

Mr Stewart Smith
Director
General Purpose Standing Committee No.1
Budget Estimates
Room 812, Legislative Council
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Mr Smith

I refer to my appearance, and that of the Acting Secretary of the Department of Premier and Cabinet, Mr Simon Smith, on 21 August 2014 before the General Purpose Standing Committee No.1 for the purpose of giving evidence in relation to the 2014-15 Budget Estimates.

Please find enclosed responses to questions taken on notice at the Estimates hearing (Attachment 1) and Supplementary Questions on Notice (Attachment 2). Soft copies of these responses have also been forwarded to budget.estimated@parliament.nsw.gov.au.

I would like to note that in relation to page 4 of the transcript regarding the board of UrbanGrowth NSW, according to the Landcom Corporation Act 2001, "The board is to consist of 7 directors appointed by the Governor on the recommendation of the voting shareholders"; and "The voting shareholders are to consult with the portfolio Minister before recommending any person for appointment as a director". I hope this information is of further assistance.

Yours sincerely



MIKE BAIRD MP
Premier

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QUESTIONS TAKEN ON NOTICE AT HEARING 21 AUGUST 2014

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QUESTION:

The Hon. LUKE FOLEY: We have moved from cricket to football. I try to pay some attention to the words in second reading speeches because they carry some weight. I refer to the term "interim sanction" for third party lobbyists. To be clear, do I take that an "interim sanction" is something that could occur while the Electoral Commission conducts a thorough investigation of a matter before making a final decision? Is that what you think is meant by the term "interim sanction" for a third party lobbyist in the Premier's second reading?

Mr SMITH: I am afraid I am not certain but it sounds plausible.

The Hon. LUKE FOLEY: Could you perhaps take it on notice?

Mr SMITH: Sure.

The Hon. LUKE FOLEY: —and come back to the Committee with some further advice on what is exactly meant by the phrase "interim sanction" in the second reading speech. I do not think those words appear in the Act, so I am just interested in the thinking and the rationale.

Mr SMITH: Yes, happy to do so.

ANSWER:

The phrase "interim sanction" was used in the second reading speech in relation to the Watch List. Under the amendments made to the *Lobbying of Government Officials Act 2011*, the Electoral Commission will be required to maintain a Watch List that contains the names and other identifying details of any third-party or other lobbyist whom the Electoral Commission determines should be placed on the Watch List because of contraventions of the Lobbyists Code or of the Act.

The Electoral Commission will independently determine when to place an individual or organisation on the Watch List and the period of time for which they are to remain on the list. Special procedures may apply to any meetings between government officials and individuals and organisations placed on the Watch List.

In addition, third-party lobbyists who contravene the Lobbyists Code or the Act may be removed from the Lobbyists Register by the Electoral Commission and will not be able to meet with government officials.

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QUESTION:

The Hon. LUKE FOLEY: Have you Mr Smith, Mr Eccles or legal counsel of the Department of Premier and Cabinet had cause to investigate any other registered lobbyist since the Tannous investigation that I kicked off last year?

Mr SMITH: I have not in my period of Acting Secretary, but I can take it on notice to let you know if there was anything prior to that time.

ANSWER:

The Department continues to monitor and review compliance with the provisions of the Lobbyists Code of Conduct by all lobbyists, including following up lobbyists with respect to confirmation of details forms, change of details forms and statutory declarations.

In addition, the Department has written to all registered political parties requesting details of the offices and positions concerned in the management of their party and the holders of these positions in order to review compliance with the provisions of the Lobbyists Code of Conduct prohibiting individuals who occupy or act in an office or position concerned in the management of a registered political party being included on the Lobbyists Register.

The Department is reviewing material provided by the Hon Luke Foley during the Budget Estimates hearing and will provide the Chair of the Committee with a written update once that review is complete.

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QUESTION:

CHAIR: There has been controversy about people flying the ISIL flag. Is that Syrian-Iraqi organisation a prohibited terrorist organisation in Australia? Is it legal to fly that flag?

Mr MIKE BAIRD: I will to take advice on that. We are reaching a crisis point. The Federal Government is taking significant action and our forces are working cooperatively with others. The images we have seen over the past few days are beyond horrifying. I cannot even think of words to describe them. How on earth is this happening? I think the Prime Minister said it is the purest form of evil. I do not think that goes far enough.

CHAIR: You would oppose people flying that flag in Sydney suburbs?

Mr MIKE BAIRD: I would have to take advice. I understand that that is a Commonwealth responsibility.

ANSWER:

The organisation "Islamic State" is listed as a terrorist organisation under the Commonwealth Criminal Code.

Under current laws, displaying a flag of a listed terrorist organisation is not an offence of itself.

Depending on the context, it might be that the flying of a flag can constitute "offensive conduct". In this situation it might be that flying a flag would be an offence under the NSW *Summary Offences Act (1988)*.

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QUESTION:

CHAIR: Looking at the other side of that coin, do you have any plans to encourage government agencies and schools to fly the Australian flag? Apparently schools are not required to fly the flag and some do not.

Mr MIKE BAIRD: Really?

CHAIR: Yes.

Mr MIKE BAIRD: I was not aware of that.

CHAIR: I was disappointed when the Minister for Education indicated that schools are not required to fly the national flag. I think government agencies, and particularly schools, should be required to fly the flag.

Mr MIKE BAIRD: I will take that question on notice. I was not aware of that. It seems sensible to require schools to fly our national flag proudly. I like the idea, but I am not sure we would get bipartisan support.

ANSWER:

While schools and government agencies are not required by legislation or directive to fly the Australian National Flag.

I strongly encourage schools and government agencies to do so.

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QUESTION:

The Hon. LUKE FOLEY: Mr Smith, has the department allocated any resources to overseeing the activities of First State and Mr Joseph Tannous since the director general found a breach of the code of conduct in September last year?

Mr SMITH: As I said, I am not aware of specific proactive investigations since I commenced as the Acting Secretary, but I am happy to take that on notice for the earlier period.

The Hon. LUKE FOLEY: Does a finding—to my knowledge the first in the life of this Government—that the code of conduct has been breached not lead to some degree of keeping an eye on this fellow?

Mr SMITH: Yes, it would to some degree.

The Hon. LUKE FOLEY: You will get back to us with some information on how your department has kept an eye on this character since your predecessor found he had breached the code of conduct?

Mr SMITH: Sure, I would be happy to take that on notice.

ANSWER:

The Department continues to monitor and review compliance with the provisions of the Lobbyists Code of Conduct by all lobbyists, including following up lobbyists with respect to confirmation of details forms, change of details forms and statutory declarations.

The Department has written to all registered political parties requesting details of the offices and positions concerned in the management of their party and the holders of these positions in order to review compliance with the provisions of the Lobbyists Code of Conduct prohibiting individuals who occupy or act in an office or position concerned in the management of a registered political party being included on the Lobbyists Register.

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QUESTION:

The Hon. PETER PRIMROSE: So it is a non-position. Are any homes in Western Sydney affected by loose fill asbestos insulation?

Mr MIKE BAIRD: Is that in relation to?

Mr SMITH: Mr Fluffy.

The Hon. PETER PRIMROSE: Or any other company.

Mr MIKE BAIRD: The Minister for Finance is handling that particular issue. I am not aware of there being cases in Western Sydney but I am happy to take them on notice.

The Hon. PETER PRIMROSE: I am not asking for an answer, just if you would take this on notice. Will you consider to committee to conduct an investigation into the matter in Western Sydney? Will the Government commit to remedial action in any affected homes? Will you take those questions on notice?

Mr MIKE BAIRD: The Minister for Finance is overseeing this and is already responding and providing a strategy across it.

The Hon. PETER PRIMROSE: But in Western Sydney.

Mr MIKE BAIRD: We will take that on notice in relation to Western Sydney. Do you have information in relation to Western Sydney?

The Hon. PETER PRIMROSE: I have got a lot of information in relation to Western Sydney.

Mr MIKE BAIRD: On this issue.

The Hon. PETER PRIMROSE: In relation to this issue, yes. Asbestos is a major issue, as you know, in Western Sydney, particularly in the area of Holroyd.

ANSWER:

On 15 August 2014 the NSW Minister for Finance and Services Dominic Perrottet announced an independent investigation to help determine the number of premises in NSW that may contain loose-filled asbestos ceiling insulation material.

Further information is available at <https://www.finance.nsw.gov.au/nsw-government-launches-investigation-loose-fill-asbestos>.

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QUESTION:

The Hon. PETER PRIMROSE: ... Ropes Crossing Public School has no air conditioning and students suffer in sweltering temperatures in summer. Will your Government fund air conditioning at Ropes Crossing Public School?

Mr MIKE BAIRD: I am happy to talk to the Minister for Education about it. Obviously I need to see the circumstances. I am happy to talk to the Minister for Education.

The Hon. PETER PRIMROSE: Will you come back to the Committee about what time you may be prepared to fund that air conditioning?

Mr MIKE BAIRD: Yes, we can certainly come back on that issue.

ANSWER:

The Department of Education and Communities' air cooling policy aims to ensure that schools with the greatest need for air conditioning are prioritised. Permanent classrooms in schools located in areas with mean maximum January temperature receive priority.

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QUESTION:

The Hon. PETER PRIMROSE: As Minister for Western Sydney you would be aware that the railway line at Casula is very noisy. Is that right?

Mr MIKE BAIRD: The rail line at Casula?

The Hon. PETER PRIMROSE: Yes.

Mr MIKE BAIRD: If that is what you are telling me, I will believe you.

The Hon. PETER PRIMROSE: I am sorry I thought you would be aware of that. Will you advise what noise abatement work has been done and is planned to alleviate this problem for the residents of Casula?

Mr MIKE BAIRD: I can talk to the Minister for Transport and we can provide a response to you on that.

The Hon. PETER PRIMROSE: Are you aware of the issue at Casula?

Mr MIKE BAIRD: I am aware of a range of issues but that is one that is the responsibility of the Minister for Transport. I will provide a response back to you on that.

ANSWER:

Noise mitigation works at Casula were undertaken during construction of the Southern Sydney Freight Line.

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QUESTION:

Dr JOHN KAYE: Do you have concerns about the insecurity being created in a number of resource centres and shelters because of the change in the way in which they are funded?

Mr MIKE BAIRD: There are two parts to that. The exciting thing is that we have made a significant commitment to *Going Home Staying Home*. More funding than there was will be available to provide additional services. The Government has acknowledged that the rate of homelessness is increasing and that we need to work out how we can come up with a strategic policy response that once and for all starts to reduce that rate. It is a collective. Rather than offer individual services, this will bring services together to operate from the point of prevention through to crisis. Obviously, the approach that we have announced will then be supplemented by some of these additional groups that have the capacity to provide more services than are currently provided. They are complementary to the reforms that will lead to an overall improvement. It is incredibly distressing that the Labor Party has been scaremongering on this issue.

Dr JOHN KAYE: I do not want you to play politics with this because it is a serious matter. This is a serious provider of services that is saying that it will not be able to survive without State Government funding, and its funding is at risk. These services deal with women who are in extreme crisis.

Mr MIKE BAIRD: They have my deep empathy.

Dr JOHN KAYE: If they cannot access that service they will have to go back to an abusive household.

Mr MIKE BAIRD: I will take the question on notice.

ANSWER:

Ensuring vulnerable women have access to safe and appropriate services is a priority for the NSW Government. I can confirm that every government-owned crisis and transitional property will remain open under the *Going Home Staying Home* reforms.

Women escaping domestic and family violence will still be able to access specialist services and refuges run by the providers of new services under the *Going Home Staying Home* reforms. They will also have access to the new Link2Home service which operates 24 hours a day, 7 days a week to support women in accessing emergency or temporary accommodation.

The Muslim Women's Association, which operates the Muslim Women's Support Centre, is currently participating in secondary procurement for a service package under the *Going Home Staying Home* reforms. Contracts for this package will be awarded by November 2014.

A Service Support Fund has been established for organisations that are unsuccessful in tendering for the new specialist homelessness services. The Fund will provide funding for up to 18 months to support them in reconfiguring their business or transitioning out of the sector.

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QUESTION:

Dr JOHN KAYE: From where does the Bankstown Multicultural Youth Service get its funding?

Mr MIKE BAIRD: It is a mix.

Dr JOHN KAYE: Do they get State Government funding?

Mr MIKE BAIRD: Some State, some Federal.

Dr JOHN KAYE: Are they part of the reform to do with Going Home Staying Home?

Mr MIKE BAIRD: No.

Dr JOHN KAYE: Their funding is safe, is it? They are not at risk in the same way that organisations that are caught up in the Going Home Staying Home funding are at risk?

Mr MIKE BAIRD: No, they are not part of the revised tender arrangement, as far as I am aware.

Dr JOHN KAYE: What organisation in this State funds them?

Mr MIKE BAIRD: From FACS.

Dr JOHN KAYE: Under which program?

Mr MIKE BAIRD: I will take that on notice.

Dr JOHN KAYE: Could you also take on notice whether there are any plans to change or to reform that program?

Mr MIKE BAIRD: Yes. We are being consistent. We are looking to provide more and additional funding in this space, not less. It is about 10 per cent more.

ANSWER:

FACS has provided approximately \$1.58 million in funding since 2011/12 under the Community Builders and Child Youth and Family Services programs.

I am advised FaCS will be reviewing the Community Builders and Child Youth and Family Services as part of broader reforms to its Community, Early Intervention and Intensive programs, which support children, young people and families. The reforms are intended to ensure that services reflect current evidence and are responsive to current local needs.

All funded organisations have been advised of the two year review process (2014-2016).

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QUESTION:

CHAIR: Could you update the Committee on the progress of the Parramatta Road upgrade? There has been some controversy about the tunnel and other criticism by local businesses.

Mr MIKE BAIRD: There is a range of issues around that. I think it would be better for me to get the updated position from the Minister for Roads and Freight, because there are a number of layers in it. I will provide that to the Committee.

CHAIR: Are there no problems with the redevelopment, which needs to happen?

Mr MIKE BAIRD: I understand that, but with any project like that there are challenges. I will get the roads Minister to provide an update.

ANSWER:

Construction of the M4 Widening is on schedule to start in early 2015.

The M4 Widening Environmental Impact Statement is on public exhibition until 12 September and tenders are currently being assessed.

Three consortia have been invited to tender for the M4 East. Planning is on schedule for the M4 East to open to traffic in 2019, as announced last year when the NSW Government endorsed the WestConnex Business Case.

UrbanGrowth NSW has been working closely with local government, business and the community in the development of a draft urban renewal strategy for Parramatta Road that will be released for public display by the end of 2014.