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The CHAIR: Are you aware that the MO of the perpetrator in the Wanda Beach killings is almost exactly the same as the MO of the Belanglo killings—abducting young women, stabbing them in the back and then sexually assaulting them post-mortem? Were you aware of that?

Mr CHRIS MINNS: I'm generally aware of the crimes of Mr Milat, and I obviously know, having lived in southern Sydney, about the horrors of the Wanda Beach killings. I couldn't testify that they're exactly the same or they've got a similar modus operandi, but I'm horrified by those crimes. They continue to haunt the shire and the Cronulla community, and I am—

The CHAIR: And they remain unsolved.

Mr CHRIS MINNS: They remain unsolved. They're still incredibly alarming and I'm sure the family of the women who were killed would be desperate for answers, notwithstanding the fact that it's decades ago.

The CHAIR: Yes, it is decades ago. But, just for the record, you think that those images are remarkably similar?

Mr CHRIS MINNS: I'm concerned that they are incredibly similar. I do take your general point that, if there's government information that can shine a light or a spotlight on further investigations, or even advocacy on your part that can prompt somebody with some kind of information about these horrible murders, then I think it's worthwhile. I'm also conscious that there's been remarkable advances in cold case investigations, primarily as a result of DNA links. There are specific ones coming out of America that have resulted from what had previously believed to have been completely unsolvable murders that have brought justice and a peace of mind to victims and their families. So I don't dismiss it automatically. I understand the interest. I'm concerned about the likeness here of these two images; I was unaware of that. Let me take on notice your questions about the information that you're seeking.

ANSWER:

I am advised;

I refer to my evidence given on the day.

I understand the Member has moved a motion for a parliamentary inquiry into this and related matters and the Government will respond to this motion in due course.

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The CHAIR: Premier, senior police who worked on the taskforce that led to the arrest of Ivan Milat, including the actual arresting officer, the late Detective Senior Constable Paul Gordon, and Detective Sergeant Neville Scullion have publicly stated recently that other than the Belanglo seven, who were murdered in a two-year period, they believe Ivan Milat and others were responsible for more than 80 unsolved murders over a 30-year period. Premier, do you think it's time to inquire into the true extent of the crimes of Ivan Milat and his associates? Will your Government support the calls from victims' families for a parliamentary inquiry into the crimes of Ivan Milat and his associates?

Mr CHRIS MINNS: Let me take that on notice. Perhaps the best thing for me to do is to meet with you—and I'm with you; it would be a privilege to meet victims' families. I think that's an important thing to do, to understand not just their circumstances and their anguish associated with the loss of their loved one—but I wouldn't rule it out. I think that may be the necessary next step given the scale of some of the things that you're mentioning.

ANSWER:

I am advised;

I refer to my evidence given on the day.

I understand the Member has moved a motion for a parliamentary inquiry into this and related matters and the Government will respond to this motion in due course.

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The Hon. SARAH MITCHELL: Did you or your staff change the funding allocations after involvement of lower House Independent MPs?

Mr CHRIS MINNS: Change the allocations?

The Hon. SARAH MITCHELL: Yes.

Mr CHRIS MINNS: I'd have to take it on notice. I can't remember.

ANSWER:

I am advised:

Information about the Local Small Commitments Allocation program is available at the website <https://www.nsw.gov.au/grants-and-funding/lsc>

The Auditor-General's report Local Small Commitments Allocation was published 26 June 2025. The report assessed the compliance of the Local Small Commitments Allocation Program with the NSW Grants Administration Guide and the *Government Sector Finance Act 2018*.

Many thousands of documents have been returned to the Legislative Council under Standing Order 52 across multiple orders for papers, including Order for papers – Local and community grants decisions

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=186733>, Order for papers – Local Small Commitments Allocation

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=190020>, Order for papers – Local Small Commitments Allocation – Further order

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=190893>, and Order for papers – Local Small Commitments Allocation Order – Further order (6 August 2025)

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=191526>

The Public Accountability and Works Committee's Integrity, efficacy, and value for money of the Local Small Commitments Allocation process inquiry was self-referred on 21 November 2024. It has held four hearings thus far, on 14 February 2025, 24 March 2025, 28 March 2025, and 27 June 2025. These

hearings have included extensive evidence by Cherie Burton and Premier's Department officials. These hearings included questions on notice and supplementary questions asked by members. Further information can be found at

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3082#tab-otherdocuments>

The LSCA grant program keeps records of advice to, and decisions made by, the Special Minister of State. This information is released to the public to support transparency for the LSCA program.

<https://www.nsw.gov.au/departments-and-agencies/premiers-department/access-to-information/local-small-commitments-allocation-advice-and-decisions>

Many questions without notice and questions on notice on the subject of the Local Small Commitments Allocation program have been answered by the Premier and the Special Minister of State in the NSW Parliament. In addition, the Premier and the Special Minister of State have provided evidence at multiple Budget Estimates hearings.

The Hon. SARAH MITCHELL: It's true. Did your office play a role? Did you advise the Special Minister of State to change these commitments based on requests from Independent members of Parliament?

Mr CHRIS MINNS: I have to take the specifics on notice. But if someone came to us, whether it came through the Premier's Discretionary Funding or the Local Small Commitments Allocation for a jazz festival or a war memorial or a tennis club—I mean, why are we picking on the men's shed?

ANSWER:

I am advised:

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Many thousands of documents have been returned to the Legislative Council under Standing Order 52 across multiple orders for papers, including Order for papers – Local and community grants decisions <https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=186733>, Order for papers – Local Small Commitments Allocation

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=190020>, Order for papers – Local Small Commitments Allocation – Further order

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=190893>, and Order for papers – Local Small Commitments Allocation Order – Further order (6 August 2025)

<https://www.parliament.nsw.gov.au/lc/ordersforpapers/Pages/orders-for-papers-details.aspx?pk=191526>

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The Hon. DAMIEN TUDEHOPE: In that same line, Premier, did members of your staff get to receive ex gratia payments in relation to covering their legal costs for the purposes of appearing before the Dural caravan inquiry?

Mr CHRIS MINNS: I don't know if it was ex gratia payments, but I understand they got legal support. I don't know what form it took.

The Hon. DAMIEN TUDEHOPE: Ms Boyd, did they?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: It was an ex gratia payment?

KATE BOYD: Yes, they're entitled to that under the guidelines.

The Hon. DAMIEN TUDEHOPE: What was the criteria for the making of that ex gratia payment?

KATE BOYD: It's set out in a Premier's memorandum, which I can give you the details of on notice, if you like. But all public officials that are called to inquiries and other—

ANSWER:

I am advised:

The Guidelines attached to Premier's Memorandum M2022-10 *Guidelines for the Provision of Ex-Gratia Legal Assistance for Ministers, Public Officials and Crown Employees (Premier's Memorandum)* provide that public officials may apply for ex gratia assistance where legal proceedings have been commenced, or are anticipated, against them or where they are required to appear before coronial inquiries or hearings conducted by investigatory bodies, arising out of the public official's employment.

The Guidelines attached to the Premier's Memorandum provide that an applicant must establish that his or her involvement in the proceedings or inquiry relates to his or her official duties and that he or she has a substantial and direct interest in the proceedings.

Nothing in the Premier's Memorandum limits the implied authority of Ministers to make ex gratia payments on behalf of the Crown, in the exercise of the Crown's non-statutory executive power. Non-statutory ex gratia

payments are discretionary in nature, and it is for Ministers to determine those cases in which payments will be made having regard to all the circumstances.

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The Hon. DAMIEN TUDEHOPE: Do you have messaging apps?

Mr CHRIS MINNS: Yes, I do.

The Hon. DAMIEN TUDEHOPE: Which ones?

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

The Hon. DAMIEN TUDEHOPE: Do you have Signal?

The Hon. SARAH MITCHELL: Just check your phone.

Mr CHRIS MINNS: I'm not going to check my phone now, but I think I've got all of them, yes.

The Hon. DAMIEN TUDEHOPE: You've got Signal? You've got WhatsApp?

Mr CHRIS MINNS: I'll take it on notice.

ANSWER:

I am advised:

Like the former Coalition Government, the NSW Government uses a range of digital systems and communications that have been approved for use and may be utilised where there is a valid business requirement. This has been established practice under successive governments.

State records are a vital public asset, and access to Government information is essential to maintaining public trust in government. I comply with my obligations under the *State Records Act 1998*.

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The Hon. ROBERT BORSAK: Premier, I'm quite aware, for example, of what Nathan Moran, the CEO of the Sydney local land council, is trying to do. He's got major developments he is trying to get across the line in the northern suburbs, and all over New South Wales really, and he's having major problems trying to get things done—and this is on Aboriginal land that they own. They simply cannot get these things through the planning process.

Mr CHRIS MINNS: Yes. I'm at a little bit of a disadvantage in relation to a couple, or one in particular, because it's right in the middle of assessment. Sorry, I'm getting ahead of myself. There is a major initiative that is being pursued by the Metropolitan Local Aboriginal Land Council on previously Crown land that is Aboriginal land, and there is a proposal for new housing on that site. It has been assessed for bushfire risk by the New South Wales Government and I don't have an announcement or a breakthrough in relation to that. We're looking at it incredibly closely. The Secretary of the Premier's Department has just indicated to me that he's meeting Nathan and I think the leadership of the Metropolitan Local Aboriginal Land Council. But we're at a pointy end of the decision there and I'd probably have to take it on notice.

ANSWER:

I am advised:

I refer to my evidence given on the day.

On 3 September 2025, alongside Secretary Simon Draper I met with representatives of the Metropolitan Local Aboriginal Land Council, including CEO Nathan Moran, regarding the Patyegarang proposal.

The proposal is still going through the assessment process.

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Ms SUE HIGGINSON: Premier, on 6 May you accepted the award from the President of Israel. On 20 September 2024 the UN made it very clear: The special committee found that Israel's warfare methods in Gaza are genocidal, including using starvation as a weapon. Can you see that your actions on 6 May, which then followed your own op-ed being published, was for many people a threat here to the social cohesion of our communities across New South Wales and Australia?

Mr CHRIS MINNS: I didn't accept any award. I don't know what you're talking about.

Ms SUE HIGGINSON: So no presentation that you're a great friend to Israel and—

Mr CHRIS MINNS: Did you say I accepted an award? I don't think I've got any awards—certainly not since I've become Premier.

Ms SUE HIGGINSON: An accolade—some kind of presentation to you as a friend of Israel—at that time on 6 May.

Mr CHRIS MINNS: I'd have to take it on notice, but my understanding is that the President of Israel wrote to me and the New South Wales Government. I think, in fairness, Sue, that's very different to accepting an award, and presenting it like that is a bit of a misrepresentation.

ANSWER:

I am advised:

I refer to the answer given in evidence at pages 22-23 of the uncorrected transcript.

The Ministers' correspondence policy is publicly available at <https://www.nsw.gov.au/nsw-government/ministers/ministers-correspondence-policy>

Questions relating to foreign affairs may be directed to the Australian Minister for Foreign Affairs: <https://www.foreignminister.gov.au/contact-foreign-minister>

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The Hon. SARAH MITCHELL: I want to take you to the issue of flood recovery now—staying with the Mid North Coast. Have you had any briefings recently or any updates in terms of the support and whether or not it's reaching people who need it?

Mr CHRIS MINNS: I do get regular updates, and the latest information I have was there'd been, certainly for category C numbers—actually, I have got the figures here. I saw it last night. Just give me a second. As of 31 July, 53,000 applications have been received for personal hardship. Of that, 44,560 have been paid, 112 have been approved but not yet paid, which totals a reasonably small amount of \$30,000, and 4,900 applications are progressing but haven't been completed, and 4,000 have been declined or not approved. So we've got about 5,000 where a decision hasn't been made, 45,000 where it's been approved and 4,000 that have been rejected.

The Hon. SARAH MITCHELL: That's for personal hardships. Do you have the figures for primary producers or small businesses? You can take it on notice if you don't have it here.

Mr CHRIS MINNS: I do. For category D, primary producer assistance, there's been 852 applications. I don't have a number on how many have been approved. But the number of applications—the cost is approaching \$10 million.

ANSWER:

I am advised:

The Member is referred to page 33 of the uncorrected transcript.

The Hon. SARAH MITCHELL: That's right. Things are just taking a very long time within the RAA, and I think people on the ground are getting very frustrated because they're not getting that money flowing. You saw it for yourself, and I'll acknowledge that you were up there. But the concern comes when that money that's allocated doesn't end up flowing to these communities as quickly as they need it.

Mr CHRIS MINNS: I don't dismiss what you're saying.

The Hon. SARAH MITCHELL: If you can come back with some details, particularly around the numbers that have been approved, that would be great. I'm happy for you to do that on notice.

Mr CHRIS MINNS: I think it's important to note—and this isn't just an issue that's affected our Government since March of 2023. The New South Wales Government—and this spans the Perrottet administration and my administration—have allocated over \$5 billion in four years to flood recovery and emergency assistance. My understanding is that's a 1,000 per cent increase in the four years prior to that. It's the largest or the biggest spending item or the largest increase in spending item of any part of the New South Wales Government.

The Hon. SARAH MITCHELL: Governments have to support communities when they go through disasters. You would appreciate that.

Mr CHRIS MINNS: I'm not—again, it's very strange. Mr Chair, the context is important, and I'm entitled, given that I'm responsible for the Government, to just put some statistics on the table. None of this money is being paid in umbrage. All of it is necessary. I'm not suggesting that the money shouldn't go out the door. What I'm saying is that we need better assistance and more integrated, faster approvals from the Commonwealth Government so that we can get money out the door as soon as possible. The second point I'd make is that Queensland, historically, because they have got a longer history of natural disasters—and we have had natural disasters here too. But, because of the tropical climate, they're more efficient at both assessing and distributing urgent financial hardship support and have been like that for decades. We have to, basically, get to the Queensland model, where it's quicker and we recoup that money from the Commonwealth faster. Part of

the problem—

The Hon. SARAH MITCHELL: Premier, I'm reluctant, but you have had a few minutes. I would like to ask another question if I can, Chair.

Mr CHRIS MINNS: I'm sorry. I'm not mucking around with you guys.

The CHAIR: Order! The Premier's entitled to give a full answer. I don't think he's wasting time.

The Hon. SARAH MITCHELL: But I actually have more questions on behalf of the community.

Mr CHRIS MINNS: If I'm talking about flood assistance and inquiries, I'm going to take my time.

The CHAIR: Order! The Premier's being directly relevant to the questions you've asked. You've got to give him the opportunity to answer in full.

Mr CHRIS MINNS: If I'm here for three hours, a minute on flood recovery is reasonable, I think.

The CHAIR: Fair enough.

Mr CHRIS MINNS: The second point here is the remittance from the Commonwealth Government is slow. It's slow for government agencies in New South Wales. I think partly that's because we haven't had the experience, like the Queenslanders have, of distributing the funds, getting matching funds from the Commonwealth and effectively sending their half of the bill to Canberra. As a result, we're holding—this goes all the way back to the Lismore floods, and Damien would remember this from his time in the Cabinet. We're still waiting on money from the Commonwealth Government for urgent flood assistance from the Lismore floods. The short answer is I'll take it on notice, what you're saying. I appreciate that it's hugely important for Matt and Wade and other farmers in the Mid North Coast, and we want to make sure they get their funds and back on their feet as soon as possible.

ANSWER:

I am advised:

The Member is referred to Secretary Simon Draper's evidence at page 33 of the uncorrected transcript.

Ms CATE FAEHRMANN: Speaking of billions of dollars, in the first quarter of this year the people of New South Wales lost \$2.17 billion to pokies. The people of New South Wales are gambling—losing—\$1 million every hour, \$24 million a day. AUSTRAC says that a quarter of the State's 65,000 poker machines in clubs could be vulnerable to money laundering and terrorism financing. What are you going to do to stand up to clubs and actually introduce cashless gambling? Have you just given up entirely on acting on gambling harm?

Mr CHRIS MINNS: No, we've pursued a whole bunch of changes in relation to New South Wales, whether it's signage out the front of venues, the reduction in the headcount of—

Ms CATE FAEHRMANN: People are gambling more. They're gambling more. It's not working.

The CHAIR: Order!

Mr CHRIS MINNS: You can speak for five seconds and then—it's ridiculous. I'll just take it on notice.

ANSWER:

I am advised:

The NSW Government takes gambling harm minimisation seriously and is delivering evidence-based gaming reform that reduces harm, protects people's privacy, stops money laundering and supports local communities and jobs. Reforms include:

- Reducing the cash input limit from \$5,000 to \$500 for all new gaming machines in pubs and clubs from 1 July 2023
- Continuing to reduce the state-wide cap on gaming machine entitlements, so that every year the number of gaming machines reduces based on forfeiture rates from June 2023
- Banning external gaming-related signage and internal gaming-related signage that can be seen from outside the venue from 1 September 2023

- Introducing Responsible Gambling Officers in venues with more than 20 gaming machine entitlements from 1 July 2024
- Mandating that all venues with gaming machines must keep a Gaming Plan of Management and a Gambling Incident Register from 1 September 2024
- Announcing a ban on gambling advertising on public transport and terminals
- Investing \$100 million into the Gambling Harm Minimisation Fund from the fine imposed on the Star Casino by the NSW Independent Casino Commission
- Consulting with the community on a third-party exclusion scheme and use of mandatory facial recognition technology to support a statewide exclusion register for NSW hotels and clubs with gaming machines
- Banning political donations from clubs with electronic gaming machines, effective from 1 July 2023.

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Ms SUE HIGGINSON: There is no harmony. Would you consider issuing a Premier's directive that we go further and faster to achieve emissions reductions, in line with our 2030 target?

Mr CHRIS MINNS: It is legislated.

Ms SUE HIGGINSON: No, would you consider issuing a Premier's directive? It's an important thing. You have Ministers trying—

Mr CHRIS MINNS: I'm going to get an answer in shortly.

The CHAIR: Order!

Ms SUE HIGGINSON: We're fine.

The CHAIR: Ms Higginson, there was an enormous preamble there. You've got to give the Premier—

Ms SUE HIGGINSON: The Premier took every bit of it. I saw him.

The CHAIR: And then you interjected over the top of him—

Mr CHRIS MINNS: Sue, honestly, if you give me half a second to answer—

The CHAIR: —while he was answering.

Mr CHRIS MINNS: It doesn't seem reasonable.

The CHAIR: Premier, please continue.

Mr CHRIS MINNS: The legislated climate change targets are a hugely important step. A Premier's directive would seem almost a diminution from that. Nothing's more important than the law, and the Parliament has passed that.

Ms SUE HIGGINSON: Can I just point one thing out to you?

Mr CHRIS MINNS: Sure.

Ms SUE HIGGINSON: I worked very hard with your Government to get those targets in place. The 2030 target is not a binding target; the 2050 is. Would you please consider a directive to assist your Cabinet Ministers to meet the harmonisation to drive us to get to that 2030 target?

Mr CHRIS MINNS: I have to think about the context of the—let me take it on notice.

ANSWER:

I am advised:

- Latest updates from the emissions projections tracking show an improvement to the state's reductions, with NSW estimated to reduce emissions by 46% in 2030 and 62% in 2035.
- A new Net Zero Plan will be designed to ensure NSW can meet the 2030 & 2035 targets.
- The plan will take a sector-by-sector approach to decarbonisation and for the first time bring together all the relevant portfolio Ministers to provide guidance and input.

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The Hon. SARAH MITCHELL: Thank you. A very quick one in relation to whether or not you've received any correspondence from the Commonwealth about DCCEEW's operations at Toorale Station in relation to water flows. I realise it's quite a specific question, but have you had any correspondence in relation to that?

Mr CHRIS MINNS: Could I take it on notice?

The Hon. SARAH MITCHELL: Yes, that would be great.

ANSWER:

I am advised:

The NSW Government discusses a range of matters with the Commonwealth Government. Ministers' correspondence policy is publicly available at <https://www.nsw.gov.au/nsw-government/ministers/ministers-correspondence-policy>

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The Hon. SUSAN CARTER: Why is the number of appointments with a legal professional privileged?

KATE BOYD: I think all communications between lawyers and their clients are generally subject—

The Hon. SUSAN CARTER: The content of that communication, Ms Boyd—not the fact of that communication, surely.

KATE BOYD: I won't get into a debate with you about legal professional privilege. I don't know how many times they met.

The Hon. SUSAN CARTER: Are you able to take that on notice?

KATE BOYD: I don't have that information available to me.

The Hon. SUSAN CARTER: Who would have that information?

KATE BOYD: The lawyer and their client.

The Hon. SUSAN CARTER: And what was the cost to the taxpayer, Ms Boyd?

KATE BOYD: I'd have to take that on notice.

ANSWER:

I am advised:

Invoices totalling \$44,691.46 have been issued by the legal representatives in relation to the ex gratia legal assistance for the five public officials.

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The Hon. DAMIEN TUDEHOPE: But, within the Egan decisions, they hadn't been to Cabinet. So policy proposals wouldn't necessarily be caught by a Cabinet-in-confidence definition, would they?

KATE BOYD: Not always. It depends on the particular document and whether it tends to reveal the position that an individual Minister took on the matter in Cabinet. It can be difficult to make those assessments. The agencies that hold the documents are probably in the best position to—

The Hon. DAMIEN TUDEHOPE: No modelling, no policy variations, nothing produced in relation to presumptive cancers at all.

KATE BOYD: I can take that on notice and go back to the relevant agency and check whether they have supplementary or further documents. I appreciate there's been a further order that the House has made, and perhaps there'll be further materials produced in response to that.

ANSWER:

I am advised:

- Agency and Ministers' office returns to the 25 June 2025 order for papers relating to workers compensation legislation were delivered to the Legislative Council on 23 July 2025. Supplementary returns were delivered to the Legislative Council on 25 July 2025, 5 August 2025 and 15 August 2025.
- Agency and Ministers' office returns to the 5 August 2025 further order for papers relating to workers compensation legislation were delivered to the Legislative Council on 19 August 2025, including a voluntary return of additional documents.
- Agency and Ministers' office returns to the 5 August 2025 order included certifications from each agency or Ministers' office that no documents that are covered by the terms of the resolution and lawfully required to be provided are held by them (or that all such documents have previously been provided).

The Cabinet Office is not aware that any agency or Ministerial office is proposing to make a further return in response to those orders.

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The Hon. DAMIEN TUDEHOPE: I'm putting to you a whole lacuna of documents, all missing—not a single email, not a single briefing note, nothing, no updates, no correspondence with anyone, nothing. Would you be surprised by that?

KATE BOYD: I think it depends. I'm not familiar with the terms of the order or the agency that you're talking about, so it's very difficult to answer that.

The Hon. DAMIEN TUDEHOPE: We're talking about SIRA.

KATE BOYD: I'm really not in a position to respond about that, but I'm more than happy to take it on notice and make inquiries as to whether or not there are more documents coming or whether there are plans to provide a supplementary return or whether there's been an oversight and something's been missed.

ANSWER:

I am advised:

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The Hon. DAMIEN TUDEHOPE: But in the history of SO 52, you'd be aware that, on numerous occasions, correspondence from Legislative Assembly members has been included in papers which are produced to the Legislative Council.

KATE BOYD: I can't recall if that's come up before.

The Hon. DAMIEN TUDEHOPE: It's been a regular event that correspondence between a Legislative Assembly member and a Minister relating to a particular matter—

KATE BOYD: I'd have to take that on notice and consider it, but certainly the Speaker's never raised the issue with us before. I think because there are a few of these types of issues arising, it's front of mind. In this case, it did come to a head. We did our best to comply.

ANSWER:

I am advised:

The Cabinet Office seeks to manage returns in a manner that respects the relationship between and functions of the Legislative Council and Legislative Assembly, including with respect to the longstanding convention of comity between the Houses.

Correspondence from Legislative Assembly members has previously been produced to the Legislative Council in response to orders for papers under Standing Order 52. However, in this case, relevant documents concerned proposed legislation and proceedings of the Legislative Assembly, and therefore gave rise to particular concerns about comity and parliamentary privilege. As such, in this instance it was considered appropriate for the relevant documents to be provided to the Legislative Assembly for it to consider their potential production to the Legislative Council.

The CHAIR: Earlier today you gave an answer in relation to the advice that was given from the Executive Council to the Governor not to agree to a request of the House to provide Ivan Milat's police and criminal records—you said because there were ongoing investigations.

KATE BOYD: I don't know—I may have misspoken. I think the reasons were that they related to criminal investigations. I'd have to go back and check whether the term "ongoing" was appropriate.

The CHAIR: Who did you consult with? Who does the Cabinet Office consult with? Do they consult with the police about that, or do they make a formal submission? How is that process?

KATE BOYD: I'll take it on notice, but my expectation would be that the Cabinet Office would consult with the New South Wales police as a whole, or the custodian of the records, as to the public interest in their disclosure.

The CHAIR: Sorry, could you say that again?

KATE BOYD: Yes. It would be my expectation that the Cabinet Office would consult with the police about that matter.

The CHAIR: Would they be required just to say, generally, there's an ongoing criminal investigation, or they relate to a criminal investigation, without describing what the criminal investigations were?

KATE BOYD: Yes, we would take their word for it. I don't think it would be our practice to delve too much into that, given the sensitive nature of the matters.

The CHAIR: How would his criminal record be caught by that? Just the statement of matters that were that he was charged with and convicted of, or charged with and not convicted—how would that be subject to criminal investigation?

KATE BOYD: I'm not sure whether that was part of the suite of documents that even fell within the order, and I am aware that the Department of Communities and Justice has made some documents available for inspection in relation to this matter.

The CHAIR: That was Corrective Services. I had to sign an NDA to seize prison records, but the SO 55

did seek his criminal records.

KATE BOYD: I can take that on notice and check.

ANSWER:

I am advised:

- In relation to the request under Standing Order 55 for State papers relating to Ivan Robert Marko Milat (**request**), The Cabinet Office consulted with all Departments, agencies and offices named in the resolution, including the New South Wales Police Force.
- On advice of the Executive Council, the Governor refused the request on several grounds.
- Corrective Services NSW has made Mr Milat's Convictions, Sentences and Appeals reports, which include details of Mr Milat's criminal record where a custodial sentence was imposed, available to the member under a confidential inspection regime.

Queries about the provision of criminal record information are best directed to the New South Wales Police Force.

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The Hon. MARK LATHAM: How did this one go through and how did you approve it, given that 15 Leeds Street was in private ownership, they had no idea Billbergia was making this application and, moreover, there are another two blocks of privately owned land that had nothing to do with Billbergia at 19 and 21 Leeds Street, again, where they were oblivious to this even happening.

SIMON DRAPER: I've already said to you that I don't remember this one out of over 400 that we've considered, but if you like I can take that on notice.

The Hon. MARK LATHAM: If you can, because it seems like it's starkly outside the guidelines for which you're responsible.

SIMON DRAPER: I don't know that what you're saying is right, but I'm more than happy to have a look at it.

ANSWER:

I am advised:

The declaration of a project under the Housing Delivery Authority pathway is not an approval. The Housing Delivery Authority (HDA) receives expression of interest (EOI) applications, evaluates proposals against the published HDA EOI criteria, and provides the Minister for Planning and Public Spaces with a recommendation as to whether a proposal should be declared State significant development (SSD). When a proposal is declared as State significant development (SSD), it is then eligible to be submitted as an SSD application.

Landowners' consent is a requirement of a development application, which comes after an EOI is declared.

One of the HDA EOI criteria is to demonstrate land tenure - ownership of or option to purchase all land to which the proposal applies. Land tenure is an indicator of the capacity of the project to be assessed and delivered quickly, it is not to confirm landownership.

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The Hon. MARK LATHAM: Can you go back and check what happened with Billbergia? And also the fact that one of the parcels of land they included in their application was owned by Canada Bay Council. Also another parcel of land was New South Wales Crown land at 2A Leeds Street.

SIMON DRAPER: Yes, we'll take that on notice.

The Hon. MARK LATHAM: How could you have approved an application that had five parcels of land for which the proponent had no ownership, no option and no consent?

SIMON DRAPER: I think I've responded to that already. I'll have to look at the details of that one. It's one of 400 that we've looked at. I don't know that what you're saying is right; you say it is. I'm happy to take that on its face value, but we'll answer the rest of it on notice.

ANSWER:

I am advised:

The HDA receives EOI applications, evaluates proposals against the published HDA EOI criteria, and provides the Minister for Planning and Public Spaces with a recommendation as to whether a proposal should be declared SSD. If declared, it is then eligible to be submitted as an SSD application.

SSD applications undergo a full merit assessment undertaken by the Department of Planning, Housing and Infrastructure. This assessment includes confirmation of landowners' consent, assessment against planning controls, and public exhibition for council and community comment. Landowners' consent details are not required at the EOI stage. An EOI is a preliminary process to reveal potential projects that are typically conceptual.

EOI 229650 for Averill and Leeds Streets, Rhodes was declared SSD on 17 February 2025. The declaration followed advice from the HDA that the project had state significance and was recommended for the HDA pathway. The declaration order included all sites listed within the EOI. The EOI response to criteria relating to land tenure stated that tenure over the

majority of lots was secure, and that ownership arrangements over the balance of lots would be resolved as the application preparation progressed.

Following the declaration of the EOI, the Department received correspondence from landowners included in the list of declared lots objecting to the declaration covering their land and confirming that they had not entered an arrangement with the proponent. Additionally, in discussions with the Department ahead of a request for Secretary's Environmental Assessment Requirements (SEARs), the applicant advised of a reduction in the number of lots to be included in the development application.

Accordingly, the Minister amended the declaration for EOI 229650 on 24 July 2025 limiting the declaration to only the sites to be included within the SEARs request. A request for SEARs is the step before lodging an SDD application. SEARs have been requested but are yet to be issued for this site.

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The Hon. MARK LATHAM: Yes, this is all about Billbergia at Rhodes. What statutory or policy notification steps under the EP&A Act and your HDA guidelines or any ministerial direction were actually complied with before you advised the Minister to call it in a State significant development on 18 February?

SIMON DRAPER: I'm going to have to take that on notice as well. You've asked me for a lot of information about a very specific application. I don't recall the details of it.

ANSWER:

I am advised:

The Minister declared the EOI as State significant development under clause 4.36(3) of the EP&A Act via a Ministerial Planning Order published on 18 February 2025. At the time that this Ministerial Order was made, the EP&A Act required that prior to declaring specified development on specified land to be SSD that the Minister obtain and make publicly available advice from the Independent Planning Commission (or their delegate). The Independent Planning Commission delegated that function to the HDA Authority under Instrument of Delegation dated 5 February 2025. The HDA's advice to the Minister in relation to this EOI, and all other EOIs considered at the Briefing is outlined in the Record of Briefing dated 7 February 2025, which was published on the Department of Planning, Housing and Infrastructure's website on 17 February 2025.

Notification emails were sent to the applicants of each EOI considered at the 7 February briefing of the HDA following the publication of the Ministerial Order on 18 February 2025.

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Dr AMANDA COHN: That limitation created by the offer, in terms of the ability of the association to negotiate further through the IRC—in your view is that in keeping with the Fair Pay and Bargaining Policy that was released in March?

SAMARA DOBBINS: Yes, I believe so. Under the policy, it's an interest area that was identified. I believe it was subject to discussions between the association and Health. As we say, the association hasn't accepted the offer yet, but they would only accept it on the basis that it were in settlement of that part of the claim. Under the Fair Pay and Bargaining Policy, it has service improvements and productivity attached to it, so it would be a meeting in the middle, I guess, of what the nurses want and what the department's willing to offer, and that is completely compliant with the policy.

Ms ABIGAIL BOYD: Does that then create an interim award or is it effectively just a pay increase?

SAMARA DOBBINS: That's a very good question, Ms Boyd. I'm not sure how the increase would be passed on, whether it's a determination of the Secretary of Health or whether it would be an agreed update to the current award. I'd have to take that on notice.

ANSWER:

I am advised:

If the offer is accepted by the Association, it will be implemented via a consent award variation. This will occur as soon as practicable post the Association vote, noting that arbitration is scheduled to commence on 30 September 2025.

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The Hon. DAMIEN TUDEHOPE: It is not one of the guidelines that the project finally approved is meritorious. It may be objectively meritorious. It may be a refurbishment of a war memorial and, on its face, objectively meritorious, but that's not the point.

SIMON DRAPER: That is one of the requirements. Certainly, there is a whole series of criteria that it's evaluated against: the merit of the program and whether it was something that was additional to what was already going to be planned to do. There is a number of criteria in the guidelines.

The Hon. DAMIEN TUDEHOPE: But the primary criteria is that it was an election commitment.

SIMON DRAPER: That's not the primary criteria; it's one of the eligibility criteria.

The Hon. DAMIEN TUDEHOPE: What were the other eligibility criteria?

SIMON DRAPER: I can grab the guidelines.

The Hon. MARK LATHAM: This will be good.

The Hon. DAMIEN TUDEHOPE: Do you want to take that on notice?

SIMON DRAPER: If it saves the Committee time. I do have the guidelines with me somewhere here.

ANSWER:

I am advised:

The LSCA Program Guidelines details both **Eligibility** criteria for organisations and projects that were nominated (section 3) and **Merit Assessment criteria** (section 6).

Eligibility

An **organisation** eligible for LSCA funding must be:

- A nominated organisation invited to submit a project identified as an election commitment prior to the 25 March 2023 election;
- A Not-for-profit organisation, agency or group; or
- A government related organisation including.

A **project** eligible for LSCA funding must:

- Have been nominated as an election commitment prior to the March 2023 election
- Have commenced after 26 March 2023
- Be delivered in the NSW electorate from which funding was allocated.
- Have, or be able to obtain, appropriate Public Liability Insurance
- Be able to be delivered within 2 years of the execution of a Funding agreement.

Projects may be partially or fully funded by LSCA Program funds.

Merit Assessment

LSCA was a non-competitive grant program. All nominated projects were assessed on their own merits without reference to the comparative merits of any other LSCA project submission.

All eligible projects were assessed by two independent expert assessors (the Assessment Panel). The Assessors were appointed by the LSCA Program Office and had relevant experience in the assessment of community-based grant applications.

Each Assessment Panel member independently undertook a merit assessment of each eligible submission.

Merit Assessment Criteria:

1. The project will enhance wellbeing and deliver benefits to the local community;
2. The project is an efficient, effective, economical, and ethical use of money and will deliver value for money;
3. The project can be delivered by the organisation as described.

Each criteria was scored out of 3 by both assessors, and a project was deemed to have merit if it scored a combined minimum score of 4 in each of the three merit criteria.

The LSCA Program Guidelines and the Grants Administration Guide are published on the LSCA website.

The Hon. DAMIEN TUDEHOPE: Do you preserve the records relating to those WhatsApp messages?

KATE MEAGHER: Where I'm required to preserve a record, yes, I would.

The Hon. DAMIEN TUDEHOPE: How do you do that?

KATE MEAGHER: Generally speaking, if it's ephemeral, no, I wouldn't. As per Ms Boyd's evidence this morning, I wouldn't record it. But if a decision is taken over a channel like that, then it would be captured via email most likely. But, generally speaking, messaging apps like that aren't used in my experience.

The Hon. DAMIEN TUDEHOPE: Do you have disappearing messages on your—

KATE MEAGHER: Yes, I do in some instances.

The Hon. DAMIEN TUDEHOPE: Are you able to provide a list of those groups that you have disappearing messages in relation to?

KATE MEAGHER: I can take it on notice.

ANSWER:

I am advised:

- State records are a vital public asset, and access to Government information is essential to maintaining public trust in government. The Premier's Department and The Cabinet Office take their record keeping responsibilities very seriously.
- Departmental staff are required to manage and store records in line with the State Records Act 1998 and supporting policies, including the Acceptable Use of Digital Technology Policy, the Records Management Policy, and the Official Use of Social Media Policy.
- A range of digital systems including Signal and WhatsApp have been approved for use and may be utilised where there is a valid business requirement. This has been established practice under successive governments.

- Premier's Department has used instant messaging apps such as Signal and Whatsapp over many years as secure channels and for live updates during major events and natural disasters, particularly where staff may be working remotely offsite and outside normal business hours. This includes events such as trade missions, Sydney Marathon, City2Surf, Vivid, Anzac Day, New Years Eve, the Royal Visit as well as emergency matters including Cyclone Alfred, Broken Hill power outage, flood and bushfire emergencies.

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The Hon. MARK LATHAM: How many of those over 200 have you found out retrospectively that the proponent didn't have authority over the land for which they were placing their application?

SIMON DRAPER: None.

The Hon. MARK LATHAM: You're not aware of this Billbergia example?

SIMON DRAPER: I'm taking your word for it and I've said I'll take that on notice and come back to you on that one.

ANSWER:

I am advised:

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Landowners' consent is a requirement of a development application, which comes after an EOI is declared.

One of the HDA EOI criteria is to demonstrate land tenure - ownership of or option to purchase all land to which the proposal applies. Land tenure is an indicator of the capacity of the project to be assessed and delivered quickly, it is not to confirm landownership.

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The Hon. MARK LATHAM: What sort of review has there been so far of the processes of the Housing Delivery Authority and do you think we're running into the problem of a mad rush to approve anything that comes across your desk, even if the proponent hasn't got authority over the land?

SIMON DRAPER: In terms of review, Ms Boyd might remind me. Have we got a formal review process that we established in the terms of reference? I think there might be.

KATE BOYD: We can take that on notice and check.

SIMON DRAPER: I'll take that part on notice. But to the second part of your question, there's no mad rush to approve everything. I don't know the exact numbers, but I'd say probably about half of the matters that come before the Housing Delivery Authority get recommended for declaration by the Minister and about half do not.

ANSWER:

I am advised:

The Department of Planning, Housing and Infrastructure (the Department), over the course of the HDA's first six months of operation, has made iterative improvements to the declaration process. This included seeking context from councils, updating HDA criteria to receive better quality EOI applications, and requesting additional information where there is ambiguity or gaps, including on land tenure arrangements.

All HDA meetings are attended by a probity advisor, who oversees how the meeting is run, provides probity advice to HDA members, and flags any issues or opportunities to improve the transparency and rigour of the operation of the HDA.

As outlined in the HDA's Terms of Reference, the Department will support the HDA in undertaking an annual self-evaluation of its level of effectiveness. The evaluation framework will be prepared by the Department in consultation with the HDA.

The performance of the HDA is also monitored and will be reported in the Department's Annual Report.

Further, out of an abundance of caution and to demonstrate the transparency of the process the Minister for Planning and Public Spaces has instructed the Department of Planning, Housing and Infrastructure to refer EOI 229650 for independent probity review. This review has commenced.

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Ms ABIGAIL BOYD: Mr Draper, I think this is a question to you. In October last year a new Treasury Policy and Guidelines document was released called TPG 23-27, Gender Impact Assessment Policy. In the 10 months since that policy has come into place, how many new policy proposals have gone through that gender impact assessment process?

SIMON DRAPER: I'd have to take that on notice. I don't have that information with me.

Ms ABIGAIL BOYD: Are you aware whether the Government's workers compensation policy was subject to that process?

SIMON DRAPER: No, I'm not aware.

Ms ABIGAIL BOYD: If you could take it on notice and find out if it was, that would be very useful.

SIMON DRAPER: I'll take it on notice, yes.

ANSWER:

I am advised:

This question is a matter for Treasury and should be directed to the Treasurer for a response.

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Ms ABIGAIL BOYD: In November last year, Treasury released the new guideline TPG 24-30, which allowed "fast track business case and investment assurance for government capital commitments", which I think I described at the time as allowing things to be fast-tracked if they're subject to a media announcement. How many times has that fast track business case process been used?

SIMON DRAPER: Again, I don't know the number that it has been used, but I don't agree with your characterisation of it.

Ms ABIGAIL BOYD: I'm sure you don't.

SIMON DRAPER: Just for context, and I won't take up too much of your time, the reality is that business cases—and I think the Premier spoke about this this morning in response to another question—are a way of informing decision-making, but there are times when spending a lot of time and money on a business case isn't warranted by the decision that has to be made.

Ms ABIGAIL BOYD: No-one is disputing that, but part of that guideline actually says that one of the cases in which you can have a fast track business case is where there has been an announcement by media, by press release, so I don't think it's a stretch to say that this is fast-tracking—

SIMON DRAPER: I don't recall if it says that, but what I will say is, if there's been a decision—I've seen a lot of times when there's been a pretty clear decision of government to go ahead and do something, and then people go away and do a business case, which just costs a lot of money and takes up time, and it's inevitable that it's going to go ahead. It doesn't add a lot of value to the decision-making process.

Ms ABIGAIL BOYD: Again, no-one is disputing that. I think what we're disputing is the idea that you could just bypass that process for all proposals. It seems a little extreme.

SIMON DRAPER: We wouldn't do that for all proposals. There are lots of circumstances, I should say, where elaborate business cases are very warranted and have proven useful in filtering out projects which shouldn't proceed.

Ms ABIGAIL BOYD: Yes. If you could perhaps just take on notice how many

have been shortcut through that new policy document and what they were, that would be very useful.

SIMON DRAPER: Sure.

ANSWER:

I am advised:

This question is a matter for Treasury and should be directed to the Treasurer for a response.

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Ms ABIGAIL BOYD: Finally, why is the Government refusing the community preschools supported bargaining case?

SIMON DRAPER: I might have to—are you familiar with that one?

SAMARA DOBBINS: No, I'm not, I'm sorry. I'll have to take that on notice

SIMON DRAPER: We'll take that on notice. Just to check, that is a wage application, is it?

ANSWER:

I am advised:

The NSW Department of Education and the NSW Treasury have been directed to attend bargaining facilitated by the Fair Work Commission. The Department of Education participates in the bargaining process but is not a formal party because it is a funder, not an employer, of community preschools.

Questions around funding should be directed to the NSW Department of Education.

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The Hon. SUSAN CARTER: Ms Boyd, I wonder if you could provide on notice the invoices in respect of the legal advice that was provided to those staff members.

KATE BOYD: I'm happy to take that on notice.

The Hon. SUSAN CARTER: As I understand it, you're arguing that if the memorandum wasn't followed, there was the Executive power at common law that had been delegated. What was the process for managing the conflict of interest between the decision-maker making the decision about an ex gratia payment essentially in respect of colleagues?

KATE BOYD: I can take that on notice and consider that. I'm not sure I'd call it a conflict of interest, given that there was no private interest of the Attorney or the Secretary of DCJ in relation to this matter. It's an official function, and that is their role as a decision-maker in relation to ex gratia legal assistance. It's not uncommon that they would know the parties that are making the requests for assistance.

The Hon. SUSAN CARTER: I think the issue, perhaps, is that part of the reason we have conflict-of-interest processes is to ensure the public that there has been no conflict, and that decisions have been made impartially and not swayed by professional or personal relationships. I think it's very important that that process be very clear to the public, how it may or may not have been followed. If you could take that on notice, I'd be very grateful.

KATE BOYD: Of course. As I said before, the Secretary of the Department of Communities and Justice was the decision-maker on the application, so it was at arm's length from the Minister.

The Hon. SUSAN CARTER: I'm not imputing anything to the decision-maker. I'm just curious as to how the conflict-of-interest process was managed.

KATE BOYD: Understood.

ANSWER:

I am advised:

The provision of ex gratia legal assistance was approved by the Secretary of the Department of Communities and Justice in accordance with the Guidelines attached to the Premier's Memorandum M2022-10.

All government sector employees are expected to comply with the ethical requirements set out in the *Code of Ethics and Conduct for NSW Government Sector Employees* issued by the Public Service Commissioner (PSCC 2024-02), including in relation to the management of conflicts of interest.

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Ms ABIGAIL BOYD: Mr Draper, what is Project Onyx?

SIMON DRAPER: Project Onyx—I'm not sure if I can recall what that one is.

KATE BOYD: I don't think I know that one either.

Ms ABIGAIL BOYD: You don't know what Project Onyx is?

SIMON DRAPER: It sounds like we'd better take that one on notice.

Ms ABIGAIL BOYD: The Premier's Department is paying Allens, I believe, for legal advice in relation to Project Onyx, according to eTender. "Project Onyx" has also been bandied about as the name of a social media surveillance artificial intelligence tool that the Police Force was going to use. Is it related to that?

SIMON DRAPER: I don't think so but, given I don't know what it is, I can't answer it certainly. I'm happy to take that on notice.

Ms ABIGAIL BOYD: If you could take that on notice, that would be very useful. Thank you.

ANSWER:

I am advised:

No – the Project Onyx listed in eTender is not related to the Police Force social media surveillance artificial intelligence tool.

Project Onyx is a matter being handled by Investment NSW.