

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Thursday 21 August 2014

Examination of proposed expenditure for the portfolio areas

PLANNING, WOMEN

CORRECTED PROOF

The Committee met at 9.00 a.m.

MEMBERS

Reverend the Hon. F. J. Nile (Chair)

The Hon. S. Cotsis
The Hon. C. E. Cusack
The Hon. A. R. Fazio
The Hon. L. Foley

The Hon. M. J. Pavey (Deputy Chair)
The Hon. G. S. Pearce
The Hon. A. Searle
Mr D. M. Shoebridge

PRESENT

The Hon. Pru Goward, *Minister for Planning, and Minister for Women*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2014-15. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay respects to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Goward and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure in the important portfolios of Planning and Women. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing, so I urge witnesses to be careful about any comments they may make to the media or to others after completing their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take the question on notice and provide an answer within 21 days. Any messages from advisers or member's staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. I remind Minister Goward and the officers accompanying her that they are free to pass notes and refer directly to the advisers seated at the table behind them. Transcripts of this hearing will be available on the web from tomorrow morning. Finally, I ask everyone to turn off their phones for the duration of the hearing. All witnesses from the department, statutory bodies or corporations will be sworn prior to giving evidence. I remind the Minister that she does not need to be sworn as she has sworn an oath to her office as a member of Parliament.

CAROLYN McNALLY, Secretary, Department of Planning and Environment, and

MARCUS RAY, General Counsel and Regulatory Reform, Department of Planning and Environment, affirmed and examined:

RICHARD PEARSON, Deputy Secretary, Housing, Growth and Economics, Department of Planning and Environment, and

CHRIS WILSON, Executive Director, Development Assessment Systems and Approvals, Department of Planning and Environment, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolios of Planning and Women open for examination. Questioning for the portfolio of Planning will run from 9.00 a.m. to 11.00 a.m. and questioning for the portfolio of Women will run from 11.15 a.m. to 12.05 p.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. AMANDA FAZIO: Minister, given evidence at the Independent Commission Against Corruption [ICAC] that Hunter Liberal members of Parliament received cash from prohibited donors, can you guarantee that you did not receive an illegal donation at the last election?

Ms PRU GOWARD: All donations are a matter for the Liberal Party. I have not accepted an illegal donation and I have behaved in accordance with the rules at all times.

The Hon. AMANDA FAZIO: Did you fully disclose the source of all donations you received at the 2011 election campaign?

Ms PRU GOWARD: Donations are a matter for the Liberal Party and they were done in accordance with the rules.

Mr DAVID SHOEBRIDGE: The Liberal Party?

The Hon. CATHERINE CUSACK: Point of order: Estimates hearings are in relation to the 2014 budget. Can we have guidance as to whether the questions being asked need to relate in some way to the budget?

The Hon. AMANDA FAZIO: To the point of order: Given the revelations at ICAC, I believe it is appropriate, given that all Ministers sit around the Cabinet table and make decisions, that we try to ascertain whether they have complied with the donations regime that exists in New South Wales so that we and the public can have confidence in the decision-making process in New South Wales.

The Hon. CATHERINE CUSACK: To the point of order: I put it to you, Mr Chair, that we are inquiring into the content of the budget papers, not the content of the daily papers.

Mr DAVID SHOEBRIDGE: To the point of order: The Minister's broad portfolio is at issue. One of the key issues in terms of the donations scandal has been development donations and developer donations and the role of the development industry is intrinsic to the Planning portfolio. I do not think this will take forever but I think it is incumbent upon us to inquire of the Minister.

The Hon. MELINDA PAVEY: To the point of order: It has been a tactic of the Labor Party through all of the budget estimates to start their questioning process by asking questions about donations because there has been an enormous amount of revelations at ICAC pertaining to all parties. But I do think that the Minister—

Mr DAVID SHOEBRIDGE: Further to the point of order: There has been no—

CHAIR: Order! The Hon. Catherine Cusack is speaking to the point of order.

The Hon. MELINDA PAVEY: The Minister has genuinely addressed the issue and answered the question put by the Labor Party, as Ministers have done at every budget estimates. It is incumbent on the Opposition and the crossbench to move off this topic and look more generally, as the Hon. Catherine Cusack has pointed out, at the budget of the Planning portfolio and planning for 2014. I wish we could move on to a more substantive budget estimates process.

Mr DAVID SHOEBRIDGE: The Deputy Chair has made, I think unintentionally, the false statement that these ICAC inquiries have been about all parties. The Greens have never been mentioned in these ICAC inquiries. It is a matter between the Liberal Party and the Labor Party.

CHAIR: Thank you for that correction. I am sure the Minister can answer the question without any problem.

Ms PRU GOWARD: I have answered the question.

CHAIR: The question is in order, as planning and donations are such a major issue at the moment.

Ms PRU GOWARD: I have answered the question.

The Hon. AMANDA FAZIO: My final question on this topic is: In the interests of transparency and accountability, will you commit today to publicly release the source of your donations for the 2015 election?

Ms PRU GOWARD: That again is a matter for the Liberal Party. I have not accepted illegal donations and it will be revealed in the course of usual practice.

The Hon. AMANDA FAZIO: On how many occasions have you met with lobbyists and what were the dates of these meetings? I am happy for you to take these on notice if you do not have the information in front of you.

Ms PRU GOWARD: My meetings with lobbyists are in accordance with the guidelines pertaining to lobbyists and I have nothing further to add.

The Hon. CATHERINE CUSACK: Point of clarification: Are you asking this in relation to the Minister's portfolio of Planning and, therefore, does the time period you are asking about relate to her period as Minister for Planning? I know that you would not be asking her a question about when she was not the Minister for Planning.

The Hon. AMANDA FAZIO: That is right.

Mr DAVID SHOEBRIDGE: I think we can just assume that unless otherwise stated all questions are about the Minister's role as the Minister for Planning.

The Hon. AMANDA FAZIO: It is the Opposition's time for questions, thank you. Minister, the Minister for Finance has banned lobbyists from meeting him and staff from his office. Will you make the same commitment today and if not, why not?

Ms PRU GOWARD: I act in accordance with the lobbyist code of conduct. My diaries will be published before the end of October and that will be the opportunity for you to see with whom I have met.

The Hon. ADAM SEARLE: Minister, I would like to ask you some questions about the Bays Precinct project. There was a task force report. The task force comprised Premier and Cabinet, Treasury, your own planning agency, Sydney Ports, Roads and Maritime Services [RMS] and others. The first recommendation was that publicly owned foreshore land and harbour waters be retained in public ownership. Will you make a commitment that that will be the case?

Ms PRU GOWARD: Thank you for the question. After 16 years of neglect by Labor we are making decisions and getting on with business and for too long the Bays Precinct particularly has been neglected. We need to change this and show some leadership. The Government has charged UrbanGrowth NSW to lead the urban renewal of the Bays Precinct, which incorporates the Rozelle rail yards, Rozelle Bay, White Bay Power Station, and Blackwattle Bay, including the Sydney Fish Market. The Bays Precinct comprises over 50 hectares

of under-utilised government-owned land with 2.6 kilometres of foreshore within two kilometres of the Sydney central business district [CBD].

The Bays Precinct urban renewal program will transform this area into an internationally renowned destination. The vision is to transform this under-utilised wasteland in inner Western Sydney into a world-class and iconic new harbour destination that reinforces Sydney's status as a global city. It has the potential to unlock up to \$35 billion in economic benefits to New South Wales, deliver 9,500 permanent jobs, 1,300 construction jobs per year of construction and 32 hectares of open space or public domain. The renewal team will prepare an urban renewal strategy to guide the transformation of the area. The strategy will include a land and water use plan, which will provide a framework for transport, infrastructure, maritime, community, residential and cultural projects.

This Government is committed to a whole-of-government approach, as you would expect. A multi-agency project collaboration agreement has been signed by all nine participating agencies, demonstrating the commitment of all stakeholders to capture the social, economic and cultural value of this significant area for the people and economy of New South Wales. We are committed to Glebe Island and White Bay remaining as port facilities, providing an essential metropolitan-based maritime supply chain for critical imports. The White Bay power station is a high priority for the Government and there is the potential to restore this extraordinary heritage site to create an internationally recognised landmark that draws on its tremendous heritage values.

We have announced The Bays Precinct, Sydney, International Summit, to be held in November. That will bring together global and local thought leaders and draw on lessons from the most outstanding examples around the world of urban transformation. The first day of the summit will focus on finance and investment. The next two days are dedicated to generating great ideas to guide the universal ambition that will underpin the Bays transformation over the next 30 years. These two days will be based on leading-edge global thinking, thinking cities, funding cities, building cities and living cities. I look forward to working with local and international thought leaders and all valued stakeholders on this transformational project.

The Hon. ADAM SEARLE: Minister, will you give a commitment that there will be no alienation of the Bays Precinct foreshores from public ownership either by way of sale or long-term lease?

Ms PRU GOWARD: That will depend on the plans.

The Hon. ADAM SEARLE: You cannot rule it out?

Ms PRU GOWARD: I will take that on notice.

The Hon. ADAM SEARLE: Minister, will you give a commitment that all unsolicited development proposals relating to Bays Precinct public lands or waters will be subject to an open competitive tender and proper public scrutiny?

Ms PRU GOWARD: I will take that on notice.

The Hon. ADAM SEARLE: Minister, will you give a commitment that the community of Sydney will be able to fully engage at all stages of the planning process in relation to the Bays Precinct?

Ms PRU GOWARD: That is the usual practice, that there will be public consultation.

The Hon. ADAM SEARLE: It may be the usual practice but can you give a commitment that it will be the practice on this occasion?

Ms PRU GOWARD: It will be the practice.

The Hon. ADAM SEARLE: Minister, would you agree that the public good should be the overarching guiding principle for the renewal of these publicly owned foreshores and bays?

Ms PRU GOWARD: Mr Searle, the guiding principle is that we have an underused part of Sydney, a very run-down, broken down and degraded part of the harbour. It is probably New South Wales', and I would argue Australia's, greatest geographical strategic asset and it is important that it be a world-class part of our city. We make no apology for wanting to redevelop it. We have 1.6 million additional people that we have to carry

into Sydney by 2031 and after 16 years of your Government saying "Sydney is full" and doing nothing about it, the Bays Precinct will also have to play its role in absorbing more people. We have to plan for that, we cannot bury our heads in the sand as you did. We need to do it carefully and ensure that the Bays Precinct becomes a place that is not only globally significant but a place that is a beautiful precinct in which to live and where people would want to live.

The Hon. ADAM SEARLE: You cannot give a commitment that the public good will be the guiding principle?

Ms PRU GOWARD: That is the public good. There is no greater public good than people's quality of life.

The Hon. AMANDA FAZIO: Minister, in relation to the Bays Precinct, will you ensure that adequate measures are taken to preserve any items of heritage in that precinct as part of the redevelopment process?

Ms PRU GOWARD: I will take that on notice.

The Hon. ADAM SEARLE: Will you ensure that a high priority is given to the inclusion of public and affordable housing as a significant element of any residential use or development that takes place in the Bays Precinct?

Ms PRU GOWARD: I will take that on notice.

The Hon. ADAM SEARLE: Minister, in relation to the Parramatta Road urban renewal project, when will the draft urban renewal strategy be available for community comment?

Ms PRU GOWARD: UrbanGrowth NSW is leading the urban renewal of Parramatta Road. The integrated project team has been working with the councils along the Parramatta Road corridor and nine of the 10 councils have agreed to enter into a memorandum of understanding [MOU] with the State Government. That MOU outlines the governance arrangements between the State Government and local councils for the development of the urban renewal strategy for the future of this corridor. The vision for Parramatta Road is a balanced, high quality, multi-use corridor that will better connect communities to parklands, waterways, new housing and jobs.

Funding has been allocated for public domain improvements associated with WestConnex. The expenditure will be focussed on areas with high growth potential. An urban renewal strategy will include a draft land use and transport concept plan that will be finalised shortly. The draft concept plan will provide direction on the staging, scale and nature of development within various precincts along the Parramatta Road corridor. We propose to seek feedback from stakeholders on the draft strategy and concept plan later this year. UrbanGrowth NSW will be leading an extensive community consultation program that will inform the strategy and concept plan as well as the future vision of the renewal precincts. This is a truly collaborative approach to working with local government and I look forward to continuing to work with the councils on this project.

The Hon. ADAM SEARLE: Minister, you said a moment ago that the strategy would include the draft land use and transport concept plan when it is released?

Ms PRU GOWARD: It will provide direction on staging, scale and nature of the development within the various precincts and will include a draft land use and transport concept plan.

The Hon. ADAM SEARLE: You mentioned the memoranda of understanding. When will you sign the MOUs and issue them to the councils so they can sign them?

Ms PRU GOWARD: I will take that on notice.

The Hon. ADAM SEARLE: Obviously this process will require very close collaboration between your agency and councils but at present State laws provide that proponents to change local planning instruments, if they are not supported by local councils, can come to your agency and seek to have those planning instruments changed.

Ms PRU GOWARD: That is speculative; it is way down the track.

The Hon. ADAM SEARLE: This can happen now and disrupt orderly planning along the corridor. Will you seek to suspend those pre-gateway reviews if any of them come to you?

Ms PRU GOWARD: I have given you my answer.

The Hon. ADAM SEARLE: You are not going to answer that question?

Ms PRU GOWARD: I think I have said enough. It is for further development. We are not at that stage yet. I will take it on notice.

The Hon. ADAM SEARLE: Minister, you recently wrote back to Blue Mountains City Council about its draft local environment plan and your letter appeared to cast some doubt on whether or not the council would be allowed to have the residential character conservation zone included in its new planning instrument—there is a version in its current planning instrument—despite the fact that your predecessor gave in-principle support to the retention of the character conservation area. Can you give some answers to the Committee about why you have that reservation and why you think you may not permit council to have that in the new planning instrument?

Ms PRU GOWARD: I will ask Mr Pearson to answer that question.

Mr PEARSON: When the former Minister allowed the council to exhibit its local environmental plan [LEP] earlier this year it was on the proviso that it would exhibit two options. One was the character zone and the other was an existing zone under the standard LEP but with an overlay to indicate the significance of the area to which the zone applied. Creating a new zone, as council has requested, requires an amendment to the standard instrument LEP. It is under consideration; it has not been ruled out. However, we have asked the council to contemplate both options as part of finalising its LEP and that is the current status.

The Hon. ADAM SEARLE: It is not really a new zone; it is in the current planning instrument and council is seeking to continue it. Why would you not permit that?

Mr PEARSON: Council has sought a new zone under the standard instrument order because there was nothing directly comparable with the zone under the current LEP. We have been open to considering that and it is being considered.

The Hon. ADAM SEARLE: I believe council has communicated to you that there is very significant public support for that zone. Is that something you will take into account?

Mr PEARSON: My understanding is that there were many submissions in response to the exhibition of the LEP and they will all be considered by the department when council submits its final LEP, which we expect to occur later this year.

The Hon. ADAM SEARLE: Minister, under your predecessor there was some controversy about the metropolitan plan. There was a proposal to move essentially what is regarded as the boundary of Sydney from Lapstone to Faulconbridge in the Blue Mountains. Can you advise the Committee the stage those deliberations have reached and whether it is still being contemplated?

Ms PRU GOWARD: Are you referring to the inclusion of the Blue Mountains in Sydney's urban area?

The Hon. ADAM SEARLE: Yes.

Ms PRU GOWARD: When the draft metropolitan strategy was released for community consultation in 2013, Blue Mountains City Council and several other interested groups were opposed to including part of the Blue Mountains local government area within mapping of Sydney's urban area. There was concern that it would compromise the World Heritage status of the Blue Mountains National Park by linking it to areas identified for future growth. The Blue Mountains is located within Sydney's metropolitan rural area, which contains rural towns and villages, farmland and tourist and recreation facilities as well as major environmental resource and infrastructure assets.

The Blue Mountains has a series of specialist tourist, recreation, leisure, residential and service centres located within a World Heritage environment positioned along major transport routes linking the East Coast to regional western New South Wales. These centres provide the essential infrastructure necessary to support the World Heritage status of the surrounding national park and avoid potential impacts by managing surrounding activity and providing a focus for local growth. Hence, the Blue Mountains derives its identity, role and function from its unique position within the metropolitan rural area, connected to but not within urban Sydney. We have heard the views of local councils and others and we will consider and review our response to those concerns in light of the special role that the Blue Mountains has in Greater Sydney.

The Hon. ADAM SEARLE: Can you estimate when that deliberation will be completed and when you may be in a position to make an announcement?

Ms PRU GOWARD: I will take that question on notice.

The Hon. ADAM SEARLE: Do you think it is acceptable for a Planning Assessment Commission member who adjudicates on coal projects to have paid positions with coal companies? I refer in particular to Commissioner Garry West, who has positions with Glencore, BHP Billiton and Yancoal?

Ms PRU GOWARD: I will ask Mr Ray to answer that question.

Mr RAY: We have a range of procedures in place. The Planning Assessment Commission [PAC] has a code of conduct and provisions relating to the disclosure of any potential conflict of interest. I am not aware of the particular circumstances to which you refer. However, I am sure that the processes that are in place that require disclosure of those conflicts are honoured by the members of the PAC as they arise in each individual case.

The Hon. ADAM SEARLE: Can you advise the Committee under what circumstances a PAC member would be considered inappropriate to adjudicate on a particular assessment?

Mr RAY: That would depend on the facts and circumstances of any individual case. However, there are clear guidelines about that. If there were a particular case about which you have concerns I would be happy to take the details on notice.

Mr DAVID SHOEBRIDGE: Minister, I formally congratulate you on your appointment to the Planning portfolio. I also congratulate you, Ms McNally, on taking one of the easiest jobs in New South Wales—heading Planning NSW. We can all look forward to a breath of fresh air in the department.

Ms McNALLY: Thank you.

Mr DAVID SHOEBRIDGE: Mr Ray, Mr Searle asked you some questions about Commissioner Garry West. I will be very interested to hear your response. Do you think it is acceptable to have a PAC commissioner who is a principal of Evans and Peck, which consults to PAC, chairing a hearing, as occurred with Commissioner Paul Forward with regard to the Cobbora coal project? Have you considered that conflict of interest?

Mr RAY: As I said in answer to Mr Searle's questions, there are detailed requirements designed to avoid both conflicts of interest and perceptions of conflicts of interest. Those procedures are in place and have been in place for a long time. I do not have any personal knowledge of the instance to which you refer so I cannot comment on it.

Mr DAVID SHOEBRIDGE: Will you undertake to address on notice that very specific and concerning allegation about the appointment of a company of whom a commissioner is a principal to undertake consultation work with the PAC?

Mr RAY: I will take that question on notice.

Mr DAVID SHOEBRIDGE: Do you think it is acceptable for the chair of Coal Innovation NSW, a body that works closely with coal industry representatives, to chair PAC hearings on controversial coal projects, as occurred with Commissioner Neil Shepherd in respect of the Wallarah 2 coal project?

Mr RAY: Again, there are very detailed procedures and requirements with regard to any disclosure of conflict to ensure it is avoided in individual cases. I know that those procedures are followed. However, I will have to take the question on notice.

Mr DAVID SHOEBRIDGE: If the procedures allowed someone who is the chair of Coal Innovation NSW to sit as a commissioner on a PAC hearing about a very controversial coalmine project, they are grossly flawed and inadequate?

The Hon. MELINDA PAVEY: Point of order: I think Mr Ray has answered the question. It might not be the answer the member wants, but he has adequately dealt with it.

CHAIR: The member asked for additional information.

Mr RAY: Will you repeat the question?

Mr DAVID SHOEBRIDGE: If a PAC commissioner who is the chair of Coal Innovation NSW, a coal industry lobby group, plays a decision-making role in relation to one of the most controversial coal projects in New South Wales and that somehow gets through the conflict of interest procedures, those procedures are woefully inadequate?

Mr RAY: I have no knowledge of what Coal Innovation NSW does. Again, I will have to take those particular circumstances on notice.

Ms PRU GOWARD: I think it should be noted that Neil Shepherd is a longstanding former public servant and he has been on the PAC for a number of years.

Mr DAVID SHOEBRIDGE: Indeed, but if he then holds positions that put him in direct and deep conflict when he is meant to be making an unbiased decision as a PAC member in relation to a coal project, he should step aside and not be sitting on those projects. Surely you would agree with that, would you not, Minister?

Ms PRU GOWARD: Mr Ray has taken your question on notice.

Mr DAVID SHOEBRIDGE: Minister, one of the most controversial issues in your portfolio at the moment is the pre-Gateway process, where developers can seek spot rezonings contrary to the strategic plans, the local environmental plans [LEPs] and the long-term planning visions of their local councils. What is your view of the pre-Gateway process that was put in place by your predecessor?

Ms PRU GOWARD: As you say, they are a mechanism to allow an independent body to review some decisions by councils. A pre-Gateway review [PGR] may be requested by a proponent if a council has refused or has not made a decision within 90 days of lodgement of a planning proposal. These reviews are informed by independent advice from the Joint Regional Planning Panel [JRPP] or Planning Assessment Commission. This is the first time that a mechanism has been set up to allow an independent review of rezoning decisions. While this is an important initiative I have asked the department to do an internal review of the pre-Gateway process with a focus on improving the process. If there are measures that can be implemented to improve the pre-Gateway process, I will certainly be working closely with the department to improve them.

Mr DAVID SHOEBRIDGE: Minister, what are the terms of reference of that review?

Ms PRU GOWARD: It is an internal review.

Mr DAVID SHOEBRIDGE: But what are the terms of reference of the review?

Ms PRU GOWARD: I will invite the secretary to give you further information.

Mr DAVID SHOEBRIDGE: Whilst that is happening, who is undertaking the review? Will there be public input? When will it be reporting?

Ms McNALLY: That review is being undertaken by staff within the department. I have a number of people looking at the process. The process commenced in 2012, and it is typically good practice to look at a

process 12 months or two years beyond its commencement. We are looking at the sorts of applications that have been received, those that have not got through the Gateway process. We are looking at it from a number of angles. We are also looking at what are some of the areas for improvement and some of the options for going forward.

Mr DAVID SHOEBRIDGE: Can you provide the terms of reference to the Committee on notice?

Ms McNALLY: The work we are doing at the moment is internal. It is wide ranging, and we are looking at a number of activities. We are doing that to be looking at how we undertake our relationships with local councils. We are doing that in relation to the requirements of the assessment process. We will be providing advice to the Government in due course, as soon as we have completed that work.

Mr DAVID SHOEBRIDGE: What is the timetable for the review?

Ms McNALLY: As you pointed out, I have not been in the job for a huge amount of time.

Mr DAVID SHOEBRIDGE: I am happy for you to take it on notice.

Ms McNALLY: I am happy to take it on notice.

Mr DAVID SHOEBRIDGE: And please take the balance of those matters on notice. Minister, as at May this year there had been 19 determinations by the department under the pre-Gateway process. Of those 19 determinations, 15 of them had been recommended for advancement to the JRPP, basically given the rubberstamp by the department to go to the JRPP process. That is an 83 per cent support rate from the department, even though in not a single instance were they supported by the community. Does that not directly move away from the commitment your Government gave to return planning powers to the community?

Ms PRU GOWARD: As I said in my first answer, this is the first time that a mechanism like this has been set up.

Mr DAVID SHOEBRIDGE: We have had it in Queensland, and that is why we have the Gold Coast.

Ms PRU GOWARD: Would you let me finish? This does, as you say, allow an independent review of rezoning decisions. That is why it is an important initiative and I have asked the department to do the internal review. The secretary has explained the process to you.

Mr DAVID SHOEBRIDGE: Minister, in relation to the pre-Gateway process, would you agree that engaging with the community, telling the community about the process and inviting them to make submissions at each point would be an essential point of ensuring it had public support and public confidence?

Ms PRU GOWARD: If there are measures that can be implemented to improve the Gateway process, that is exactly what the department and I will develop.

Mr DAVID SHOEBRIDGE: Minister, let us be very clear about this. Do you believe that, when the department is hearing the appeal from the developer about a pre-Gateway process, the department should be required—and is it your understanding it is the practice—to seek public submissions at the least from those people who made a submission to council on the matter?

Ms PRU GOWARD: We are reviewing the process. I am seeking to make improvements.

Mr DAVID SHOEBRIDGE: It is a simple question.

Ms PRU GOWARD: I have given you a very simple answer.

Mr DAVID SHOEBRIDGE: These people have made detailed submissions to the council about why they do not support a rezoning. The decision is then made by the department under the pre-Gateway process.

Ms PRU GOWARD: Mr Shoebridge, what else do you want me to say? I have said that I am—

Mr DAVID SHOEBRIDGE: You asked me what I want you to say. I want you to say that you believe the community should have an absolute right to make submissions and be heard at each stage of the pre-Gateway process. I am surprised you do not.

Ms PRU GOWARD: My role as the Minister is to ensure that the process is as good as it can be. That is why I have instituted a review. You should be very pleased with that. Why are you not congratulating the department on doing the review?

Mr DAVID SHOEBRIDGE: Given that I have asked on notice for the details of the review and I got no answer from you, Minister, in answer to questions on notice other than a broad brush-off, it is hard to congratulate you on a review for which you do not disclose the terms of reference, you do not advise that there will be community consultation and you do not advise about the timetable.

The Hon. CATHERINE CUSACK: Point of order: Can Mr Shoebridge ask a question and stop making a speech?

Mr DAVID SHOEBRIDGE: The Minister asked for a response. I was just being generous.

Ms PRU GOWARD: Keep going, give me another speech.

CHAIR: Order! Mr Shoebridge's time for questions has expired. Minister, are you aware of the planning barriers for independent schools? There is currently a clause in the infrastructure State environmental planning policy [SEPP] which allows certain works without consent and gives up to a 10 per cent variance in existing student-to-staff numbers but only for public schools. Independent schools do not have this provision. Would you agree that this red tape burden should be removed to provide better equity, efficiency and flexibility for independent schools? Minister, would you therefore seek to rectify this by a simple amendment to clause 29 of the infrastructure SEPP by removing the words "by or on behalf of a public authority"? Will you seek to correct this anomaly?

Ms PRU GOWARD: I thank Reverend Nile for that very detailed question. I will ask Richard Pearson if he could outline how that SEPP works currently.

Mr PEARSON: The infrastructure SEPP does allow public authorities, as you have correctly pointed out, to take advantage of some of the flexibility that is inherent in the SEPP. In relation to private schools the exempt and complying SEPP does provide some ability for private schools to take advantage of some similar flexibility provisions—in other words, so they do not have to put in a full development application; they can be dealt with as complying development. I think we are happy to look at whether there can be any additional flexibility introduced to the infrastructure SEPP, but it is important to look across the package of streamlining initiatives that we have introduced. One of those is the exempt and complying SEPP. The total answer would be that we should look at the exempt and complying SEPP as well to ensure that what the independent schools are seeking is not already available to them through the other State policy mechanisms.

CHAIR: I understand they do not feel that the provision is adequate for them. Will the Minister look into this matter further and see what action can be taken?

Ms PRU GOWARD: I will take that on notice.

CHAIR: Minister, as you would be aware, over the past few decades there has been an unprecedented expansion of laws restricting the use of land, the Native Vegetation Act and so on. Farmers and land owners are deeply concerned about this. Land owners are now subject to minutely detailed zoning and controls over how they use resources they own, such as 200-page LEPs and 1,000-page development control plans [DCPs], which have completely transferred de facto ownership to the Government and bureaucrats. Are you aware that legislation—such as the Environmental Planning and Assessment Act, the Threatened Species Conservation Act and the Native Vegetation Act—has reduced the power and autonomy of owners of freehold land and compels them to follow government-set management plans? Will you therefore commit to defining property rights in legislation as a right of an owner to use and manage his property as he sees fit, as long as such use does not diminish the equal right of any other owner?

Ms PRU GOWARD: That is a very complex matter. I will ask Mark Ray if he could explain, first of all, how property rights are dealt with in the Land and Environment Act.

Mr RAY: I understand the concerns that have motivated that question. There have been a lot of pieces of legislation that have been enacted over the years that affect how people can conduct their business on properties. Many of them have very good objects and purposes, obviously—the preservation of threatened species and native vegetation—and to ensure, as you pointed out in your question, that people are not unduly impacted by the activities that are carried out on their neighbour's land.

One thing we are cognisant of in the department is the need to reduce that regulatory burden. You talk about the size of local environmental plans and development control plans. They are key concerns of the department, the regulatory burden that impacts on individual landowners. The department, under the direction of the Government and the Minister, is looking forward always to try to reduce that regulatory burden and to make carrying out usual activities on the land a simpler process.

CHAIR: Is a review process underway in the department to see how it can reduce the size of those documents and so on?

Mr RAY: Yes. The department is looking continuously to make improvements in a range of measures and documents. That has been a continuing focus, and I know it is a continuing focus of the new secretary. We continue to do that on a range of fronts.

CHAIR: Following the same theme, can you confirm therefore that no bill introduced by the Government in the future will elevate "sustainable development" or "protecting the environment" above protecting property rights? Will you ensure that balance?

Mr RAY: That is not a matter that I can answer. That is a matter for the Government.

CHAIR: I direct that question to the Minister.

Ms PRU GOWARD: It is an important consideration and one that I believe this Cabinet, and indeed every Cabinet, is very mindful of.

CHAIR: It is common-sense that decisions of planning authorities should include a detailed statement of impacts upon property rights. In future legislation by the Government will you allow challenges to be made to planning decisions, including zoning decisions, based upon the argument that the plan unduly impacts upon property rights?

Ms PRU GOWARD: I will ask Mr Pearson to give you some advice on how the current legislation relating to LEPs enable appeals.

Mr PEARSON: Probably one thing that is worth mentioning is the review we are doing into environmental zones on the North Coast but which will ultimately have some statewide implications. This is where the whole issue of, I guess, the principal use of the land and allied to property rights has come up. Farmers have strongly advocated that where they are using the land for agricultural purposes, then to put an environment zone on the land is contrary to the primary purpose of the land. This is an issue that we are strongly considering as part of that review process on the North Coast.

As I said, it potentially has broader statewide implications. But I think it is fair to say that we have some sympathy for the view that the use you are putting the land to should be a relevant consideration when you are thinking about what sort of environmental planning controls to put over the land. I guess it is one example of the issue you are talking about and is potentially something I think could respond to some of the concerns that you have raised in a practical way when we come to considering its statewide implications.

CHAIR: So to ensure that there is more flexibility, particularly with B2 zones, can you give some idea of what timeline you are working on? Is it within a month, six months or five years?

Mr PEARSON: Definitely not five years.

CHAIR: I hope it is not five years. I only used that to provoke you.

Mr PEARSON: I assumed that was the case. The review on the North Coast has been going for some time but I guess we are in the finalisation stages of that process. We have to finalise some advice to the Minister shortly. Ultimately, as I said, we then need to consider the statewide implications of that process.

CHAIR: I accept that with a new Minister there is obviously a review of many of these areas underway, which we would expect.

Ms PRU GOWARD: We are a department of continuous improvement.

CHAIR: What is the Government doing to assist councils to address future landfill needs by way of land permits?

Ms McNALLY: I think we have to take that question on notice.

CHAIR: What is the Government doing to encourage growth, particularly in the way of social, public and affordable housing, in the cities and in rural areas so the communities can age in place? Is there a requirement for local councils to build social, public affordable housing into their future growth strategies?

Ms PRU GOWARD: Buying a home is the most important decision people will make in their lifetime and it is one that often requires trade-offs. No matter how much Australia has changed over the years, and no matter how different Sydney might look to what it was when we were children, I think owning a family home is still the great Australian dream and it is one to which we are committed to ensuring is still achievable for families. But unfortunately we have had 16 years of inaction where the Premier of the State declared nationally that Sydney was full and the Government then proceeded to stick its head in the sand and stopped releasing land and planning for the future, which is why Labor was voted out.

Affordable housing has been one of the victims of those 16 years and we are now ensuring that land is being released for new homes to be built. That is why we have released and rezoned greenfield stocks. They are at their highest level since the early 1980s. We are ensuring new homes are being built for families to buy, which is why last year alone more than 50,000 new homes were approved—the highest number in a decade. It is why I was able to announce with the Premier in June that more than 100,000 new homes had been completed since we came to office. But, as you say, affordability and choice are also important. That is why, from a couple of weeks ago, rules around lot sizes and innovative dwellings have been streamlined across two growth centres particularly.

These allow for terrace-style homes for about \$400,000—we think they will be possible—manor homes on corner blocks and even fonzie flats. We need to make strong decisions about opportunities to increase housing supply and choices around existing transport links and job centres. The three urban activation precincts I announced to be developed around three stations on the North West Rail Link are a reflection of that. They are on top of other precincts: Epping, North Ryde and Wentworth Point. Between them, they will create up to 39,000 new homes and support nearly 40,000 new jobs. We need to plan smarter if we are to have affordable housing because, as I said, Sydney is growing by 1.6 million people by 2031. We know families are changing and that we need to do better at ensuring that people can afford to buy a house.

The best that our predecessors could offer was a 50-year low in housing approvals. Labor was unsurprisingly described as the worst State Government in history. I am pleased to say that the housing affordability index for Sydney has improved by 2.2 per cent—that was in May—compared with Adelaide, Brisbane, Hobart and Melbourne, which either went down or stayed the same. I think you would have to say that we are delivering.

The Hon. LUKE FOLEY: I will start with some questions about the department's regulation of registered lobbyists. To the Minister or her officials, who can assist in telling us about the department's registered lobbyists contact protocol?

Ms PRU GOWARD: I will invite the Secretary to answer that.

The Hon. LUKE FOLEY: Ms McNally, congratulations on your appointment. Am I correct in stating that the department's Registered Lobbyist Contact Protocol applies to any and all communication between employees of the department and registered lobbyists?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: There is, indeed, on the department's website a four-page document entitled "Registered Lobbyist Contact Protocol" that spells out in some detail how the department regulates its contact with lobbyists; it is a public document.

Ms McNALLY: In addition to that we also put up on the website the record of meetings with lobbyists.

The Hon. LUKE FOLEY: That would be the Lobbyist Contact Register that I have accessed this week. Does that register cover the field, as it were, in listing all communications between departmental officials and registered lobbyists?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: All?

Ms McNALLY: That focuses on meetings. So if there have been meetings, at the meetings there are records kept of the meeting and they are posted on the website.

The Hon. LUKE FOLEY: It covers meetings but does it not also cover, or at least note, telephone conversations that have occurred? It does that as well, does it not?

Ms McNALLY: Certainly we require, if there are any telephone conversations, for that to be recorded. I would have to clarify whether that is put on websites, but certainly it is recorded. As a good example, when I started in the department some months ago I sat down at my desk and next to my telephone was an actual template which I was to fill in when I was to have any calls from any lobbyists. So the department, on my very first day, explained that this is the process, and I have endeavoured to do that. Given the fact that they advised me of the process, I understand that would be the protocol right across the department. Certainly it is a matter that we have discussed at some of our executive meetings; it is something I feel very strongly about. We have a protocol and we do put our records of meetings up on the website.

The Hon. LUKE FOLEY: In terms of the department's regulation of contact with lobbyists—and there is continuity between the approach taken by the former director general who introduced this protocol and you—do you remain absolutely committed to upholding and abiding by that protocol?

Ms McNALLY: I do.

The Hon. LUKE FOLEY: Perhaps I could assist in terms of your earlier answer. I note that on the Lobbyist Contact Register that records contact between registered lobbyists and department representatives there are numerous references to telephone calls. So the register is comprehensive in covering all aspects of communication, not simply face-to-face meetings. Is that a fair analysis that I have just made?

Ms McNALLY: I do not have that record in front of me, but if that is on there. It is my understanding that that is the process. I am happy to take that question on notice and provide you with some more detail.

The Hon. LUKE FOLEY: It is my understanding of the Registered Lobbyist Contact Protocol that there is an obligation in all instances where contact occurs for that, whether or not it is a face-to-face meeting, to be recorded on the Lobbyist Contact Register. Is my understanding correct that that is policy under the protocol?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: To be explicit, the department states on page 2 of the Registered Lobbyist Contact Protocol that the types of contacts covered by this protocol include, and there is a series of dot points, "telephone, meeting, email, other". That is the case, is it not?

Ms McNALLY: Yes.

The Hon. LUKE FOLEY: It escapes me what other contact could be possible.

Mr DAVID SHOEBRIDGE: Pigeon.

The Hon. LUKE FOLEY: The Greens may have other forms of communication but for us mere earthlings the four types of contact in your protocol, I think it is fair to say, absolutely cover the field in terms of all communication that could occur between a registered lobbyist and a representative of your department.

Ms McNALLY: That is certainly my understanding.

The Hon. LUKE FOLEY: Is it your understanding that registered lobbyists are informed that any and all contact will be placed on the department's website on the Lobbyist Contact Register?

Ms McNALLY: That is my understanding.

The Hon. LUKE FOLEY: Is it the case that the departmental policy under the protocol is that records of contact shall be placed on the register and on the departmental website no later than 10 days following the contact occurring?

Ms McNALLY: That is right.

The Hon. LUKE FOLEY: We have covered the Registered Lobbyist Contact Protocol and the Lobbyist Contact Register. Are there any other documents that are relevant when it comes to the department's regulation of lobbyists?

Ms McNALLY: I would have to take that on notice.

The Hon. LUKE FOLEY: Could I take you to the department's Code of Conduct and Ethics Policy and Guidelines 2011? Is that a document with which you are familiar?

Ms McNALLY: Yes.

The Hon. LUKE FOLEY: It says 2011. Is that the latest version I am working off or has it been superseded?

Ms McNALLY: That is the latest version.

The Hon. LUKE FOLEY: The document, which was signed off by your predecessor, remains one under your leadership that you are determined that all departmental employees abide by?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: That Code of Conduct and Ethics deals in part with, once again, the regulation of registered lobbyists, does it not?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: Indeed, if I was to go to section 12 of the department's Code of Conduct and Ethics, it states at 12.1, "We must ensure that we comply with the NSW Government Lobbyist Code of Conduct as well as the department's Registered Lobbyist Contact Protocol". Do I take it from that that the departmental protocol is to be read in conjunction with the Department of Premier and Cabinet's code of conduct for lobbyists?

Ms McNALLY: Could you explain what you mean by that?

The Hon. LUKE FOLEY: The departmental code of conduct says, "We comply with the NSW Government's code of conduct as well as our internal protocol". Is it fair for me to take from that that your protocol is not to be read separately to the entire Government's code of conduct; it is to be read in addition, as it were?

Ms McNALLY: I would have to take that on notice. Is there some issue of difference there?

The Hon. LUKE FOLEY: No. Your department has led the field inside the New South Wales Government in adding to the terms of the Department of Premier and Cabinet's code of conduct and strengthening them with your own departmental protocol when it comes to dealing with lobbyists. In fact, the Department of Planning's protocol is best practice as far as the New South Wales Government is concerned. Would you agree with that?

Ms McNALLY: Certainly it is a very strong protocol. As I said, when I first joined the department I saw a step up in the way every conversation was recorded. It is certainly a very strong and a good-practice protocol.

The Hon. LUKE FOLEY: Have there been any complaints made to the department to your knowledge or to the knowledge of the General Counsel concerning alleged breaches of either your departmental protocol and/or the Government's Lobbyist Code of Conduct?

Ms McNALLY: Certainly there has not been to me.

Mr RAY: I am not aware of any. There have not been any made to me.

The Hon. LUKE FOLEY: Have you been the General Counsel of the department for some years?

Mr RAY: I have.

The Hon. LUKE FOLEY: If a complaint were to be made, Ms McNally, would the ball then be in the court of the General Counsel? Would it be a matter for Mr Ray and his team to deal with?

Ms McNALLY: We have a Governance Unit within the department and that Governance Unit would be the first place to which I would refer such an issue to seek advice. If something was revealed I would then seek advice from the General Counsel.

The Hon. LUKE FOLEY: In the event of a complaint—and to the knowledge of you and Mr Ray there has not been one to date—you would refer it in the first instance to the Governance Unit and then potentially to the General Counsel?

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: How are requirements imposed on your staff under the protocol monitored? Are any resources devoted by your department to monitoring compliance by departmental officials?

Ms McNALLY: Certainly, as I said, this has been a matter that we have discussed at the executive meetings that I have been holding that those processes are followed with managers through their meetings and that if any issues are identified they are brought to my attention.

The Hon. LUKE FOLEY: Are internal audits carried out on an occasional or spot-check basis?

Ms McNALLY: We do have an internal audit process. I would have to take on notice what topics they have covered.

The Hon. LUKE FOLEY: Will you come back to the Committee with that?

Ms McNALLY: Yes, I will come back to you.

The Hon. LUKE FOLEY: Are you aware of media reports dealing with contact between the former senior manager in your department Matthew Daniel and certain figures of the Liberal Party?

Ms McNALLY: I would have to take that on notice. That name is not specific to me.

The Hon. LUKE FOLEY: Do you know Matt Daniel?

Ms McNALLY: No, I do not.

The Hon. LUKE FOLEY: Mr Ray, do you know him?

Mr RAY: Yes, he was an officer in the department.

The Hon. LUKE FOLEY: Was he a senior officer? Was he Director of the Major Project Delivery Unit?

Mr RAY: Yes, I think that was his title.

The Hon. LUKE FOLEY: I seek to hand the witnesses some documents and table them. The documents deal with questions of contact between lobbyists and officials of the department. Do I have the Committee's permission to circulate them?

The Hon. GREG PEARCE: I object to that process. These are public hearings and if questions are to be raised, they should be raised in the public hearing or alternatively there is the option of putting the questions on notice. I object to questions being submitted that are not publicly available to the rest of the Committee members.

CHAIR: I presume that the Hon. Luke Foley will ask for comments on them.

The Hon. LUKE FOLEY: I am seeking to be fair to the witnesses in providing documents that I am about to refer to.

CHAIR: And then ask questions based on the documents?

The Hon. LUKE FOLEY: Yes.

CHAIR: They need to have the documents to answer the questions.

The Hon. CATHERINE CUSACK: Fairness has to be shown to other members of the Committee as well. This is not just about the Hon. Luke Foley; this Committee comprises other members of Parliament as well. Some courtesy should be extended to the other members.

CHAIR: Would you like a copy of the documents too?

The Hon. CATHERINE CUSACK: When the Leader of the Opposition seeks our leave he ought at least have the courtesy of giving us some warning and providing us with the documents for which he is seeking leave.

CHAIR: The secretariat will supply copies to the witnesses and to all members of the Committee.

The Hon. CATHERINE CUSACK: Can we consider the matter of leave after we have had the opportunity to look at the documents? If the question of leave is "Can I do this with the documents?", which we have not even seen, it is clear that the answer from the Government is no.

Mr DAVID SHOEBRIDGE: Chair, the normal process is the witness is shown the document, questions are asked and whether the document is formally tabled is a matter we resolve after the public hearing in a deliberative. I propose we adopt that process in this case.

The Hon. AMANDA FAZIO: I concur with that proposal.

Mr DAVID SHOEBRIDGE: So that we do not chew up question time.

The Hon. LUKE FOLEY: Ms McNally, I refer to the fourth page of the documents I have handed up.

Ms McNALLY: We have not got them yet.

Mr DAVID SHOEBRIDGE: The secretariat is still copying them.

The Hon. AMANDA FAZIO: No, there was a copy there for everyone.

The Hon. CATHERINE CUSACK: In terms of these documents, what is the procedure, Mr Chair? Have they now been tabled?

CHAIR: Has the attendant supplied them to the witnesses?

Mr DAVID SHOEBRIDGE: They are just being shown to the witnesses now and we will consider the tabling of them afterwards.

The Hon. CATHERINE CUSACK: When members embark on these ambushes it can take time to get things organised. It is not the fault of Government members that we have gone through this tortuous process. The Hon. Luke Foley flourishes these documents, which no-one has seen before, and it then takes some time to go through the process of tabling them and understanding what they are. Dumping them on witnesses not only lacks courtesy but also is not an efficient process.

The Hon. GREG PEARCE: Having had a quick look at the documents I do not object to them being shown to the witnesses. I point out that these documents are all dated about March to June 2012, at which time neither the Minister nor the Secretary were in those positions and, therefore, they would not be able to answer questions on these documents anyway.

The Hon. CATHERINE CUSACK: I also remind the Committee that the date does not fit with the 2014-15 budget year which we are discussing.

CHAIR: I will leave it to the witnesses to answer questions from the Leader of the Opposition based on the documents.

The Hon. LUKE FOLEY: Ms McNally, contained at page four of the documents is email correspondence from a registered lobbyist: the Manager, NSW Government Business, PremierState. That was the registered lobbyist for a developer in the Balmain Leagues Club matter.

The Hon. GREG PEARCE: Point of order: I do not want to waste time but the document referred to by the Hon. Luke Foley may well be from the person he is describing but it has no authentication to establish that it was received by the department or that it is genuine.

Mr DAVID SHOEBRIDGE: That is not a point of order.

The Hon. LUKE FOLEY: They are trying to eat into my time.

The Hon. CATHERINE CUSACK: Point of order: This estimates hearing is to ask questions of Minister Goward, who was not the relevant Minister at that time. Therefore, it is entirely out of order for questions about these documents to be put to her.

The Hon. AMANDA FAZIO: To the point of order: The issue goes to the management of contact between the department and lobbyists. Even though Minister Goward was not the relevant Minister at that time, other officials were there at the time and are quite capable of providing comment on this matter. I believe there is no point of order.

The Hon. CATHERINE CUSACK: To the point of order: With respect, you have put the Committee in a position where the Minister can just take every question and answer it by saying "I was not the Minister at that time."

CHAIR: That is right and that is the Minister's province.

The Hon. GREG PEARCE: I would like you, Mr Chair, to rule on my point of order, which related to authentication of these documents before they are put to the witnesses.

Mr DAVID SHOEBRIDGE: That is not a point of order.

The Hon. GREG PEARCE: Certainly the document that is being asked about at the moment has nothing on it to authenticate it.

The Hon. LUKE FOLEY: Mr Chair, there has just been a five-minute effort to eat into my time. I ask that you exercise your discretion to grant me an additional three minutes to ask a couple of questions of the Minister or her officials to conclude this line of questioning. I would seek your indulgence on that, Mr Chair.

CHAIR: You can have three minutes from my section. The Minister is free to give the answer as she has been led by the Hon. Greg Pearce. It is up to the Minister.

The Hon. LUKE FOLEY: Ms McNally, will you investigate whether there has been a breach of the protocol of the department that registers contact with lobbyists and, in particular, investigate whether PremierState, the registered lobbyist for Balmain Leagues Club, has had contact with the former Director of the Project Delivery Unit, Matt Daniel, which was not declared on the lobbyist contact register? Will you undertake to investigate that matter, Ms McNally?

The Hon. GREG PEARCE: Why do you not make a complaint? You have spent several minutes going through the process; do it the proper way.

The Hon. LUKE FOLEY: I am raising it now.

The Hon. CATHERINE CUSACK: That is an assertion.

Ms McNALLY: I can certainly look into the matter, Mr Foley.

CHAIR: It may have been declared or not declared.

Ms McNALLY: I would also like to note that the proposal you are talking about was refused by the Planning Assessment Commission on 11 April.

The Hon. LUKE FOLEY: Indeed it was. Elias demanded his money back from Photios. I am not making an accusation. To be clear, I am raising a matter about a potential breach of a departmental official's obligations under your code of conduct and a registered lobbyist's obligations under the Government's code of conduct. I am asking whether you or your governance unit or your General Counsel will investigate that and get back to the Committee with a response on what you have found.

Ms McNALLY: As I said, I am happy to look into the matter, Mr Foley, but also I would like to note that after consideration by the department's assessment it found the project should not be supported.

The Hon. LUKE FOLEY: Indeed.

Ms McNALLY: On that assessment it looked at a whole range of issues and then the Planning Assessment Commission refused the application following its examination of the matter. But I am happy to look into the matter you have raised.

The Hon. LUKE FOLEY: I am not asking about the planning outcome, Ms McNally; I am asking about whether—

Ms PRU GOWARD: You can be reassured that the planning outcome was one that suggests that the department behaved properly.

The Hon. LUKE FOLEY: You and I may be on a unity ticket on that one, Minister. What I am particularly asking about is whether Mr Daniel and/or a registered lobbyist, PremierState, breached the onerous requirements that your department and the Department of Premier and Cabinet place on both government officials and registered lobbyists? I have drawn to your attention certain documents. I would also ask you to look at the article by Kate McClymont published on 22 July that contained quotes from the lobbyist where he admits talking to your departmental official Matt Daniel. Will you investigate all of the matters on the record in the media and that I have handed you today and report back to the Committee on your investigations?

Ms McNALLY: So that I am clear, Mr Foley, can you clarify what you think the breach is?

The Hon. LUKE FOLEY: I would ask you to investigate and advise on whether Mr Daniel breached his obligations by not recording all communications with the lobbyist PremierState on your department's lobbyist contact register, as all of your officials are obliged to do?

The Hon. MELINDA PAVEY: In 2012.

Ms McNALLY: I will take that on notice.

Mr RAY: Mr Foley, could I just ask you to give me the date of the article?

The Hon. LUKE FOLEY: It is 22 July 2014 titled "Michael Photios, the Tigers and the wrath of angry client Benny Elias".

CHAIR: Can you supply a copy of the article? That is not in the other documents.

The Hon. LUKE FOLEY: Yes.

CHAIR: It is a technical question dealing with whether the register was fulfilled correctly. It is not discussing your decisions about the project.

The Hon. CATHERINE CUSACK: Based on a newspaper story from last July.

Mr DAVID SHOEBRIDGE: Minister or Ms McNally, do you accept that one of the holes in the lobbyist disclosure process that is otherwise reasonably thorough in the department is that it does not pick up some of the really big lobbyists for the property industry such as the Property Council, the Urban Development Institute of Australia [UDIA] or the Urban Taskforce and that their contacts with your department are not required to be disclosed under the disclosure process?

Ms McNALLY: They are registered lobbyists; they are required to be disclosed. But we also take records of all meetings with individuals, so any meetings I have had would be recorded and on file. If there are any issues, that can be made available at any such time.

Mr DAVID SHOEBRIDGE: Given the role of the Property Council, the UDIA and the Urban Taskforce to actively push for changes in policy or approval of pro-property industry approvals, do you not believe the disclosure regime should be rolled out to include those peak pro-industry bodies?

Ms McNALLY: I could certainly look at that issue but we meet with a wide range of people, including community councils, industry and stakeholder representative groups and we try to take a balanced approach to that. We try to look at a wide range of issues but I can certainly look into whether there is any merit in it.

Mr DAVID SHOEBRIDGE: If you would and then report on notice that would be appreciated. Minister, one of the most controversial projects in the State at the moment would be the Rio Tinto mine, the Warkworth Mount Thorley mine just outside of Bulga in the Hunter Valley. You would accept that there is a large degree of community concern in relation to that project?

Ms PRU GOWARD: Continue.

Mr DAVID SHOEBRIDGE: Would you accept there is a large degree of community concern in relation to that project?

Ms PRU GOWARD: I have certainly heard media reports, yes.

Mr DAVID SHOEBRIDGE: Indeed, one of the issues about that project—I say "that project", but there are two projects. There is the Warkworth continuation project and the Mount Thorley project, but I will put them as a composite project if that is suitable to you, Minister. One of the issues about that project is that the community of Bulga, having succeeded in defeating an earlier approval for that mine in the Land and Environment Court are now met with two fresh applications to effectively do the same thing again. Do you understand that is what has happened?

Ms PRU GOWARD: Yes.

Mr DAVID SHOEBRIDGE: Can you tell the Committee why it was that a delegation was issued in relation to the two new projects to remove the community's appeal rights to the Land and Environment Court?

Ms PRU GOWARD: Well, as you say, the planning system allows new development applications to be lodged by proponents to similar projects. That is even the case when the Land and Environment Court has previously rejected an application for a similar project. So that notwithstanding the decision of the court, as the applicant has re-lodged development applications, the projects will again be assessed on their merits, as is the case with all other development applications. On 1 April Rio Tinto requested Secretary's requirements for the preparation of an environmental impact statement for the two separate proposals.

The department issued the Secretary's requirements on 22 May and then Rio lodged two new applications on 23 June for Warkworth and Mount Thorley. The applications and statements for those proposals were on exhibition from 25 May until 6 August. The department is currently collating the submissions received in connection with these projects and as a consequence of the number of public submissions received the matter will be referred to the Planning Assessment Commission for determination. Prior to determination they may also be referred to the Planning Assessment Commission for independent review, which would be at arm's length from Government and may include a public hearing. I will determine whether a public hearing is warranted when I receive advice from my department.

Mr DAVID SHOEBRIDGE: But, Minister, there has been a decision to require a public hearing under section 23D of the Environmental Planning and Assessment Act, which by issuing that delegation to the Planning Assessment Commission removes the community's appeal rights under section 23F?

Ms PRU GOWARD: I will determine whether a public hearing is warranted.

Mr DAVID SHOEBRIDGE: Will you guarantee, as the Minister, that you will not remove any community appeal rights through the issue of a delegation to require a public hearing before the Planning Assessment Commission?

Ms PRU GOWARD: As I have said, the department is currently collating submissions. As a consequence of the huge number, the matter will be referred to the Planning Assessment Commission, which is an arm's length body. They may also be referred to the Planning Assessment Commission for independent review, again at arm's length. I will determine whether a public hearing is warranted after receiving advice from my department.

Mr DAVID SHOEBRIDGE: Will you guarantee to accept representations from the community before you issue a delegation to remove any community appeal rights by referring the matter for a public hearing to the Planning Assessment Commission? Do you understand that if you refer it to a public hearing as opposed to a public review they will lose their appeal rights in the Land and Environment Court? You understand that process, do you not, Minister?

Ms PRU GOWARD: I do.

Mr DAVID SHOEBRIDGE: Will you guarantee not to take away the community's appeal rights?

Ms PRU GOWARD: I will take the advice of my department.

Mr DAVID SHOEBRIDGE: Will you hear representations from the proponent in relation to that?

Ms PRU GOWARD: I will take the advice of my department.

Mr DAVID SHOEBRIDGE: Through you, Minister, if you think it is appropriate, to Ms McNally, what is the process that the department has in place for receiving representations and advising the Minister on the removal of community appeal rights, as has happened on the T4 coal loader at Newcastle and the Cobbora coalmine previously? What process does the department undertake?

Ms McNALLY: One of the things you should be aware of is that we conduct a public exhibition process. We need to consider the people who have raised concerns and those who have not rejected the proposal. We try to balance that against the evidence and then provide advice to the Minister on that basis.

Mr DAVID SHOEBRIDGE: Do you seek representations from the proponents of these projects about whether or not the community's appeal rights should be removed by a delegation to have a public hearing?

Ms McNALLY: We collect submissions. I have met with a number of members of the community in the short time that I have been in the job. If there are any specific issues they want to talk to me about I am available to do that.

Mr DAVID SHOEBRIDGE: But none of the submissions ever address the issue of whether there will be a review or a hearing because they are not asked to make submissions about that. This is an entirely separate decision.

Ms McNALLY: The delegations are on the website and the process is well understood.

Mr DAVID SHOEBRIDGE: The standard delegation is for the Planning Assessment Commission [PAC] to hold a review. Having undertaken that review the decision is then made by the Minister, which is then subject to all existing appeal rights in the Land and Environment Court. The problem is that for at least a dozen projects your department has advised the Minister to use a different delegation. Instead of having the PAC hold a review, it holds a hearing. The hearing having been completed, the community's appeal rights are negated by the operation of section 23F of the Environmental Planning and Assessment Act. Where is the public scrutiny of that decision to remove appeal rights?

Ms McNALLY: One of the challenges for regulators is to try to balance working with the community and not imposing any onerous requirements on a whole range of people involved in the process. We try to gather as much information as we can. We have the submission process and the delegation process is well documented. We then have an independent PAC as part of that decision-making process.

Mr DAVID SHOEBRIDGE: You say it is an independent PAC, but it is effectively a rubber stamp for departmental recommendations. The PAC agrees with the department's recommendations a staggering 95 per cent of the time. That is not independent; that is a big fat rubber stamp that the PAC applies to approve the department's recommendations.

Ms McNALLY: I cannot comment on your opinion.

Mr DAVID SHOEBRIDGE: I am asking you for your opinion. The PAC agrees with 95 per cent of the recommendations made by the department. That is far from independent.

Ms McNALLY: I believe that the process is rigorous. I have looked closely at what happens internationally. I have even looked at the Australia National Audit Office guidelines on the approaches taken by regulators within the Commonwealth. The sort of process we have in place and the level of community engagement we have is seen to be good practice. Large parts of the process involve the community. We take submissions and hold public hearings. I think we have a very strong process. I am aware that seven of 84 applications were refused by the PAC in the past year and 31 were approved as recommended by the department. The remaining 46 were approved with modifications or amendments. The process itself demonstrates that we are trying to arrive at the right balance.

CHAIR: Do you have any concerns that the development application processes have been compromised in Newcastle? What protocols were in place for Newcastle developments to ensure transparency, given the recent Independent Commission Against Corruption revelations?

Ms PRU GOWARD: Thank you for that question. I would like to make a statement that I think will cover a number of the questions I might receive about Newcastle. When I have visited Newcastle in recent years I have been shocked at the extent to which the Labor Government allowed our State's second largest city to deteriorate. I think everyone would agree that since coming to office this Government has taken a sorely needed leadership role in respect of the revitalisation of Newcastle. That means we now need to deliver on our commitments to the local community.

I think members will agree that the decisions to truncate the heavy railway line and my decision to approve the Newcastle Urban Renewal Strategy are landmark decisions. They have attracted sorely needed and substantial private and public sector investment in the city. Substantial private sector investment is being

matched by significant government investment, with the Liberal-Nationals Government committing \$460 million for the urban renewal strategy and light rail projects. My decision to approve the Newcastle Urban Renewal Strategy was made after two lengthy public exhibition periods, on the merits of the proposal and on the advice of the Department of Planning and Infrastructure.

The strategy and draft planning controls were first exhibited in 2013 and attracted 420 submissions, mostly concerned about the truncation of the railway line at Wickham. Further amendments to the proposed planning controls were exhibited in March this year and 266 submissions were received, mostly concerning the proposed height of the three towers in the East End. The new planning controls have been informed by this community consultation. Maximum building heights have been imposed as a result of the submissions. For example, the GPT Newcastle urban growth sites are limited to the height of the parapet of the nave of Christchurch Cathedral.

I am not the approval authority for the UrbanGrowth NSW East End development application. That means that all questions on that matter should be directed to Newcastle City Council. Again, my decision to approve the strategy was made openly, transparently and on its merits. Members will recall very vigorous local public debate on that strategy, which has the potential to breathe fresh life into the city of Newcastle and to turn around the Labor Government's years of neglect. This Government will not neglect the aspirations of Newcastle residents and I stand by all the decisions I have made with regard to its renewal. Finally, I will not be commenting on matters now before the Independent Commission Against Corruption as a result of Operation Spicer. Any recommendations from the commission will be carefully considered by the Government in due course.

CHAIR: You mentioned the height of the towers and referred to their relationship with the nave of the cathedral. How many storeys does that represent?

Ms PRU GOWARD: We have reduced the height. I think it is 69 metres high.

CHAIR: How many storeys does that represent?

Mr PEARSON: It is about 17 storeys.

CHAIR: And the majority of the other buildings in that area would be four or five storeys high.

Mr PEARSON: There is a range of heights across the city centre. Newcastle is the State's second biggest city and it was acknowledged that it would not be possible to retain the existing heights in the renewal process. There needs to be some increase in heights and density across the city centre, including at the University of Newcastle. We have taken a modulated approach, if I can use that word. We have not changed the heights everywhere; the changes have been made only in renewal locations around Wickham station, the university and in the East End around the Hunter Street mall to reinvigorate that part of the city.

Ms PRU GOWARD: Do I need to correct the record about the heights? Was it 69 metres?

Mr PEARSON: It is 17 storeys and each storey is about three metres.

Ms PRU GOWARD: That makes it about 59 metres.

The Hon. LUKE FOLEY: I refer to the draft Metropolitan Strategy for Sydney. When can we anticipate the draft strategy becoming the strategy? When will you release the final strategy?

Ms PRU GOWARD: The Government is in the process of finalising the strategy. This strategy will outline the Government's plan to create a strong, competitive, liveable and productive global city. It will outline how the State Government will provide the homes, the jobs and the great places we will need to accommodate an additional 1.6 million people over the next 20 years. Western Sydney, in particular, will see unprecedented growth and change. The Western Sydney community have told us that they expect more when it comes to economic development, investment in local communities and the delivery of infrastructure.

The metropolitan strategy takes a fresh approach to planning for Western Sydney, making sure that every part of Sydney can enjoy the benefits of future growth. The metropolitan strategy will set a clear framework for growth by articulating a vision for Sydney's future and identifying key areas that will see

transformative change and shape the city over the coming decades. It will set ambitious targets for new homes and jobs. It will identify actions for both this Government and local government, so we can all get on with the job of delivering the strategy's objectives. It will monitor and report on Sydney's growth to make sure we are heading in the right direction.

As you suggest, the draft metropolitan strategy was released for community consultation in 2013. The Government has very carefully considered the community's views on a range of topics. The community have told us that they expect growth and change to be supported with appropriate investment in infrastructure and services. The best cities around the world, as we know, are cities that successfully integrate land use with infrastructure, particularly transport infrastructure. The metropolitan strategy will include the latest population projections for Sydney and updated information on demand for new housing. When released, the strategy will provide the framework for guiding Sydney's continued success as a global city.

The Hon. LUKE FOLEY: Will it be released in the life of this Parliament or in the life of the next Parliament?

Ms PRU GOWARD: We are in the process of finalising the plan.

The Hon. LUKE FOLEY: Minister, can you or the executive with some responsibility for the plan tell us if we can anticipate that the architecture of six subregions covering the 41 local government areas will remain in place or will that alter?

Ms PRU GOWARD: I invite the Secretary to answer that or we can take it on notice.

Ms McNALLY: That still remains in place.

The Hon. LUKE FOLEY: The six subregions are Central, West Central, North, North West, South West and South, and that remains the guiding architecture of the subregional strategy for Sydney's future development?

Ms McNALLY: We are putting subregional plans together as an important part of being able to provide an overarching regional perspective. Typically, you go from State level to local level, and regional plans provide an opportunity to look at things in a more regional way. It is an important part of the planning process going forward.

The Hon. LUKE FOLEY: The Minister has just advised that the population projections contained in the draft metropolitan strategy will be updated for the final metropolitan strategy. Would I be correct in believing that the document that appeared on your website this month, "New South Wales State and Local Government Area Population Projections: 2014 Final", contains the most up-to-date population projections that the department is working from?

Ms McNALLY: I would have to take that on notice. We are updating our population projections.

The Hon. LUKE FOLEY: Mr Ray was nodding. Can anybody at the table assist with telling me if I am correct in assuming that the figures on the department's website, entitled "2014 Final", are the most up-to-date figures that the department is working from?

Ms McNALLY: I would like to take that on notice to make sure I give the correct answer.

The Hon. LUKE FOLEY: But you are not aware today of any figures that are more current than the ones I have referred to that appear on your website?

Ms McNALLY: I have people working on the metropolitan strategy as we speak. I am yet to see the final figures, so I need to take that on notice.

The Hon. LUKE FOLEY: I take you to the most up-to-date figures I have to work from—the 2014 final figures on your website. The three subregions that cover greater Western Sydney—the three of the six subregions covering the west of our city—project an additional population of more than 900,000 to 2031, do they not?

Ms McNALLY: I would have to take those figures on notice. I have not committed those figures to memory.

The Hon. LUKE FOLEY: I am reminded that the draft metropolitan strategy projected growth for Sydney of 1.3 million by 2031, around 913,000 in the three subregions that collectively cover greater Western Sydney. Does that ring a bell?

Ms McNALLY: The 1.3 million and the 1.6 million ring a bell, but I would have to take any other level of detail on notice.

The Hon. LUKE FOLEY: The 1.6 million to which you refer reflects the fact that the 2014 figures, which are more up to date than those in the draft metropolitan strategy, tell us that Sydney's projected population growth to 2031 has gone from 1.3 million in the draft strategy to 1.6 million in your 2014 figures.

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: My effort with a calculator last night tells me that the population of greater Western Sydney, in your most recent figures, goes from just over two million in 2011—that is, 2,012,000—to 2,919,000 in 2031. Is that your understanding?

Ms PRU GOWARD: I think we should take those questions on notice.

The Hon. LUKE FOLEY: Does anyone at the table have some knowledge of the current population projections that the department works from?

Ms PRU GOWARD: We will take it on notice.

The Hon. CATHERINE CUSACK: The notes from your calculator will do it.

The Hon. LUKE FOLEY: I will read some of the population projections. Blacktown's population will increase by 161,000 by 2031; Camden's population will increase by 104,000 by 2031; Liverpool's population will increase by 101,000 by 2031; Penrith's population will increase by 77,000 by 2031; and Parramatta's population will increase by 79,000 by 2031.

The Hon. CATHERINE CUSACK: Are these your calculator's figures?

The Hon. LUKE FOLEY: Is that an accurate account of what is in your current figures?

Ms McNALLY: Are those figures taken from our website?

The Hon. GREG PEARCE: It is a public document.

The Hon. LUKE FOLEY: They are taken from your website.

Ms McNALLY: They would be accurate.

The Hon. LUKE FOLEY: So they would be correct?

The Hon. AMANDA FAZIO: Stop interrupting. I cannot hear the witnesses.

CHAIR: Let Mr Foley continue his line of questioning.

The Hon. LUKE FOLEY: If I look at the North subregion, the population increases, on these updated figures, by 133,000 by 2031, does it not?

Ms McNALLY: I would have to take that on notice. If those figures are taken from our website, they would be accurate figures.

The Hon. LUKE FOLEY: If I randomly take a local government authority—let us take Manly: Its population will increase by 10,800 by 2031. Do you stand by that figure on your website?

Ms McNALLY: I stand by the figures on our website.

The Hon. GREG PEARCE: At the time that they were published.

Ms McNALLY: That is correct.

The Hon. LUKE FOLEY: This month. Minister, your Government is targeting more than 900,000 more people in Western Sydney compared with 130,000 more people on the North Shore. That is unbalanced population growth for Sydney, is it not?

Ms PRU GOWARD: I have said repeatedly that all regions of Sydney will have to take their fair share of growth.

The Hon. LUKE FOLEY: But they are not taking their fair share according to the numbers I have just quoted, are they, Minister?

Ms PRU GOWARD: They will take their fair share of growth.

The Hon. LUKE FOLEY: Blacktown gets 161,000 more people, Liverpool gets 101,000 more people, Manly gets 10,000 more people, Mosman gets 6,000 more people. It is just unfair. The North Shore is being insulated, is it not, Minister?

Ms PRU GOWARD: Those projections are based on current arrangements. I will take questions on notice for any further population increases. You know the basis of demographic modelling. You know that the numbers you are referring to are based on current assumptions. I will take your questions on notice.

The Hon. LUKE FOLEY: You are adding a city the size of Adelaide to the population of Western Sydney but simply a small country town for the North Shore. You are just protecting your Liberal Party heartland on the North Shore, are you not? It is unbalanced population growth, is it not?

Ms PRU GOWARD: I have said all regions of Sydney will take their fair share of growth and I will take that question on notice.

The Hon. LUKE FOLEY: How can it be fair for the North Shore to carry an extra 130,000 people and Western Sydney to carry more than 900,000 additional people?

Ms PRU GOWARD: I will take that question on notice. I have said repeatedly that they will take their fair share and that infrastructure will clearly be a determinant of where we encourage population growth.

The Hon. LUKE FOLEY: The North Shore is doing pretty well for infrastructure; it has a North Shore railway line, it has plenty of schools and hospitals. How on earth is it fair that a subregion with that much in the way of infrastructure today is so light on, so insulated from carrying its fair share of Sydney's population growth?

Ms PRU GOWARD: You are challenging the assumptions of the demography. I will take that on notice.

The Hon. LUKE FOLEY: Is it the case that Liverpool's population will increase by—

Ms PRU GOWARD: We can play this game all day but I am going to give you the same answer. The demographics and the demographic projections are based on a number of assumptions which can change and the demographic unit bases them on the current assumptions. I will take further questions on notice.

The Hon. LUKE FOLEY: In part they are based on political decisions about where you put housing.

Ms PRU GOWARD: That is absolutely ridiculous.

The Hon. LUKE FOLEY: Where housing goes—these are properly decisions of government: where to release land, where to build medium-density and high-density—

The Hon. GREG PEARCE: Point of order: Mr Foley apparently does not understand that in Western Sydney there is greenfields new development and development in the built-up parts of Sydney is brownfields development and that has been the case for several decades, including under your previous Labor governments.

CHAIR: Order! Mr Pearce, you cannot debate the questions.

The Hon. CATHERINE CUSACK: But, with respect, Mr Chair, the implication that these figures are political figures is an adverse reflection on the Minister. She has answered the question repeatedly and I ask that you direct the questioner to move on.

CHAIR: The member can make any statement he wishes. He has made a statement.

Ms PRU GOWARD: After 16 years of what you did to Western Sydney you have got a darned cheek asking it now.

The Hon. LUKE FOLEY: Minister, you issue press releases crowing about land releases for Western Sydney, you tell us in your opening answer to my questions on the metropolitan strategy—

Ms PRU GOWARD: And what did you do about Western Sydney? You did not plan; you did not plan the infrastructure.

The Hon. LUKE FOLEY: —that you are bringing population growth to Western Sydney. Why are you prepared to seek political credit but not prepared to answer why Manly gets 10,000 people and Blacktown gets 160,000? Why will you not take responsibility for that planning projection for this city?

Ms PRU GOWARD: I am telling you that demographics are based on assumptions and assumptions can change, as you well know.

The Hon. LUKE FOLEY: And decisions of government about where houses go.

Ms PRU GOWARD: You will have to wait for the metropolitan strategy, will you not?

The Hon. LUKE FOLEY: Could I ask you, in the short time remaining, about the Parramatta Urban Renewal Strategy? I understand that at least one mayor on the corridor has expressed—

Ms PRU GOWARD: Are you talking about Parramatta Road?

The Hon. LUKE FOLEY: Yes. At least one mayor on the corridor has expressed concern about applications for spot rezoning potentially going to pre-Gateway reviews. Is that appropriate in light of your commendable efforts to establish a partnership between State government urban growth and local government for urban renewal on the Parramatta Road corridor?

Ms PRU GOWARD: As you know, we are working, I think very collaboratively, with the councils. The memorandum of understanding that we have does not commit councils to the strategy; it gives them a defined role in its development but it does not take away planning controls from local government. It gives them a seat at the table.

The Hon. LUKE FOLEY: I congratulate you on that.

CHAIR: We will move on to Mr Shoebridge now.

Mr DAVID SHOEBRIDGE: In relation to the Mount Thorley and Warkworth projects, can you advise the Committee when the three working groups that were established by, as I understand, the department in regard to those projects were established and first met?

Ms PRU GOWARD: Would you like me to refer that to Chris Wilson, who I think will give you a better answer?

Mr DAVID SHOEBRIDGE: I would appreciate that.

Mr WILSON: I am advised that the department convened two working groups for the Warkworth Continuation Project. These working groups were with the Environment Protection Authority [EPA] and the Office of Environment and Heritage [OEH] and included representatives from the Department of Planning and Environment, EPA, OEH, Rio Tinto, Cumberland Ecology and Minter Ellison.

Mr DAVID SHOEBRIDGE: Who was Minter Ellison representing?

Mr WILSON: Rio Tinto.

Mr DAVID SHOEBRIDGE: Who is Cumberland Ecology employed by?

Mr WILSON: I will take that on notice.

Mr DAVID SHOEBRIDGE: They were the consultants for Rio Tinto, were they not?

Mr WILSON: I would have to take that on notice.

Mr DAVID SHOEBRIDGE: In relation to the Warkworth Continuation Project, when did those working groups first meet?

Mr WILSON: I do not have the dates on me. I can take that on notice.

Mr DAVID SHOEBRIDGE: They met in 2013, did they not? You know that.

Mr WILSON: I cannot answer that with accuracy. I will take it on notice.

Mr DAVID SHOEBRIDGE: They met well before the director general's requirements were resolved, did they not?

Mr WILSON: That is likely.

Mr DAVID SHOEBRIDGE: It is certain, is it not?

Mr WILSON: I do not know whether they met after they were issued so I cannot categorically answer you.

Mr DAVID SHOEBRIDGE: The job of your department is meant to be an independent assessment of mining and development projects. That is right, is it not?

Mr WILSON: The Department of Planning and Environment does not help mining companies prepare their environmental impact statements for projects or secure speedy approval. These matters are the sole responsibility of the mining company. Under the Act the department is responsible for coordinating the Government's assessment of the merits of mining projects in accordance with adopted policies and guidelines.

Mr DAVID SHOEBRIDGE: But you did not even have the environmental impact statement [EIS] or the application or the director general's requirements. You need to have the rules set and you are sitting there meeting with Rio Tinto, its lawyers and its consultants to schmooze through this project before they even put the EIS in. That is what these working groups were doing, is it not?

Mr WILSON: There is no schmoozing. Clearly, under these circumstances, there was a previous application. I should also point to our website where you can look at the DGRs issued for open-cut coalmines—they are reasonably standard these days. My understanding is they were working on their EISs before they were lodged. That is the prerogative of Rio and I think you should ask Rio these questions.

Mr DAVID SHOEBRIDGE: These are your working groups I am asking about, working groups convened by a department, paid for by taxpayers. Where are the minutes of the working groups?

Mr WILSON: I will take that on notice.

Mr DAVID SHOEBRIDGE: Are there minutes of the working groups?

Mr WILSON: I would hope so.

Mr DAVID SHOEBRIDGE: Will you provide them to this Committee?

Ms PRU GOWARD: We will take that on notice.

Mr DAVID SHOEBRIDGE: And if they are available they will be provided to the Committee?

Ms PRU GOWARD: We will take that on notice.

Mr DAVID SHOEBRIDGE: So you had the two working groups for the Warkworth Continuation Project where you had Rio, its consultants and its lawyers sitting around with the department. What about for the Mount Thorley project? What working groups did you establish for the Mount Thorley project?

Mr WILSON: My understanding is those working groups were established to understand the judgement in relation to the original application and the implications for government policy and how that may be interpreted for any future application.

Mr DAVID SHOEBRIDGE: These working groups—one was established specifically for Mount Thorley and two were established specifically for the Warkworth Continuation Project. They were not just academic; they were for the very projects, were they not?

Mr WILSON: I am advised that the department convened one working group for the Mount Thorley Continuation Project. This working group was the Environment Protection Authority and included representatives from Planning and Environment, EPA, Rio Tinto and EMGA.

Mr DAVID SHOEBRIDGE: Who is EMGA?

Mr WILSON: It is an environment consultant group, I understand.

Mr DAVID SHOEBRIDGE: Who is paying for EMGA to be there?

Mr WILSON: I can take that on notice.

Mr DAVID SHOEBRIDGE: It was Rio's consultant, was it not? They are the ones who signed off on the environmental impact statement paid for by Rio. That is who they were paid by—Rio—is it not? You know that, Mr Wilson.

Mr WILSON: Yes, of course.

Mr DAVID SHOEBRIDGE: Well then why are you playing ducks and drakes with me? Why do you not answer the question? You know they were paid by Rio and they are sitting there with the department well before Rio even put its application in.

Mr WILSON: The Chief Judge's judgement raised a lot of implications for government policy. People tried to understand what that means for their projects.

Mr DAVID SHOEBRIDGE: Will you provide the minutes to the Committee, if they are available, of the working group with Mount Thorley?

Ms PRU GOWARD: I have already said we will take it on notice.

Mr DAVID SHOEBRIDGE: Mr Wilson, your job as a public servant is not to sit down with big miners like Rio Tinto and work through their problems so they can get an approval; your job is to be independent and assess the projects once they come in. These working groups were designed to work through the problems with Rio Tinto to further an approval, were they not?

Ms McNALLY: That is not correct. Mr Wilson has just advised that there was no involvement in the department in helping them develop their EIS.

Mr DAVID SHOEBRIDGE: Ms McNally, you make that statement but do you know what was discussed in these working groups?

Ms McNALLY: I have asked the questions.

Mr DAVID SHOEBRIDGE: Do you know what was discussed in the working groups?

Ms McNALLY: I was not at the working groups.

Mr DAVID SHOEBRIDGE: Do you know what was discussed in the working groups? It is a simple question, Ms McNally: Do you know what was discussed in the working groups?

Ms McNALLY: I am aware that there were working groups to go through and understand the policy implications for the proponents.

Mr DAVID SHOEBRIDGE: Ms McNally, you give false comfort to this Committee by saying the working groups were not there to further the projects when you do not even know what was discussed, do you not? It is false comfort that you are giving the Committee.

Ms PRU GOWARD: Mr Shoebridge, your questions are all based on the inference that you do know what was discussed in the working groups when you do not either. So why do you not take the advice of the department?

Mr DAVID SHOEBRIDGE: Minister, do you believe it is appropriate for your department to be sitting down with one of the biggest miners in the world, their lawyers and their paid consultants to work through problems with their projects before they submit their application to the department?

Ms PRU GOWARD: I totally reject your characterisation of that work. You have heard Mr Wilson's explanation, and I suggest that you accept it.

Mr DAVID SHOEBRIDGE: Minister, do you believe that it is at all viable for Rio Tinto to have provided thousands of pages of consultants' reports and environmental impact statements [EIS] within the three weeks between when your department issued the Director General's requirements [DGRs] and when they finalised their EIS on 15 June?

Ms PRU GOWARD: The department has already answered those questions.

Mr DAVID SHOEBRIDGE: Minister, do you believe it is in any way viable that they could come up with thousands of pages of EIS and consultants reports?

Ms PRU GOWARD: The Secretary has already answered that question, as you know, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: I have not heard a satisfactory explanation from the Secretary.

Ms PRU GOWARD: Well, that is different.

Mr DAVID SHOEBRIDGE: Indeed I would be inviting the Secretary to answer it on the record here.

Ms McNALLY: As I advised earlier, Mr Shoebridge, many proponents advance the relevant documentation for their EIS well in advance of submitting their proposal. This often involves them engaging a wide range of experts to undertake relevant analysis on a whole range of standards they are required to meet and on the policy matters they are required to meet. In many cases for many large projects they can commence that work around two years before they are actually required to submit their EIS. It is a very complex process and it is standard for major infrastructure projects, including mines.

Mr DAVID SHOEBRIDGE: The DGRs have an array of very specific issues in relation to the township of Bulga, in relation to ecology and noise. They are very specific to the site. They were only

established under the DGRs on 22 May. Yet within three weeks 100-page consultants' reports addressing those specific issues are lodged by the miner. It looks crooked, does it not?

The Hon. GREG PEARCE: Point of order: Mr Chair, I think the time has expired for Mr Shoebridge's questions.

CHAIR: Mr Shoebridge, your time for questioning in this session has expired. Any further questions will have to be put on notice. Minister, do you see the need for social, public and affordable housing to be mandated in local environmental plans [LEPs], regional environmental plans [REPs] and State environmental planning policies [SEPPs] given that, according to the Auditor-General's report, there will be a need to house 86,000 people by 2016 and that by 2021 over 50 per cent of all social housing demand will be from older people and those with significant disability?

Ms PRU GOWARD: Thank you for that question. Mr Chair, as you and I were discussing earlier, affordable housing is a very important component of making Sydney a liveable city. We know that there are many qualities and characteristics that contribute to making housing affordable—one of which, a most important one, is supply. I think we should all be pleased that under this Government we have had 100,000 more homes approved, and 50,000 in the last year alone—which the Government has been able to announce as an improvement. That 50,000 is the highest figure in a decade.

CHAIR: Part of my question was about mandating. Minister, do you feel that is something you could do or could consider?

Ms PRU GOWARD: There are various development arrangements that allow for affordable housing—for example, we have one housing development where the developer will provide a certain number of units for affordable housing that will be administered by the local community housing authority. Mr Chair, your question anticipates very complex changes and I would like to take it on notice.

CHAIR: Following on from that question, how will urban activation precincts [UAP] help growth?

Ms PRU GOWARD: As Mr Chair may be aware, the Urban Activation Precincts Program is part of our strategy for addressing our very fast population growth—with an additional 1.6 million residents in Sydney. That means we really need to get smarter about growth and show some leadership. The answer is not to simply say "Sydney is full", which has been the answer given for the last 16 years. All that did was to deliver a 50-year low in building approvals. It certainly did not ensure that the infrastructure needed to support growth was provided in an orderly way. I do not think we can shirk that responsibility.

Almost half of all growth in new dwellings will be from lone-person and couple-only households, and that will continue to grow, increasing by an average of 2.1 per cent per annum for the next 20 years. I think we would all have to agree that the old days of only releasing land for detached houses on Sydney's outskirts will not work. We came to government with a big challenge to resolve and that is why we announced the Urban Activation Precincts Program. We know that families are changing and that more people want to live close to work, close to transport and close to community facilities. We know that there was no plan under Labor to deal with this. So that is the job ahead. We need to keep up with the demand for housing and we are planning smarter for it because we understand supply and demand.

The Urban Activation Precincts Program, which was announced in October 2012, is a key part of the Government's strategy to meet that growth. The program revitalises existing areas to deliver homes and jobs in areas of Sydney where the demand for housing is highest and there is good access to transport, services and facilities. As I have already told the House, the Government can only achieve these outcomes when we are working with local councils and communities to identify and plan for these precincts. As part of the Urban Activation Precincts Program we have committed to supporting councils with a \$100 million Precinct Support Scheme to assist them to deliver local infrastructure and amenity improvements to support growth.

As I have already advised publically, the most recent urban activation precincts I announced for Kellyville, Bella Vista and Showground in Castle Hill were received very warmly by the local councils. I think it demonstrates that we are working together with councils for the benefit of the community. Those three precincts alone support 19,000 additional jobs and 12,000 new homes with a mix of housing types, including townhouses, detached homes and apartments. Other UAPs announced to date—namely, the three precincts at

North Ryde station, Epping town centre and Wentworth Point—have already been rezoned. These precincts alone will deliver approximately 9,000 new homes.

Projects such as these can only really work when the community is involved in planning for the future of their area—through workshops, feedback sessions, online questionnaires and engagement with councils. Mr Chair, I think you can be comforted that we are doing just that. The current program of Urban Activation Precincts has the potential to provide overall for 54,000 new homes, to revitalise existing areas and to deliver homes, jobs and infrastructure. These are homes that are near jobs and transport links—54,000 new homes in addition to the 100,000 new homes that have been built since we came to office. This Government is facing the future. We need to plan for the future and get on with the job of creating jobs, homes and, as I say, beautiful places.

CHAIR: Minister, as you know there has been a great deal of debate and discussion about the current Planning Bill. Minister, are you planning to take the current Planning Bill to the next election or will the Planning Bill be revised prior to the next election?

Ms PRU GOWARD: I am still consulting on the future of the bill. I will certainly continue to consult with crossbenchers like members of the Christian Democratic Party. I appreciate your concerns, and we want to get it right. We have been doing other things whilst those planning reforms have been under consideration. We have certainly listened to crossbenchers and to the community about their concerns about the planning system. But we know that the State is going to grow by two million people. We have to plan for an extra 1.6 million residents of Sydney. That means an extra one million homes will be needed in the next 20 years. That is why in June the Premier and I announced the formation of the Greater Sydney Commission to help plan for this growth. It will be firmly focused on that growth.

The commission will ensure a whole-of-government approach to the coordination of growth and infrastructure throughout the metropolitan area, and will ensure that planning decisions are made in a streamlined and efficient manner. My aim as the new planning Minister is to develop and implement a range of policies and strategies that will create growth while restoring, as we have referred to, integrity to the planning system after years, one would have to say, of Labor's political interference in planning.

CHAIR: Can you summarise the future of the planning bill?

Ms PRU GOWARD: I am still consulting on that and I will continue to talk to the crossbench.

CHAIR: That concludes the questions on expenditure for the portfolio of Planning.

(The witnesses withdrew)

(Short adjournment)

CHRISTINE FORAN, Acting Executive Director, Women NSW, Family and Community Services,

GEORGINA JANE HARRISSON, Deputy Director General, Strategy and Policy, Family and Community Services, affirmed and examined, and

MICHAEL COUTTS-TROTTER, Secretary, Department of Family and Community Services, sworn and examined:

The Hon. SOPHIE COTSIS: How long has the position of Executive Director been vacant? I understand you have an acting Executive Director.

Ms PRU GOWARD: I will take that on notice, or I could ask Ms Harrison to answer.

Ms HARRISSON: I would have to provide the specific date on notice, but it has been since about March this year.

The Hon. SOPHIE COTSIS: So the position of Executive Director for Women NSW has been vacant since March.

Ms HARRISSON: It has not had an ongoing permanent appointment, but we have had Christine Foran acting in the position full time for a number of months now.

The Hon. SOPHIE COTSIS: Minister, have you advertised for a permanent Executive Director?

Ms PRU GOWARD: I would like Ms Harrison to answer you.

The Hon. SOPHIE COTSIS: Why has the position been vacant for six months?

Ms PRU GOWARD: I will ask the deputy director—

The Hon. SOPHIE COTSIS: You are the Minister for Women. I am asking you. Why has the position been vacant—

Ms PRU GOWARD: Do you want the answer?

The Hon. SOPHIE COTSIS: From you.

Ms PRU GOWARD: If you want the answer, you will ask Ms Harrison. So let us ask.

The Hon. SOPHIE COTSIS: From you. But you are the Minister.

Ms PRU GOWARD: I am asking her. Go on, ask her.

The Hon. SOPHIE COTSIS: Minister, I am asking you. You are the Minister for Women. Why has the position of executive director been vacant for six months?

Ms PRU GOWARD: Because those are the processes of the public service. Would Ms Harrison like to answer it?

The Hon. SOPHIE COTSIS: What processes of the public service?

Ms HARRISSON: There are some constraints on our appointment to Senior Executive Service positions at the moment due to the implementation of the Government Sector Employment Act as set out in guidelines from the Public Service Commission. We are following those and we will be appointing permanently to the role in line with those as we do so across the whole of the department.

The Hon. SOPHIE COTSIS: Do you not see that we have one of the largest reforms affecting women in New South Wales and you have allowed the position of executive director to remain vacant for six months?

Ms PRU GOWARD: I would be very pleased to talk about the family and domestic violence reforms.

The Hon. SOPHIE COTSIS: No, I am asking you about the position.

Ms PRU GOWARD: No, you just referred to the reforms and I will refer to the reforms.

The Hon. SOPHIE COTSIS: When will you advertise?

Ms PRU GOWARD: I ask Ms Harrison to answer that and then we can talk about the reforms, which is what we are here for.

The Hon. SOPHIE COTSIS: No. I want to find out when you will advertise for the position of Executive Director for Women NSW.

Ms PRU GOWARD: It is a long time since a Minister put an advertisement in a paper. You should let Ms Harrison answer the question.

Ms HARRISSON: We will be advertising the position, along with the other positions at the equivalent grade, across the department as part of our implementation of the government sector employment reforms.

The Hon. SOPHIE COTSIS: In the next month, three weeks? Can you give me a time frame?

Ms HARRISSON: Those reforms have to be implemented on the Public Service Commissioner's time line and I can come back to give you details on that.

The Hon. SOPHIE COTSIS: Will you take that on notice?

Ms HARRISSON: I will take that on notice.

The Hon. SOPHIE COTSIS: In July last year you announced that the Government would invest \$620,000 to commission three studies into violence prevention. Can you confirm that, despite spending \$620,000 on these reports, the findings of these reports have not contributed to the Government's Going Home Staying Home?

Ms PRU GOWARD: These studies are a key element under It Stops Here, which is standing together to end domestic and family violence in New South Wales. They seek to enable us to strengthen the evidence base on domestic and family violence prevention—that is what they were for—by reviewing current interventions and making recommendations about how New South Wales can apply this evidence to its programs. Those studies, which I presume you have read, are publicly available on the website.

The Hon. SOPHIE COTSIS: You released them yesterday. You announced this in July last year. You announced the commissioning of these reports last year. I asked you a question on notice in June this year and the reports were released yesterday.

Ms PRU GOWARD: I have just given you my answer.

The Hon. SOPHIE COTSIS: It is unsatisfactory. Did these reports underpin or contribute to the policy development of Going Home Staying Home?

Ms PRU GOWARD: You did not listen to the answer.

The Hon. SOPHIE COTSIS: No, I am asking you—

Ms PRU GOWARD: I have just given you the answer. The answer was—I will repeat it for the benefit of the Hon. Sophie Cotsis—that the studies are a key element under It Stops Here, which is standing together to end domestic and family violence in New South Wales.

The Hon. SOPHIE COTSIS: So not Going Home Staying Home.

Ms PRU GOWARD: That is not referred to. They seek to strengthen the evidence base on domestic and family violence prevention by reviewing current interventions and making recommendations about how New South Wales can apply evidence to its programs.

The Hon. HELEN WESTWOOD: Which research underpinned the reforms of Going Home Staying Home?

Ms PRU GOWARD: You would have to ask Minister Upton for that answer. She is the responsible Minister.

The Hon. HELEN WESTWOOD: But this program started when you were the Minister.

Ms PRU GOWARD: That is true.

The Hon. HELEN WESTWOOD: So you do not believe—

Ms PRU GOWARD: You know very well that I am the former Minister.

The Hon. HELEN WESTWOOD: —that as Minister for Women it is your role to answer these questions.

Ms PRU GOWARD: No, it is Minister Upton's role, but we have the Secretary of the department here. You might like to ask him.

Mr COUTTS-TROTTER: I am more than happy to provide some information in response to that question.

The Hon. HELEN WESTWOOD: What research underpinned those reforms?

Mr COUTTS-TROTTER: A range of research. If you go to the department's website you will find copies of a range of research papers and a synthesis of other research that informed our thinking and the process of consultation. There was a sector reference group that included, among others, Domestic Violence NSW, a collection of expert advisers to the process and some 14 months of consultation with everybody involved in the service system. If you look at the guidelines that describe the kind of the practice that we expect from the service system you will see a great deal of attention has been paid to describing what good, specialised service response for women escaping domestic violence would entail. I am happy to run through the detail of that if you like.

The Hon. SOPHIE COTSIS: Minister, how many times has the NSW Council for Women's Economic Opportunity met since it was formed under your Government?

Ms PRU GOWARD: The council provides specialist advice to us on opportunities to enhance women's economic development.

The Hon. SOPHIE COTSIS: When did it last meet?

Ms PRU GOWARD: I would like to outline what the council does.

The Hon. SOPHIE COTSIS: I know what it does. When did it last meet?

Ms PRU GOWARD: Why don't you tell me what it does if you think you know?

The Hon. SOPHIE COTSIS: You are the Minister.

Ms PRU GOWARD: No, but you just said you knew.

The Hon. CATHERINE CUSACK: Point of order—

Ms PRU GOWARD: I will answer the question in the proper way.

The Hon. CATHERINE CUSACK: The Minister is entitled to answer a question she is asked.

The Hon. SOPHIE COTSIS: But I asked: When did the committee last meet?

The Hon. CATHERINE CUSACK: She is answering your question.

The Hon. SOPHIE COTSIS: I do not want a preamble. I just want a date.

Ms PRU GOWARD: It provides specialist advice to the New South Wales Government on opportunities to enhance women's economic development. It is a forum dedicated to improving the proportion of women employed in non-traditional roles. It provides specialist advice on promoting women's leadership across all industries in New South Wales. Its achievements have been, I think, a very strong awareness of non-traditional—

The Hon. SOPHIE COTSIS: I appreciate that. It is all good and well. I ask: When did the council last meet?

The Hon. GREG PEARCE: And the Minister is answering you.

The Hon. SOPHIE COTSIS: No, I want a date.

The Hon. CATHERINE CUSACK: You cannot direct the Minister to answer.

The Hon. GREG PEARCE: The Minister answers in the way that the Minister wants to answer.

The Hon. SOPHIE COTSIS: I want a date. The Hon. Greg Pearce should stop covering. I am asking when did it last meet?

The Hon. GREG PEARCE: You are badgering so how can the Minister answer?

The Hon. SOPHIE COTSIS: When did the committee last meet?

The Hon. HELEN WESTWOOD: It is a straightforward question; it is just asking for a date.

The Hon. SOPHIE COTSIS: Just give me a date. Was it last week, last month or last year?

The Hon. GREG PEARCE: The Minister will answer however the Minister chooses.

The Hon. CATHERINE CUSACK: The Minister cannot answer because you keep interrupting.

The Hon. SOPHIE COTSIS: No, I have allowed her to answer and the Minister is giving a preamble.

The Hon. CATHERINE CUSACK: No, you have not allowed her to answer.

CHAIR: Will the Minister or any of her staff provide dates?

Ms PRU GOWARD: Yes, I can. It is such a wonderful opportunity to very briefly summarise the achievements of the council.

The Hon. SOPHIE COTSIS: My next question—

The Hon. CATHERINE CUSACK: Do not interrupt the Minister. Mr Chair, the Minister is being harassed and interrupted.

The Hon. SOPHIE COTSIS: This is my question.

CHAIR: Will you allow the member to ask her questions?

The Hon. SOPHIE COTSIS: Exactly.

The Hon. CATHERINE CUSACK: Absolutely. The Minister is also entitled—

CHAIR: I know but there is a time limit. There will not be sufficient time to ask questions.

Ms PRU GOWARD: May I say, the women in construction trades industry roundtable, which was hosted by the council, was held on 3 April and our previous meetings have been 15 November 2013, 16 August 2013 and 20 February 2014.

The Hon. SOPHIE COTSIS: Have you met this year?

Ms PRU GOWARD: I just said 20 February.

The Hon. SOPHIE COTSIS: And April.

Ms PRU GOWARD: Again, the roundtable—

The Hon. SOPHIE COTSIS: So you had a roundtable in April?

Ms PRU GOWARD: Yes.

The Hon. SOPHIE COTSIS: Did the Premier attend one of your meetings in either February or April at your trades roundtable?

Ms PRU GOWARD: It is not the Premier's council and I have not invited the Premier to attend.

The Hon. SOPHIE COTSIS: Minister, how many times has the NSW Domestic and Family Violence Council met since it was formed? I understand that you reinstated it in August 2013 and you included a number of agency departmental people.

Ms PRU GOWARD: May I explain? The Domestic and Family Violence Council is an expert forum which was established to provide advice on all aspects of domestic and family violence. So it advises on legislation, policy and programs as well as monitoring the implementation of its It Stops Here domestic violence reforms and their ongoing operation. So it is expected to provide timely and expert advice on the implementation of that framework and receives updates regarding work for other domestic and family councils. It last met on 7 August 2014.

The Hon. SOPHIE COTSIS: How many meetings did you have from when it was announced by you in August 2013 until 7 August 2014?

Ms PRU GOWARD: Its meetings were 22 August 2013, 15 October 2013 and 1 May 2014.

Dr MEHREEN FARUQI: I understand that Dr Rory Gallagher, a senior member of the British Government's Behavioural Insights Team—also known as the "Nudge Unit"—was engaged at the end of 2012 by then Premier Barry O'Farrell specifically to examine ways the Government could either save money or recoup money through nudging or changing behaviour? Was the Nudge Unit engaged to work or advise on any projects or funding models within the Department of Women or the Department of Community Services when you were Minister?

Ms PRU GOWARD: I am afraid you will have to ask the Minister today those questions. I am sure Mr Coutts-Trotter can fill us in.

Mr COUTTS-TROTTER: To the best of my knowledge, the first time Family and Community Services began to work with Dr Gallagher is in the past few months to look at the services we provide to social housing tenants.

Dr MEHREEN FARUQI: What about the Department of Women?

Ms PRU GOWARD: It is Women NSW. It is an office within the Department of Family and Community Services and I ask Ms Harrison to answer that.

Ms HARRISSON: We have had a lot of interaction as a department in growing expertise of behavioural insights across the Department of Family and Community Services. There may well have been some discussions in terms of the development of staff but I need to take the detail of that on notice.

Dr MEHREEN FARUQI: Minister, is there a difference between providing support for women who are facing domestic and family violence and those who are homeless because of other circumstances?

Ms PRU GOWARD: All causes of homelessness are different and, of course, require different services. I guess the fundamentals, which are providing shelter and then ensuring that we are better at prevention of homelessness—whether that be domestic violence as a source, drug and alcohol addiction as a source, family disquiet of other kinds, or other forms of dysfunction—will all need to be considered when homeless programs are being developed.

Dr MEHREEN FARUQI: Minister, given that you said different circumstances need different support, do you believe generalist homelessness service providers will be able to provide the same unique specialist services where women work with women, keep them safe from violence and provide counselling?

Ms PRU GOWARD: That is really a question you should ask Minister Upton.

Dr MEHREEN FARUQI: As the Minister for Women—and women will be most affected by these changes—I would like to know your view.

Ms PRU GOWARD: You should refer your question to Minister Upton. May I say, I think they are excellent reforms and I support them.

Dr MEHREEN FARUQI: Are you concerned with the defunding of so many feminist women-only refuges that many women will not seek help, or indeed fall within the cracks?

Ms PRU GOWARD: As long as the Labor Party continues to lie about it then I guess there is that risk. To say that "generalist services will likely see men and women housed together" is a shocking lie. To add "hardly a welcoming environment for women escaping sexual assault and domestic violence", I have no doubt would alarm young women.

The Hon. SOPHIE COTSIS: What about Bega?

Ms PRU GOWARD: It is an outrageous lie. I think the quote, "more than 20 inner-city services will close, forcing women out onto the streets" is another scaremongering lie. "We cannot stand by and allow thousands of beds" is another outrageous lie. The constant refrain of men and women being housed together is outrageous and discredits anybody who says it from having any role in domestic and family violence policy.

Dr MEHREEN FARUQI: I am concerned about the refuges, such as the Muslim women's centre and Immigrant Women's Speakout Association, which will not be getting their funding, plus Lillian's and others who will lose their staff who have decades of experience—

Ms PRU GOWARD: Those staff have been wonderful; some of them have worked for decades with very vulnerable people.

Mr COUTTS-TROTTER: Could I provide a response to that? In relation to the Muslim Women's Association, the service remains funded and it has been invited to participate in a second round of procurement for a major service package in the Canterbury-Bankstown area. In relation to the idea that we are losing specialty, I think there is a fundamental misapprehension in how these services have been designed. More than half of the service packages are either packages that provide a specialist service for women or contain a specialised response for women. What do we mean when we say "a specialised response"? We mean services need to have female-only caseworkers and skilled staff who specialise in domestic and family violence child protection and other issues.

We mean female-only outreach support workers to support women after a crisis or to intervene early. We mean separate service outlets for women only. We mean multi-agency case coordination groups for women only. In other words, we are describing a service system that is able to respond to the needs of individuals and within an integrated service system we have a very specialist response. For me, possibly the best analogy is the

public education system in the inner city, open to all but inside that system there are academically selective high schools, girls-only schools, boys-only schools, schools specialising in performance, schools specialising in sport.

Dr MEHREEN FARUQI: I am sorry to interrupt but my time is limited. I do understand that; thank you very much. I would have to say, though, that the second package that the Muslim women's centre has been asked to tender for is really a generalist tender package, so that is problematic. But I will move on. Minister, will you support the unanimous upper House call made last week to restore funding for the Muslim Women's Support Centre?

Ms PRU GOWARD: I think the Secretary has just given you your answer that there is a tender process underway now and in the meantime the Muslim women's centre continues.

The Hon. SOPHIE COTSIS: With uncertainty.

Dr MEHREEN FARUQI: Complete uncertainty. As the Minister for Women, are you concerned at all by the news that the former director of the Kempsey Women's Refuge was escorted off the premises earlier this month, one month before her redundancy was due to start and before she had an opportunity to complete a full and thorough handover? What will you do about this sort of treatment of dedicated workers?

Ms PRU GOWARD: I am not aware of that incident.

Mr COUTTS-TROTTER: I have seen reports of that incident but that is appropriately a question for the Domestic Violence NSW service arm. They are the employer in this case. By and large, the transition between outgoing providers and incoming providers has gone well. There are cases where it has not gone well for a variety of reasons and I think that it would not be fair to characterise this case based solely on media reports.

Dr MEHREEN FARUQI: Have you done any investigations of this case?

Mr COUTTS-TROTTER: The woman involved is not an employee of the Government. She is an employee of a non-government organisation funded by the Government. That is the employment relationship.

Dr MEHREEN FARUQI: Minister, has any funding from domestic violence programs been allocated to the Going Home Staying Home program?

Ms PRU GOWARD: Sorry?

Dr MEHREEN FARUQI: Has any funding from domestic violence programs been allocated to the Going Home Staying Home program?

Ms PRU GOWARD: I will ask Georgina Harrison to answer that.

Ms HARRISSON: To the best of my knowledge, no.

Mr COUTTS-TROTTER: No.

Dr MEHREEN FARUQI: The Women NSW website states that in October 2012 the New South Wales Government announced \$9.8 million over three years for a domestic and family violence initiative through grants. We are almost two years through that stated three years and, according to the Women NSW website, funding initiatives add up to just over \$4.2 million. How does the Government plan to spend the remaining \$5.6 million?

Ms PRU GOWARD: Well, 2013-14 was the second year of that grants program, which was to invest, as you say, \$9.8 million over three years. The funding program directly supports the implementation of "It Stops Here: Standing together to end domestic and family violence in NSW", which is the New South Wales Government's whole-of-government response to domestic and family violence. So this year is the third and final year of the \$9.8 million funding commitment and will include a focus on initiatives to support prevention and early intervention of domestic and family violence. That ongoing funding of \$2.9 million per annum will continue to support our actions to reduce domestic and family violence.

Dr MEHREEN FARUQI: So, Minister, the \$5.6 million will not be spent this year?

Ms PRU GOWARD: I might ask Ms Harrison to answer that.

Ms HARRISSON: As had always been our plan, we have always intended to use the prevention studies and the outcome of the prevention studies to inform some further projects and partnerships into prevention of domestic violence and that is the main focus of our planned expenditure for this year. I can provide the details of our forecast on that.

Dr MEHREEN FARUQI: Could you confirm that the \$5.6 million will be spent this year?

Ms HARRISSON: That is certainly our intention.

Dr MEHREEN FARUQI: Have contracts been signed for those programs?

Ms HARRISSON: As you all know, the reports were published yesterday. We are going through their findings and making sure that we can tender for the right programs for prevention, but some of our budget for this year has been allocated.

Dr MEHREEN FARUQI: Could you take on notice to provide the specifics of the tenders and the programs?

Ms HARRISSON: Absolutely.

CHAIR: Minister, I have just returned from Broken Hill where I met with Major Kelvin Stace, the Salvation Army's Social Programs Manager. He reported to me that funding for the Catherine Haven refuge for women and women with children at Broken Hill has been cut significantly from previous funding. Catherine Haven now has to do much more work with much less funding. Funding should be increased rather than cut. Also, the cut in funding has stopped it from being a 24/7 operation to operating only in the daytime, which means the women are at risk, being on their own without any staff.

Is there a possibility of having the level of funding to Catherine Haven looked at with a view to increasing the funding so they can more efficiently see their clients move from crisis to confidence? Catherine Haven would need another \$180,000 per year. With those funds they could employ another case manager and another support worker and have all support workers back on 24/7 to make the centre a much safer environment for those seeking their assistance, especially women fleeing from domestic violence?

Ms PRU GOWARD: Thank you, Reverend Nile, for that question. I appreciate your concerns. It is a fairly specific question and I ask the Secretary to answer it.

Mr COUTTS-TROTTER: Reverend Nile, we are aware of the issues raised in relation to Catherine Haven. As I understand, it is not inside the Going Home Staying Home package but our district leader is aware of the issues and we are going to get involved and see if we can help in the resolution.

CHAIR: So you will conduct a review of the situation?

Mr COUTTS-TROTTER: Yes.

CHAIR: I know this issue is very controversial because there has been a lot of media debate about it but, Minister, in your opinion should New South Wales women be warned about known risk factors for breast cancer, especially if those risks involved a lifestyle choice? Are you or your advisers aware of the latest peer-reviewed research on breast cancer risk factors published only in February this year by the United States National Institutes of Health *PubMed* journal by Chinese scientist Dr Huang and others? This was reported in the *Weekend Australian* newspaper last Saturday by journalist Angela Shanahan. Dr Huang and his colleagues reviewed 36 recent peer-reviewed studies and found that on average an induced abortion increases the risk of breast cancer by 44 per cent, two abortions increase the risk by 76 per cent, and three by 89 per cent.

Are you aware that these findings are in line with nearly 20 other studies in this area, published since 2007, from a range of countries—I have already quoted China—including India, Turkey, France, Greece,

Bangladesh, Armenia and so on. Are you also aware that the analysis that is quoted by Dr Valerie Beral, which is often cited by the American Medical Association, is a flawed study because in the study it excluded 60,000 abortions that are on the public record but are not part of the computerised record that was begun in 1972? Will your department investigate this latest report, the one I have referred to in the United States National Institutes of Health journal, and other recent valid studies and consider informing New South Wales women about these significant findings?

Ms PRU GOWARD: Angela Shanahan is an assiduous correspondent on these matters and I will refer the question to the Minister for Health because I know she has a keen interest in women's health. I think that might be the better way of dealing with it, but we can also take it on notice. Ms Foran may be able to provide some advice.

CHAIR: I am happy if you want to make a brief comment that you will review that material.

Ms PRU GOWARD: Scientific information is always relevant. It must be considered seriously, and that is what we will do.

CHAIR: Another very concerning issue is domestic violence. In most cases it is carried out by men. Do you have plans to aim any violence prevention programs at men—the culprits?

Ms PRU GOWARD: Most men are good. One of the organisations that we believe it is important to support is the Men's Behaviour Change Network. That support is evidence of the Government's commitment to breaking the cycle of violence. We need to be much better at holding perpetrators to account and supporting them to take responsibility for and to stop using violence against women and children. We have supported the network and in its first 12 months of operation it has provided a very important interface with prevention and early intervention programs that work with men who are at risk of using violence or who use violence. I congratulate the network on ensuring that the men's behaviour change programs in New South Wales are compliant with minimum practice standards developed by the Department of Justice in 2012. In fact, it has been such a success that we need to recognise that the increasing demand on men's behaviour change programs provided by the network and its members is important. I would like to think that we will continue to support them.

I am pleased to say that the second allocation of funding of \$90,000 for this financial year is now available and I look forward to hearing about the outcomes of the network's efforts. We focus extensively on victims and this additional funding acknowledges that this is the first time a men's behaviour change network has operated in New South Wales. A considerable amount of work needs to be done to grow the capacity of men's behaviour change programs because men need to stop being violent. This is a positive development that is based on feedback from service-delivery organisations in the domestic and family violence sector. It is part of the It Stops Here program, which provides support, and it forms part our strategic approach to violence prevention. We must do better than manage violence; we must prevent it.

The next 12 months of operation of the Men's Behaviour Change Network will continue to see it develop. The men's behaviour change sector in New South Wales, through supporting men's behaviour change program providers and practitioners, is exploring further opportunities for growing capacity within organisations—including new entrants to the sector—to work in this field. We continue to support the Men's Behaviour Change Network and recognise the expertise of practitioners who work to support men to stop using violent and controlling behaviours.

CHAIR: Another area of concern is the increasing sexualisation of women and even female children in advertisements and elsewhere. Are you monitoring that situation?

Ms PRU GOWARD: Mr Chair, you and I have discussed this issue previously. I do not think anyone in this room would disagree with you about the continued sexualisation of little girls. Unfortunately, marketing and advertising is very much a matter for the Federal Government. As the Minister for Women, I will continue to make representations when appropriate to the Federal Minister for Women. We need all to be mindful of how deleterious it is to sexualise little girls in their play, behaviour and dress.

CHAIR: Sometimes, as occurred with the cigarette advertising campaign and so on, New South Wales takes the initiative when the Federal Government will not move. Is this an area in which the State Government should take the initiative and perhaps then force the Federal Government to take action?

Ms PRU GOWARD: As you know, I have been involved in the area of women's and girls' rights for a long time and this issue has been raised many times. It is very difficult to regulate the advertising industry. It is better done through education, community awareness and the constant and very informed debate that takes place in this country when the sexualisation of girls hits a particular point. We have seen that happen again and again. That is very healthy and it is a discouragement to the advertising industry. However, we must be vigilant because it is easy for young parents not to understand the linkages between the commercial sexualisation of girls and how they are then treated and expect to be treated as young women.

CHAIR: Sometimes major retailers such as Woolworths and others will respond if they get a lead about something that is completely unsuitable or objectionable to the community but which they do not see as inappropriate until it is drawn to their attention. Will you initiate some action on those matters?

Ms PRU GOWARD: I am very pleased to work with Women NSW to see what further measures we can take. I take your point; we could all be more active as parliamentarians, and me as Minister in particular, in writing to commercial operators when they produce advertising that we think is offensive.

The Hon. HELEN WESTWOOD: Minister, you referred to the role of the Domestic Violence Council and you said it provided advice on policies, programs and legislation, including the It Stops Here program. Did the council also provide advice on Going Home Staying Home?

Ms HARRISSON: Not as far as I am aware.

The Hon. HELEN WESTWOOD: Why not? Why would it not provide advice on that program?

Ms HARRISSON: I will take that question on notice. I will review the agendas and the discussions conducted earlier in the year when those policies were being formed. Obviously, the Going Home Staying Home program started its life before the council.

The Hon. SOPHIE COTSIS: Minister, in February you announced two launch sites for the It Stops Here domestic and family violence program in Orange and Waverley. Why were those sites chosen, what is the overall budget for those sites and what is happening there?

Ms PRU GOWARD: I remind members that the It Stops Here program has five key elements, including prevention and early intervention; a streamlined referral pathway to secure victims' safety and recovery—which is the purpose of the pilots; the delivery of accessible, flexible and person-centred service responses; and a strong workforce and strengthened criminal justice response. This is about launching a coordinated service response to secure victims' safety and to support their recovery. The approach that will be implemented in Orange and Waverley later this year will see services working together to create that coordinated response for women and children. I am confident they will offer the tailored support that each woman needs.

The Hon. SOPHIE COTSIS: The announcement was made in February. Have those launch sites been established?

Ms PRU GOWARD: Yes. They were chosen before the wider rollout because we needed to test the new system.

The Hon. SOPHIE COTSIS: Of course.

Ms PRU GOWARD: They offer the best chance to test our new approach because one site is metropolitan and the other is regional, and they have very different service systems and demographics.

The Hon. SOPHIE COTSIS: Why did you choose Waverley rather than Western Sydney?

Ms PRU GOWARD: That is a good question. We chose those sites because they do not have the highest rates of domestic and family violence, but they do not have the lowest rates either. They do not have the high rates that might be expected in the area to which you referred. That is important because the phased implementation process allows us to test and assess the new model's impact without being in an area that it

could risk overloading the system. It was important to identify two areas where there was a reasonable chance of being able to test the new system causing an overload.

The Hon. SOPHIE COTSIS: Waverley has started?

Ms PRU GOWARD: Waverley will start later this year.

The Hon. SOPHIE COTSIS: Do you have a date?

Ms PRU GOWARD: We have been a little held up by the privacy regulations, which needed to go through Parliament. That happened in June. We are tidying up some of the protocols and the training for staff before they begin.

The Hon. SOPHIE COTSIS: And Orange?

Ms PRU GOWARD: Orange is in the same position; it was the privacy laws. I have been to both sites to meet most of the major stakeholders involved in this new delivery system. They are all excited, but they want to be well trained and they want the protocols to be well understood so that when they start there are no mistakes.

The Hon. SOPHIE COTSIS: Do you have a budget for regional sites?

Ms PRU GOWARD: I will ask Ms Harrison to answer that.

Ms HARRISSON: The budget for the first launch site was included in the \$9.8 million for the reforms. I can come back to you with the specific detail of how that money has been allocated to support those reforms.

Mr COUTTS-TROTTER: We have an ongoing budget set aside in the agency's overall budget for both those launch sites and, from memory, assumptions about the scaling up of the program in the following years. We are happy to take that on notice and come back to you.

The Hon. SOPHIE COTSIS: Will they be referral points?

Mr COUTTS-TROTTER: Yes, it is a change to the referral system. It incorporates a consistent and new risk assessment tool that is deployed by agencies involved in the trial. It will ensure that there is first-rate follow-up and contact with women who are the victims of violence, and a much better assessment of the relative risks that different victims face. Where someone is at very high risk they will be far more closely supported and managed by agencies.

The Hon. SOPHIE COTSIS: Minister, if a woman with a couple of kids and only two shopping bags with her escaping domestic violence turns up at Waverley, where we will she be referred to?

Ms PRU GOWARD: That will depend on the risk assessment.

The Hon. SOPHIE COTSIS: But that woman is in need of a refuge. Where will she be referred to?

Ms PRU GOWARD: She will go to a refuge.

The Hon. SOPHIE COTSIS: Which one? Where will she go?

Ms PRU GOWARD: The refuge she will go to depends on where she lives, which police attended her and where they have assisted her to go. If the police did not attend then, I have no doubt she will have knowledge of where she needs to go to be safe.

The Hon. SOPHIE COTSIS: Will the launch sites have a list of refuges to which they can refer women?

Ms PRU GOWARD: It includes a consistent safety assessment and review. It means that we can track the referrals, and manage and allocate people. Eventually there will be a statewide network of local coordination points that provide case coordination for victims and their children. The safety action meetings that will occur in

Orange and Waverley will be where relevant government and non-government agencies will share information in a targeted way to develop plans to support each victim, particularly those that face serious threat. The idea is that by improving the coordination, through the safety assessment meetings and through the tools for the consistency of assessment and then the local coordination points, the woman will be much better supported in staying away from violence and beginning repair.

The Hon. HELEN WESTWOOD: Where are the local coordination points? Are they new services or existing services?

Ms PRU GOWARD: I will ask Ms Harrison to answer.

Ms HARRISSON: The selection of hosting arrangements for the local coordination points requires careful analysis of where all aspects of the new referral pathways model could be delivered from, including the capacity of current services to take on the role. The Women's Domestic Violence Court Advocacy Service was selected because of its extensive existing infrastructure throughout the state.

The Hon. HELEN WESTWOOD: So it will be the court support in Orange and the court support in Waverley?

Ms HARRISSON: Yes. Individual decisions about how a woman will be treated when she is referred to the service will be done at an operational level and in a coordinated manner through the safety action meetings. The purpose of those meetings is to make sure that you have a collective group of agencies putting the needs of that woman first.

The Hon. SOPHIE COTSIS: Will there be an evaluation of and progress reports on this trial?

Ms HARRISSON: Along with all the elements of the It Stops Here reform there will be a full evaluation.

The Hon. SOPHIE COTSIS: The Government has announced a launch site for these services. Why did the Government not do the same thing for Going Home Staying Home? Why was there no trial of that program?

Ms PRU GOWARD: You will have to ask Minister Upton, but since the Secretary is here he can answer you.

Mr COUTTS-TROTTER: Really, Going Home Staying Home is the statewide implementation of what has been learned through the national partnership on homelessness over the previous five years. The national partnership on homelessness funded a range of new approaches—rapid rehousing, prevention, early intervention—over five years in New South Wales. The lessons learned from that work greatly informed the reforms to the service system that Going Home Staying Home delivers.

The Hon. SOPHIE COTSIS: Minister, earlier in the year the Public Service Association found that 77 per cent of the respondents to a survey—and there were 900 respondents from the public service—said that they had missed out on an opportunity for promotion while pregnant. Also, 79 per cent of those respondents had been subjected to inappropriate comments by supervisors while pregnant. You are probably aware that the Australian Human Rights Commission released a report called "Supporting Working Parents: Pregnancy and Return to Work National Review". What action is the Government taking to ensure the end of discrimination against pregnant women and new mothers in the public service?

Ms PRU GOWARD: I will take that question on notice.

The Hon. SOPHIE COTSIS: It is a major concern.

Ms PRU GOWARD: I will take it on notice.

The Hon. SOPHIE COTSIS: You are not going to make any comment?

Ms PRU GOWARD: I will take it on notice.

The Hon. SOPHIE COTSIS: Women are being discriminated against, and the Minister does not respond.

CHAIR: That brings us to the conclusion of the hearing. We thank the Minister and her staff for their appearance and cooperation. I remind the Minister and her staff that questions on notice need to be answered within 21 days.

(The witnesses withdrew)

The Committee proceeded to deliberate.

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