

Questions taken on Notice - Mr James Cullen, Chief of Staff, Office of the Hon
Chris Minns MP

(PAGE 29) 1. The Hon. WES FANG: Do you believe that the Premier has listed that meeting appropriately, given that he was friends with Mr McMahon, given that a major \$5 billion-plus proposal was discussed and it certainly was not simply a meet and greet?

JAMES CULLEN: Mr Fang, I'm very comfortable with the record-keeping, including in this instance as well, absolutely.

The Hon. WES FANG: How many other times—

JAMES CULLEN: Can I just make a point further to that: We're talking about a meeting that occurred on 30 October. The reason why the Committee is talking about that is because of the record-keeping requirements and the fact that the Premier, Premier's office, disclosed the meeting on 30 October.

The Hon. WES FANG: No, Mr Cullen. Had the proposal not gone ahead, we would never have been aware that this meet and greet was actually to discuss a \$5 billion-plus housing proposal for Rosehill because it was listed as a meet and greet. I contend that what you're saying is incorrect. I'm asking how many other times have simple meet and greets discussed major infrastructure projects such as this that haven't been fully disclosed in the Premier's meeting logs?

The Hon. BOB NANVA: Point of order: That question is not—

The Hon. WES FANG: It is entirely in order, Mr Nanva. Please explain to me how you believe it's out of order.

The Hon. BOB NANVA: It's not relevant to the terms of reference of this inquiry, under the procedural fairness resolution.

The Hon. WES FANG: It is absolutely within the terms of reference.

The CHAIR: With respect, how this meeting is characterised and whether meetings would similarly be characterised I think is a fair question for the witness to answer within the terms of reference.

JAMES CULLEN: Mr Fang, I'm happy to take that on notice, in terms of other meetings. I would just make the general point—and, again, Mr Draper has given evidence regarding these sorts of pre-lodgement meetings—there is nothing untoward with stakeholders seeking out preliminary views from government before they then go and undertake the work that often is involved with the more formal unsolicited proposal process.

ANSWER

Premier's Memorandum M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information requires Ministers to publish summaries of scheduled meetings with stakeholders, external organisations, individuals and third-party lobbyists.

Disclosures are available on the NSW Government website at

<https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>

(PAGE 35-36) 2. The Hon. WES FANG: Mr Cullen, you indicated that there are a number of steps in approving the Premier's disclosures. You accept that ultimately it is the Premier's responsibility to ensure that the disclosures are correct. Do you accept that?

JAMES CULLEN: Yes. In line with the Premier's memorandum, yes, we comply with that.

The Hon. WES FANG: Is it fair to say that the Premier has final sign-off on those disclosures?

JAMES CULLEN: We are totally consistent with the Premier's memorandum, yes.

The Hon. WES FANG: And that means the Premier is fully accountable to and aware of those disclosures when they're made?

JAMES CULLEN: Of course.

The Hon. WES FANG: And the Premier signed off on those disclosures?

JAMES CULLEN: I'll take that on notice, but the point I keep coming back to is that we complied fully with the Premier's memorandum.

ANSWER

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(PAGE 36) 3. Ms CATE FAEHRMANN: What involvement did you or anyone else in the Premier's office have in relation to the development of the legislation to extend Russell Balding's term as chair?

The Hon. BOB NANVA: Point of order. I don't believe that question falls within the terms of reference of this inquiry, with respect to—

Ms CATE FAEHRMANN: To the point of order—

The Hon. BOB NANVA: I have not completed my point of order.

The CHAIR: Let Mr Nanva finish his point of order.

The Hon. BOB NANVA: I do not believe that question is in line with the terms of reference of this inquiry, with respect to the proposal to develop Rosehill racecourse. It doesn't even fall within "other related matters".

Ms CATE FAEHRMANN: To the point of order. It has been speculated in the media that, in fact, the two are linked. That is why I am asking the question.

The CHAIR: If you link it in the question, I'll allow it.

Ms CATE FAEHRMANN: The legislation for the extension of Russell Balding's term happened in November, which was roughly the same time as when the office was discussing the Rosehill racecourse development. What

involvement did the Premier's office have with the legislation to extend the Racing NSW chair's term?

JAMES CULLEN: Ms Faehrmann, I probably need to be careful here. There would probably be a Cabinet-in-confidence aspect, I imagine, in terms of, obviously, legislation that would have gone to Cabinet and a process that followed. That was primarily the lead of Minister Harris and his office, in terms of bringing that forward, looking at options and providing advice. But if you want to go any further, I will need to take that bit on notice, because there is a Cabinet-in-confidence aspect.

ANSWER

The Premier and the Government supported legislation to extend Russell Balding's term as chair.

(PAGE 38) 4. The Hon. MARK LATHAM: Mr Cullen, can I take you to the announcement at Rosehill on 6 December that the USP and the sale was going to go ahead. How was that organised?

JAMES CULLEN: Do you mean as a media event or do—

The Hon. MARK LATHAM: Yes, that's what it was.

JAMES CULLEN: —you mean the media materials? Yes, there would have been engagement between the Premier's office, the Cabinet Office and the ATC. My recollection was the media event was at Rosehill so, yes, there would have been engagement involving those parties to put it together. Obviously we would have sought, or it would have been provided to us—I'd have to take that on notice—draft media materials, which we worked through, obviously wanting to make sure they were legalised et cetera. We would have gone through a process there.

ANSWER

The Government frequently makes announcements involving third parties and works with them to ensure information that is distributed is factually correct.

(PAGE 38-39) 5. The Hon. MARK LATHAM: Katie Knight has subsequently told this Committee in answers to supplementary questions that there have been five unsolicited proposals of land development involving a metro over the past 18 months and only one of them has been publicly announced. Why does this one stand out as requiring announcement? In the context of the announcement, it looked really good for Mr McMahon, didn't it, that he was getting things done?

JAMES CULLEN: On your first question, again, I refer you to the broader context in which the Government's operating here when it comes to linking housing density to public transport and wanting to maximise, in terms of that value-add, the public transport investment in the State and, in the context here, metro west. The Government couldn't have been any clearer or more transparent that it was interested in looking at additional stations along metro west linked to housing density. It couldn't have been any more clearer or public about that.

The Hon. MARK LATHAM: Why was this the one out of the five that was announced publicly?

JAMES CULLEN: The Government formed a view, based on the advice from the Cabinet Office, that that was appropriate, and then you saw the announcement on 6 or 7 December, which, basically on the advice of the Cabinet Office, we announced an MOU to begin the process of an unsolicited proposal.

The Hon. MARK LATHAM: Can you provide that advice to the Committee?

JAMES CULLEN: It would have been in consultation with the Cabinet Office.

The Hon. MARK LATHAM: Can you provide that advice?

JAMES CULLEN: It's probably legal advice so there might be a legal professional privilege issue, but I'm happy to take that on notice, Mr Latham.

ANSWER

I am advised that all Cabinet Office documents relating to the proposal to develop Rosehill Racecourse for housing lawfully required to have been

provided were provided to the Legislative Council on 10 April 2024 and 26 June 2024.