we take a construction lease for the period of construction, which means that when construction is finished and we are finished with the use of that site—

The Hon. DANIEL MOOKHEY: I appreciate the status.

Ms DROVER: If I can just—

The Hon. DANIEL MOOKHEY: If you have to take on notice the details, that is fine, because I need to move on to the other acquisition, which I wanted to ask Mr Regan about, that Sydney Metro is embarking upon. Mr Regan, Sydney Metro has seized through a forced acquisition the base that belongs to Sydney Helicopters. Why have you failed to reach an agreement with them about the value of their site? Do you accept that Sydney Metro has effectively ruined this business and devastated the lives of its owners and its staff, who have been in touch with me and others to talk about the level of distress that they have experienced as they have had to negotiate with your organisation?

Mr REGAN: Peter Regan. Thank you for the question. The intent of any property acquisition that we make is to reach a commercial agreement with the owners, and we work very hard to try and reach a commercial agreement. We cannot force a commercial agreement on any owner, but we try our best to reach an agreement with them for the acquisition of the land or the relocation of a business on that land. I do not have all the detail of the specific site that you have referred to, but I understand—

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The Hon. DANIEL MOOKHEY: Could you get back to me on this? Because, Mr Regan, I accept that you might not always reach commercial agreement with landowners and, in fact, that this is a framework that envisages dispute, but the owner of this particular business is telling me that they cannot even get replies to correspondence, they cannot even get offers to be put on the table and that effectively your organisation has wasted time in order to force it into a valuation process by the Valuer General. If you are not in a position to respond to that, can you take that on notice?

Mr REGAN: I am happy to take on notice to respond to you the status of that process. But I can also assure you that we do actively work on every acquisition to try and reach agreement. Where we cannot, there is a process that owners can go through through the Valuer General. We do not obfuscate from attempting to reach agreement, so I am happy to look at the particular details of that site.

The Hon. DANIEL MOOKHEY: I will pass to my colleague, Mr Buttigieg.

The Hon. MARK BUTTIGIEG: Perhaps to you, Secretary Sharp, this pertains to the New Intercity Fleet which, you would be aware, was purchased from Korea. There was a lot of controversy at the time, you recall, with regards to the trains being too wide for what is known as the "Ten Tunnels Deviation" in the Blue Mountains. Are you able to elaborate on the cost blowout that was associated with the subsequent fitting of those carriages into the tunnels?

Mr SHARP: Rob Sharp. Thank you for that question. I am happy to advise that the capital budget of \$2.8 billion—we are still within that envelope. In terms of the cost blowout, that would only occur if there was unexpected events.

The Hon. MARK BUTTIGIEG: Secretary Sharp, just for my benefit, so that capital budget you just—what did you say, \$2.8 billion, was it?

Mr SHARP: Two point eight billion.

The Hon. MARK BUTTIGIEG: That was not revised. That was the capital budget envelope from the beginning, was it?

Mr SHARP: Yes, and it included the tunnelling works because the plan was to actually do the tunnelling works. It was a conscious decision to do so. In fact, it is not the first time that that has occurred. With the electrification of the rail, tunnel works were also done. Typically, with any new fleet, the technology changes, the customer expectations around the product changes, and as part of the project that tunnel work was already envisaged.

The Hon. MARK BUTTIGIEG: Can I take you to a related question on that then? If it were the case that those tunnel works did not have to be done—in other words, the trains were fit for the current infrastructure—how much would that have saved off that capital budget?

Mr SHARP: I would have to revert to you. I do not know the specific dollars associated with that tunnelling work but am happy to take that on notice.

The Hon. MARK BUTTIGIEG: If you take that on notice, that would be great. In a related line of questioning pertaining to the fact that those 10-car trains were too long for several platforms and, as a result, several of those platforms had to be extended, would you be able to avail us of the cost that was associated with that?

Mr SHARP: In regards to the question, I will take on notice those costings. In reality, those platforms were—the decision was to actually extend from eight cars to 10 cars quite specifically to improve the operational efficiency and additional capacity, which is a very cost-effective way of delivering capacity. It was quite well known, particularly on the southern line, that some platforms would be extended to support the 10-car operation. But I will revert on the cost.

The Hon. MARK BUTTIGIEG: Have all those remediation extension works been done that need to be done or are there more in the pipeline?

Mr SHARP: The southern line is a two-year program to actually upgrade the tracks, the signalling and the platform extension. A lot of that was associated with network upgrades that were required in any event. That program has commenced and finishes in about—I believe it is about 12 months' time.

The Hon. MARK BUTTIGIEG: If you could give us the projected cost of that extension work as well, that would be good—if you can take that on notice. I want to take you to the safety issues which have been also well publicised in terms of the operation of those trains and the interlocking system not allowing the traditional view of guards to monitor pedestrian traffic on entering and exiting platforms and the restrictions of the associated

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CCTV. Are you comfortable, having recently taken over, that safe operation would be guaranteed, notwithstanding those limitations I have just outlined, which, I might add, are also the concerns of the people who will be operating those trains?

Mr SHARP: Thank you for the question. Yes, safety is the number one priority for the organisation and for me. I have personally ridden on the train and spent time with the technical folk and the drivers and the guards on that train. There has been quite a bit of work done in this space. In fact, there has been over 200 consultation meetings with our staff in the development of the train. The technology that is actually used is safe. It is actually used in Japan, in the UK. And we have also had independent reviews done to give comfort that the expertise around these new technologies and the introduction of them would operate in a safe and effective manner. Ultimately—

The Hon. MARK BUTTIGIEG: Mr Secretary, I do not want to be rude but I am conscious of the time. I just want to take you directly to the question. The question was: Are you absolutely certain and comfortable that the level of safety will be maintained, notwithstanding those limitations?

Mr SHARP: Yes, I am.

The Hon. MARK BUTTIGIEG: I want to take you to some industrial action now that Transport for NSW has been involved with its employees related to those safety concerns. There was a case where barristers were engaged. I can give you the names of those if you like: Ian Neil, SC; Simon Meehan; Michael Seck; Renae Kumar. These were briefed by solicitors Lander & Rogers. And it was with regards to staff being concerned about staffing them if—given those concerns. Are you able to tell us how much that action cost? I understand it went for a period of four days. Is that right?

Mr SHARP: I would have to take on notice the actual dollars associated with that action. What I can say is that, in regards to any Fair Work action or staff-related matters, we do engage legal consultations through those processes. But I will revert specifically on the dollar amount for your question.

The Hon. MARK BUTTIGIEG: You would be aware that the court ruled in favour of the union and your employees in that matter on safety?

Mr SHARP: Yes, I am aware that there was a ruling in regards to the employee. I would have to revert in terms of whether it was in regards to safety, because normally the actions are in regards to behaviours.

The Hon. MARK BUTTIGIEG: If you could get back to us on the cost, because I think it is relevant that taxpayers understand just how much money is being spent on this project.

Mr SHARP: Confirming I have taken that on notice.

The Hon. MARK BUTTIGIEG: The other thing I wanted to ask you was that there was a separate action with regards to a protected action ballot that your employees wanted to take. There was, again, Andrew Gotting, who is a barrister briefed by solicitors Lander & Rogers, and Vanja Bulut, another barrister briefed by Seyfarth Shaw. Are you able to tell us what the cost of that particular action against the union or employees was?

Mr SHARP: Yes, I will have to take that on notice. I am not privy to the cost on that particular matter.

The Hon. MARK BUTTIGIEG: Finally, Secretary, there was a rostering system which was being proposed by Transport for NSW whereby staff would personnel those trains and it was an individual workplace dispute. Now the union took it to Fair Work and there was a conciliation hearing. And yet again Transport for NSW has thrown very high paid legal counsel on what seems like a fairly innocuous ask. Conciliation, as you would know, is simply sitting down with the commissioner and trying to sort it out. Do you know how much that particular action cost the taxpayer?

Mr SHARP: Once again, I would have to take the cost of any actions on notice and I have noted that one.

The Hon. MARK BUTTIGIEG: Do you think it would concern—

The Hon. WES FANG: [Disorder] I think you are out of time.

The Hon. MARK BUTTIGIEG: Do you think it would concern the average taxpayer, Secretary, that such large amounts of money on expensive legal counsel would be thrown for what seem like fairly valid cases—

The Hon. WES FANG: I am going to take a point of order on that there because that is actually looking for an opinion. It is not appropriate.

The CHAIR: I am sorry. The time has expired but what was your point of order, Mr Fang? I did not catch that.

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The Hon. WES FANG: Mr Buttigieg was asking for an opinion and that is clearly not appropriate from members.

The CHAIR: Did you want to speak to that point of order, Mr Buttigieg?

The Hon. MARK BUTTIGIEG: All I would say is, as the secretary of the department, he is responsible for efficiently allocating taxpayers' money and I would have thought that taxpayers have a right to know how that judgement is made.

The CHAIR: Thank you.

The Hon. WES FANG: To that point, Mr Buttigieg expressly asked, "Do you believe?" That is asking for an opinion—

The CHAIR: Understood. Thank you. I have enough to rule. If there is a matter of policy or opinion being requested and the witness feels that they cannot answer it, they are free to say so. The Opposition's time has expired. I will go over to Mr Buttigieg.

The Hon. MARK BANASIAK: No, Mr Buttigieg has had a go. It is my turn now.

The CHAIR: All you Marks. Sorry, Mr Banasiak.

The Hon. MARK BANASIAK: Thank you. Just sticking with the questions around the life jacket review, Mr Carlon, how much money will be invested or is proposed to be invested in education awareness about this change once it is implemented?

Mr CARLON: Bernard Carlon. It is also within the draft plan, which is out for consultation, that we would have a significant reboot of the Old4New program and focusing on if the changes, which are being consulted on—either of the options—were adopted, we would have a major campaign and community engagement program that would actually deal directly with, in a similar way to when the changes were made around a decade ago in the Old4New program, although it has been made clear by stakeholders that there are a whole range of other new issues to deal with maintenance of life jackets that would be useful to include in that program as well.

Before I finish, just to clarify the question that you asked previously, we did have stakeholder workshops in December and in April—so December 2020 and April 2021. And members of the Recreational Vessels Advisory Group were invited to both workshops and that included the Recreational Fishing Alliance as a member of the RVAG and the Recreational Fishing Alliance member did actually attend the workshop in December.

The Hon. MARK BANASIAK: Is there going to be any recurrent funding? Because I note that, when we got the Rock Fishing Safety Act of 2016, there was no actual funding attached to it and there has not been any funding attached to actually providing education. So will part of that campaign be an annualised recurrent funding around education?

Mr CARLON: It has been the case that the Maritime Safety Plan and all of the actions under the Maritime Safety Plan have been funded by the Waterways Fund and it is intended to continue to support with education all of the elements of the Maritime Safety Plan going forward.

The Hon. MARK BANASIAK: With the two options posed in the fact sheet, why wasn't the full details of the proposal or proposals included? Because when a member of the public goes to submit the survey, they are bombarded with a list of other potential options, such as QR codes at boat ramps, increased surveillance by drones, to name a few. It has been complained to me by constituents that it seems a bit disingenuous to not include those details of proposals upfront in the fact sheet and sort of hide it within the survey.

Mr CARLON: Bernard Carlon. Certainly, that is not the intention. The consultation process, although it does include the mandatory wearing of life jacket options, is actually about all of the Maritime Safety Plan proposals from between now and 2026. Certainly the survey is structured around that. There is intended to be, and there is, an option in the Have your say website for members of the community to actually attend a workshop as well, so a forum on 14 September, where people can actually, again, engage in providing their views of all of the elements of the Maritime Safety Plan 2026 and the two options which are being consulted on for life jacket wearing.

The Hon. MARK BANASIAK: Just picking up on your comments on the Waterways Fund, this is a fund that receives a significant contribution from boat owners through obviously their boating licences and their registrations. Why haven't boaters been able to see proper financials of that fund since 2011? The details on the website from beyond 2011 are fairly scarce and it has been raised with me that it is a concern of constituents that

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they are contributing to this fund and they are not actually seeing detailed financials of how their money is being spent.

Mr CARLON: Bernard Carlon. Thank you for the question. I am happy to take that on notice, noting that, more generally, significant programs like Boating Now, which has been a significant increase in investment in boating infrastructure across New South Wales waterways, comes from that fund. The campaigns around boating safety and the other programs, which are delivered in terms of boating safety right across New South Wales, are being supported by the Waterways Fund, are continuously promoted and information is made available. But happy to, again, take on notice the specifics of your question.

The Hon. MARK BANASIAK: Thank you. Just a couple of final questions. The Cooks River boat ramp just off General Holmes Drive in Bayside Council—when will that be built? Can we have an update on when that is going to be built? Bernard Carlon, are you able to answer that?

Mr CARLON: This is a matter that Mr Collins would be better positioned to answer or take on notice.

The Hon. MARK BANASIAK: Sure. Mr Collins?

Mr COLLINS: Thank you for the question. Howard Collins. I will, if I can, secure that detail before the end of this Committee. I will certainly provide that for you. Obviously, we have a significant \$205 million program and significant programs have been installed across the State, but if I can get you that information that you ask, I will make sure I can get that either now or on notice.

The Hon. MARK BANASIAK: Sure. While you are seeking that information, I believe it was not through a Boating Now program but it was actually funded through the Newcastle port deal. It is my understanding that the money that has been received through that deal will fall short of what Bayside Council proposed it will cost. So any details about how that gap in costings and what has been funded will be made up would be appreciated as well.

Mr COLLINS: Thank you for your question.

The Hon. MARK BANASIAK: I will pass to Ms Boyd.

The CHAIR: Thank you, Mr Banasiak. I have just got—

Mr SHARP: Chair, sorry, just to let you know that Mr Carlon actually has answers to the data that was requested in regards to the mobile camera questions earlier.

The CHAIR: Thank you. Mr Carlon?

Mr CARLON: Thank you, Madam Chair. Bernard Carlon. In response to the questions we were asked with regard to the contract that was issued appointing both Acusensus and Redflex to the two areas—Acusensus to the south and Redflex to the north—Acusensus, being a new provider, actually suffered quite significant operationalisation of the programs, impact from COVID-19, including some significant impacts in their ability to purchase vehicles and vehicle fit-out prior to the commencement of the contract and also establishing new COVID-safe mechanisms and onboard and training of workers in order for them to implement. There was a short-term impact on their ability to deliver within the program, which was negotiated, noting that the contract actually accommodates a growth in hours up until the end of the year to meet the 21,000 hours. We are confident that that will actually now be able to be delivered and they have already started expanding their vehicles that they have available and their enforcement activity during the following month.

Currently, Acusensus' full operational fleet has grown from three to 14 vehicles and they are ramping up in order to meet their contractual obligations by the end of the year. Redflex have 45 cars and are contracted to deliver slightly more hours and, again, are in a position where they are able to deliver based on the 21,000 hours by the end of the year. As they already had pre-existing vehicles, they were able to deliver in their region from 1 July. I point out as well that, whilst there is this short-term impact in July, with regard to the current road toll we are actually at for the 12 months 280 fatalities, which is the lowest on record since the 1920s. And we are seeing continued, sustained decreases and when this program is operationalised all of the evidence points to it also significantly contributing to an additional 32 to 43 lives saved every year following the full implementation at the end of the year of the 21,000 hours.

The CHAIR: Thank you, Mr Carlon. I have just got a few questions and then I will pass back to the Opposition, some questions in relation to the Moorebank intermodal transport exchange and the plans being made to protect koala habitat. I am not sure who to direct that to. Mr Sharp?

Mr SHARP: I will pass that across to Ms Bourke-O'Neil.

Ms BOURKE-O'NEIL: Yes, thank you.

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The CHAIR: Ms Bourke-O'Neil, I understand that the proposed realignment of Moorebank Avenue in order to serve that exchange will now cut through a previous biodiversity offset known as the "boot lands", which consists of a koala bushland corridor and swampland. If that proposed realignment is approved, what budgetary allocation is being made by Transport for NSW to ensure that a koala and other wildlife underpass is being made?

Ms BOURKE-O'NEIL: Thanks for your question. Megan Bourke-O'Neil. Maintaining koala habitats is a really crucial part of our program of infrastructure upgrades and we certainly take it seriously. We are working really closely with DPIE, with other colleagues right across government, to make sure that our infrastructure development does align to the koala strategy, to the different strategies in place for place, as implemented by DPIE. Just in terms of the Moorebank terminal, I am not across the details of that particular project but I am happy to take that one on notice and come back to you.

The CHAIR: That would be really useful. I will just give you a few others in relation to that project—if you could take it on notice as well. So there is that one. There is also a proposed upgrade of Cambridge Avenue in Casula and Moorebank. Again, what budget is being set aside to provide underpasses there to prevent wildlife roadkill and habitat loss threats? Apparently a feasibility study has been conducted by DPIE and Transport for NSW for an underpass at the notorious Deadmans Creek Bridge on Heathcote Road in Sandy Point.

Ms BOURKE-O'NEIL: Yes.

The CHAIR: Again, what budgetary allocation has been made for the provision of a koala underpass there? Finally, how is Transport for NSW and DPIE progressing and funding the provision of multiple wildlife crossings through known koala habitat on Appin Road, where roadkill has been a notorious problem?

Ms BOURKE-O'NEIL: Thank you, Ms Boyd. I can answer a couple of those particular queries, so I will do so. Appin Road—the upgrade there and the road safety improvements—is certainly a priority for us. Vehicle strike in that area has been a real concern, we know. We are working really hard with DPIE at the moment to work through the right treatments and the appropriate koala protection. So our plan for Appin Road is to install koala fences on either side, specifically to prevent koala strike, but underpasses are also under consideration. You may be aware that a developer there, Lendlease, has proposed two underpasses and DPIE has formed technical panels in order to assess that. They are also assessing both those—the proposal for the underpasses but what protections are needed in context of the Chief Scientist & Engineer's report into the measures to protect the koala corridors and habitat in the Campbelltown region. So those pieces of work will come together.

We are supporting DPIE's investigations into that and it is ultimately them who will advise on what the right treatments are. Certainly we have got to get to the right solutions. It is a pretty complex project with a few stages but, once we have those directions and outcomes of the DPIE work, we will be able to continue that project development into detailed design. In terms of Heathcote Road, what I can tell you is I will need to take on notice the budget question that you have asked for but we are working again with DPIE and other stakeholders, including a couple of councils and others, to carry out two site inspections at Deadmans Creek. That occurred earlier this year and we are awaiting a report back to us about the options for the best koala treatments in that area.

The CHAIR: Thank you. Yes, if you could take the rest on notice that would be fantastic. My very final question is in relation to the Greater Macarthur Growth Area. My question is: What funds have been set aside to ensure that roads are in place and can support the quick and efficient evacuation of new and existing residents and their pets within the Greater Macarthur Growth Area in times of a bushfire?

Ms BOURKE-O'NEIL: I will take your question on notice to come back to you with that.

The CHAIR: Thank you very much. Back to the Opposition.

The Hon. DANIEL MOOKHEY: Thank you, Chair. To you, Mr Secretary: Is Transport for NSW considering making vaccination a requirement for any person who wishes to travel on public transport?

Mr SHARP: Thank you very much. The treatment of vaccines in the broader community—or the requirements—are actually set by Health. We follow public health orders in regard to those requirements.

The Hon. DANIEL MOOKHEY: But are you thinking about imposing that requirement yourself independent of any health order or are you going to wait for the health department to give you advice?

Mr SHARP: We follow the health department's advice in regard to the broader community. As I mentioned earlier, in regards to our own staff, we are in the process of reviewing the risks associated with transitioning back post COVID delta variant.

The Hon. DANIEL MOOKHEY: Sure. But Canada has flagged that this will be a requirement in their jurisdiction, so is it a case that we are looking at international examples or any other form of model that could be used here that would tie an ability of a person to travel to their vaccinations status?

UNCORRECTED

Mr SHARP: Thank you for your question, but the question, I believe, needs to be pointed to Health, because that is a broader community vaccine question.

The Hon. DANIEL MOOKHEY: Do you have information about how many passengers have contracted COVID-19 as a result of an exposure on public transport?

Mr SHARP: I do not specifically but I will pass across to Mr Collins, who may be able to provide some more clarity on that particular question.

The Hon. DANIEL MOOKHEY: Thank you, Mr Collins.

Mr COLLINS: Thank you very much for the question. Howard Collins. I do not have specific information regarding any information from Health regarding transmission. I think, as is publicly known, most of those transmissions have either occurred at home—family members—and also in the community. When requested by Health, if there is a particular bus route or train which we have identified or Health have identified, we do make the inquiries and checks and the good news is we have a lot of CCTV, Opal data to assist us to ensure that we understand that.

The Hon. DANIEL MOOKHEY: Sure, but the question arises because Health has published multiple instances in which bus routes and train routes have been listed as exposure sites. Given that Transport has made clear that you have got a crisis working group that apparently meets daily on this, do you at least have information as to what the last available figure was or even a range of the amount of people who may have obtained COVID-19 as a result of exposure on public transport?

Mr COLLINS: I think the question about how or when the exposure occurred is really one for Health. Often this is a precautionary method to ensure that, if we know someone who is COVID positive used public transport, we work with Health in understanding who was impacted and who could have been casual or close contacts. It is not necessarily, and certainly our discussions with other—

The Hon. DANIEL MOOKHEY: Have you made any inquiries of Health yourself or is it the case that you are just watching the press conferences to find out?

Mr COLLINS: No, we work very closely, as you say, Mr Mookhey, with Health every day. We understand—

The Hon. DANIEL MOOKHEY: But do you know?

Mr COLLINS: If there is any information provided to us which does indicate that, so far our task force has worked very closely and, as far as I am aware, I am not aware of any specific infection being transmitted by public transport.

The Hon. DANIEL MOOKHEY: Can I just move to Mr Regan, please, about some questions about the Orchard Hills acquisition. Are you still acquiring properties from Orchard Hills families and businesses during this lockdown?

Mr REGAN: Peter Regan. Thank you for that question. As you are probably aware, we have been in discussions with a range of property owners for the metro Western Sydney Airport project, including around 19 properties at Orchard Hills. Those discussions and the opportunity to continue to try and reach agreement with those owners are continuing and certainly we are still working with those owners to try and reach agreement on valuation. Each of the owners have been given the opportunity to have an independent valuation paid for by metro to assist them in that process. That process is—

The Hon. DANIEL MOOKHEY: I am aware of that. Can I just get the latest update though—

Mr REGAN: [Disorder].

The Hon. DANIEL MOOKHEY: Just during the lockdown period, of the 19 that you just made reference to, Mr Regan, how many of them have elected to have a determination by the Valuer General? That is my last question. I will pass to my colleague after that.

Mr REGAN: So the process is ongoing and we are continuing to negotiate. Those properties have not yet been gazetted.

The Hon. DANIEL MOOKHEY: Can you give me on notice the status of the 19, please, as to where they are up to in the process?

Mr REGAN: They are all at the same point in the process in that we are continuing to reach agreement and those processes have not yet gone to the Valuer General. If we are unable to reach agreement, then that is the next step in the process.

UNCORRECTED

The Hon. JOHN GRAHAM: I might return to Mr Carlon. Thank you for that update on the speeding cameras issue. Given that this, it turns out, was an issue and there have been negotiations with the company, have you briefed the Minister or the Minister's office about these transition issues with the contract that has been issued in the south of the State?

Mr CARLON: [Inaudible].

The Hon. JOHN GRAHAM: I think we have got you on mute again, Mr Carlon.

Mr CARLON: Carlon. Happy to take that on notice with regard to the briefings as to where this is managed in the regulatory operations area of the organisation. I will find that information for you.

The Hon. JOHN GRAHAM: Yes, so I just missed the start of that. So you are not able to tell us at the moment whether or not the Minister or the Minister's office have been briefed?

Mr CARLON: Again, yes, I will take that on notice in order to just confirm.

The Hon. JOHN GRAHAM: Thank you. Could you also take on notice, given the answer you have given, how many hours—you have told us about the cars—of enforcement have occurred under the Acusensus contract in the months of July and August, and then also what is projected to unfold by way of hours for each of the remaining months of this year?

Mr CARLON: Yes, happy to take that on notice. I can confirm that the 21,000 hours under the two contracts will be in place by the end of the year.

The Hon. JOHN GRAHAM: Thank you. The Government publishes revenue figures for these fines—and I think that is to their credit that these are published each month. What we are less sure about is how many demerit points have been lost as a result of this rapid rise in the number of speeding fines due to the changes in these programs. How many demerit points have been lost since the changes to the program in November 2020?

Mr CARLON: Again, those details would be able to be discerned from the publicly available information with regard to the level of speeding on the Revenue website. But I am happy to again take that on notice, noting that we are in a situation again where, as I have mentioned previously, 91 per cent of people in our research indicate that they speed and more than 20 per cent say that they speed on every occasion that they drive and 44 per cent of our fatal crashes involve people travelling too fast at speed.

The Hon. JOHN GRAHAM: Yes, Mr Carlon, I know you have been a strong advocate for the use of these cameras. I do want to acknowledge that publicly. Can you tell us how many licences have been lost as a result of speeding fines linked to the changes in the program since November 2020?

Mr CARLON: Bernard Carlon. So I think that would be slightly compounded by the other offences that people actually have in regard to demerit points. I can say that—and, again, this should be clearly available as well—those people who drive over 45 kilometres an hour over the speed limit who are detected by the cameras have their licence suspended for six months and that information we can make readily available as well. Clearly there are examples where people are increasingly being caught, as we expand this particular program, travelling at 80 kilometres over the speed limit, 70 kilometres over the speed limit—

The Hon. JOHN GRAHAM: I think you have taken that on notice, and I thank you for that. I might ask you also to look at why—there is some information available about this publicly from the agency but it ceased publication in March this year. Could you determine, first, why that is; and, secondly, ensure that it is published? If it is, and that it is.

Mr CARLON: Sorry, could I just clarify the question?

The Hon. JOHN GRAHAM: I am referring to the demerit point suspensions for licences, which have ceased to be published from March this year.

Mr CARLON: Yes, I can take that on notice and follow up for you.

The Hon. JOHN GRAHAM: Fantastic, thank you—and now a final question to Mr Sharp. I might just return to that issue about vaccination and permits that my colleague was asking about right at the start and just ask: For the broader transport industry, one of the concerns that has been raised is on Monday some essential transport workers will not be working because they will not be able to meet the requirements—one estimate is it might be as much as a quarter of the workforce, given how concentrated these workers are in south-west and western Sydney. What modelling do you have, or what advice have you provided to Health, about the scale of this issue come Monday when it comes to our freight and logistics industries?

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Mr SHARP: Thank you for the question. We have been consulting closely with all our partners, including the construction industry and the freight industry, and also we have been looking at this issue internally. So the public health order has articulated the requirements to reduce mobility out of the lockdown areas and clearly there are going to be implications for industries. In terms of consultation and feedback, I can confirm that we have been engaged and we have communicated that feedback through to Health and our crisis committees.

The Hon. JOHN GRAHAM: And what does that modelling show? Is that quarter of workers out realistic? Is that what you are hearing?

Mr SHARP: No, I do not have a specific modelling. What we have done is engaged with the industry, who have communicated either concerns or suggestions on mechanisms or exemptions. There have been various conversations and techniques used. Off the back of that consultation you may have seen that there was actually a deferral for an additional week in regards to the implementation and that was directly as a response to those engagements.

The Hon. JOHN GRAHAM: Thank you.

The CHAIR: Thank you. That concludes the questioning for today's hearing. Thank you very much, government officers, for your attendance today. The Committee secretariat will be in touch in the near future regarding any questions that you took on notice as well as any supplementary questions. Can I take this opportunity to thank my fellow members as well as, most importantly, the Committee secretariat, who have worked very hard to get these virtual hearings to work pretty much seamlessly. Thank you very much to them. I know it is easy for us to just rock in here and talk but I do know, and am very appreciative of, the work you do behind the scenes. Thank you all. That is the end of our hearing.

(The witnesses withdrew.)

The Committee proceeded to deliberate.