



Premier of New South Wales

Minister for Western Sydney

2013-338983

Mr Stewart Smith
Director
General Purpose Standing Committee No. 1
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Smith

I refer to my appearance, and that of the Director General of the Department of Premier and Cabinet, Mr Chris Eccles, on 16 August 2013 before the General Purpose Standing Committee No.1 for the purpose of giving evidence in relation to the 2013-14 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.

Should you have any further inquiries, please contact Matthew Cross, Advisor, on 9228 5239.

Yours sincerely

Barry O'Farrell MP
Premier

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The Hon. LUKE FOLEY: What happens if there is a failure by a registered lobbyist to meet their obligations under subsection 5.5?

Mr ECCLES: Subsection 5.6 says that the registration shall lapse.

The Hon. LUKE FOLEY: Is that automatic or are they given a chance to catch up with the arrears, as it were?

Mr ECCLES: Mr Foley, you are taking me into an area where I do not have precise detail.

Mr BARRY O'FARRELL: You can take it on notice if you want to.

Mr ECCLES: I could indeed, Premier. But my expectation is that we do not just cut people off at the knees; that they are given an opportunity. I do have a recollection of follow-up. Now, I cannot be certain whether that follow-up is an interpretation of the lapsing provision in subsection 5.6; I would need to get further detail on that.

CHAIR: Do you want to take that on notice.

Mr ECCLES: Yes.

ANSWER:

I am advised that, on or close to each of the dates referred to in clauses 5.4 and 5.5 of the Lobbyist Code of Conduct, the Department sends a notice by email to every registered Lobbyist reminding them of their obligations under the relevant provision. The notice includes a statement to the effect that a failure to comply with the obligations may lead to the Lobbyist's registration lapsing and removal from the Register in accordance with clause 5.6.

In cases where the required information is not then received by the Department within the required timeframe, attempts are made to contact the Lobbyist again, usually both by email and telephone. If non-compliance persists, the Director General will inform the Lobbyist of his decision to remove it from the Register, and the Lobbyist will be removed from the Register.

This has occurred on a number of occasions since the Register was established.

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The Hon. LUKE FOLEY: Have you ever had occasion to remove a lobbyist from the register other than for the reason covered by subsection 5.6 that they do not meet their annual paperwork obligations?

Mr ECCLES: I have no recollection, Mr Foley, but I can take that question on notice.

The Hon. LUKE FOLEY: Has anyone in the Government brought to your attention, Mr Eccles, concerns regarding the conduct of any lobbyist on the New South Wales register of lobbyists?

Mr BARRY O'FARRELL: Again you can take it on notice if you want.

Mr ECCLES: I am doing my best, Premier, to see if I can bring that to the front of my mind, but cannot. So, I would not want to mislead the Committee by asserting something in which I do not have confidence.

The Hon. LUKE FOLEY: So you will take it on notice?

Mr ECCLES: Yes, Mr Foley.

ANSWER:

There have been a number of occasions when Lobbyists have been removed from the Register pursuant to clause 5.6 due to a failure to meet their quarterly or annual paperwork obligations (see the previous answer above).

Otherwise to date, there have been no instances where the Director General has exercised his power under clause 8 of the Code of Conduct to remove part or all of the details of a Lobbyist.

Government officials, Members of Parliament and members of the public have from time to time brought to the attention of the Department questions, comments or concerns they may have regarding the conduct of Lobbyists. Where concerns arise as to a Lobbyist's compliance with the Code, the Director General will generally write to the Lobbyist noting the concern, seeking an explanation, reiterating the Lobbyist's relevant obligations, and noting that the Director General has a power to remove a Lobbyist from the Register where appropriate.

This has happened only infrequently since the Register was established.

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Dr JOHN KAYE: Did that panel sit in respect of Mr Chum Darvall and his appointment?

Mr ECCLES: I have no recollection of that, Dr Kaye.

Dr JOHN KAYE: Is this a lapse of memory or you do not think it happened?

Mr ECCLES: It is a lapse of memory; it is not uncommon.

Dr JOHN KAYE: How is your memory with respect to Mr Nick di Girolamo?

CHAIR: Will you take that on notice?

Dr JOHN KAYE: We will get to that in a minute. How is your memory with respect to Mr Nick di Girolamo?

Mr ECCLES: It is of the same status as Mr Darvall.

Dr JOHN KAYE: And with respect to Mr Roger Massy-Greene?

Mr ECCLES: It continues to be of the same state.

Dr JOHN KAYE: You would be aware that all three gentlemen have been mentioned in the media recently?

Mr ECCLES: Yes.

Dr JOHN KAYE: You would read the papers, as I do?

Mr ECCLES: Yes.

Dr JOHN KAYE: Despite that fact you did not refresh your memory with respect to those three gentlemen?

Mr ECCLES: No, I did not seek to refresh my memory concerning those particular individuals.

Mr BARRY O'FARRELL: We are too busy running a Government, Dr Kaye; we are no longer in opposition with hours of time on our plate.

Dr JOHN KAYE: You cannot remember whether the panel sat in respect of those three gentlemen?

Mr ECCLES: No, I cannot.

Dr JOHN KAYE: Could you give me a rough estimate of how many appointments that panel selects in a year?

Mr BARRY O'FARRELL: It does not select them.

Dr JOHN KAYE: It is referred to as a selection panel in the Treasury minute.

Mr ECCLES: It makes recommendations.

Mr BARRY O'FARRELL: You asked about assessment.

CHAIR: It is a vetting panel.

Dr JOHN KAYE: Either way, can you tell us how many appointments it processes?

Mr ECCLES: I can tell you roughly how often I have sat as a member of the panel over two and a bit years. It would be somewhere between 12 and 15 times.

Dr JOHN KAYE: And each time you process a number of members?

Mr ECCLES: Correct.

Dr JOHN KAYE: You are having a lapse of memory today about those three gentlemen but will you get back to us on questions on notice?

Mr ECCLES: Of course.

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ANSWER:

A merit based process for appointments to the Boards of State Owned Corporations was implemented in 2011. The process includes all appointments being approved by Cabinet. Information relating to the consideration of candidates is Cabinet in Confidence. Mr Darvall and Mr di Girolamo went through the merit based process for appointments to the Boards of State Owned Corporations as implemented in 2011 and the appointments were approved by Cabinet. In Estimates on 9 October 2012 the Premier stated that he interviewed Mr Massy-Greene and his name went forward to Cabinet and Cabinet signed off on his appointment.

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The Hon. LUKE FOLEY: Indeed. As the person with the delegated authority to ensure that the code is complied with, have you received complaints from within the Government about breaches, or potential breaches or alleged breaches, of the principles of engagement with Government representatives?

Mr ECCLES: Not to my recollection.

The Hon. LUKE FOLEY: Not to your recollection. Will you take it on notice and give it a definitive answer?

Mr ECCLES: I will.

ANSWER:

As noted in the answer above, issues relating to the conduct of Lobbyists including their compliance with the Code are brought to the Department's attention from time to time.

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The Hon. LUKE FOLEY: Have you had any dealings with Mr Tannous? Have any of your staff had any dealings with Mr Tannous over the years concerning your trips to China and your Government's initiatives to increase trade with China?

Mr BARRY O'FARRELL: Not to the best of my knowledge, no.

The Hon. LUKE FOLEY: Could you get back to us with a definitive answer on that one?

Mr BARRY O'FARRELL: To the extent I can, yes.

ANSWER:

No, I nor my staff has had any dealings with Mr Tannous concerning trips to China and/or the NSW Government's initiatives to increase trade with China.

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The Hon. PETER PRIMROSE: Premier, the families of Blacktown Road, Freemans Reach, have had no response to their pleas to protect their health and lifestyle from the effects of intensive agriculture being conducted nearby. Can I please ask if you will have their concerns investigated?

Mr BARRY O'FARRELL: I am happy to take that on notice.

ANSWER:

The NSW Environment Protection Authority (EPA) is aware of community concerns in the Blacktown Road area at Freemans Reach. These concerns largely relate to the issues of land use conflict between intensive market garden operations and adjacent residential dwellings. Hawkesbury Council is the appropriate regulatory authority for these matters.

The EPA has a regulatory role in relation to the use of pesticides. The EPA has been working with Hawkesbury Council to investigate concerns raised by residents in this area about pesticide misuse. The EPA's investigations have not identified a breach of pesticides legislation in relation to the application of pesticides. The EPA has advised concerned residents of the outcomes of these investigations. The EPA will continue to investigate as new information becomes available.

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The Hon. PENNY SHARPE: You have referred today also to the higher than State average unemployment rate in western Sydney which remains a concern. Are you aware of the company at Villawood called Custom Coaches?

Mr BARRY O'FARRELL: I know of Custom Coaches by name.

The Hon. PENNY SHARPE: You are probably not aware, and you may need to know, that it has been a company that has been part of New South Wales since 1955. It built its first bus for the people of New South Wales in 1957. Since then it has delivered more than 1,200 buses to the people of Sydney and more broadly New South Wales. This company employs 270 in Villawood in Western Sydney. Are you aware that they are getting very close to having to shut?

Mr BARRY O'FARRELL: I have seen media reports.

The Hon. PENNY SHARPE: Premier, on 9 November 2012 the company actually wrote to you and outlined what was on the line in relation to their company and in particular they highlighted the issue of loss of jobs and expertise in this form of manufacturing—they are the only bus building company in New South Wales.

The Hon. MELINDA PAVEY: There is Express Coach Builders in Maxville.

Mr BARRY O'FARRELL: There is a coach company in Maxville.

The Hon. PENNY SHARPE: I am happy to stand corrected on that in terms of body building. They indicated the issue was urgent. Are you aware what happened to that correspondence?

Mr BARRY O'FARRELL: No, but I will take that on notice. I assume it would have been referred to the Minister for Transport because I assume that their business, in part, is dependent upon Government bus tenders. I am certainly aware that the Government is continuing to buy buses to provide transport for people across the State. That is what would have occurred with the letter.

ANSWER:

This correspondence was referred to the Hon Gladys Berejiklian, Minister for Transport on 20 November 2012. Minister Berejiklian responded to Custom Coaches on 15 January 2013.

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Dr MEHREEN FARUQI: As you know, many key issues face the communities of Western Sydney. My questions will relate to those particular issues. A few months ago I met with a group of women from an immigrant centre in Western Sydney. They raised with me many issues surrounding transport, especially getting jobs because of lack of public transport, and public housing. Can you tell me what initiatives the Government has in place to engage specially with migrant women and those from culturally and linguistically diverse backgrounds on these particular challenges?

Mr BARRY O'FARRELL: I am happy to take that question on notice. Of course, I will not say that public transport networks in any part of the State are yet sufficient. That is one of the reasons we are not only engaging in significant infrastructure works to improve public transport but also the Minister for Transport and the Minister for Roads and Ports have put together a transport master plan to identify future use. Both Minister Gay and Minister Berejiklian have had discussions with the Western Sydney Regional Organisation of Councils about future transport needs. We must recognise the significant and advantageous cultural diversity that exists across this city and ensure that everyone has access to public transport. We do not always get it right. Federal Disability Discrimination Commissioner Graeme Innes has regrettably brought to the Government's attention that something as simple as onboard announcements on trains can be difficult. However, we are determined to try—

The Hon. PENNY SHARPE: You spent \$400,000 defending it.

Mr BARRY O'FARRELL: The defence was started under your Government.

The Hon. CATHERINE CUSACK: Thanks for committing us to that.

Mr BARRY O'FARRELL: As I said on the day when Mr Innes—who is a local resident—got the decision in his favour, it was appalling that he had to go through that system to get a common-sense outcome. I do not resile from that. I tweeted about it that day and I am sure you saw my tweet.

The Hon. PENNY SHARPE: I am very pleased. You spent \$400,000.

Mr BARRY O'FARRELL: It was started by your Government. I was talking a moment ago about something which is connected and which demonstrates the Government's bona fides. We are establishing one-stop shops for people to transact services with the Government, whether it be with regard to licences, births, deaths and marriages certificates and so on. One of the focuses has been to address the issue of different languages. I will not say that in Kiama, where there is less of a need, there will be the same level of service, but the Parramatta one-stop shop will provide access to 20 different languages to assist people seeking information. There is more to do and I am happy to take that question on notice and provide a detailed response.

ANSWER:

Transport for NSW delivered its first cluster wide Multicultural Policies and Services Plan to the Community Relations Commission in February 2013. This involves an action plan to strengthen transport outcomes and improve accessibility for culturally and linguistically diverse communities.

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Dr MEHREEN FARUQI: That would be great. Are you aware of the Western Sydney Light Rail Network, which is a visionary plan proposed by a group of Western Sydney councils to provide intra-regional transport?

Mr BARRY O'FARRELL: I am particularly aware of it as a result of lobbying—do not get excited, Mr Foley—by Parramatta City Council General Manager Dr Lang and three enthusiastic lord mayors. It is being considered in the context of future transport plans.

Dr MEHREEN FARUQI: Will the Government commit to funding the design and the business plan?

Mr BARRY O'FARRELL: I will take that question on notice. However, I note that it is not in the five-year funding strategy attached to the 2013-14 budget, which was the first cut of the Infrastructure NSW 20-year plan.

ANSWER:

The NSW Government supports Parramatta City Council's investigation of future transport needs in Western Sydney as part of the Western Sydney Light Rail study. The preferred Western Sydney Light Rail Network routes match several of the cross regional links which the *NSW Long Term Transport Master Plan* highlights for investment. *Sydney's Light Rail Future* nominates a Western Sydney light rail network servicing Parramatta as a project for future consideration.

As a key component of the transport system, Transport for NSW continues to progress bus priority projects to improve routes to and from Parramatta, consistent with the strategic directions of the *NSW Long Term Transport Master Plan*.