

**PORTFOLIO COMMITTEE NO. 1 – PREMIER AND
FINANCE**

Thursday, 25 February 2021

Examination of proposed expenditure for the portfolio area

**SPECIAL MINISTER OF STATE, PUBLIC SERVICE AND
EMPLOYEE RELATIONS, ABORIGINAL AFFAIRS AND
THE ARTS**

CORRECTED

The Committee met at 9:30

MEMBERS

The Hon. Tara Moriarty (Chair)

The Hon. Robert Borsak (Deputy Chair)

Ms Cate Faehrmann

The Hon. Wes Fang

The Hon. Be Franklin

The Hon. Courtney Houssos

The Hon. Walt Secord

The Hon. Adam Searle

Mr David Shoebridge

The Hon. Natalie Ward

PRESENT

The Hon. Don Harwin, *Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts*

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**

The CHAIR: Welcome to the public hearing of Portfolio Committee No. 1 and its inquiry into the 2020-2021 budget estimates. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to Elders past, present and emerging of the Eora nation and extend that respect to other Aborigines present. I welcome Minister Harwin and accompanying officials to this hearing.

Today the Committee will examine the proposed expenditure for the portfolios of Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts. Today's hearing is open to the public and is being broadcast live via the Parliament's website. 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 also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide the answer within 21 days. Minister Harwin, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated behind you and around the room. Any messages from advisers or members of staff seated in the public galley should be delivered through the Committee secretariat.

We expect the transcript of this hearing will be available on the web from tomorrow morning. I remind everybody to turn their mobile phones to silent for the duration of the hearing. All witnesses need to be sworn in, except of course Minister Harwin. I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

LILIAN GORDON, Head, Aboriginal Affairs NSW, affirmed and examined

TIM REARDON, Secretary, Department of Premier and Cabinet, sworn and examined

KATE FOY, Deputy Secretary, Community Engagement, Department of Premier and Cabinet, affirmed and examined

CHARLIE HEUSTON, Executive Director, Employee Relations, Department of Premier and Cabinet, affirmed and examined

KATHRINA LO, NSW Public Service Commissioner, NSW Public Service Commission, affirmed and examined

MICHAEL BRAND, Director, Art Gallery of New South Wales, affirmed and examined

NICOLE COURTMAN, Registrar, Aboriginal Land Rights Act 1983, affirmed and examined

LOUISE HERRON, Chief Executive Officer, Sydney Opera House, affirmed and examined

LISA HAVILAH, Chief Executive Officer, Museum of Applied Arts and Sciences, affirmed and examined

CHRIS KEELY, Executive Director, Create NSW, Department of Premier and Cabinet, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.30 p.m. with the Minister, and then from 2.00 p.m. to 5.00 p.m. with departmental witnesses, with questions from the Opposition and crossbench members rotating—as I think you have probably all experienced before. There is no provision for witnesses to make an opening statement in this hearing, so we will begin with questions from the Opposition.

Mr DAVID SHOEBRIDGE: We did agree to have a short break at 11.00 a.m. did we not?

The CHAIR: Sure. Questions?

The Hon. WALT SECORD: Thank you, Minister. Welcome. Just a couple of questions in relation to the Powerhouse Museum. On 15 February at a parliamentary hearing—

The Hon. ROBERT BORSAK: He is smirking already.

The Hon. WALT SECORD: —I asked about a completion date. In Parliament I also asked about a completion date, and the president or chair of the board of trustees said that he had a "ballpark date" and that he would take it on notice. You said in the Parliament, by the end of 2024. What is the date for the completion of the Powerhouse Museum?

The Hon. DON HARWIN: There is no change to any of the answers I have previously given, which is that our expectation—you asked a large number of questions in relation to this in what I will refer to as the museums inquiry and I was fairly clear and consistent—is that it will be finished by the end of 2024. But let us be clear about this: You cannot be absolutely precise about a completion date for a whole series of factors. One of the big unknowns is now of course resolved, and that is that the project has achieved State significant development [SSD] approval. That is one factor, one unknown, that has been taken out.

The second unknown is, of course, after a tenderer for the major construction contract is chosen—which we expect to be towards the middle of the year—there is then a process of work that will be overseen by Infrastructure NSW with the tenderer and also with the museum to finalise some of the matters involved with construction. Then, of course, there is the issue of the weather. All things being equal, if everything goes okay we expect it to be finished by the end of 2024.

The Hon. WALT SECORD: Does the end of 2024 indicate December 2024?

The Hon. DON HARWIN: For all of the reasons that I have just gone through, it is not possible to be more precise than that.

The Hon. WALT SECORD: Than the end of 2024?

The Hon. DON HARWIN: Yes. That is our expectation at present.

The Hon. WALT SECORD: Minister, according to the project timeline the demolition of the car park is meant to begin 18 May this year. Have you awarded—

The Hon. DON HARWIN: Sorry, May?

The Hon. WALT SECORD: Eighteen May 2021. This year.

The Hon. DON HARWIN: I did not know it was that precise, but in any case I do not think it is. But yes, go on, ask the question.

The Hon. WALT SECORD: Has a contract been awarded to carry out that work?

The Hon. DON HARWIN: No, it has not been awarded yet. It is very close to being awarded but I do not think it has been awarded yet. Is that right, Ms Havilah?

Ms HAVILAH: Yes.

The Hon. DON HARWIN: Yes, that is correct.

The Hon. WALT SECORD: Okay, it is close to being awarded. Minister, regarding the Parramatta Powerhouse site, the SSD approval indicates that there is going to be apartments on the site.

The Hon. DON HARWIN: No. There are some—

The Hon. WALT SECORD: No? I have the—it does say apartments—

The Hon. DON HARWIN: Yes, there is a nomenclature—I think all there is, is basically what is otherwise referred to within the project team as the Academy, which, as I have described before, is a place where researchers and visiting school students from regional New South Wales can stay. Saying it is apartments might be the nomenclature that is used there but this idea that there will be residential apartments, if that is what you are suggesting, that will be sold is just completely untrue.

The Hon. WALT SECORD: I was not saying that.

The Hon. DON HARWIN: No, but I just do not want it to be in any way unclear.

The Hon. WALT SECORD: Okay, let us explore this and you can educate the community on this. In the past six months the commentary has said 100 apartments, 60 apartments, 56 apartments, two-bedroom apartments, and capsule accommodation—Japanese-style subway station accommodation for students. Page 6 of the approval states:

A11. The maximum number of serviced apartments shall not exceed 30 apartments.

It also states:

A12. The maximum number of dormitory beds ... shall not exceed 56 beds ...

How many apartments are there going to be above the Parramatta Powerhouse site?

The Hon. DON HARWIN: There are a number of assumptions there that I do not think you are entitled to make—

The Hon. WALT SECORD: It is not an assumption; it is in the approval—

The Hon. NATALIE WARD: Just let the Minister answer the question. You have asked the question; let him answer it.

The Hon. DON HARWIN: I do not think you are entitled to make an assumption necessarily that they are above. Again, I reiterate—

Mr DAVID SHOEBRIDGE: They are not going to be underground.

The Hon. DON HARWIN: I think it is important that it be re-emphasised that we are building a—

The Hon. WALT SECORD: Minister, are there apartments—

The Hon. DON HARWIN: No, no—

The Hon. NATALIE WARD: Let him answer the question.

The Hon. BEN FRANKLIN: Let him answer the question, Mr Secord, seriously.

The Hon. DON HARWIN: If he wants to interrupt he—

The Hon. WALT SECORD: He is not answering the question. He denied there—

The Hon. NATALIE WARD: Point of order—

The Hon. WALT SECORD: —were going to be apartments there. He denied there were going to be apartments there—

The Hon. NATALIE WARD: Point of order—

The CHAIR: I will hear the point of order.

The Hon. WALT SECORD: Now we find that there are going to be apartments. I just want the Minister to answer the question—

The Hon. NATALIE WARD: Point of order, Chair.

The Hon. WALT SECORD: Are there going to be apartments above the museum?

The Hon. NATALIE WARD: Point of order, Chair.

The CHAIR: I am going to hear the point of order.

The Hon. WALT SECORD: Sorry, Madam Chair.

The Hon. NATALIE WARD: It is early in the day. I think it would assist everybody, particularly Hansard, if we could hear the question and then allow the member to provide the answer. Talking over each other is not helpful, and I would just ask the member to allow the Minister to answer the question.

The CHAIR: I note that. I think we were there, but I think we can take that on notice and—

The Hon. WALT SECORD: Madam Chair, to assist the Minister I would just like—

The Hon. DON HARWIN: No, I do not really need any assistance. I was actually in the middle of—

The Hon. WALT SECORD: I would just like you to answer the question.

The Hon. DON HARWIN: —of giving an answer and you interrupted me.

The CHAIR: You are welcome to answer, Minister.

The Hon. DON HARWIN: As I was saying, this is a twenty-first century museum. We are doing new things, and they are good things. Those good things are, for example, the dormitory rooms that will be available to regional school students who are coming down to western Sydney to experience a world-class science and technology museum. There is accommodation space being made available for researchers from around the world who are going to be working on partnerships with the curatorial and research staff at the museum so that we can really be the leading science and technology museum in Australia. It is a wonderful thing. But I will invite the deputy secretary to go through some of the detail on what is referred to in the documents. I think, frankly, it is just a nomenclature issue that you are getting at, Mr Secord.

The Hon. WALT SECORD: Minister, I have photographs—

The Hon. DON HARWIN: I invite the deputy—

The Hon. WALT SECORD: —which will show that there are apartments.

The Hon. NATALIE WARD: Point of order: It is going to be a very long day if we continue in this fashion. I ask the member—

The Hon. WALT SECORD: It will be a shorter day if the Minister just simply answered questions—

The Hon. NATALIE WARD: We have a procedural fairness resolution that members have unanimously agreed to in the House that we afford witnesses courtesy. I ask the member to observe the procedural fairness resolution that he voted for.

The CHAIR: The Minister is answering the question. I do not uphold the point of order. It sounds like he has completed—

The Hon. NATALIE WARD: You do not uphold the—

The Hon. WES FANG: Point of order: The Hon. Natalie Ward was taking a point of order—

The Hon. COURTNEY HOUSSOS: You cannot cut the Chair off when she is making a ruling.

The Hon. ROBERT BORSAK: We have not finished the first one yet.

The Hon. WES FANG: —when the Hon. Walt Secord started talking over the top of her.

The Hon. COURTNEY HOUSSOS: You cannot cut her off when she is making a ruling!

The CHAIR: I have ruled, but thank you.

The Hon. WES FANG: She made a ruling.

The Hon. NATALIE WARD: Point of order—

The CHAIR: No, actually, we have got one here. I am going to listen to Mr Fang's—

The Hon. COURTNEY HOUSSOS: Mr Fang, you cut her off!

The Hon. WES FANG: Don't interrupt me!

The CHAIR: Excuse me, Mr Fang. You are making a point of order. Do you want to complete it or shall we move on?

The Hon. WES FANG: I have completed my point of order. I ask you to—

The CHAIR: You actually have not, and I have not heard it. I ask you to—

The Hon. WES FANG: That was probably because of the interruptions of the Hon. Courtney Houssos. The Hon. Natalie Ward was making a point of order when the Hon. Walt Secord started interjecting over the top of her. That is disgraceful—

The CHAIR: I have ruled on that point of order. Do you have one, Ms Ward, or shall we move on?

The Hon. WALT SECORD: Capsules! Capsules!

The Hon. WES FANG: That is disgraceful—

The Hon. NATALIE WARD: No, I have a new one.

The Hon. WES FANG: That is disgraceful. I ask you to remind the Hon. Walt Secord that—

The CHAIR: That is not a point of order.

The Hon. NATALIE WARD: Point of order—

Mr DAVID SHOEBRIDGE: To the point of order: The point of order—if there is one—I think is really just about getting an answer. This is great and fascinating, but I think the deputy secretary is going to give some further information. My point of order is just to allow that to happen.

The Hon. BEN FRANKLIN: I strongly support Mr David Shoebridge's point of order.

The CHAIR: I have ruled on the first point of order, which is exactly that—

The Hon. DON HARWIN: So do I.

The CHAIR: —so can we move on?

The Hon. NATALIE WARD: Point of order: Madam Chair, I have a point of order. I have politely waited for the call.

The CHAIR: We have just dealt with your point of order. That was literally the last thing we dealt with.

The Hon. NATALIE WARD: No, I have a fresh—

The CHAIR: Then Mr Fang took a point of order. Now we are going to hear from the Minister.

The Hon. NATALIE WARD: I have a fresh point of order, if I may be heard?

The CHAIR: Okay.

The Hon. NATALIE WARD: Thank you, Chair. My point of order is paragraph (19) of the procedural fairness motion:

19. Treatment of witnesses

Witnesses will be treated with courtesy at all times.

I ask you to remind members of the procedural fairness motion that they all voted for unanimously.

The CHAIR: I think all members are very familiar with it. Minister, do you wish to continue?

The Hon. DON HARWIN: Yes. I invite the deputy secretary to give a little bit more detail.

Ms FOY: Thank you, Minister, and thank you, Chair. If I may, I will talk about Powerlab Residences and the Academy, which are both integral parts of the Powerhouse Parramatta program. The Powerlab Residences are an integral part of the world-class contemporary museum that is focused on science and technology. It provides short-term accommodation for Australian and international researchers, scientists, academics and industry leaders to stay, to collaborate and work at the Parramatta Powerhouse in the heart of western Sydney. The Powerhouse will bring visiting collaborators to work exclusively with Parramatta and western Sydney research partners, industry and curators to collaborate on original research, exhibition development programs and public programs.

The residency program will provide visitors and the people of western Sydney with direct access to these collaborators through talks, masterclasses, workshops and original digital content created in the digital studios. Resident collaborators will be embedded into the Academy program, delivering the program directly to visiting New South Wales regional students and providing direct access to international leaders in this first-of-a-kind program. It includes 30 residences, and the residency program and accommodation will be subsidised by the Government, and key commercial and not-for-profit partnerships. This program will enable deeper collaboration which is cost-prohibitive normally through the use of commercial accommodation. There will be no commercial or long-term residential or serviced apartments as part of this Parramatta Powerhouse.

In terms of the Academy, as the Minister said, this is a unique program and accommodation for up to 10,000 regional New South Wales students to visit and embed themselves in the museum exhibition program, staying overnight in the Academy dormitory accommodation. The accommodation is for up to 56 students plus teachers and their carers. There are over 190,000 students in regional and remote New South Wales that currently do not have access to major New South Wales cultural infrastructure, and for the first time the Academy will provide access for these students. The team is focused on designing an immersive STEM program and the Academy has been informed by ongoing and extensive dialogue between the Department of Education, School Infrastructure NSW, and principals and teachers from western Sydney and regional schools. Expert advice has also been provided by the projects building code and Australian accessibility consultants.

The Hon. WALT SECORD: Those 30 residences and the 56 capsules—to assist you, it is actually on the website showing what they are going to be and it says, "40 capsule beds for country students" along the lines that you see in Tokyo train stations. I will take you to the 30 residences that you referred to. These are one-bedroom studio apartments and two-bedroom. Can you give me a breakdown? It is in your application. Can you give me the breakdown of the apartments that will be above the museum?

Ms FOY: I am happy to take that on notice and get you an answer before the break, if that is okay, Mr Secord.

The Hon. WALT SECORD: As part of that, has the New South Wales Government or Create NSW done any evaluation on the value of those apartments?

Ms FOY: Again, I will take that on notice and attempt to get back to you by the close of today.

The Hon. WALT SECORD: Similar residences in the area—for example, the Meriton apartments across the street—the equivalent is \$31 million in property. You mentioned that they are not going to be privately leased. What will be the arrangements that someone would have to undertake to occupy the apartments—not the battery-hen capsules that the students will be staying in but the actual apartments. What are the arrangements with that? How does one get an apartment?

Ms FOY: Again, I might come back to you by—

The Hon. WALT SECORD: You are looking in that direction. Is there someone who could assist you with those answers?

Ms FOY: Certainly Ms Havilah may be able to assist.

The Hon. WALT SECORD: Ms Havilah, can you please enlighten us on how the apartments will work at the Powerhouse Parramatta?

Ms HAVILAH: Thank you for that question. The way that the residency program has been conceived is that it will be completely operated by the museum and part of the day-to-day operations of the museum. It will be, as you said, 30 apartments and they will include a combination of international and national researchers, scientists, collaborators that will come to Parramatta and work with us on exhibition development, on program development, and they will also collaborate with students that come in through the Academy. So really the concept of Powerhouse Parramatta is not—we did not want to just create a glass box on a piece of land but create a very

active precinct that supports research, supports pathways right across education from secondary education to tertiary education and then into employment and new STEM jobs, which there are many that are developing right across western Sydney. That is the intention, and I think I have gone down the path. Can you just remind me of your question, please?

The Hon. WALT SECORD: You have answered about the 30 residences.

Ms HAVILAH: Okay.

The Hon. WALT SECORD: Now I want to know about the 56 capsule Japanese-style train station accommodation for the students. So is this what country kids will be put in?

Ms HAVILAH: Yes. We are incredibly excited about the Academy program because it will actually give new opportunities for young people right across regional New South Wales and across western Sydney as well to come and be part of a designed, immersive STEM education program. From a combination of one day to up to five days, students will stay. They will undertake immersive programs that are very connected to the syllabus. They will also undertake programs that connect them into opportunities for tertiary education and also opportunities to connect with industry leaders and scientists, not only from Sydney and New South Wales but from across Australia and across the world. These two things really will contribute to those pathways that I talked about earlier.

The Hon. WALT SECORD: Ms Havilah, you and the Minister both have referred to researchers that will be staying in these 30 residences. Will they be paying commercial rates? When you refer to "researchers", I am a bit confused by it. Can you elaborate on that?

The Hon. DON HARWIN: Can I just make one obvious point—

The Hon. WALT SECORD: No, you said researchers and she did too.

The Hon. DON HARWIN: Yes, I just make one obvious point which perhaps you did not pick up when Ms Foy was making her answer. Normally when someone would come and contribute to a program there might be costs, particularly if someone was coming, that the museum might have to incur with commercial accommodation to actually have them come and make a contribution, even though their salary might be paid by whoever employs them.

The Hon. WALT SECORD: I understand that point.

The Hon. DON HARWIN: Therefore, having these facilities in the museum is designed to save the museum money in terms of its recurrent budget.

The Hon. WALT SECORD: Minister, I hear your argument, but there are 30 studio—

The Hon. DON HARWIN: Ms Havilah, would you like to comment any further on that?

The Hon. WALT SECORD: But there are 30—

Ms HAVILAH: If I may give—

The Hon. WALT SECORD: I just want to clarify something. There are 30 studio and two-bedroom apartments in this complex above the museum. The Government has denied it all along, but is this not turning into a bit of a property deal? You are putting apartments—

The Hon. DON HARWIN: It is just nonsense.

Ms HAVILAH: I cannot overemphasise enough how important this part of cultural infrastructure will be in terms of allowing and supporting the museum to facilitate collaboration and partnership. For example, we are currently working with the Westmead Institute for Medical Research and documenting all of their incredible work on COVID-19. So it might be in the future that we might want to, in partnership with Westmead Institute for Medical Research, bring an international researcher into Parramatta. They might stay at the museum and work closely with Westmead Institute for Medical Research but also be available for other collaborators, maybe Western Sydney University, but also talk to secondary students about their program.

The Hon. WALT SECORD: But you are talking about one or two researchers—

Ms HAVILAH: No, I am just giving one example of 30 examples.

The Hon. WALT SECORD: But you have 30 apartments above the museum and then 56 capsules for students. If you are saying those apartments will go to researchers, will they be free or will people be paying commercial rates? How does one get one of those apartments?

Ms HAVILAH: It will be a curated program and it will be developed in partnership with a range of partners across industry, the tertiary sector, and in partnership with the secondary education sector to make sure that we are working very closely to reflect the syllabus. So there will be multiple ways that that program will be funded.

The Hon. ROBERT BORSAK: Minister, have you met with Darren Greenfield yet?

The Hon. DON HARWIN: No.

The Hon. ROBERT BORSAK: Do you intend to meet with him?

The Hon. DON HARWIN: This, again, was a question that was canvassed extensively at the last hearing.

The Hon. ROBERT BORSAK: I just thought things may have changed since the last time we met.

The Hon. DON HARWIN: No, what I did say was that a meeting was planned. It was planned on a particular presumption about the position. That proved wrong, so the meeting was then cancelled at, I think, my instigation—as I made clear subsequently while you were still hearing. I also said at that hearing that my preference is that these matters be handled by Infrastructure NSW because there should be a coordinated whole-of-government position on these sorts of issues. I remain open to meeting with Darren Greenfield should the need arise, but I really do think that it is best handled by Infrastructure NSW, who now have the carriage of the project, along with, of course, so many other of the Government's \$100 million pipeline of projects.

The Hon. ROBERT BORSAK: Mr Reardon, can you answer that question?

Mr REARDON: I know the individual, nor could I add anything more than what the Minister has just said.

The Hon. ROBERT BORSAK: Maybe the Minister might care to muse on if the Construction, Forestry, Mining and Energy Union [CFMEU] decides—which was the evidence they gave—that they are not going to be stepping back in relation to their green ban, how does the Government intend to start construction on that site if it cannot dismantle and move Willow Grove house?

The Hon. DON HARWIN: That really is a question that is better directed to Mr Draper, the head of Infrastructure NSW, who is not here today. So perhaps it might be best if I take that on notice and get his advice and respond to you that way.

Mr DAVID SHOEBRIDGE: But, Minister, you are the client. Infrastructure NSW is implementing the client's wishes and, as the client, you will obviously have a play on this. I think you should tell us what your intention as a client is.

The Hon. NATALIE WARD: And he said he would take it on notice.

The Hon. DON HARWIN: I have taken it on notice, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Minister, can you give us a ballpark figure—or, better still, an accurate figure—of what it is going to cost to relocate Willow Grove?

The Hon. DON HARWIN: Look, it really only has been two weeks since we had the museums inquiry hearing. There is no change on the answer that I gave at that hearing.

Mr DAVID SHOEBRIDGE: Which is what? How much?

The Hon. DON HARWIN: Well, you know, I gave the answer then. If you cannot remember it, it is not my problem.

Mr DAVID SHOEBRIDGE: Minister, your obligation is to assist the Committee here and answer the question. How much will it cost to move Willow Grove?

The Hon. DON HARWIN: Since you are not prepared:

The final cost of relocating Willow Grove has not yet been determined. The overall budget will be reviewed when the contract price for the build of the new museum, detailed costings on the relocation of Willow Grove and the retention of St George's Terrace is known.

Mr DAVID SHOEBRIDGE: And that is the best answer you can give?

The Hon. DON HARWIN: That is the only answer you will be getting, yes.

Mr DAVID SHOEBRIDGE: Mr Fordham from 2GB got a better answer from you. Do you think you have a greater obligation to give information to Mr Fordham at 2GB than you do to the Committee?

The Hon. DON HARWIN: No. Mr Fordham got that exact answer. Where do you say the discrepancy is?

Mr DAVID SHOEBRIDGE: Well, Mr Fordham got the answer of a "\$10 million ballpark figure".

The Hon. DON HARWIN: No. That is not my recollection of what I said.

Mr DAVID SHOEBRIDGE: Is he wrong?

The Hon. DON HARWIN: That is not my recollection of what I said to Mr Fordham.

Mr DAVID SHOEBRIDGE: Is there a \$10 million ballpark figure?

The Hon. DON HARWIN: No. I have given you the answer based on our expectation at the moment. It is not possible to give you an answer yet when we do not even know what the site is going to be. We still have to go through the site selection process. We want to consult on where it goes and how it is used. All of those issues need to be taken into account before there is a final figure.

Mr DAVID SHOEBRIDGE: We may come back to that. I just want to be clear: When 2GB, on their website, say, "Mr Harwin told Ben Fordham the relocation of the 151-year-old building will cost about \$10 million," Mr Fordham and 2GB are wrong?

The Hon. DON HARWIN: I do not recall using the \$10 million figure. The \$10 million figure certainly was a figure that was floated some time ago. That was certainly an initial estimate but that is not how I see things now, which is that it is necessary for us to consider issues like site and usage before one comes up with an amount. I am sure that if I mentioned a \$10 million figure to Mr Fordham, it would have been the estimate of \$10 million that I had been given—and that is true. But it is not possible to know what the final cost was until some issues such as site selection, future use and other issues that might emerge as detailed costings are done by the firms that tender and then the one that is chosen to undertake the work of removing and dismantling are resolved.

Mr DAVID SHOEBRIDGE: If you could assist us by providing us on notice with whatever documents you had that enabled, at some point, a \$10 million estimate to be done that would be appreciated.

The Hon. DON HARWIN: I will do what I can, Mr Shoebridge. It was an estimate that was given to me some time ago. Really, I have not been saying that it is going to cost \$10 million for some time.

Mr DAVID SHOEBRIDGE: I will complete my questioning by stating for the record that it was reported as at 16 February after your conversation with that gentleman.

The Hon. DON HARWIN: I certainly had the conversation then. I am happy to look at the transcript, but I am pretty sure I would have said something along the lines of what I have just said to you. We will get back to you on notice.

Mr DAVID SHOEBRIDGE: In the last 12 months, has the New South Wales Government refused a single application to destroy Aboriginal heritage?

The Hon. DON HARWIN: Under the Aboriginal Heritage Impact Permit [AHIP]?

Mr DAVID SHOEBRIDGE: Correct. Have you refused just one?

The Hon. DON HARWIN: At this point I will take the question on notice. But, as you know, my usual practice is to try and have—certainly in question time—a better answer for you before I leave as a witness.

Mr DAVID SHOEBRIDGE: We might come back on the numbers.

The Hon. DON HARWIN: I am not quite sure why that is not available right now, but we will do our best.

Mr DAVID SHOEBRIDGE: We might come back to the numbers. But it is true to say that the Aboriginal heritage statutory protection scheme in New South Wales is a scheme of managed destruction rather than any kind of managed protection. For the last five years it has been effectively 100 per cent approval for the destruction of Aboriginal heritage.

The Hon. DON HARWIN: I think it would be fair to say that the legislative position as it relates to Aboriginal cultural heritage is wholly unsatisfactory. That is why one of my key projects as heritage and Aboriginal affairs Minister is to overhaul Aboriginal cultural heritage legislation.

Mr DAVID SHOEBRIDGE: I could go back to statements from the then Labor Minister responsible for Aboriginal heritage protection in 2005 and I would get the same statement.

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: I could go back to 2010 and get the same statement. I could go back to your predecessors from 2012, 2016 and 2018 and get the same statement, and we still have Aboriginal heritage—First Nations heritage—protected in the National Parks and Wildlife Act. When will this Government—any government in this State—prioritise getting that legislative protection up?

The Hon. DON HARWIN: I have committed to doing it in this term. I am making every effort to achieve that and I have a process in place to secure that.

The Hon. ADAM SEARLE: Just on that, at estimates last year on 3 March your evidence to us was that it was your intention to bring forward legislation "this year".

The Hon. NATALIE WARD: Well, we have had a pandemic.

The Hon. ADAM SEARLE: That was in 2020—what happened?

The Hon. NATALIE WARD: It has been a slight interruption.

The Hon. BEN FRANKLIN: COVID might have been a small issue there.

The Hon. NATALIE WARD: Just a tiny interruption.

The Hon. DON HARWIN: I would have thought that you knew full well what happened. A, COVID—

The Hon. ADAM SEARLE: Well, Parliament did sit. We have sat this year and you have not given an update.

The Hon. DON HARWIN: Okay, Mr Searle. Let us be serious for a minute. First of all, you would be well aware that one month later I ceased to be the Minister for heritage and Aboriginal affairs when I submitted my resignation.

The Hon. ADAM SEARLE: But presumably the work of government did not stall.

The Hon. DON HARWIN: The second point I would make is that, particularly during the pandemic, the office of Aboriginal Affairs did very much have their activities directed towards COVID-19—and, in particular, the very serious food security issues that remote communities have—working very closely with the New South Wales Aboriginal Land Council [NSWALC]. Finally, I make the point that, as I think would be well known, as the incidence of chronic health complaints amongst Aboriginal people over a particular age is more pronounced than it is in the rest of the community, a wide range of things that we were doing with Aboriginal people were put on hold while the pandemic was at its most severe, and that does not just include Aboriginal cultural heritage. For example, as I have made plain to Parliament in a ministerial statement, there was a slowing down of work towards completion of the outcomes sought by the *Unfinished Business* report, and a number of other things slowed down.

I do regret that, and if I said last year that I wanted a bill into the Parliament last year, I meant that in all sincerity and I was trying to do that. But it simply was not possible to do that last year. We are trying to put things in place to ensure that we get a result so that, at the very least, we have a draft piece of legislation and I would foreshadow that I propose to put probably a green paper to a parliamentary committee so that members can have a look at it—although, given that this is such an urgent matter, given the degree of consultation I am doing, I might go straight to a white paper into a committee.

Mr DAVID SHOEBRIDGE: I will come back to this later.

The Hon. ROBERT BORSAK: Staying with Aboriginal Affairs, has there been any outcome or progress from the Land Negotiation Program pilot project, which was set up some five years ago with the local Aboriginal land councils in an endeavour to find a better way to deal with tens of thousands of outstanding lands claims?

The Hon. DON HARWIN: That is a question that should probably be asked of Minister Pavey in estimates because the Land Negotiation Program is under her jurisdiction. We certainly monitor it closely and

I receive reports every week about it. I am happy to have the head of Aboriginal Affairs provide you a bit of detail rather than just telling you to go and ask Melinda Pavey. If you are happy with that, I am happy to have Lil Gordon give you some detail, but really the ministerial responsibility lies with Minister Pavey.

Ms GORDON: I will refer to my notes. The Department of Planning, Industry and Environment [DPIE] is responsible for resourcing and conducting the investigation of Aboriginal land claims and makes recommendations to the relevant Ministers whether a land claim is claimable and therefore granted or refused. In terms of the Aboriginal land agreements and Land Negotiation Program, as an alternative way to settling land claims rather than a claim-by-claim process, as under section 36 of the Aboriginal Land Rights Act [ALRA], the Ministers responsible for Aboriginal land claims can enter into Aboriginal land agreements [ALAs] with local Aboriginal land councils [LALCs] under section 36A of the ALRA.

The ALAs allow the New South Wales Government and LALCs to voluntarily enter into negotiations to resolve multiple land claims simultaneously, which are legally binding when finalised. This reduces the costly and lengthy piecemeal land claim determination process. Aboriginal land agreements can settle multiple land claims at the same time and can incorporate transfers of land not subject to land claims. Aboriginal land agreements are an important mechanism to be able to expedite the settlement of land claims. There is a negotiation framework underway administered by the DPIE—

The Hon. ROBERT BORSAK: Ms Gordon, my question was: Has there been any progress or outcomes from that pilot program?

Ms GORDON: There have absolutely been outcomes. I do not have them directly in front of me. We can get that to you before the end of today. The Land Negotiation Program task force, of which I am a member, is currently working particularly closely with the NSWALC and local Aboriginal land councils—

The Hon. ROBERT BORSAK: I might ask you then also how many claims have been settled and how many are outstanding under this process; how many have been resolved in favour of the claimants; what proportion of claims opposed by the Minister were withdrawn by the claimant; and what proportion were decided in favour of the claimant upon appeal?

Ms GORDON: I am happy to take that on notice and provide you with that information.

The Hon. ROBERT BORSAK: I have others. I do not expect you to write them all down; I can give you a copy of them.

Ms GORDON: Thank you.

The Hon. ROBERT BORSAK: What percentage, by value, of the successful claims were subsequently sold? Given that unresolved claims create difficulties for other interested parties, is there any mechanism which could assist those other parties? What is the total cost to government of handling claims? Do claimants pay anything, even when the claims appear to have little merit? How many public servants have been involved? Does the Federal Government's native title legislation create further difficulties in handling land claims by the State? I will hand those to you so that you can deal with those.

The Hon. DON HARWIN: Do you have a written copy?

The Hon. ROBERT BORSAK: Yes, I will hand up a copy.

Ms GORDON: Thank you.

Mr DAVID SHOEBRIDGE: You must know how many outstanding land claims there are now because the whole idea of ALAs was to reduce the number of outstanding land claims.

The Hon. DON HARWIN: Yes, indeed.

Mr DAVID SHOEBRIDGE: So what is the number of outstanding land claims?

The Hon. DON HARWIN: Could I make the general point that I think there has been enormous progress made in DPIE during this parliamentary term and, in particular, since they put the deputy secretary, Jody Broun, in place. I am really heartened by the way that more progress is being made than, frankly, had been made on the whole issue of ALAs in the past.

Mr DAVID SHOEBRIDGE: That is a very low bar, Minister.

The Hon. DON HARWIN: I am afraid you are quite right; it is a low bar. I am not happy with the way these matters are dealt with and they need to be dealt with much better in the future. But from what I have observed

and the things that I have seen in reports given to me over the last 18 months—yes, 18 months in total since the last election that I have been a Minister—I really believe that Minister Pavey and the officials working under the deputy secretary are putting the foot on the accelerator now and making more progress than I have noted either in this ministry or in the past.

Mr DAVID SHOEBRIDGE: Those are lovely words, but the reports that I have had from the ground, probably similar to what Mr Borsak has had, are that there are almost no ALAs that have been agreed—those that are agreed are relatively insubstantial compared to the actual size of land claims—and the backlog of actual land claims has hardly moved. You must have some data.

The Hon. DON HARWIN: I do.

Mr DAVID SHOEBRIDGE: How many ALAs have been agreed and what is the outstanding number of land claims? They are two obvious pieces of data.

The Hon. DON HARWIN: I will see if I can give you those figures and then I might, with the Chair's permission, go back to a question that Mr Shoebridge asked earlier on AHIPs. Let me get those figures for you.

Mr DAVID SHOEBRIDGE: I think there might be an answer to your right as well, Minister.

The Hon. DON HARWIN: That is fine, I am happy to answer. As at 30 November 2020, the total number of land claims made was 52,550. The claims that were granted were 3,292. The claims that were refused were 9,774. The claims that were undetermined or incomplete were 38,539. Is there anything you would like to add, Ms Courtman?

Ms COURTMAN: Thank you, Minister. As the Registrar of the Aboriginal Land Rights Act, we maintain the register of Aboriginal land claims in New South Wales. So I have figures as at 31 January, if that would assist?

Mr DAVID SHOEBRIDGE: That would.

Ms COURTMAN: We also provided figures last year as at 31 January, so I can give you an analysis of the change that has occurred in that period, if that also assists?

Mr DAVID SHOEBRIDGE: That would help.

Ms COURTMAN: So in terms of total number of claims, as at the 31 January we have 52,750. That is an increase of 4.25 per cent from 2020. In terms of land claims granted by the Crown lands Minister, we have 3,348. That is an increase of 9 per cent from 2020. In terms of claims refused by the Crown lands Minister, we have 9,903. That is an increase of 12.12 per cent from 2020. In terms of land claims that are incomplete—so what we mean by that is undetermined or part undetermined, and this is the figure that I think you are asking about—38,579.

Mr DAVID SHOEBRIDGE: Could you give me that figure again, sorry? What was the outstanding figure?

Ms COURTMAN: So incomplete claims is 38,579 and that represents 73.1 per cent of total claims. If we compare that to the previous 12 months there has been a decrease. In 2020 the undetermined percentage was 74.5.

Mr DAVID SHOEBRIDGE: The 3,348 is the total number over the course of the whole of the operation of the Land Rights Act?

Ms COURTMAN: That is correct. I can give you the figures for the last 12 months if you like, Mr Shoebridge?

The Hon. DON HARWIN: Could you just make absolutely clear, Nicole, what the incomplete percentage was? I do not think everybody heard it.

Ms COURTMAN: Yes, sure.

The Hon. DON HARWIN: What is the current position and what the position for the previous year was?

Ms COURTMAN: Thank you, Minister. As at this year, so 31 January 2021, we have 73.1 per cent of total claims undetermined.

The Hon. DON HARWIN: And what was it the year before?

Ms COURTMAN: As at the same time last year we had 74.5.

The Hon. DON HARWIN: Yes, thanks.

Mr DAVID SHOEBRIDGE: On my calculations, that is about 76 approvals a year over the course of the operation of the scheme with 38,579 outstanding claims. If they go down an approval process, that should be completed by around about 2528. If you take all of the claims together at that current rate, it should be completed around about 2250. Is that the target date to complete it, 2250?

The Hon. DON HARWIN: I do not think it is fair to ask a question like that to the registrar, to be perfectly frank.

Mr DAVID SHOEBRIDGE: Minister, is that the resourcing allocation?

The Hon. DON HARWIN: Firstly, the registrar is responsible for keeping a registry of the claims, not for determining the claims. Secondly, as I have said to you before, determining the claims is not a matter under legislation for the Aboriginal affairs Minister.

Mr DAVID SHOEBRIDGE: Is that the target date?

The Hon. DON HARWIN: If you are going to be asking policy questions like that, you should be asking them to Minister Pavey. I would make the point that, consistent with what I said before, the rate of what I called incomplete claims has fallen because, as I stated earlier in the hearing, there is a real determination to do better. We hear some of those statistics and, of course, they are not statistics that any of us want to hear. We want them resolved. I would also make a point in relation to one of the questions that Mr Borsak asked earlier in relation to native title claims. When there is a native title claim in place for land there can be no progress made on a claim under the Aboriginal Land Rights Act until the native title claim is resolved.

The Hon. WALT SECORD: I would like to return to the Powerlab as described by Ms Havilah. Minister and Ms Havilah, you both said that the apartments at the Powerhouse Parramatta would be used for researchers, so why in the application and documentation does it say that the self-contained premium one-bedroom apartments will be available at commercial rates for 52 weeks a year? How does that jive with your claim that it will go to researchers?

Ms HAVILAH: Can you please confirm where you are getting that?

The Hon. WALT SECORD: It is in fact your application here. The glossy document that is on the web. It says, "Commercial utilisation 52 weeks a year. Nine self-contained premium one-bedroom apartments." How does that reconcile with the Minister's statements that it is going to be for researchers?

Ms HAVILAH: I would have to check the document that you have.

The Hon. WALT SECORD: It is your document.

Ms HAVILAH: The model for the Powerlab residencies is very much, of course, for researchers, but it is partnerships. We are also looking at ways—through partnerships with universities, industry, a whole range of people—to bring income in as well as invest in that program.

The Hon. WALT SECORD: Now, you have obviously done modelling on this because you introduced the phrase "income". How much revenue do you expect to generate from—now you said 30 apartments. The documentation says 56, but you say 30 apartments. How much revenue does the Government expect or intend to get per year from these apartments at the Powerhouse Parramatta?

Ms HAVILAH: That is subject to the Powerhouse Parramatta business case.

The Hon. WALT SECORD: How much will a premium one-bedroom apartment sell or rent for 52 weeks a year at the Parramatta Powerhouse?

Ms HAVILAH: The modelling for the residencies is subject to the business case. As I said last week, we are looking at a whole range of ways to offset Government's investment into Powerhouse Parramatta, which is really critically important and a very big responsibility of the museum to do that. Of course, like any museum around Australia or around the world, we will have events, we will have a centre where there will be a function part of it. There will also be ways that we will partner and leverage income as part of that program to get income to support investment back into our education and public programs and exhibition programs.

The Hon. COURTNEY HOUSSOS: You said that it is subject to the business case. How much income is being expected from these apartments and capsule accommodation?

Ms HAVILAH: That is subject to the business case.

The Hon. COURTNEY HOUSSOS: But part of the business case is that you are expecting to make money out of these apartments and this capsule accommodation?

The Hon. DON HARWIN: Let me make this very clear: All of our cultural institutions have revenue expectations.

The Hon. WALT SECORD: I do not think the Art Gallery of New South Wales has apartments above it.

The Hon. NATALIE WARD: Is that a question?

The Hon. WALT SECORD: I do not think the Sydney Opera House has apartments above it.

The Hon. NATALIE WARD: Where is the question?

The Hon. ROBERT BORSAK: Not yet.

The Hon. WALT SECORD: Not yet.

The Hon. COURTNEY HOUSSOS: Minister, perhaps you can answer. How much money are you expecting to make of these apartments and capsule accommodation?

The Hon. DON HARWIN: Yes, I am very happy to take this question and all other questions in relation to it on notice.

The Hon. WALT SECORD: I would like to know if the 56 capsules, the Japanese subway-style accommodation that country kids will have to stay in, will they be charged for these battery-hen-style accommodations?

The Hon. DON HARWIN: Dear, oh dear, oh dear. Here is a cultural institution trying to do the right thing—

The Hon. WALT SECORD: Would you like to see the photos, Minister, of what country kids will be staying in?

The Hon. NATALIE WARD: No, let him answer.

The Hon. COURTNEY HOUSSOS: Then rule it out now.

The Hon. NATALIE WARD: Let him answer.

The Hon. DON HARWIN: My goodness gracious—trying to do the right thing and having our cultural institutions more accessible to our country kids and all we are getting is ridicule from the honourable member. I find this is an extraordinary line of questioning.

The Hon. WALT SECORD: Minister, will you rule out selling these apartments at the Parramatta Powerhouse?

The Hon. DON HARWIN: Absolutely, yes. I rule it out. It is there to help the museum in its core objective and its mission. I think these proposals by Lisa Havilah and her team as part of the planning for the Parramatta Powerhouse show that we are building a museum for the future and a museum where there is going to be a collaborative approach with professionals and researchers and curators. It is going to be a museum that is more accessible than ever before to students from regional New South Wales. The last thing that we would do—and ever conceive of doing—is not having a facility like that so that the museum can engage in its core business.

The Hon. COURTNEY HOUSSOS: Minister, will you rule out using the apartments and the capsule accommodation for anyone other than academics and country kids?

The Hon. DON HARWIN: I say this quite clearly: It is there for those purposes.

The Hon. COURTNEY HOUSSOS: Will you guarantee that?

The Hon. DON HARWIN: That is exactly the purpose they are for. Yes, I absolutely rule it out.

The Hon. COURTNEY HOUSSOS: You guarantee that these will never be commercially leased?

The Hon. DON HARWIN: These are there for the use of the museum in order to achieve its objectives. It is not like holiday accommodation, no. Yes, I can absolutely rule that out.

The Hon. WALT SECORD: It has been described as premium one- and two-bedroom accommodation. Students will be stuck in capsules. The Minister has a responsibility to tell the truth about this project.

The Hon. DON HARWIN: That is exactly what I have done.

The Hon. WALT SECORD: This is 36 premium apartments above the Powerhouse Museum Parramatta and country kids in Japanese train station style accommodation.

The Hon. DON HARWIN: I will put it to you that, with the sorts of collaborations that the museum director was talking about before, if we did not have space that was equivalent to commercial accommodation in central Parramatta then it would not be of much use. It obviously has to be of a reasonable standard so that it is fit for purpose.

The Hon. COURTNEY HOUSSOS: So can you guarantee that they will not be paying commercial rates?

The Hon. DON HARWIN: With the greatest of respect to the honourable member, I would only be speculating giving you an answer but I will take it for a ride anyway: I would imagine that every single arrangement with every single researcher, professional or company is going to be different. It would just be ridiculous for anyone to speculate beyond that.

The Hon. COURTNEY HOUSSOS: Well, Minister, it is not about speculation. We have just learned that part of the business case is that you are factoring in raising money off country kids and academics. We just want to know how much.

The Hon. DON HARWIN: You do not know that.

The Hon. COURTNEY HOUSSOS: We just learnt that from Ms Havilah. She said that part of the business case is the income that you are expecting from this accommodation. So tell us how much there is going to be. How much are you projecting?

The Hon. DON HARWIN: I will take that on notice. I do not have those figures with me. We will take it on notice.

The Hon. WALT SECORD: Minister, I would like to take you to the Powerlab Kitchen. How will this work? What is the Powerlab Kitchen

The Hon. DON HARWIN: I will invite the museum director to comment on that.

Ms HAVILAH: The Powerlab Kitchen is an education space that is embedded into the museum and the operations of the museum. One of the areas that we are really keen to focus on in terms of our education programs is agricultural science and food production. As we all know, western Sydney has a great history of that and we are interested in engaging in those histories. This part of the museum, the infrastructure, will actually be a studio—a 200-seat theatre—that will have a kitchen in it. It will enable food producers, scientists and a whole range of people to deliver education programs. It will also allow us to develop programs that will give further access into a project that we have been working on called the Australian Culinary Archive, which is an archive that is collecting the stories of all of our great chefs and producers, focused on New South Wales but also telling that New South Wales story within a broader Australian context.

The Hon. WALT SECORD: Ms Havilah, why is it open and accessible to residents 24/7? Is it a restaurant? According to your documentation here on page 133, why is it open 24/7?

Ms HAVILAH: I will have to take that on notice in relation to the document. But it will only be open when we are running education programs and public programs within the space.

The Hon. WALT SECORD: Minister, will you rule out that Berejiklian Government Ministers will not use the apartments as a stay-over when they are doing business in western Sydney?

The Hon. DON HARWIN: Yes, I will rule it out. That is just ridiculous, Walt, and you know it.

The Hon. WALT SECORD: Will you rule out staying in those apartments?

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: They will all be in the capsules.

The Hon. WALT SECORD: What about the capsules? Will you stay in the capsules? You are asking country kids to stay in capsules.

The Hon. NATALIE WARD: Point of order: I must be in the wrong hearing. I thought I was in the New South Wales budget estimates hearing. It appears that we are in some discussion about hotel accommodation. If I am in the wrong place please just let me know, but I thought we were here to talk about the budget estimates.

The Hon. WALT SECORD: This is a \$1.7 billion project.

The Hon. DON HARWIN: It is not, Walt. Tell the truth. You know it is not. I answered questions on that explicitly two weeks ago.

The Hon. WALT SECORD: What is the cost as of today, Minister? I ask the questions and you should try to answer them. What is the cost of the Powerhouse Museum?

The Hon. DON HARWIN: I have always answered them, Walt. I resent the suggestion that I have not.

The Hon. WALT SECORD: What is the cost of the Powerhouse Museum?

The Hon. ROBERT BORSAK: The Minister quotes the net cost but what is the gross cost, Minister? The net cost in the powerhouse inquiry the other day was \$830 million, I think, net.

The Hon. DON HARWIN: I, in fact, went through that exact point two weeks ago, with respect.

The Hon. ROBERT BORSAK: Could you do it again, please? I am a little hard of hearing sometimes.

The Hon. DON HARWIN: I would be very happy to do that. The total Government capital investment net is \$845 million—five of which was, of course, the cost of the Ultimo business case but that is included in that \$845 million cost. The philanthropy budget is \$75 million; therefore, the total capital budget is \$920 million.

The Hon. ROBERT BORSAK: You used the word "net" again—\$845 million net. Net of what?

The Hon. DON HARWIN: Net of, actually, philanthropic contributions. The philanthropic contributions are \$75 million, taking it to \$920 million.

The Hon. WALT SECORD: You told us that you set up a campaign team to target philanthropists. How much or what work has been done in the area? I think we were told last week that zero had been collected for that fund.

The Hon. DON HARWIN: We will make announcements when we are ready to make them. I received a detailed briefing on this as recently as Tuesday and I am very happy with how it is going.

The Hon. WALT SECORD: Ms Havilah, at the board of trustees meeting, the minutes of 16 May state that ticketed exhibitions—

The Hon. DON HARWIN: Which year?

The Hon. WALT SECORD: It would be the previous financial year.

The Hon. DON HARWIN: Thank you.

The Hon. WALT SECORD: The minutes show that, "Ticketed exhibitions remained 48 per cent below target." Has that been restored or recovered? Why was it 48 per cent below target?

Ms HAVILAH: Following COVID, we have taken a very different approach to how we program the museum. We have focused on—for our program for 2021—very much developing exhibitions that tell New South Wales and Australian stories through our collection. We have a very focused program on that, which I think is an incredibly exciting program that is utilising our curatorial team. There was a previous approach to having more blockbuster exhibitions. The last one of those that we had was our *Star Wars* exhibition.

The Hon. WALT SECORD: Just to recap, some of my colleagues—I know that the Hon. Courtney Houssos has taken her children to The Wiggles, is that correct?

The Hon. COURTNEY HOUSSOS: We love The Wiggles.

The Hon. WALT SECORD: And those were what people would describe as "popular exhibitions" and "blockbuster exhibitions".

Mr DAVID SHOEBRIDGE: With all due respect to Courtney and the Big Red Car.

The Hon. COURTNEY HOUSSOS: Perhaps I should say that my children love The Wiggles.

The Hon. WALT SECORD: Do you think that some of the exhibitions that you are putting forward are—how do I say—not blockbusters? I will give you an example. I spoke to my three grandsons and I said,

"Would you like to go to the Powerhouse? We have a choice between The Wiggles, but they are also staging an exhibition on Persian perfume boxes." They just stared at me. Do you think, maybe, that the exhibitions that you are putting in there are impacting on your targets?

Ms HAVILAH: I am happy to let you know that we are about to announce that we have just refreshed The Wiggles exhibition for the thirtieth anniversary.

The Hon. WALT SECORD: Wonderful.

Ms HAVILAH: So we have been working very closely with the whole Wiggles family. We will not only have that exhibition but we will have a range of COVID-safe public programs that go with that. We did, unfortunately, have to close that exhibition because it is such a high-touch exhibition, so we had to be very careful about how we do it. I would like to say that the whole museum is incredibly proud of the work that we are doing on the Iranzamin exhibition that is coming up and opening in March for Persian New Year.

The Hon. WALT SECORD: That's the perfume boxes.

Ms HAVILAH: We have over 1,700 objects across our Persian collection, and our curatorial team and our programs team have been working with communities right across western Sydney to engage audiences with that collection for the first time. One of the things about that collection is that it has never been shown before, so we really see it as the museum's role to connect communities with different parts of our collection.

The Hon. WALT SECORD: But, Ms Havilah, don't you think the reason—

The Hon. DON HARWIN: Chair, if I might just make a point at this point, if I can, in relation to the question?

The Hon. WALT SECORD: There might be a reason why Persian perfume boxes have not been the subject of an exhibition when you compare going to The Wiggles or going to Persian perfume boxes.

The Hon. NATALIE WARD: That is a subjective matter that has nothing to do it with it.

The Hon. DON HARWIN: May I just make this general point, which— ?

The Hon. BEN FRANKLIN: Point of order—

The Hon. WALT SECORD: There is an issue that was raised at the board level about low traffic at the Powerhouse.

The Hon. BEN FRANKLIN: Understood. Point of order: The Minister was just asking if he could add to that specific point that had been made.

The CHAIR: I will allow that.

The Hon. WALT SECORD: Sorry, I apologise. I thought he was finished.

The CHAIR: I was just making sure we are clear about what we are talking about. Minister?

The Hon. DON HARWIN: I just wanted to make a direct point—a couple, actually, but I will keep them quick. I would make one point, which is that I wanted to congratulate the Museum of Applied Arts and Sciences [MAAS] team on how quickly they have responded to the news of July 2020 that the museum was to stay open. They responded enthusiastically, of course, because it was a great decision. But there had been no planning for a 2021 season undertaken prior to that.

The Hon. WALT SECORD: I am aware of that.

The Hon. DON HARWIN: In particular, after so much of the evidence that the museum's inquiry received about the magnificence and breadth of the collection, I think it is totally appropriate that the museum respond with—particularly in the COVID age where obviously travelling exhibitions are completely out of the question—a focus on some of the delights of the collection that have not been seen. I would congratulate them on doing that. I think rather than just dismissing the exhibition before it has even been staged, really the better thing to do, Walt, would be to save you a question about that and its popular appeal rather than talking it down—

The Hon. WALT SECORD: I am not talking it down. Minister, you have cash flow problems—

The Hon. DON HARWIN: Could I just please finish, Chair?

The Hon. WALT SECORD: The minutes show cash flow problems due to low traffic—

The Hon. NATALIE WARD: Point of order—

The Hon. WALT SECORD: I just think, faced with a choice between seeing The Wiggles or Persian perfume boxes—

The Hon. DON HARWIN: Could I please just finish, Chair?

The CHAIR: Mr Secord, I am going to take the point of order, but I would also like to let the Minister finish his answer. If it is in relation to that, the Minister is entitled to finish, but I will take the point of order.

The Hon. NATALIE WARD: That was entirely my point of order. I would like to hear the Minister's answer.

The Hon. DON HARWIN: I was simply saying that the popularity will be demonstrated by the number of people who come. I hope it is a huge success. Maybe it won't be, but I think it will be. You should feel free to ask these questions again next year at estimates. But right now I think our focus should just be on congratulating the curators on responding so quickly to the opportunities that they have to have a 2021 program.

The Hon. WALT SECORD: Minister, as part of this you used the word "test". If we are 48 per cent below target, do you think that increasing traffic, ticketed exhibitions, into the Powerhouse—this is pre-COVID; this is before COVID, so do not fall back on COVID—should be a key performance indicator for Ms Havilah? Shouldn't increasing attendances and getting people into the museum be one of the criteria when it is 48 per cent down and it is at the board-level of expressed concerns?

The Hon. DON HARWIN: There have been all sorts of concerns about the falling attendances. Let's be frank: I am happy to bear some of the blame for this, but there has been uncertainty about the future of Ultimo and that has been impacting upon attendances. There can be no doubt of that. No doubt there were some people in the community who would have been surprised that Ultimo was still open. But it has been. It is still open. It has not shut, except for a very short time because of COVID, and I am very optimistic about its position for the future. I heard the bell, so I imagine, therefore, we are going to Mr Borsak and Mr Shoebridge.

The Hon. COURTNEY HOUSSOS: I just have one final question. Ms Havilah, when will The Wiggles exhibition be open? This is very important.

Ms HAVILAH: I will take that on notice, but I will let you know.

Mr DAVID SHOEBRIDGE: If you have a conflict of interest, you should declare it.

The Hon. WALT SECORD: You better declare that.

The Hon. DON HARWIN: From a participating member, no less.

The Hon. COURTNEY HOUSSOS: I merely want to attend the exhibition and plan my future weekends.

The Hon. DON HARWIN: From a participating member, no less. Is this a convenient time for me to answer your earlier question, David, on AHIPs?

Mr DAVID SHOEBRIDGE: Yes. For me it is.

The Hon. DON HARWIN: Is that alright, Robert and Chair?

The CHAIR: You are welcome to answer the question. We are also in the crossbench's time.

The Hon. BEN FRANKLIN: Which is, therefore, the appropriate time.

The Hon. DON HARWIN: That is why. I am advised that in relation to AHIPs, the honourable member is correct: None was refused in the past 12 months, but the AHIPs that were issued had conditions to mitigate impacts. Lengthy negotiations are undertaken by Heritage NSW to ensure the best conservation result. I would also make the related point that Heritage NSW only received responsibility for the regulatory function of issuing AHIPs in July 2020. In fact, there are even ongoing machinery of Government issues between Department of Premier and Cabinet [DPC] and DPIE in relation to these issues, but that is the situation. My previous comments apply, which is that the regime needs to be overhauled and that is what we are doing.

Mr DAVID SHOEBRIDGE: None was refused. How many were approved, Minister?

The Hon. DON HARWIN: Eighty-four from 1 July 2020 to 9 February 2021. So those are the most recent figures that are available.

Mr DAVID SHOEBRIDGE: I appreciate you getting the data. But are you aware of the fact that not a single AHIP, which an AHIP is an application, a permit to destroy Aboriginal heritage, has been refused in the past five years?

The Hon. DON HARWIN: I don't think I have been officially briefed about that, but I have certainly seen media reports to that effect.

Mr DAVID SHOEBRIDGE: Minister, I think all of us were horrified when we saw the destruction of Aboriginal heritage in Western Australia—the Juukan Gorge—yet we have a system in place in New South Wales that is basically replicating that with 100 per cent approvals for every application by a miner, a developer, a government department. Every single application to destroy Aboriginal heritage is approved. What are you going to do? What communications have you had with First Nations people about it?

The Hon. DON HARWIN: As I said, my objective is to bring in a piece of Aboriginal cultural heritage legislation as fast as it is possible. Since becoming the Minister in 2019, I have been totally focused on that. I continue to engage directly with the three key Aboriginal stakeholders—the NSW Aboriginal Land Council, the NSW Native Title Services [NTSCorp] and the NSW Aboriginal Cultural Heritage Advisory Committee. The goal for the Government remains making sure that we have legislation that is acceptable to Aboriginal people. I fully appreciate that progression of the reforms can only occur with appropriate engagement of the Aboriginal community and other critical stakeholders.

Mr DAVID SHOEBRIDGE: But, Minister, meanwhile we have projects like Bathurst Regional Council proceeding to build a go-kart track on the top of Mount Whaluu—a sacred Aboriginal site, critical Aboriginal heritage for the Wiradjuri people—and they are about to start building a go-kart track on the top of that on their timetable on 8 March. Have you seen an AHIP for that? What will you do to protect that site?

The Hon. DON HARWIN: Whaluu, which I visited, is regarded as a place of importance to the Wiradjuri people. In fact, Heritage NSW even received a nomination to list Whaluu as an Aboriginal place under the National Parks and Wildlife Act 1974. Heritage NSW also considered Whaluu for inclusion on the State Heritage Register under the Heritage Act. Heritage NSW has undertaken consultation with the Wiradjuri community, the Bathurst Aboriginal Land Council and Bathurst Regional Council about the listing proposals. Heritage NSW is committed to working in partnership with the Aboriginal community to value and protect all aspects of Aboriginal cultural heritage. However, I am advised that, following consultation, there remains diverse and conflicting views between Aboriginal stakeholders on the current and future uses of the site, the development of the place and the management of the Aboriginal cultural heritage of Wahluu. I am also advised that there are conflicting views as to the physical presence of sites and/or objects of Aboriginal cultural heritage value on Wahluu.

The Aboriginal Cultural Heritage Advisory Committee considered the proposed nominations at an August 2019 meeting and resolved not to progress the listings until the community Elders who can speak for country—very important, community Elders who can speak for country—came to an agreement on the cultural heritage significance of Wahluu. Following the Aboriginal Cultural Heritage Advisory Committee's resolution, the State Heritage Register listing was also progressed. I understand that a section 10 application has been submitted by some members of the Aboriginal community to the Commonwealth Government under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 seeking the preservation or protection of a specified area from injury or desecration, and on 1 December 2019 Heritage NSW made a submission to the reporter on the section 10 application, which I am advised is still under consideration by the relevant Commonwealth agency.

Heritage NSW is providing input to the Commonwealth Government in its consideration and determination of this application as required. I am advised no AHIP has been applied for in relation to Wahluu at this stage. I also note that there is no current active heritage listing process for Wahluu.

Mr DAVID SHOEBRIDGE: Will you undertake to have your department review whether or not the proposed go-cart track can proceed without an AHIP, given the very real evidence of Aboriginal heritage on Wahluu?

The Hon. DON HARWIN: In terms of the latter part of your question, my previous answer covered that. I am sure Heritage NSW is monitoring the issue you talk about but I will certainly talk to them about it.

Mr DAVID SHOEBRIDGE: Will you, given the section 10 application is outstanding and given the level of concern in the First Nations community amongst the Wiradjuri people—and I accept there is some discussion about the nature of the significance, but nobody denies it is significant—

The Hon. DON HARWIN: But there is also—

Mr DAVID SHOEBRIDGE: Will you allow the go-cart track to commence before that section 10 application is determined and before any AHIP has been requested?

The Hon. DON HARWIN: First of all, I draw your attention to something that I clearly said. The important thing is those who are authorised to speak for country. It is very clear that was part of my previous answer and that is quite significant. It is something that I face on a lot of projects—that it is a matter of ensuring that those who can speak for country are those that we are listening to. In relation to something that does not have a State heritage listing and is not an Aboriginal place, that limits what I can do. But I can assure you I will at all times make sure that Heritage NSW is ensuring that the relevant parts of the National Parks and Wildlife Act are being observed by any proponent on any site.

Mr DAVID SHOEBRIDGE: But, Minister, you agreed earlier that that statutory heritage protection is woefully inadequate. And if you had to have an example of how woefully inadequate, it is the idea that a go-cart track could get anywhere near approval—and it has been approved by a local council. There are very deep and real concerns about the destruction of Aboriginal heritage on Mt Wahluu—you have been there, you would have noted the significance of the place—and the idea that it could even get to first base shows how woefully inadequate our laws are and how you need to exercise your power as a Minister to fix this.

The Hon. NATALIE WARD: Is there a question or is this a speech?

The Hon. DON HARWIN: I think my very first answer covered that, which made very clear that there is not a unanimity of opinion, even amongst Aboriginal people, about the heritage significance of Wahluu.

Mr DAVID SHOEBRIDGE: Minister, two years ago you accepted that when you look around Sydney and New South Wales there is woefully inadequate recognition in terms of statues and public art, woefully inadequate recognition of First Nations peoples. After 60,000-plus years of prior occupation and continuing occupation and hardly any recognition at all, yet there is statue, after statue, after statue of white men. You said you were going to try to resolve that. What has happened?

The Hon. DON HARWIN: Part of the issue is that there are a lot of people who actually do not believe we should have more statues—the City of Sydney being one of them. That makes it a bit hard in central Sydney to do anything about it. I would like to see something done about it but there are divided views, even amongst Aboriginal people, about how desirable it is to actually have statues celebrating significant Aboriginal people. It is a very complex issue.

Mr DAVID SHOEBRIDGE: Have you sat down with the Metropolitan LALC? Because Metro land council sat down and they said, "Gadigal people, matriarchal society". They came up with a list of five proud, strong Gadigal women who should be celebrated. Have you had that conversation with Metro land council?

The Hon. DON HARWIN: I have meetings with Metro LALC all the time about various issues and see the chair, Yvonne Weldon, all the time. I have to say, to the best of my recollection, I can never once remember them raising it with me. But I certainly will discuss it with them next time I see them.

Mr DAVID SHOEBRIDGE: How much did the New South Wales Government spend last year on any events or projects associated with the re-enactment of James Cook's landing?

The Hon. DON HARWIN: I would have to take that on notice; I cannot help you with that.

Mr DAVID SHOEBRIDGE: Can you also provide what, if any, events were sponsored or partly sponsored by the New South Wales Government as part of that project?

The Hon. DON HARWIN: I will take that on notice.

The Hon. NATALIE WARD: How much did you spend cleaning graffiti off statues done by staff members?

Mr DAVID SHOEBRIDGE: Can you identify whether or not any projects were cancelled, and what the costs of those were?

The Hon. DON HARWIN: Sorry. Just give me a minute; I am looking at a note here. Thank you. Sorry, would you mind asking the question again?

Mr DAVID SHOEBRIDGE: How much did the New South Wales Government spend on events or projects associated with re-enacting James Cook's landing? What, if any, events were cancelled and what was the cost of those?

The Hon. DON HARWIN: I take all those questions on notice.

Mr DAVID SHOEBRIDGE: Who knows which budget they came from?

The Hon. DON HARWIN: I will take them on notice. I will just leave it there.

Mr DAVID SHOEBRIDGE: It may not have come from your budget, I accept that. What, if any, action has Aboriginal Affairs NSW taken towards progressing either voice or treaty?

The Hon. DON HARWIN: Aboriginal Affairs NSW has been quite involved in the voice discussions that have been held recently at a Federal level and led to the recent paper that has been issued by the Federal Government. In fact, we will shortly be responding to them with our perspective on it. Our position is that any process leading towards a treaty with First Peoples must be led by the Commonwealth Government. However, we are also already progressing elements of a treaty, including agreement making, truth telling and healing for Stolen Generation survivors. Ken Wyatt has stated that he intends to bring forward a consensus option on the issue of constitutional recognition to put it to a referendum within the current term of Parliament but would not take it forward if it was not going to be successful. Indigenous leaders Marcia Langton and Tom Calma were appointed by the Minister to oversee the consultation process.

As you know, that report was published on 9 January 2021. It proposes and calls for a National Voice and a Local and Regional Voice, as well as ongoing consultations to inform a final report on the issue in mid-2021. There is potential for strong alignment between the Local and Regional Voice model and New South Wales' existing Local Decision Making [LDM] program, which enables negotiation of joint agreements between Regional Alliances and the New South Wales Government on community-led priorities and aspirations. The Premier also signed the National Agreement on Closing the Gap in July 2020, confirming the New South Wales Government's commitment to working in partnership with Aboriginal people and organisations at all levels of government, supporting shared decision-making between government and Aboriginal organisations and improving engagement with Aboriginal organisations.

The New South Wales Government continues to work in partnership with First Nations communities to achieve improved and sustainable outcomes. As I said, I am working with Minister Wyatt on consultations being led by them on constitutional recognition and the Voice. I really do see, frankly, a role that we will end up playing to support the National Voice here in New South Wales, and it is consistent with what we have been doing for a number of years now.

Mr DAVID SHOEBRIDGE: Minister, is it seriously your contention that the Local and Regional Voices proposed for New South Wales in this Federal model can actually be based on the existing Regional Alliances, given what a tiny proportion of First Nations committee members vote on, contribute to and direct the Regional Alliances? Is that really your position?

The Hon. DON HARWIN: No, I was not suggesting that at all. I was simply saying that if you read the Voice document and if you understand what we are doing through the LDM process, there is synergy and there is the capacity to basically build upon what we are doing with Regional Alliances to ensure that the Local and Regional Voice is well articulated here in the State of New South Wales. Obviously, when those Local and Regional Voices are established they will need to be much more than that Regional Alliance that exists in their area at the moment. I was not suggesting the Regional Alliance will be the Local and Regional Voice. But I think the embryo, if you like, of a Local and Regional Voice is certainly there and it is something that we will be able to build on.

Mr DAVID SHOEBRIDGE: Through you, Minister, to Ms Gordon: What, if any, consultation with the Aboriginal community has been done to feed into the New South Wales Government's response to the discussion paper?

Ms GORDON: I am happy to answer that. The current consultation process is led by the Commonwealth. One was just recently had yesterday in Sydney as part of that. There are a range of consultations happening. There are a number of advisory groups that Minister Wyatt has set up—a senior advisory group, a local and regional codesign and national codesign group—who are doing those consultations from a Commonwealth position. As Aboriginal Affairs NSW, we are attending those and alongside those. As you know, consultation with Aboriginal communities can take its toll at times, so it is important that we collaborate on those consultations as that moves forward.

Mr DAVID SHOEBRIDGE: But if you are going to put a submission in on the basis of Aboriginal Affairs NSW—and with, I assume, at some point the imprimatur of the New South Wales Government—on what

the shape of the Local and Regional Voices should be, you could not possibly do that without actually having gone and spoken with community, could you? That surely cannot be your plan.

Ms GORDON: In terms of the Commonwealth speaking to the community, they are the voices of the community that are coming through those conversations.

Mr DAVID SHOEBRIDGE: Ms Gordon, you know I am asking you about the State Government's submission.

The Hon. DON HARWIN: David, I think what Ms Gordon has outlined is clearly that there is a collaborative approach to consultation. Why would we have two separate consultations to discuss the same issue? If you can do those discussions at the same time, surely that is just the best use of community leaders' time, I would have thought.

Mr DAVID SHOEBRIDGE: Potentially, there will be a parallel between some consultations. But I have to say, Minister, it troubles me deeply that the starting point that you have for Local and Regional Voices is the current Regional Alliance model. Have you had any community members speak out to you and say, "Yes, this is great. This is representative. This Regional Alliance model represents our views on the ground"? Has anybody ever said that to you?

The Hon. DON HARWIN: Yes. I have been to community working parties, some of which work exceptionally well, where everybody sits around the table: all of the relevant Aboriginal-controlled community organisations involved in service delivery, plus the land council, plus others. As the constituent parts of Regional Alliances, some of them work very well—not all of them; I am the first to concede that. The ambition of the Regional Alliances through Local Decision Making is modest. I will also consider that. Nevertheless, it is a picture of what a Local and Regional Voice might look like. If you have actually read the document I am surprised you are asking the question that you are, because the document clearly points to the Regional Alliances as the model that they are looking at.

Mr DAVID SHOEBRIDGE: Yes, which is what is so disturbing given how unrepresentative they are.

The Hon. DON HARWIN: I do not think that you are entitled to conclude that. That accusation has been made against so many Aboriginal community organisations. It is made against the land councils. It is certainly made against prescribed native title bodies. But, honestly, a community working party at a local level—and I have seen a couple that work extremely well—brings everyone together. That is the basic constituent part of a Regional Alliance.

(Short adjournment)

The CHAIR: Welcome back. It is time for questions from the Opposition.

The Hon. COURTNEY HOUSSOS: Thank you, Chair. Minister, admission to the Australian Museum is currently free, is that correct?

The Hon. DON HARWIN: Yes.

The Hon. COURTNEY HOUSSOS: How long will that be in place for?

The Hon. DON HARWIN: Hopefully for good, but we will have to wait and see in terms of the budget process.

The Hon. COURTNEY HOUSSOS: It sounds as though you and Ms McKay, the CEO, are on the same page.

The Hon. DON HARWIN: What the Australian Museum has moved more towards is the same model that the Art Gallery has, with respect, which is free admission to the gallery—

The Hon. COURTNEY HOUSSOS: Permanent.

The Hon. DON HARWIN: —and if there are special blockbusters where an admission is needed to finance that then going with that sort of model. I think that is probably a good model.

The Hon. COURTNEY HOUSSOS: Ms McKay was on 2GB radio yesterday afternoon saying she was enthusiastically lobbying you and the Government for it to maintain the free admission. Can you—

The Hon. DON HARWIN: It would be the case to say that there is no more enthusiastic lobbyist—with the possible exception of the chief executive of the Sydney Opera House—than Ms McKay. She is a rockstar. Ms Herron is also a rockstar in that respect.

The Hon. WALT SECORD: Minister, with your indulgence I would like to ask a few questions to Dr Brand about Sydney Modern and the latest situation on it.

The Hon. DON HARWIN: Why don't you ask them to me and then, if it is necessary—I will probably flip them to him but—

The Hon. WALT SECORD: Okay. I would like to know the status of Sydney Modern. What is the current state of play and will the project—is it on track? We will take it from there.

The Hon. DON HARWIN: Obviously you would be aware that the new building is nearly double the current space. It is going pretty well, to be perfectly frank. The total budget is \$344 million, which includes \$244 million from the State Government and \$100 million raised from benefactors. Construction commenced in late 2019 and is progressing well. The structural elements of the new building are now evident. While the new building is taking shape the gallery is embarking on revitalising its existing heritage building. My latest advice is that the Sydney Modern Project is on track to be delivered within budget in 2022 with the existing gallery remaining open during construction.

The Hon. WALT SECORD: Thank you, Minister. Was there any impact involving the \$100 million in fundraising during the COVID economic downturn?

The Hon. DON HARWIN: Actually, all the pledges were received before the commitment was given by the Government to fund the other \$244 million. But I will refer that to Dr Brand. I think, if I understood you to be correct, your question effectively was, "Did COVID cause us to lose anybody out of the \$100 million?" Is that it?

The Hon. WALT SECORD: That was going to be my next question.

The Hon. DON HARWIN: Right. I assumed that was where you were going. Dr Brand?

Dr BRAND: Thank you, Minister. Honourable member, would you repeat the second question that I was going to follow up on? That was your question about the campaign being affected by COVID.

The Hon. WALT SECORD: My follow-up question was going to be whether the \$100 million—because of the economic downturn during COVID did you lose any benefactors?

Dr BRAND: I am very pleased to say that we did not lose any benefactors, no.

The Hon. WALT SECORD: Okay. It is on track to be opened in 2022—next year?

Dr BRAND: Absolutely. We are on track to open by the end of next year.

The Hon. WALT SECORD: One last question: The Public Service Association [PSA] has expressed concern about the staffing involved in Sydney Modern. It is concerned that there will be no permanent jobs associated with the extension.

Dr BRAND: That would not be our position. We have been working with the State Government through our business case to ensure that as we get closer to the opening date of the new building—for the last three financial years we have had an uptick in our operating budgets to allow us to bring on the additional people we need at the appropriate moment for planning. For example, planning an exhibition requires people, say, three years out. Other positions like visitor services would come on very, very close to the actual opening of the building. Roughly doubling the size of the building does not mean you have to double the size of your staff. There are no offices in the new building but there will, of course, be more security, more visitor services and more cleaning, for example, that would take extra positions. But we absolutely have extra positions coming on to manage the expanded facility.

The Hon. WALT SECORD: Thank you, Dr Brand.

The Hon. ADAM SEARLE: Minister, in the 2019 budget I think the Treasurer announced the intention of the Government to reduce the size of the public sector by 2½ thousand jobs. In the last round of budget estimates some questions were asked about that. Are you able to inform us whether those job cuts were put into place or whether they were abandoned due to COVID?

The Hon. DON HARWIN: I think the best thing for me to do rather than even make any preliminary remarks is let the Secretary of the Department of Premier and Cabinet, as head of the public service, respond.

The Hon. ADAM SEARLE: As you wish.

Mr REARDON: Thanks, Mr Searle. Government has asked us to put in place our efficiency savings. We are doing that across a range of areas right at the moment. Some clusters are going through voluntary

redundancy processes; Premier and Cabinet is one of those, and we are in the middle of that process right now. Some other clusters, you could ask them. I could take it on notice if I needed to. I can talk about our processes now but we are right in the midst of it. I can talk in the round about that but not to specifics.

The Hon. ADAM SEARLE: Sure. I guess my first question was about the announcement made by the Treasurer in 2019 about the intention of the Government to cut 2½ thousand jobs in that following year. I am just interested, given that more than a year has elapsed, whether those jobs were cut or whether the Government reconsidered that in the light of the COVID pandemic.

Mr REARDON: I will take on notice the absolute number that you are speaking about.

The Hon. ADAM SEARLE: If you can break that down by cluster that would be useful.

Mr REARDON: If I can. I will complete that: The *State of the NSW Public Sector Report* will be the source of that information again, so it will be public. It will have both those that we may have exited—and there is a reasonable level of churn in the public service each year—but it will also have recruitment activity as well. There will be both. If we can disaggregate it we will give you what we can.

The Hon. ADAM SEARLE: Before I move on to the issue of voluntary redundancies in DPC—and I note you sent out an email on 1 February about that—you mentioned the *State of the NSW Public Sector Report*. As far as I can see, there has not been a 2020 report.

Mr REARDON: I will just make a couple of comments and then I might ask the Public Service Commissioner, Kathrina Lo, to—

The Hon. ADAM SEARLE: While she is coming across to the microphone, I think there was also not a *NSW Public Sector Workforce Profile* last year. I think the most recent editions for both are 2019.

Mr REARDON: Yes. With the advent of COVID we basically took a decision—or the Public Service Commissioner did in consultation with the secretaries—to defer for a period of time the People Matter engagement survey process. A lot of the data that we then report in the *State of the NSW Public Sector Report* comes from that People Matter engagement survey. That was a sensible decision, but we still ended up going ahead; we just did the survey later on in the calendar year 2020. That has just meant that the Public Service Commissioner's ability to get all of the data together and get the *State of the NSW Public Sector Report* published has just been pushed back a little bit.

The Hon. ADAM SEARLE: When might we expect that?

Mr REARDON: I will hand over to Ms Lo.

Ms LO: If I could just provide a little bit more background about the People Matter Employee Survey, it is normally done in June each year but due to COVID it put—

The Hon. DON HARWIN: Just a second, Ms Lo. I do not think you will be close enough to the microphone for the benefit of Hansard.

Ms LO: Sorry about that. I can start again. The People Matter Employee Survey is normally done in June each year, but because of COVID last year it was deferred until October-November. It started on 19 October and closed on 13 November. The other information that we seek from all clusters is census data on their employees; the census data is at the end of June. We provided every cluster an extended time period to get that data to us because of COVID. The two documents that you have talked about will be tabled in March. Both documents are drafted and currently going through a review process.

The Hon. ADAM SEARLE: When will that information be current up until? Until the end of last year?

Ms LO: It is 2020 data.

The Hon. ADAM SEARLE: Minister or Mr Reardon, whoever is the most appropriate, in relation to the voluntary redundancies taking place in the DPC cluster—

The Hon. DON HARWIN: Yes, I will start with that.

The Hon. ADAM SEARLE: What is the dollar value of savings you need to achieve and how many people is that equivalent to?

The Hon. DON HARWIN: If that is the angle that you are taking then I will immediately ask the Secretary to respond to that.

The Hon. ADAM SEARLE: As you wish, Minister.

Mr REARDON: In terms of efficiency-saving numbers, last year's target I think was \$20.3 million all up across the board.

The Hon. ADAM SEARLE: When you say "last year", you mean up until the last budget?

Mr REARDON: Yes, the last financial year—I will just make sure that I get that right. The 2019-20 financial year I think was 20.3, but I will clarify that, and then there was a cumulative after that. I do not have the numbers with me but their escalation—I think 20.3 would be the largest number and then it tapers a bit, but it is cumulative, of course. The efficiency savings cover a range of areas. They can be procurement, they can be information and communications technology [ICT], corporate shared services and voluntary redundancies, so it is a suite of measures, not just one. The voluntary redundancies—we do not have a target for what we expect from that. We have put it out on a voluntary basis. We have put it out for an expression of interest, as you mentioned, in early February to our people. We have made it very clear what the intent is and—

The Hon. ADAM SEARLE: That period has closed, has it not?

Mr REARDON: I cannot remember if we have put that number out in messaging internally. I will take on notice what I need to in terms of those dates because they are internal to our own people. I can furnish you with anything I can at a later date. But suffice to say, we want to move that process as quickly as possible. We have made comments both on webcast and in my messaging about moving fast, giving people enough time to consider and consult with their family and friends, but not let it drag on at all. But we do not have a specific numerical target of dollar value on that as a suite of measures that are outlined.

The Hon. ADAM SEARLE: I think the expressions of interest closed on 22 February. Do you know how many staff in DPC came forward expressing an interest?

Mr REARDON: I had a briefing, I think. The latest briefing I may have had was either late last week or early this week, but I would not have an exact number. I will furnish you with anything I can if I do take it on notice, but only if I can, because we are in the middle of a process.

The Hon. ADAM SEARLE: If you could let us know on notice how many and also what parts of DPC are going to be impacted by these ultimate decisions. Will it be in the Aboriginal Affairs sector? Will it be Heritage, Create NSW or Employee Relations? Who is going to lose ground and how are you going to make that decision?

Mr REARDON: Yes, sure. The only comments I would make are: We have left it open fairly broadly at this point in time; we will see who comes forward first. The impacted areas—we will make that decision after finding out where we get to with expressions of interest once they are formalised.

The Hon. ADAM SEARLE: What criteria will you use to decide which areas would bear the burden of these reductions in employment?

Mr REARDON: Again, I will keep it fairly broad. It will be basically around exactly what we think. Where we have priorities of the Government, we will place our people at those priorities and if we believe genuinely that there are some roles that indeed can be made redundant so we can redeploy our resources where we need to—that is the only criteria that I will raise at the moment.

Mr DAVID SHOEBRIDGE: Arising from that, will you exclude ICAC from that?

Mr REARDON: I do not believe we have had the integrity agencies participate at all in the process, but I will just seek clarification on that and come back to you pretty quickly. I do not believe we have even put anything to the integrity agencies.

Mr DAVID SHOEBRIDGE: Can I seek a guarantee from you that ICAC, the Ombudsman—

Mr REARDON: No, I said I will just clarify that.

Mr DAVID SHOEBRIDGE: No, I understand that you will clarify it, but if you could clarify it today I think that would be important. The list that I have is ICAC, the Ombudsman, the Electoral Commission, the Law Enforcement Conduct Commission [LECC] and the Auditor-General. If you could have a response on those.

Mr REARDON: That is a list of five agencies that you are saying what about?

Mr DAVID SHOEBRIDGE: Are they going to be protected from the redundancies and also from efficiencies?

Mr REARDON: I will try to be as helpful as I can. Can you just list them again?

Mr DAVID SHOEBRIDGE: ICAC, Ombudsman, Electoral Commission, LECC and the Auditor-General.

Mr REARDON: I believe so but I will just reconfirm that.

The Hon. ADAM SEARLE: Minister, in the last round of budget estimates, the Public Service Commission indicated it was undertaking a data analysis project using various data science techniques to identify insights and patterns associated with bullying across the public sector and they would share those insights with secretaries. Are you able to inform the Committee what the results of that project were and what learning has been derived and essentially what is going to happen? I ask that question in the context of bullying in the public sector. It was sort of stable for a number of years at about 18 per cent, but in the most recent survey I see it leapt to 33 per cent in 2019 and then back to 22 per cent—still high.

The Hon. DON HARWIN: I have noticed those trends and they have been of concern to me. It is not of any one particular type of bullying; it is about a number of different types of bullying. It is not necessarily just men bullying women or LGBT people being bullied, but it is much broader than that and I am concerned about that. I know the Secretaries Board has been working on it, so I think getting Tim Reardon to just outline some of that work would be good.

Mr REARDON: Just in terms of clarification of numbers, I might get the Public Service Commissioner in a moment to come forward. Just to be clear on definition, "experienced bullying" or "witnessed bullying" are two different things. You just mentioned two numbers and I am not sure whether you may have crossed over on them.

The Hon. ADAM SEARLE: Those were—

Mr REARDON: I will clarify them through the—

The Hon. ADAM SEARLE: Just so you know, they were "witnessed bullying". You are right for the "experienced bullying"; it was 18 per cent. It has come down to 14 per cent apparently in the most recent survey, which is good.

Mr REARDON: Correct. That accords with the numbers that I have, which is a positive thing.

The Hon. ADAM SEARLE: I was interested in the project undertaken by the commission. What insights have you gained and how are you then applying those insights?

Mr REARDON: I will make a couple of comments because the Secretaries Board was the first part of your question. Clearly, they are top of mind and remain so. The fact that they experience bullying is starting to come down now because we have talked about this in the past few years. It was stuck at 18; it came down from 27, I think, to 18—still unacceptably high, but trending in the right direction. I think the Acting Public Service Commissioner was here last time around and he is an enthusiast of data, and now he has handed that over to Kathrina Lo I will let her speak to it. Needless to say, just trying to get to the next levels of detail on exactly where the "experienced bullying" has been remains at top the top of the table in every cluster. We in Premier and Cabinet put a fair bit of work into it with our team; we cascade that through deputy secretaries, through executive directors and hold people to account to make sure that we are doing something about it. Do we have it right still? No. Are we heading in a better direction? A little bit better. Ms Lo, if you want to add—

Ms LO: Thanks for the question. I just want to say at the outset that no level of bullying is acceptable and while it is gratifying that both the statistics for "experienced bullying" and "witnessed bullying" are trending down, we still have a lot of work to do. When the People Matter Employees Survey [PMES] was first run in 2012, nearly one-third of our people said that they had experienced bullying in the preceding 12 months, which is an appalling statistic. As you noted, in the last People Matter Employees Survey the percentage was 14 per cent—still not good enough and a lot of work to do. Last year, given COVID, what the Public Service Commission did was readjust its work plan in relation to bullying given that a lot of office-based workers started working remotely and bullying can present differently in that remote working context. What the Public Service Commission did was provide some guidance around: What does the presentation look like in that different work environment and what can be done about it?

Now that we are settling into a bit more of a normal pattern of work again, I am working very closely with the chief people officers group, which I chair. One of the areas we will be focusing on is bullying. We are currently analysing the data from the PMES survey, and looking at exactly what it looks like across the sector and what we can work on together.

The Hon. ADAM SEARLE: What have you learned about the key drivers of bullying, and how are you able to take that understanding and apply that across the sector to reduce opportunities? For example, I would imagine that the advent of widescale remote working in the case of the pandemic would have reduced a lot of opportunities that might have previously existed for interactions that might have been experienced as bullying. Given that people are now returning more to regular workplaces, how can you stop that from surging again?

Ms LO: Yes, I agree with you. Bullying still occurred while people were working remotely and, as the Minister noted, there are complexities around it. It can present in different ways. It can play out through different power dynamics and through different team structures. The key, I think, is some work we are doing on inclusion. The focus really is on building inclusive workplace cultures where dignity and respect is a key part of those cultures, and where there are inclusive leadership behaviours so that leaders model the behaviours that are needed, and where issues arise, they are dealt with quickly and resolved as quickly as possible with as little trauma as possible for the people involved.

Ms CATE FAEHRMANN: I might ask some questions about regional arts and regional arts funding.

The Hon. DON HARWIN: Certainly.

Ms CATE FAEHRMANN: Why did the Government decide to discontinue funding for Regional Arts NSW?

The Hon. DON HARWIN: Well, it hasn't, but let me fill you in. In 2021—this current financial year—the Government is providing over \$2.7 million in support for the regional arts network.

Ms CATE FAEHRMANN: Could you say that figure again, Minister?

The Hon. DON HARWIN: Total support of \$2.7 million for the regional arts network, which includes 14 regional arts development organisations [RADOs] and Regional Arts NSW. In addition, we gave over \$2 million through the Rescue and Restart package to the RADOs, which are the constituent parts of Regional Arts NSW, to stimulate their local economies through arts and culture. The question you have asked probably arises out of the announcement in December 2019 to have a review of the regional arts network, and it was an opportunity to revisit how the network operates and how it might be equipped to respond to the changing landscape of arts and culture in the regions and, of course, the increasing demand.

The first stage of the review was finalised as of 2 November 2020 and resulted in the following outcomes: Individual RADOs had their core funding increased to \$168,000 through the reallocation of funds; the RADOs also now have the responsibility for administering the Country Arts Support Program in their regions rather than what was previously the case, where Regional Arts NSW dealt with it; the amount that was previously allocated to the Regional Arts conference, known as Artstate, is being held as strategic funding for the RADO network; and in this current year, Regional Arts NSW has an annual funding allocation of \$120,000. In 2022—and this might be what you are referring to—that \$120,000 which has been allocated this year to Regional Arts NSW will be devolved to the RADO network with the understanding that the network may choose to retain the Sydney-based secretariat that they have, which is known as Regional Arts NSW, either through a membership or other model. We have additionally undertaken to have within Create NSW a manager position established that is going to also assist the RADO network. But there is not one single dollar that has been taken away from the regional arts network—not one.

Ms CATE FAEHRMANN: Thank you for that extensive answer, but Regional Arts NSW is essentially the peak organisation for those.

The Hon. DON HARWIN: Not really, because Regional Arts NSW comprises of representatives elected by all the RADOs, basically, each of which have their own boards—

Ms CATE FAEHRMANN: Which is a peak body.

The Hon. DON HARWIN: —which are constituent parts of Regional Arts NSW.

Ms CATE FAEHRMANN: So, therefore, that is the peak body, with all of the organisations—the RADOs—electing members to go on to Regional Arts NSW?

The Hon. DON HARWIN: Yes.

Ms CATE FAEHRMANN: So they will have their allocation cut, as I understand is being reported, as you said—so defunded in 2021 to 2022?

The Hon. DON HARWIN: No, that is just simply not true—oh, you mean as in the central secretariat?

Ms CATE FAEHRMANN: Regional Arts NSW, the body.

The Hon. DON HARWIN: Well, the secretariat of the body in Sydney is having its money reallocated to the RADOs in the regions.

Ms CATE FAEHRMANN: It is an organisation; it is Regional Arts NSW. When you are saying a "secretariat", are you suggesting that it is not its own organisation?

The Hon. DON HARWIN: No. I am suggesting that it is, in fact, a network. The network is a Sydney-based secretariat called Regional Arts NSW, and all of the RADOs surrounding it basically are its lifeblood and do the work of Regional Arts NSW. So without the RADOs there is basically no Regional Arts NSW.

Ms CATE FAEHRMANN: Yes, I understand.

The Hon. DON HARWIN: It is not just a peak body; it is actually a service delivery body. It has also traditionally been a body that has a devolved grants program which it administers, called the Country Arts Support Program. All that is changing is instead of a lot of those functions being centralised, they are now going to be done in each of the RADOs.

Ms CATE FAEHRMANN: What services was Regional Arts NSW providing before this? Because you are taking that funding allocation from that. We have had people speak to the media who are disgruntled about that decision. I have had a look at the review that Create NSW pulled together—

The Hon. DON HARWIN: Yes.

Ms CATE FAEHRMANN: Hang on, just let me finish—the review into New South Wales arts and cultural sector service needs. It says on page 5 that only Regional Arts NSW has a completely non-metropolitan focus existing to serve the regional arts network. I come from the Nature Conservation Council of NSW originally. I headed up that organisation for five years, so I really understand the role of the peak body and how important it is to advocate for the sector—for regional arts networks, for example. That is the role a peak body undertakes, and it has been defunded by your Government.

The Hon. DON HARWIN: No, it has not been defunded. The money that was allocated to them has been given to the RADOs—

Ms CATE FAEHRMANN: I think that is the definition of "defunded", Minister.

The Hon. DON HARWIN: —and it is for the RADOs to decide how much they will resource the central secretariat in the future based upon what they see as the value a central secretariat can provide. If you think we have done this for any other reason other than to give better service to the arts in the regions, you are mistaken. In fact, the reason we had this review was not something we initiated but came from the sincerely held beliefs of a number of people in the RADOs that actually they were not getting value from the Sydney-based secretariat and they would rather do it themselves and decide themselves how much should be put into a central secretariat.

The Hon. WALT SECORD: Name them.

The Hon. DON HARWIN: All we have done is we have empowered the regional arts development organisations to decide what they want to spend their money on rather than telling them what they are going to have their money spent on. They still have every cent that they have previously had, and to suggest otherwise is just simply wrong. Moreover, the feedback that I am increasingly getting, not just from people who are saying it to Create NSW staff but actually from people who come up to me at functions and events, people with deep knowledge of the RADOs say that, while they were sceptical, they are now all happily working out what the future is going to look like, and increasingly it is a very positive reception even amongst those one or two elements that were sceptical.

Ms CATE FAEHRMANN: Thank you for that explanation. Do you think, though, that it is partly because those RADOs were desperate for funds, and you have given them more funds but at the expense of the peak body? Was there ever a suggestion that you could retain the peak body while continuing to put more money into those other regional arts bodies?

The Hon. DON HARWIN: Good point and, frankly, if I could get a significant uplift in the Arts and Cultural Funding Program, that is what I would do, but it is a matter of record that in the last couple of years increases in the Arts and Cultural Funding Program [ACFP] have basically been at about inflation and not much better. Therefore, one of the things that constantly I have to do as arts Minister is talk to Create NSW and talk to the sector how better to use the limited funds we have to drive the best possible outcomes.

Ms CATE FAEHRMANN: So it is Treasury's fault?

The Hon. DON HARWIN: I am not going to—

Ms CATE FAEHRMANN: That is on a platter, Minister.

The Hon. DON HARWIN: I think the responsible thing to do is to say that that is the position that the Government has arrived at. If I had more money in the Arts and Cultural Funding Program I would be absolutely delighted and I would always try to get more money for the ACFP.

Mr DAVID SHOEBRIDGE: Through you, Minister, to the Public Service Commissioner probably, what new executive roles were created in the Public Service Commission [PSC] as part of last year's restructure?

Ms LO: I think the first thing to note is that there were no increases in the senior executive head count during that restructure. We created the role of Deputy Commissioner, which is a band 3 senior executive role; we created the role of Chief Operating Officer, which is a band 2 executive role, and we deleted two Assistant Commissioner roles, which were band 2 level roles.

Mr DAVID SHOEBRIDGE: Could you, on notice, provide a list of the executive positions prior to the restructure, and the remuneration, and the executive positions post the restructure and the remuneration?

Ms LO: Yes, happy to take that on notice.

Mr DAVID SHOEBRIDGE: What specialist areas were changed as a result of the restructure?

Ms LO: The restructure aimed to do a number of things, one of which was to have a structure that better supported our strategic direction, goals and priorities, and enabled us to support the sector and respond to the sector's needs, so we set out a number of principles that we wanted to achieve, or aims that we wanted to achieve, and we let staff know about those. We also set out some guardrails that we wanted to operate within with the restructure and they were all very transparent as well. One of the things that we were very keen to do was to bring together our diversity and inclusion work into one team. Prior to the restructure they were separated, but they are now under one director so that was a significant change.

Mr DAVID SHOEBRIDGE: So diversity and inclusion ceased being separate parts of the organisation and were incorporated into one. Were they the only specialist areas that were changed?

Ms LO: What I mean about the diversity and inclusion work is that, prior to that, work on different diversity groups, whether it was women or disability, LGBTQI+, Aboriginal—they were not all together. One of the things we wanted to do was to bring that work together, to leverage the great things that all of those teams were doing to better focus on inclusion and to better deal with the issue of intersectionality.

Mr DAVID SHOEBRIDGE: Can you tell us—by all means now, if you can, but I assume it will be on notice—how the Public Service Commission is doing in terms of meeting those inclusion targets of disability, First Nations and senior female leadership roles, and what, if any, change happened as a result of the restructure?

Ms LO: I have the statistics right here and I am happy to share them. As you might be aware, in the Premier's priority 14 there are three targets that are specified. One is in relation to women in leadership and the target is for 50 per cent women in leadership by 2025. The statistic for 2020 is that we are up to 41.1 per cent and, on the current trajectory, in order to reach the target, six out of 10 appointments to senior leadership roles will need to be women. The target for Aboriginal people in senior leadership is 114 Aboriginal people in those positions by 2025. We are up to 105 in 2020.

Mr DAVID SHOEBRIDGE: What about in the commission itself?

Ms LO: In the commission itself, we have one Aboriginal person in our senior leadership team and the principal adviser of the inclusion team is an Aboriginal woman.

Mr DAVID SHOEBRIDGE: Ms Lo, it was probably my question that was at fault; I was actually asking about how the commission was doing rather than the sector. I have seen the sector-wide publication.

Ms LO: Sure. In terms of the Public Service Commission, the data I have for 2020 is that we have four staff who identify as being of Aboriginal or Torres Strait Islander heritage, we have nine people who identify as having a disability and we have 14 people who identify as being from a culturally and linguistically diverse background.

Mr DAVID SHOEBRIDGE: Could you take on notice as to whether or not that is meeting the targets that you are responsible for on inclusion and can you also give the number of female senior leaders? I understand the commissioner meets that target.

Ms LO: Sure. There are seven executive women, so the majority of my senior leadership team is women.

Mr DAVID SHOEBRIDGE: There were substantial concerns raised by the PSA about the restructure of the commission being rushed. Did you end up in the Industrial Relations Commission [IRC] on two separate occasions as a result of the restructure?

Ms LO: Yes, the PSA did raise concerns and lodge a dispute in the IRC. There were two main issues that they were raising. One was a request for further time for consultation, which we were happy to oblige and we extended the time frame on a number of occasions. The other was I think in relation to workload issues. Ultimately the case was terminated by the Chief Commissioner of the Industrial Relations Commission because there were no issues remaining in dispute from the original dispute notification, but what we have done in the PSC is re-establish the joint consultative committee with regular meetings and we have settled terms of reference with the PSA, and I am told that the meetings are very constructive.

Mr DAVID SHOEBRIDGE: The joint consultative committee was one of the undertakings that you gave to resolve the IRC proceedings. Is that right?

Ms LO: Yes.

Mr DAVID SHOEBRIDGE: Can you detail what other undertakings the commission gave and whether or not they have actually been implemented?

Ms LO: Further time for consultation, so the PSA and staff asked for further time to comment on the changed management plan and the draft role descriptions, which we were happy to do and we extended the time frame on a number of occasions because of requests, but we were also mindful that staff were telling us that they did not want to keep having extensions, they just wanted us to get on with it, so we had to balance that. The other thing we are doing in relation to managing workload is to keep the PSA informed around work we are doing to support staff wellbeing, to monitor leave balances and like matters.

Mr DAVID SHOEBRIDGE: Has that concluded?

Ms LO: It is an ongoing discussion. So through the joint consultative committee we will continue sharing that information with the PSA. It is an opportunity for them to raise any concerns they might have and for us to respond as well.

Mr DAVID SHOEBRIDGE: Ms Lo, on notice, can you provide the details about the specific undertakings that were given?

Ms LO: Yes.

Mr DAVID SHOEBRIDGE: And the extent to which they have been complied with?

Ms LO: Yes, sure.

Mr DAVID SHOEBRIDGE: Thanks, Ms Lo. This question is probably to you, Mr Reardon, but through you, Minister. In terms of Aboriginal employment in the public sector, concerns have been raised with my office that employees in the public sector who identify as First Nations are being moved from identified specialist roles where they are engaged in specific Aboriginal service provisions, and being moved into mainstream programs and mainstream positions. Is there any policy driving this change?

Mr REARDON: I will respond to that if you like. I just would not mind tidying up the other question you asked me about the voluntary redundancy [VR] program.

Mr DAVID SHOEBRIDGE: By all means, Mr Reardon.

Mr REARDON: The Electoral Commission, Ombudsman, Independent Commission Against Corruption, Law Enforcement Conduct Commission and Audit Office, I think, were the five agencies you listed. They are excluded from that VR program. I just want to make that clear that the VR program is related to the department and I just wanted to get that re-clarified.

Mr DAVID SHOEBRIDGE: And the second part of my question? Again, I might not have expressed it well. Are they excluded as well from any efficiency dividends?

Mr REARDON: At this point in time I think that is the fact. As you are well aware, the parliamentary inquiry that is being undertaken has expressed comment on that, as has the Audit Office report. We are considering those matters at the moment, but at the moment I think the answer is no. If I need to clarify anything further during, I will.

Mr DAVID SHOEBRIDGE: No they are not excluded?

Mr REARDON: Sorry, no. They are not subject to efficiency savings 2020-21. I will come back to you to reconfirm that during the hearing as well. Do you want me to go to the question you asked?

Mr DAVID SHOEBRIDGE: Yes, if you did—

Mr REARDON: I am not aware of the nature in which you put that. If you had further specific examples in any cluster that might help, because all I can say to you is, for example, we have Aboriginal Affairs sitting in our cluster now. Lil Gordon is here quite proudly as the head of that organisation. They have specific functions and priorities that the Minister provides them with to get on with, but people being redeployed from Aboriginal-specific roles to other roles, that may occur from time to time, but I do not think we have a specific arrangement. I suppose the overarching expression from me as the head of the public service would be that we just want more and more Indigenous leadership. We are at 105 out of 114 for our Indigenous target for senior leadership now—very proud of that, that we are so close, but clearly we want to go a lot further.

At the very lower levels of Aboriginal employment with the Premier's priority of bringing more people through for HSC attainment through to graduate programs, career tracker programs, there are a lot of people coming through. The area where we are expressing most of our energy now is at the just below executive leadership level—so the senior management 9/10, 11/12 level. They want to bring a lot more people with Indigenous background into the public service—and not just have them rotate around within the public service, actually bring new people into our organisation from the private sector. That is where we are targeting as Premier and Cabinet, but unless you give me a more specific comment, or, Ms Lo, you have anything you wanted to add, I probably cannot help much more.

Mr DAVID SHOEBRIDGE: I will probably give some more details on notice in terms of that position. I will come back on retention issues.

The Hon. WALT SECORD: I will be very brief because my colleagues would like to ask some questions. Minister, earlier this week Newcastle city council agreed to increase its contribution to the Newcastle Art Gallery expansion. They voted to increase it to \$16.2 million as part of a \$39 million expansion. Will your Government make a contribution to this project?

The Hon. DON HARWIN: I am absolutely delighted that Nuatali Nelmes has made that announcement. I am really pleased; I think it is a good project. I would make this comment in relation to the Arts portfolio: I do not have an existing funding stream from which I can fund it. I have made that clear to Newcastle council. So at the moment I cannot fund it. It is as simple as that.

The Hon. WALT SECORD: So how do you reconcile the Wagga Wagga conservatorium of music—no business case and \$20 million just tossed to that?

The Hon. DON HARWIN: I am aware of what you are saying.

The Hon. WALT SECORD: I see there is a bit of a disconnect there, Minister.

The Hon. DON HARWIN: I am aware of what you are saying and I certainly encourage Newcastle council to look at alternative funds. I do not mind saying that the Regional Cultural Fund, out of which we funded 36 projects, has been a great success and showed that there was a huge level of unmet demand in terms of cultural infrastructure projects in the region. May I also say, that program was limited just to the regions and actually was a Regional Growth Fund project, not an arts funding round. My view is that if funds are available and it can be managed in this budget there should be a capital works budget for cultural infrastructure projects not just outside Sydney but also in western Sydney and, possibly even under certain circumstances, in the eastern half of Sydney. I have the objective of trying to get an allocation, a funding stream, in either this budget or a future budget where a project like Newcastle Art Gallery would be eligible to apply.

The Hon. WALT SECORD: This is my last question for this bracket. What has been the COVID impact on the Sydney Opera House, and revenue and cash flow going into the Opera House?

The Hon. DON HARWIN: Since she is here for the second year in a row—we finally have a question for Louise—I am going to let her answer all by herself. She is more than up to it, let me tell you.

Mr DAVID SHOEBRIDGE: You can project her answers. You can project them up on the wall.

Ms HERRON: Like every other public-facing place in the State, we were closed last year from March to September. In this period, we were really pleased to launch our *From Our House to Yours* digital program, which maintained connection between local and international artists and audiences. We hosted 53 live events in the Joan Sutherland Theatre, which we converted into a live broadcasting theatre, spanning a whole variety of genres with 210 local artists and speakers. The program reached national and international audiences, and had almost seven million views—that is not a reach of seven million, but seven million actual views—more than 23 million minutes watched or listened to; that is half a million hours. Even the ABC was impressed by our stats.

The Hon. WALT SECORD: Ms Herron, thank you very much for that, but my question was about cash flow and the financial impact of COVID on the Sydney Opera House.

Ms HERRON: For sure. Obviously, when we were closed we did not generate really any revenue. As the Opera House, in a normal year we generate between 80 and 90 per cent of our revenue ourselves so we did take a hit. Our budget was to make a loss of \$3 million and we ended up making a loss of \$7 million. We were extremely fortunate to be part of the New South Wales Government to be very well supported by the Minister and generally by the Government. It has enabled us to continue our vital connection between the community and artists and audiences.

The Hon. WALT SECORD: On recovering that \$7 million loss, is the Opera House ramping up other activities such as illuminations of the Opera House?

Ms HERRON: No, in a word.

The Hon. WALT SECORD: No?

Ms HERRON: Such as illumination of the sails? No. For example, since we reopened in November we have had audiences. We sold more than 100,000 tickets to more than 300 events.

The Hon. WALT SECORD: Is there an illumination this evening?

Ms HERRON: Yes, there is an illumination this evening.

The Hon. WALT SECORD: What is it?

Ms HERRON: It is called *Where Memories Are Made*.

The Hon. WALT SECORD: And what is that for?

Ms HERRON: This is a celebration of the Opera House and the city reopening and re-emerging, and reminding people of the importance of arts and culture to our community as a whole—to us as individuals and to the community as a whole.

The Hon. WALT SECORD: How much revenue is generated from illuminations of the Opera House?

Ms HERRON: No revenue is generated from illuminations of the Opera House. No net revenue is generated. It costs us \$10,000 to put a colour wash over the sails—that is where it is just a single colour, such as purple for International Epilepsy Day or red for Lunar New Year—and that is a cost that we charge to the person who wants to do the lighting. But if larger projections with live images are required, that comes from the Overseas Passenger Terminal. The cost of those is between \$50,000 and \$80,000 and that is also paid for by the person who undertakes the sails lighting.

The Hon. ADAM SEARLE: Minister, last year it was a matter of record that your Government abandoned its 2.5 per cent wage cap and took steps that lead to public sector workers getting only a 0.3 per cent pay increase. For this year, from 1 July, I think, your Government's announced policy is to keep public sector wage increases to only 1.5 per cent. Is that still your Government's policy and how are you going to give effect to that? Will you simply go back to the commission or are you going to reduce the legislated wage cap?

The Hon. DON HARWIN: It is true that the IRC's October 2020 decision to award a one-year pay increase was a response to COVID and that was through the IRC. We did make the announcement that you have alluded to in November 2020, that future wage increases for public services would be capped at 1.5 per cent over the forward estimates. It is being done, of course, to enable a greater investment in generating infrastructure projects across the State in both metropolitan and regional communities. We see that our obligation at the moment is to spend public funds on generating jobs and rebuilding the economy. In relation to the second part of your question, it would be our intention to proceed with it in the way that we did with the last one, which is to go to the IRC.

The Hon. ADAM SEARLE: Okay. Thank you. In relation to equal pay, I think the most recent state of the public sector report showed that pay inequity had doubled from \$950 to more than \$2,000, and for senior executives it was over \$5,000. What are the most recent figures that you have on the current pay gap?

The Hon. DON HARWIN: I think the Public Service Commissioner would be best placed to give you that information.

Ms LO: Sorry, just bear with me. The most recent data that we have for 2020 is that the gender pay gap is 2.2 per cent and that is the same as 2019. It is slightly higher for senior executives. When I refer to "senior executives" that is bands 1 to 3 because the sample size of the cohort at band 4 is too small, and for bands 1 to 3 it is 2.4 per cent. I would just note that the national gender pay gap is 14 per cent. So, while we still have work to do in New South Wales, it is a lot better than the national figure.

The Hon. ADAM SEARLE: Minister, what steps is your Government taking to address that gap? Although it is smaller than the national gap is stubbornly low—it has not moved.

The Hon. DON HARWIN: Obviously, the Premier's Priorities place an importance on ensuring that we have more women in senior leadership positions and pursuing this objective will lead to greater wage justice for women. In terms of additional information, Mr Reardon, would you like to add something?

Mr REARDON: Just to add to the Public Service Commissioner's comments on the wage gap generally, yes it is low; stubbornly low. Part of it at the lower levels is just that the number of females in that cohort is incredibly large.

The Hon. ADAM SEARLE: I think last year you said it was a result of more women going into the lower-paid roles at a greater rate than men and that was influencing the non-SEB cohort.

Mr REARDON: Repeating exactly that point. I just wanted to add to what Ms Lo was saying.

The Hon. ADAM SEARLE: So that remains unchanged for the current year?

Mr REARDON: I might just go back to Ms Lo in a second about if there are updated percentage change, whether it has slowed or quickened. The same comments we made last year about senior levels: Every recruitment at band 1, band 2 and band 3, you have to go through a strong market test, you have an opportunity to deal with the gender pay gap then and there and you seek to do that one at a time. I think the only thing we can do is just move as fast as we can through 41 per cent to 50 per cent of women in leadership. We are also tracking women on boards and committees within the New South Wales Government as well, which is well into the fortieth percentile now. I think it has grown from 40 per cent to 46 per cent over the past four years.

The Hon. DON HARWIN: In fact, over 50 per cent in the Arts portfolio.

Mr REARDON: Within the Premier and Cabinet cluster, we have women in leadership across the cluster at over 50 per cent and have had that for some time. Within the Department of Premier and Cabinet we are well over 60 per cent in terms of female leadership. In fact, there are only myself and the commissioner for Resilience NSW, Shane Fitzsimmons, as the only two males on the executive; the rest are female. More recruitment by those senior women, or their opportunity to recruit more women into the workplace is going to be one of the things that will occur. There just has to be less unconscious bias at the moment of truth, which is we recruit people and then we go through a remuneration discussion, and normally that remuneration discussion starts at the lowest level of the band and that is where the problem emerges at senior executive.

The Hon. ADAM SEARLE: Can I ask you then, and I am happy for you to take this on notice, whether you can give us the top and bottom rates of pay received by each of the bands in the SEB or equivalent by each cluster for both men and women, so that we can see what the top men and the top women are paid and what is at the bottom?

Mr REARDON: I will provide you with what I can. The state of the public sector report plus our annual reports are the primary sources.

The Hon. ADAM SEARLE: It does not have that level of granularity.

Mr REARDON: I will provide you what I can. Over the past couple of years you have asked a lot of detailed questions about flexible working and working from home. We go as far as we can with the data sources that we have. Unless, Ms Lo, you have anything that you want to add on that?

Ms LO: We are also happy to provide any data that we can, obviously without identifying individuals. What I would add to what Mr Reardon has said is that I attend Secretaries Board and there are regular items

around the diversity targets. We present quite detailed information to secretaries on how they are going in their clusters and they, in fact, do regular deep dives. So we rotate through each of the cluster secretaries and do deep dives on how they are tracking against the diversity targets and what initiatives they are implementing. Some data I presented at the last Secretaries Board meeting related to the pipeline of women—women at the 11-12 level, which is the level just below executive level, and the level below that which is the 9-10 level.

The Hon. COURTNEY HOUSSOS: Thank you, Minister. Minister, I just wanted to ask you whether you are aware that the Federal Government now has a target of 40 per cent of working from home for the public service?

The Hon. DON HARWIN: No, I was not aware of that actually.

The Hon. COURTNEY HOUSSOS: Is that something that the New South Wales Government would consider?

The Hon. DON HARWIN: I am going to let Mr Reardon provide some update on the position here in New South Wales. As to whether the Government will consider it, I will take that on notice.

The Hon. COURTNEY HOUSSOS: Thank you.

Mr REARDON: Thank you, Minister. I will discuss what we are doing and the Minister will take on any policy positions that the New South Wales Government might take. We have not mandated across the board that it must be 40 per cent work from home, be in the office three days a week and those three days should be X, Y and Z. We have not mandated that for the last year through COVID. We had good flexible working arrangements across most public service agencies before COVID. It has gone to the extreme during those first three to six months with public health orders requiring us to work from home. It is now bouncing back.

We said before in these type of hearings that we are observing and collecting as much information as we can because every second person will have a view on productivity gains or productivity drops. The jury is still out on that, both private sector and public sector. Remember that we are about 10 per cent of the employment in the New South Wales economy in the public sector, the other 90 per cent being the private sector. They have a range of views on what the right balance is. We have not gone near it. Some agencies have been near that type of language but across the board, we have not. We just do not know enough at the moment.

What we do know is what we have asked, both in the PMES survey and some supplementary stuff we have done with pulse surveys across each of our clusters, what people think is occurring in terms of their productivity, their motivation, their mental health and what works for them. There is no right answer at the moment. You hear anecdotally that people want to move for the tree change, sea change through to the fact that other people want to work 12 hours a day, five days a week in the office and always have done that. That happened before COVID, but it has just exacerbated the conversation. Personally, I think the opportunity of that conversation happening quicker is a good thing. The quicker we get to the far side of the pandemic and we can actually embed what is good in that, we will.

But the flexibility has to be flexibility. Flexibility that starts mandating "I will see you on Monday, Tuesday, Wednesday" is not quite what some people have in mind, nor is staying at home five days a week. Some people do it, but we need some more data points. For example, Fridays, there is a fade in terms of both private sector and public sector being in the CBD. A desire to have people in the CBD on a Friday leading into a weekend for vibrancy—maybe sometimes we want to see more people in the office that day. No right or wrong answer there. As I said, there are data points we need and there are probably a few competing objectives in what I have just said there around what we will land at. We may not land at something specific for some time, but I do not think a 40 per cent specification across us all is something that we would put forward. The Government may ask us to do that, but we would not put it forward just yet.

The Hon. COURTNEY HOUSSOS: I will have some more questions on this this afternoon, but I am eating into the crossbench time.

Ms CATE FAEHRMANN: I want to go back to Regional Arts NSW, Minister, if I may. You did say earlier that some of the regional arts development organisations were potentially critical of the role of Regional Arts NSW. Are you aware that the Chair of Regional Arts NSW, Ms Julie Briggs, has in fact said publicly that 12 of the 14 partner organisations wanted Regional Arts NSW to continue?

The Hon. DON HARWIN: Yes, I am aware that that was the position, but I am also aware that that is no longer the position.

The Hon. BEN FRANKLIN: If it is the position, they can do it anyway.

The Hon. DON HARWIN: I take the view that it is better to have the accountabilities around the right way. You talked about the Nature Conservation Council of NSW and made a comparison. The environment Minister did not tell you how much you could spend in Sydney and how much you could spend in its constituent parts. I do not think the arts Minister should be telling Regional Arts NSW how to do that. In future, all of the money is going to lie with the individual RADOs and they can decide how much of it they think the central operation is worth.

Ms CATE FAEHRMANN: Do you think there is a role for peak bodies—and I know some governments do not like this in terms of peak bodies—to advocate for who they represent for more funding? Regional Arts NSW actually says that after the years of advocating for more funding, it is a bit of a kick in the guts when they finally get it to have them essentially abolished.

The Hon. DON HARWIN: I think I answered it before, to be perfectly honest, Cate. Obviously, also, they have had a very large \$2 million additional amount of money given to them in Rescue and Restart. In fact, RADOs are playing an enormously significant part in Rescue and Restart in regional areas. They have basically had to plan that themselves. They see a new future for their organisation. I certainly see no problem with there being a peak body in Sydney. That is fine. If that is what the individual RADOs want, that is good and they can fund it. I have given them all the money that Regional Arts NSW had. If they want to fund a central secretariat, they can do that.

Ms CATE FAEHRMANN: Minister, with respect, it is highly unlikely that they will now use that money to fund a peak organisation because all of the organisations are so desperate, really, because of the demand in regional areas for arts. We will be coming back next year and I will be asking you how did that peak organisation for regional arts go and you will be telling me it has not been started, because it will not be started.

The Hon. DON HARWIN: It will be started if they want—

Ms CATE FAEHRMANN: You basically abolished the peak organisation for regional arts and it will not be re-established.

The Hon. DON HARWIN: No, Cate, you are completely wrong. I am sorry. You are just wrong, Cate.

Ms CATE FAEHRMANN: We will see next year.

The Hon. DON HARWIN: Absolutely, we will see next year. I think you will find that the RADOs will make arrangements so that they have their voice heard. You do not have to have a funded Sydney secretariat to have your voice heard. The RADOs will put in place arrangements and fund it to make sure they have their voice heard. I have no doubt about that. Also, if that means rather than just talking to the CEO I have to talk to more individual RADOs, I have no problem with that. But I have no doubt that they will have their voices heard.

Ms CATE FAEHRMANN: Take out Regional Arts NSW. Is there an organisation at the moment that advocates specifically and purely for regional arts in New South Wales when Regional Arts NSW goes?

The Hon. DON HARWIN: I will take that question on notice. I cannot immediately think of one, but I am sure there is.

Ms CATE FAEHRMANN: That is all from me.

The Hon. DON HARWIN: There is the public galleries association, actually. I do not fund them.

Mr DAVID SHOEBRIDGE: Mr Reardon, do you have any data on retention rates for First Nations employees in the public sector and comparative retention rates as against non-First Nations employees?

Mr REARDON: I do not have that with me, if the Public Service Commissioner could help now, otherwise I will need to take that on notice. I will ask Ms Lo.

Ms LO: I do not have it to hand, but we will see what we can do. I have got a retention rate overall, but I would have to dig deeper to get the breakdown. I am happy to take that on notice.

Mr DAVID SHOEBRIDGE: Could you also provide that data on employees who identify as having disability?

Ms LO: Sure.

Mr DAVID SHOEBRIDGE: Thank you, Ms Lo. Minister, part of the original rationale for the Powerhouse move was that it would form an arts hub with the Riverside Theatre across the way. There was a 2017

memorandum of understanding with the council. Of the \$140 million provided to purchase the land for the Powerhouse, \$40 million was for the council's arts strategy and expenditure.

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: The other \$100 million was set aside for the Riverside Theatre.

The Hon. DON HARWIN: Correct.

Mr DAVID SHOEBRIDGE: Are we on the same page here?

The Hon. DON HARWIN: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Is it true that you have to approve the expenditure of any of the \$40 million?

The Hon. DON HARWIN: Not really. It is more the case that they have to advise me when they are proposing to spend it. I think that would be the more correct description of the situation.

Mr DAVID SHOEBRIDGE: How much of it has been spent?

The Hon. DON HARWIN: I will take that for you on notice. I know they have been spending money, but I do not think I have the figures with me on exactly how much has been spent.

Mr DAVID SHOEBRIDGE: Has there ever been disagreement or the absence of consent in relation to a request?

The Hon. DON HARWIN: No. I am not actually sure that I do have to consent. I think I just have to be advised. It is best that I take that on notice, David, but I have not been unhappy with any of the things they have been doing. They are just required to spend it in pursuit of the objectives of the Parramatta city cultural plan. To be perfectly frank, they are pretty broad. It would be almost impossible to fall outside the parameters of that objective.

Mr DAVID SHOEBRIDGE: Another part of the agreement was that there would be a new walkway constructed across the river linking the two sites, which would have an artistic expression. What has been the progress with that?

The Hon. DON HARWIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: More than 12 months ago the City of Parramatta Council did an initial costing for the redevelopment of the Riverside Theatres. The budget to produce anything like a Lyric Theatre or anything like replicating The Concourse facility at Chatswood started at \$160 million. Given there is only \$100 million in the kitty, is the State Government going to assist in that or will the Riverside Theatres just never progress?

The Hon. DON HARWIN: I can help you with that. Given the time, I will try to cut to the chase. As you say, \$100 million was reserved and the State Government prepared a draft of the final business case, which was handed over in December 2019. The original deal was done with the council, as you are well aware, while it was in administration and at that time the administrators thought it was possible to look at a mixed cultural commercial facility, which might have involved therefore a 1,500-seat lyric theatre. That is not the view of the current council. The current council would more prefer to have either that facility without a commercial element, or a facility more like their current one. Given, as you say, the costings were more like \$160 million and the Government was not prepared to put in any more money; it would have to have come from the City of Parramatta. Therefore, the City of Parramatta and the State Government decided that after we hand over the draft business case we would leave it with them to consider as to whether they wanted to proceed with the work done in the business case or pursue an alternate vision with the \$100 million that they have.

Mr DAVID SHOEBRIDGE: The status quo is nothing is going to happen at Riverside because the preferred project, from the council's perspective, is \$160 million. They only have \$100 million and there is no intention of the State Government to help.

The Hon. DON HARWIN: No, I do not think that is quite right. I think the council is more than happy to look at an alternative project which does not have the same objectives as the one that was costed at \$160 million. That keeps the Riverside closer to what its existing usage is but uses that money to bring it up-to-date basically, because it is now some time since it was finished. It would also be fair to say that the City of Parramatta Council staff and the Create NSW staff have had discussions about the future of the Roxy Theatre as well and they are in their early stages. That is in the context of an owner who is not at all enthusiastic about selling it. In an ideal world

a precinct of the Riverside, the museum and the Roxy would be fantastic and appropriate for Parramatta. I am still looking at that. In terms of the Riverside, the council has hypothecated \$100 million, so it will do something with the Riverside, make no mistake.

Mr DAVID SHOEBRIDGE: But, Minister, the walkway seems to be unachievable within the budget. The Riverside Theatres has stalled. The whole rationale for putting the Powerhouse there seems to have fallen through. There are no firm plans on the Roxy—

The Hon. DON HARWIN: It is not true to say—

Mr DAVID SHOEBRIDGE: There is no river crossing, there is no Riverside.

The Hon. DON HARWIN: —that the rationale for putting the museum on its current site was its adjacency to the Riverside. It might be seen as a bonus but the case for having the museum on its current site, particularly now that the new metro station in central Parramatta is only a matter of 200 metres or 300 metres away, is very clear in its own right. As I said, I know there is a lot of media interest in the Roxy as a result of Bruce Beresford and, I believe, Barry Humphries pushing it. I think the next step is to work out if anything can be done with the Roxy.

The CHAIR: Thank you, Minister. We have concluded your questions this morning and you are excused. It has been suggested to me that there are some other witnesses that we might have finished with who might not need to come back this afternoon. If there are any suggestions we will open it up to the Committee to make sure everyone is comfortable with that.

Mr DAVID SHOEBRIDGE: Why do we not have an informal chat about that?

The CHAIR: I am told it has to be formal—okay, yes, that is fine.

Mr DAVID SHOEBRIDGE: It is the Government's chance for questions now.

The Hon. BEN FRANKLIN: No, we are ceding our right to ask questions for this 15 minutes.

The CHAIR: Thank you, Minister, you are excused.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: Welcome back, everybody. We will continue with budget estimates this afternoon and we will kick off with the Opposition.

The Hon. WALT SECORD: My first bracket of questions will relate to the Powerhouse Museum. Ms Havilah, in this morning's session we heard from Ms Louise Herron that 80 per cent to 90 per cent of the revenue for the Sydney Opera House comes from outside of government sources—meaning from visitations and things like that. What is the current level of revenue that comes to the Museum of Applied Arts and Sciences [MAAS] Powerhouse from outside of government?

Ms HAVILAH: For Ultimo, in the '19 financial year the revenue that we brought in through ticketing, venue hire and retail was \$4.9 million.

The Hon. WALT SECORD: How much of that comes from ticketing for exhibitions—not the gift shop, but people coming in for exhibitions?

Ms HAVILAH: I would have to take that on notice to get a further breakdown for you, but I am happy to do that.

The Hon. WALT SECORD: Do you have an indication? Is it more than half or less than half? Is it the majority of the revenue?

Ms HAVILAH: It would be around half, but I would have to take that on notice to get you the accurate information.

The Hon. WALT SECORD: When you have exhibitions like The Wiggles, there is a noticeable increase in traffic. Is that correct?

Ms HAVILAH: The Wiggles is an incredibly popular exhibition, of course. As we know, The Wiggles have been incredibly successful not only around Australia but also around the world. That exhibition has been in place for an extended period of time because of its success.

The Hon. WALT SECORD: What considerations do you take in when you put exhibitions on to attract people into the facility? What are the criteria? What makes you decide to put on a certain show, event or exhibition?

Ms HAVILAH: We have a really incredible curatorial team. We have a range of partnership opportunities that come to us but also partnership opportunities that we pursue. We also have, as you know, an extensive collection of over half a million objects. It is all of those things, as well as taking into consideration the demographic of Sydney and New South Wales. We consider not only age demographics, but also cultural diversity. We consider access. We consider education. So there are a range of factors around that curatorial process in terms of making any program in any given year.

The Hon. WALT SECORD: Do you include commercial considerations in the decision making?

Ms HAVILAH: Of course, yes.

The Hon. WALT SECORD: Why were the upcoming exhibitions selected—the ones that have been recently announced? What were the criteria for picking them?

Ms HAVILAH: There are around 12 exhibitions that we are presenting in 2021. The focus was on looking at the breadth of our collection, and then there was also an opportunity to partner with the National Museum of Korea on a project called 500 Arhats. That project was to celebrate the sixtieth anniversary of friendship between Australia and Korea. There are things like that that come up in an annual program that are natural things, but there are other projects that we are working on, for example, that look at our early collections. One of the projects that we are working on is about the museum's relationship with the eucalyptus. That goes back to our early collections that included economic botany but goes right across our decorative arts and fashion collections. It really tells an incredible story of the museum's relationship with the eucalyptus but also the eucalyptus and how it sits within the broader Australian identity. I could go through each one.

The Hon. WALT SECORD: No, that is fine. So you do not just judge the success of an exhibition by the number of people who come to it. How do you judge the success?

Ms HAVILAH: Each exhibition, we evaluate, of course. There are broad success factors in an exhibition: its relevance and engagement, and sometimes that is measured through numbers of people through the door. But I believe that our museum and all public museums have a responsibility to not only be focused on numbers but also be thinking about access and cultural relevance, building new audiences. So we also consider that when we are thinking about exhibition program development.

The Hon. WALT SECORD: I want to take you to the \$5.32 million "funding adjustment" from the Department of Premier and Cabinet to address the 2018-2019 financial cash flow issues. That data is before COVID.

Ms HAVILAH: That is correct, yes. That is 2019-20.

The Hon. WALT SECORD: Was it the 2018-19 financial year?

Ms HAVILAH: Yes, that is right. Sorry.

The Hon. WALT SECORD: Is it customary for the Powerhouse Museum to seek a "funding adjustment"?

Ms HAVILAH: Yes, it is a normal part of the Treasury process that cash buffers are applied at the end of a financial year. That was the amount that the NSW Treasury determined—that 5.3 was the appropriate level of cash buffer at that time.

The Hon. WALT SECORD: What will be the buffer or the adjustment for this year?

Ms HAVILAH: This financial year that we are in now?

The Hon. WALT SECORD: Yes.

Ms HAVILAH: That will be determined closer to the end of the financial year.

The Hon. WALT SECORD: Does that go to the board for consideration? Is the board kept informed of what is going on and how you are tracking, so to speak?

Ms HAVILAH: Yes, of course. We have a finance and audit committee that is made up of members of the trust. That is chaired by our trustee, Paddy Carney. The Finance Audit and Risk Management [FARM] Committee meets every eight weeks.

The Hon. WALT SECORD: I want to take you to stage two of the design brief for Powerhouse Parramatta. In the second stage the family and kids space at the Parramatta facility were deleted from the design and removed. Why was that?

Ms HAVILAH: As part of the ongoing design development of the museum, there has been a lot of consideration ongoing about how we program the museum and how we are relevant to our communities. We are undertaking constant consultation and hearing back directly from the community about what their ambitions are around programming and making sure that it is relevant to them.

The Hon. WALT SECORD: Based on what you just said, did the community want the family and kids space at Parramatta removed? Was that the reason it was dropped from the plan?

Ms HAVILAH: We will be embedding a kids and families program right across the museum. I think something very important in terms of how future museums work is that kids' programs and kids' spaces are not siloed into one space but actually reach across all of our gallery spaces, all of our education spaces, into our public domain and right across our programs. I believe it will give much higher impact for that kids program not to be isolated but to be integrated right across the programs. I think it will get much better impact for the level of investment and a much better response and engagement from the community.

The Hon. WALT SECORD: I would like to return to the apartments. Various numbers have been bouncing around. How many apartments will there be at Ultimo-Parramatta?

Ms HAVILAH: There will be 30 apartments.

The Hon. WALT SECORD: One figure I saw in the call for papers upstairs was 100; then it was 60, 56, 50; and now it is 30. Is 30 now the figure—

Ms HAVILAH: There are two separate programs, just to be very clear. There is the 30 that are in the Powerlab Residences, which is the program that supports researchers, scientists and collaborators to come and work at the museum. Then there is a 60-bed—

The Hon. WALT SECORD: Capsules.

Ms HAVILAH: Dormitory accommodation, which we are designing in a way that will be really exciting for young people to come and stay at the museum and engage in a very diverse science and technology program. That is, overall, the accommodation that will be embedded into the museum's programs and will be operated by the museum.

The Hon. WALT SECORD: The design capsules: They are reminiscent of Japanese capsules that you see for salarymen after a late night that they jump into when it is too late to get home.

The Hon. NATALIE WARD: Is this a question or a comment?

The Hon. WALT SECORD: I was going to ask—

The CHAIR: It was a question.

The Hon. WALT SECORD: I was going to ask her to comment whether they are like that. It seems to be the design.

Ms HAVILAH: What we want to do, and what we are working with the Department of Education, students and teachers to do is to really create a space that can capture the imaginations of young people. We want to create spaces where they sleep that are exciting and interesting, and not like a normal bedroom. We are doing that within the framework, of course, of the proper policies and guidelines for kids staying over at a museum. But we want it to be a creative space that opens their minds to learning because that is what our aim is with that project.

The Hon. WALT SECORD: I am sorry, but it is a bed in a wall. You cannot describe that as a learning space. I have seen the photographs.

The Hon. BEN FRANKLIN: I think, with respect, she was talking about the entire experience.

The Hon. WALT SECORD: The experience of being in a capsule—

The Hon. BEN FRANKLIN: Yes, the whole experience of a regional kid coming to Sydney to have an incredibly invigorating and innovative, immersive experience—

The CHAIR: How about we let the public servants come here and answer the questions instead of the experts. Thanks, Ben.

The Hon. BEN FRANKLIN: I think that is a wonderful thing. I commend you, Ms Havilah, for the great job you are doing—

The Hon. COURTNEY HOUSSOS: Perhaps Mr Franklin should go over there with the witnesses and explain it—

The Hon. NATALIE WARD: Yes, not the boring dormitory in the old school camp. How awful.

The Hon. COURTNEY HOUSSOS: —in such an engaging way.

The CHAIR: Thank you.

The Hon. WES FANG: I cannot think of anything better.

The Hon. WALT SECORD: I have never heard a salaryman Japanese-style capsule described in such a manner.

The Hon. BEN FRANKLIN: We will agree to disagree on that, Mr Secord.

The Hon. NATALIE WARD: You are the only one calling it that.

The Hon. WALT SECORD: I do not think you could agree that the capsules, the 59 or—

The Hon. WES FANG: I think you had better speak to some schoolkids, Walt, about what they might—

The Hon. WALT SECORD: The 56—

The CHAIR: Order! Can we get back to the question?

The Hon. WALT SECORD: I think you would concede that the 56 capsules are not an education learning space.

The Hon. NATALIE WARD: Is that a question?

Ms FOY: Through the Chair, if I may: As part of the construction program, everything we do has to comply with the various Australian design standards and building codes. I have absolute confidence that Ms Havilah, as the major client for this project, as well as the heads of Create Infrastructure and Infrastructure NSW, working with the architects and working with the builders, will ensure that anything that is built at the Powerhouse will comply with those standards and codes. Certainly with different styles of accommodation, everyone has their own views and their own tastes and preferences. We are very confident, after talking with the relevant stakeholders through Ms Havilah—including Education—that this will be a really exciting opportunity for country kids. We cannot wait to open it and bring them in.

The Hon. BEN FRANKLIN: Hear, hear!

Mr DAVID SHOEBRIDGE: Is it going to have a NASA-style—

Ms FOY: I beg your pardon?

Mr DAVID SHOEBRIDGE: Is it going to have a NASA-style feel, like the capsule hotel down on George Street?

Ms FOY: I do not have the design answer on the feel of it, but Ms Havilah might want to talk about the experience that those young people will have.

The Hon. COURTNEY HOUSSOS: You can do that in your questions, David.

The Hon. WALT SECORD: Mr Shoebridge, you can occupy your questions with that.

Mr DAVID SHOEBRIDGE: I apologise.

Ms HAVILAH: I am happy to confirm that there is a telescope up on the roof—

The Hon. BEN FRANKLIN: Why do you hate NASA, Mr Shoebridge?

The Hon. WALT SECORD: Sorry, I could not hear Ms Havilah.

Ms HAVILAH: I was saying that one of the great features is that there will be a telescope on the roof of the museum.

The Hon. NATALIE WARD: Hear, hear!

The Hon. WES FANG: Excellent.

The Hon. WALT SECORD: But I want to go back to the luxury premium apartments that will be there—no, I am quoting from the material. "Premium" is their description: premium studios, premium one-bedrooms—

The Hon. WES FANG: You can't be pleased, can you?

The Hon. COURTNEY HOUSSOS: Have you got a point of order or are you just running interference?

The Hon. WES FANG: No, I am just commenting.

The Hon. WALT SECORD: I would like to know: As part of the plan, will the apartments be managed by Powerhouse staff?

Ms HAVILAH: Yes.

The Hon. WALT SECORD: Or will it be an outside body that will run that?

Ms HAVILAH: The Powerlab Residences and the academy will be managed by Powerhouse staff.

The Hon. WALT SECORD: Will there be a concierge and will it be similar to what you would expect in a hotel?

Ms HAVILAH: Yes, there will be an integrated experience in terms of welcoming people onto the museum, and they will be Powerhouse staff.

The Hon. WALT SECORD: You talk about professionals in residence, the researchers that will take it up. Will they be paying rent or will that be part of the arrangement of being at the Powerhouse?

Ms HAVILAH: With the Powerlab residencies we are looking at developing partnerships with the university sector to financially support that program but also with a whole range of other stakeholders across industry and government.

The Hon. WALT SECORD: This question is probably to Ms Foy: Who in the Premier's department or Create NSW is in charge of the rooftop bar involving the State Library?

Ms FOY: Who is in charge?

The Hon. WALT SECORD: Who would be the person I would direct questions to on that?

Ms FOY: You can direct them to me in the first instance.

The Hon. WALT SECORD: What is the latest on the project? The submissions have closed. What is the latest on the project?

Ms FOY: Give me a moment. I will just check if I have got that information to hand. With respect to the State Library of NSW, the Arts Maintenance and Upgrade Fund and the rooftop bar, they have received \$24.3 million as part of the 2020-21 budget under the \$120 million arts maintenance and upgrade program. The funding is for three projects: \$2.2 million for the refresh of the Macquarie Street building retail and kitchen areas, which includes expanding the current retail and catering services to meet increased demands in the building; and a \$9.8 million development of an underground auditorium with an up to 350-person capacity in the Mitchell building. This new space will be about three times the size of the library's existing auditorium and will allow expansion of the library's audience through increased usage by conferences, cultural and community events. There is a program to make the library fully accessible to the public. The cost of the rooftop bar is around \$300,000.

The Hon. COURTNEY HOUSSOS: This question is probably for Mr Reardon: In New South Wales public service workers are entitled to five days' domestic leave by virtue of their award and another five under the Premier's Memorandum. One is enforceable in the Industrial Relations Commission and one is not. Is there a reason for separating the two out?

Mr REARDON: I might have to ask our representative from Employee Relations, Charlie Heuston, if he might have a comment on that. I actually do not have it here—I would have to take it on notice—but Mr Heuston may have something.

Mr HEUSTON: The provisions were initially inserted into awards in some instances. That has since been enhanced by the issuing of the memoranda. The employees that are covered by both of those instruments would be entitled to the more beneficial of those.

The Hon. COURTNEY HOUSSOS: There is not a cost reason for separating the two out?

Mr HEUSTON: No.

The Hon. COURTNEY HOUSSOS: Have you costed the change if it was to be put into the award?

Mr HEUSTON: No.

The Hon. COURTNEY HOUSSOS: Are you aware of any applications for domestic violence leave being denied?

Mr HEUSTON: Not specifically. There have been times when inquiries have come through to our area about whether or not those provisions might apply to victims or perpetrators and some interpretation advice given around that matter. But I am not aware of any specific instances of an application being denied.

The Hon. COURTNEY HOUSSOS: Do you mind taking that on notice and just checking for us? Is that okay?

Mr HEUSTON: Yes.

Mr REARDON: Is that related to the Department of Premier and Cabinet or more broadly?

The Hon. COURTNEY HOUSSOS: No, more broadly in the New South Wales public service and if there are any applications for domestic violence that have been denied. Do you track how much domestic violence leave is taken?

Mr HEUSTON: No, we do not collect or hold that information.

The Hon. COURTNEY HOUSSOS: So no agency or department tracks the domestic violence leave that is taken.

Mr HEUSTON: I think it would vary across agencies depending on their various payroll arrangements and some may code it differently. It is not a form of leave which is centrally collected or collated.

The Hon. COURTNEY HOUSSOS: Are you able to provide on notice some more information around the way that it is tracked across government, particularly within different agencies or departments?

Mr HEUSTON: Yes.

Mr REARDON: We can do that.

The Hon. COURTNEY HOUSSOS: What support other than domestic violence leave is made available to public servants experiencing domestic violence?

Mr HEUSTON: The arrangements which agencies put in place will vary from agency to agency, but the other advice which is given to agencies where that arises is the types of flexibilities which generally might be offered to people experiencing domestic violence. For example, an agency might allow an employee to change their contact number at work or provide for more flexibility around start or finish times and the like, so different work flexibilities that might assist that person. That would generally be something that is determined between the manager and the relevant employee.

The Hon. COURTNEY HOUSSOS: Do you have a specific policy on that from DPC?

Mr HEUSTON: I do not think there is a specific DPC policy, but I might—

Mr REARDON: They are very individualised. Our people and culture group very much sensitively deals with each one of those. How much we communicate about that because of the nature of what we are talking about is not broadcast; it is dealt with at a very individual level, mostly. If we have anything we can provide it, but we will provide it to you in terms of policy.

The Hon. COURTNEY HOUSSOS: I would appreciate that.

Ms FOY: We have a lot of different policies on bullying and harassment and a whole range of other areas, but this one and the leave available—having come into play in the last few years—are normally dealt with very individually for obvious reasons. How much we record in policy I will come back to you on.

The Hon. COURTNEY HOUSSOS: That would be helpful.

Ms FOY: May I add, Secretary, we also offer the Employee Assistance Program for all employees and should any employee in the public service experience any difficulties, including issues around domestic violence,

we would encourage and support them to access that program. We also have a Manager Assistance Program. These are obviously very difficult issues and we want to support our managers to help support their staff so the Manager Assistance Program exists to also offer that type of support.

The Hon. ROBERT BORSAK: Ms Foy, why was Regional Arts NSW defunded?

Ms FOY: I think the Minister probably answered that in quite a bit of detail this morning. I am happy to add anything else if there is a further question to this one.

The Hon. ROBERT BORSAK: Please add to it.

Ms FOY: I think the Minister was very clear this morning that it was not defunded. The Regional Arts Program money was allocated to the RADOs. The RADOs are perfectly entitled to take a view about what type of representation they might desire as part of their network, but I would also add that the RADOs are very good at advocating as a network to us. I honestly have nothing further to the Minister.

The Hon. ROBERT BORSAK: In a similar vein, I suppose you could ask the question: Why wasn't Museums & Galleries of NSW equally defunded?

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

The Hon. ROBERT BORSAK: Based on the Minister's criteria.

Ms FOY: I would have to take that on notice; I am sorry, Mr Borsak.

Mr DAVID SHOEBRIDGE: The one bit of information we did not get from the Minister about the funding of the regional arts body—the central body—was how much it had, how much it was funded in the previous financial year as against this financial year, because we had an argument about what "defunding" means and what it does not. How much did it get in the 2019-20 budget compared to the 2020-21 budget?

The Hon. NATALIE WARD: You can have a read if you like.

Ms FOY: I might just take a moment to see if I have that specific information.

Mr DAVID SHOEBRIDGE: There were very few line items.

The Hon. NATALIE WARD: It is good to have a budget question. I like the budget questions; they are good.

Ms FOY: I do not have it to hand but I am happy to try and get it before the end of today through the team.

The Hon. ROBERT BORSAK: The whole process of funding regional museums through the application processes, I think these days largely driven by Museums & Galleries of NSW, ends up with some pretty poor results. Do you agree with that?

Ms FOY: I am not sure what you are referring to and I am not sure—

The Hon. ROBERT BORSAK: I am referring, for example, to the Australian Golf Heritage Museum that got \$1,297; the Calala Cottage Museum got \$1,500. This is in light of the Powerhouse Museum project going to cost \$940 million for Parramatta. The Camden Museum got \$1,349; the Frank Partridge VC Military Museum got \$1,626; the Iluka Museum got all of \$614 to purchase two metal shelving storage units; the Lawrence Museum got \$1,815; Lithgow State Mine Heritage Park & Railway museum got \$1,859; Miss Porter's House museum—

Ms FOY: I am afraid you are asking a question of my opinion about what I think is a distribution of funding, but I am happy to talk about the investment in regional parts.

The Hon. ROBERT BORSAK: You get my point that there is a lot of money being lashed around through Museums & Galleries of NSW on all of the big projects in and around Sydney but once you get to the bush, they are scratching around. The Scone Museum got \$569 to update the museum's information through a museum brochure; the Tumut & District Historical Society Museum got \$355 to purchase clamshell boxes and tissue paper for object storage. These people have to fill out a six-page application form to get this and then sometimes a little bit of cash will fall out of the system. The Wollondilly Heritage Centre and Museum got \$942; Yarrowarra Aboriginal Cultural Centre got \$1,857. I could go on and on and on and on. Is this not just feeding the chooks, Ms Foy?

Ms FOY: What I can talk about is our regional New South Wales arts investment and alongside the \$100 million that was invested in 136 projects, from the top of my head, in regional New South Wales.

The Hon. ROBERT BORSAK: Rather than spraying hundreds of millions of dollars here and hundreds of millions of dollars there, can you give me the detail of that?

Ms FOY: I am just about to.

The Hon. NATALIE WARD: She is trying to.

Ms FOY: I am very happy to talk through the detail I have in front of me and I would be delighted to come back with further detail if that is required. In 2020-21 to date, the New South Wales Government through the Arts and Cultural Funding Program has provided \$8.2 million to regional New South Wales. For instance, \$2.7 million to the Regional Arts NSW Network, \$1.8 million to regional multi-year funding clients, \$1.8 million in annual organisational funding—

The Hon. ROBERT BORSAK: Rather than rattle off the millions and millions and millions, could you take it on notice please to give me the actual projects that received that money?

The Hon. WES FANG: Point of order—

The Hon. ROBERT BORSAK: Hang on, I still have not finished asking my question yet.

The CHAIR: You can finish it. I will just take the point of order.

The Hon. ROBERT BORSAK: I would really like to get the break-up of what is in those millions of dollars. They all sound very impressive but it is not actually telling me anything, is it?

The CHAIR: That is a reasonable question but I will hear the point of order.

The Hon. WES FANG: The point of order is that Mr Borsak can ask the question and then it is up to the witness how they answer the question. Mr Borsak may not like the witness providing—

The Hon. ROBERT BORSAK: To the point of order—

The Hon. WES FANG: No, I have not finished.

The Hon. ROBERT BORSAK: Do not point your fingers at me. I will point my fingers at you. How do you like that?

The Hon. WES FANG: Fine.

The CHAIR: Mr Fang, can you direct your comments through the Chair? I am listening to you. Can you complete your point please?

The Hon. WES FANG: Thank you. Mr Borsak can ask his question. If the witness has the information at hand and is providing the information to the Committee then that is exactly how the witness is able to answer the question. Mr Borsak is not able to say to the witness, "I want you to take that on notice."

The Hon. ROBERT BORSAK: If you listen to what I said instead of sitting there playing with your phone, I said, "Would you care to take it on notice?"

The CHAIR: I am happy to rule on this. I do not uphold the point of order. The question was valid and the witness can answer how they choose. There was a follow-up question; the witness can take it on notice or not. There is no point of order.

The Hon. ROBERT BORSAK: I ask the question again: If you would care to take it on notice, could you please supply us with the detail of all those beautiful millions of dollars that are being splashed around by this Government?

Ms FOY: I really would be delighted to and I will hopefully get a list before we finish today. Following COVID, the management in the State has been outstanding and the ability for us to support the screen industry has also been very strong this year. Part of our funding goes to Screen NSW and the growth of regional screen audiences. In a little bit of detail, as you have asked, 106,000 was provided to eight film festivals, delivering to audiences of 56,200 people across 38 regional venues during 2021; \$100,000 was provided to the Sydney Film Festival to tour to regional locations—if you like, I can get you that list of reasonable regional locations—and \$235,000 was provided to seven screen industry organisations, delivering professional development opportunities across New South Wales. I would be very happy to come back with the detail of where the State's investment in regional arts has been going.

The Hon. ROBERT BORSAK: Thank you. My question is really aimed at regional museums and I appreciate that regional musical festivals are a great thing. How much is directly available in devolved grant funding to regional museums?

Ms FOY: Devolved grant funding, Museums & Galleries is delivering \$300,000 to volunteers and museum practitioners across New South Wales. That is through the \$635,000 provided to four small grant programs delivered through the service organisations that work closely with the volunteer sector. The Royal Australian Historical Society provides \$55,000 in small grants to historians and historical societies to create publications and books on local history. The Band Association of NSW delivers \$30,000 to small community bands to hold workshops, performances and music camps. The Regional Arts NSW network will deliver \$250,000 through the Country Arts Support Program to support projects and events in regional New South Wales. In 2019-20, \$694,415 was provided to 164 clients through the Small Project Grants. That is everything from individual writers creating works and residency programs, musicians and groups to record and create music, dancers to attend dance festivals and residency programs to create new works and perform.

The Hon. ROBERT BORSAK: Ms Foy, do you really think that it is good value for money to have Museums & Galleries of NSW actually managing this process, especially small grants?

Ms FOY: Again, I think you are asking me for my opinion.

The Hon. ROBERT BORSAK: Do you think it is a good process?

Ms FOY: I think the process of the way we deliver, administer and manage funding for the arts sector is absolutely appropriate and in line with the Government's policies.

The Hon. ROBERT BORSAK: Is there any other more efficient way we could support regional museums?

Ms FOY: I am always happy to listen to others' ideas, and I am sure through the other inquiries that we have been participating in there may be some ideas expressed through that. We obviously want to maximise the value that we deliver to the regions and across the arts sector.

The Hon. ROBERT BORSAK: Has the Government thought about using the capacity and skills of the Powerhouse Museum to provide some regional services and support?

Ms FOY: We always look at the skills and capabilities we have across all of our fantastic cultural institutions and how they can support the State more broadly. I am sure Ms Havilah would be delighted to talk to how they could support as well as bringing, as we have talked about today, regional students to us. I am sure she can expand on those relationships.

The Hon. ROBERT BORSAK: Thanks for that, Ms Foy. That is where I was going. Ms Havilah, can you see a role for the Powerhouse in supporting not just students but also regional museums and galleries? That is what I am talking about, in terms of helping them. It seems to me that Museums & Galleries of NSW is basically providing palliative care to these smaller organisations around the State while the big money is spent in Sydney.

Ms HAVILAH: Thank you for that question.

The Hon. WALT SECORD: And Wagga.

The Hon. ROBERT BORSAK: And Wagga. Sorry. Yes, and Wagga.

Ms HAVILAH: The Powerhouse Museum has had a long role in supporting, working with and also loaning objects to regional museums as part of our responsibility and remit across New South Wales. That is something that we continue to do. We have a regional officer, we provide training, we have a range of loans and we are working on a number of regional collaborations in the background that we are hoping to deliver over the next couple of years. But, of course, that is something that we would like to continue to expand, especially in Parramatta.

The Hon. ROBERT BORSAK: Could you elucidate on that a little bit, when you say that you would like to expand it?

Ms HAVILAH: What we are looking at in terms of programming, we have just started the more detailed process of thinking about how we create exhibitions and program in Parramatta. We are looking at how we can collaborate not only across western Sydney but also with museums across New South Wales not only to build capacity within those museums but also to tell the extraordinary stories of the regional communities of New South Wales.

The Hon. ROBERT BORSAK: Is it true that in terms of what you have been trying to do, you have not exactly been encouraged by Create NSW?

Ms HAVILAH: That is not true, no.

The Hon. ROBERT BORSAK: What do you think the Government could do to provide more funding for regional museums in New South Wales?

Ms HAVILAH: I always believe—and it is embedded in Government policy—that the strength of the museums sector across New South Wales is through partnership and collaboration between local government, State Government and across to Federal Government. I think co-investment, collaboration. The New South Wales cultural institutions working with the regional sector is really critical not only to support vibrancy but also to provide pathways for professionals within the industry across institutions and provide employment opportunities as well.

The Hon. ROBERT BORSAK: I think the provision of training is highly commendable, but the provision of money would be a lot more helpful. I think any work that the Powerhouse Museum might be able to provide in terms of support not just in training but also perhaps in encouraging a new process of support for those regional museums should be encouraged.

Mr DAVID SHOEBRIDGE: Ms Courtman, what role do you have in the processing of land claims?

Ms COURTMAN: The registrar of the Aboriginal Land Rights Act maintains the register of Aboriginal land claims and the register of Aboriginal land agreements. We also have a whole range of other functions under the Aboriginal Land Rights Act.

Mr DAVID SHOEBRIDGE: Are you talking about yourself in the third person when you say "the registrar"?

Ms COURTMAN: It is not just myself. There is a whole range of regulatory functions under the Act. Did you want me to mention a couple of those to give you an idea of the range of the work?

Mr DAVID SHOEBRIDGE: If you like, but I am focused on your role in land claims.

Ms COURTMAN: The role that we play in relation to Aboriginal land claims is the registration of those claims. We have to check that it is a valid claim, enter it into the register and refer it to the Minister responsible for Crown lands for determination. We also keep records in relation to determination of claims and withdrawals of claims.

Mr DAVID SHOEBRIDGE: How many staff do you have?

Ms COURTMAN: The office historically for a period of—I understand it was about 10 years—had between four and six staff. We currently have 15 positions, but we do perform a range of functions under the Aboriginal Land Rights Act.

Mr DAVID SHOEBRIDGE: Are they full-time equivalent positions?

Ms COURTMAN: Yes.

Mr DAVID SHOEBRIDGE: You gave some figures earlier, that since the commencement of the Aboriginal Land Rights Act in 1983 in New South Wales there had been 3,348 approvals?

Ms COURTMAN: Let me just check that. Yes, 3,348.

Mr DAVID SHOEBRIDGE: And 9,903 rejections?

Ms COURTMAN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: And there are 38,579 outstanding claims. Is that right?

Ms COURTMAN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: I have just done a little bit of maths and, as I understand it, assuming that the average rate of determinations since 1983 continues, that is a little under 350 determinations per year. Would it be accurate to say that if that rate continues, the 38,579 claims should be processed in 110 years? Is that the time frame that you are working on?

Ms COURTMAN: I have not done that specific calculation on these new figures because we got them as of yesterday, but it sounds correct to me.

Mr DAVID SHOEBRIDGE: Is that what the planning in your office is, to continue processing these land claims received before 2021? You have a resourcing plan to go forward 110 years before the last one is resolved. Is that what you are working on?

Ms COURTMAN: The actual rate of determination of claims requires that the Crown Lands staff responsible for those claims be resourced. So in terms of the longevity of our office, I am not sure if that is the question that you are asking.

Mr DAVID SHOEBRIDGE: I am wondering if there is any feedback from your office to Crown Lands where you say, "Hang on, we have actually had a look at the numbers and, at the rate that you are determining them, claims that were lodged in 2021, we will finish the last one in 2131. What the hell is going on? When are you going to resource it?" Are any of those kind of conversations happening?

Ms COURTMAN: Absolutely. It is an ongoing conversation. Earlier on you were asking about the Land Negotiation Program [LNP].

Mr DAVID SHOEBRIDGE: Yes.

Ms COURTMAN: Also a function of the registrar is to maintain the registered Aboriginal land agreements [ALA]. I can confirm that there have only been two ALAs registered. There is an ongoing conversation and I have raised a number of concerns around the rate of processing. There has also been comment by the Land and Environment Court about these matters.

Mr DAVID SHOEBRIDGE: I do appreciate your engagement on these issues and I know that you are an independent statutory office.

Ms COURTMAN: Yes.

Mr DAVID SHOEBRIDGE: What has been the nature of concerns raised by the Land and Environment Court and by your office about how ALAs work?

Ms COURTMAN: First of all, just to be clear, the comments by the Land and Environment Court related to the length of time for processing land claims under the current target set by Crown Lands. It did not talk specifically about ALAs.

Mr DAVID SHOEBRIDGE: Could you give us the details of the case on notice?

Ms COURTMAN: Yes, can I take that question on notice? I do not have the citation here, sorry.

Mr DAVID SHOEBRIDGE: That is fine; it would be rude of me to reject that when that was my first suggestion. In terms of your critiques or your analysis of it, can you give details about what feedback you have given your office?

Ms COURTMAN: There has been recently some work done, further resourcing of the Crown Lands team, and they have launched a priority claims program which I think is having a positive impact, from what I can see. I think a lot of the determinations that have come through recently have related to that program. I have not had an opportunity, except that I have been told that I may be invited to the governance committee for the LNP program.

Mr DAVID SHOEBRIDGE: You are the registrar dealing with the registration of the ALAs and the land claims and you are not on the committee?

Ms COURTMAN: I am not a standing member, no.

Mr DAVID SHOEBRIDGE: Have you formally now sought to be a standing member?

Ms COURTMAN: I have expressed interest, yes.

Mr DAVID SHOEBRIDGE: We might come back to ALAs.

The Hon. DANIEL MOOKHEY: Thank you, Mr Reardon and officials, for your appearance today. It is good to see you again, and it is good to see Ms Foy too. Mr Secretary, a departmental secretary is appointed by way of a contract of employment made under the Government Sector Employment Act 2013. Is that correct?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: It is standard practice for the Premier of the day to issue the letter of appointment. Is that correct?

Mr REARDON: Yes, it is.

The Hon. DANIEL MOOKHEY: But the Secretary of the Department of Premier and Cabinet executes the contract on the Premier's behalf. Is that correct?

Mr REARDON: I will just clarify: The Premier is the Minister who administers the Government Sector Employment [GSE] Act 2013 and has functions under that Act appointing secretaries of departments, terminating secretaries' employment, and appointing and terminating the employment of acting secretaries. Delegations are in place from the Premier to the Secretary of the Department of Premier and Cabinet for those functions and the exercise of that delegation is subject to prior consultation with the Public Service Commissioner.

The Hon. DANIEL MOOKHEY: That is because the Act requires someone to act as the employer. Is that correct?

Mr REARDON: I will just seek clarification.

Ms LO: Yes, what Mr Reardon said is correct. The Premier is the employer of secretaries. She has delegated the employer functions to the Secretary of the Department of Premier and Cabinet and, in exercising those employer functions, the delegation requires the Secretary of the Department of Premier and Cabinet to consult with me in my role as Public Service Commissioner.

The Hon. DANIEL MOOKHEY: That is very helpful, thank you. And that is a written delegation by the Premier to you, Mr Reardon?

Mr REARDON: It is a written delegation to the Secretary of Premier and Cabinet. I think it was before my time.

The Hon. DANIEL MOOKHEY: Is it a continuing instrument or is it required to be renewed?

Mr REARDON: I understand it is a continuing instrument, but I can take it on notice.

The Hon. DANIEL MOOKHEY: Can you take that on notice and can you also perhaps on notice table the current delegation that is in place?

Mr REARDON: I will see what I can do; I will take that on notice.

The Hon. DANIEL MOOKHEY: Thank you, Mr Reardon. To the best of your knowledge, the steps that you have just outlined for the employment of secretaries and acting secretaries has been followed for all current serving secretaries. Is that correct?

Mr REARDON: I will take it on notice and try to come back to you on that before the end of the hearing.

The Hon. DANIEL MOOKHEY: Mr Reardon, it is a standard clause with each of the current secretaries requiring them to enter into an annual performance agreement with the employer, setting out the performance obligations of the secretary and reviews of performance for the year, and that performance agreement continues until a new agreement is entered into. Is that correct?

Mr REARDON: There are a couple of things: On the previous question you just asked me about secretaries, the only reason I will take it on notice is because some secretaries were put in place before I was appointed as Secretary of Premier and Cabinet, when I was still Secretary of Transport. Can you just repeat your question so that I get it right?

The Hon. DANIEL MOOKHEY: Yes, no problem, and perhaps for Ms Lo as well; I am happy for whoever is best placed to answer the question as you direct, Mr Secretary. A contract with a secretary requires them to enter into an annual performance agreement with the employer setting out the performance obligations of the secretary and reviews of performance for the year, and that performance agreement continues until a new agreement is entered into. That is correct, is it not?

Mr REARDON: There is a performance agreement entered into. That performance agreement is reviewed with the continuation of that performance agreement until another one is entered into. The only nuance I would say is that if the new performance agreement is being developed and the financial year is underway, then there are new targets that are put in place as we go. It is just a matter of when we get that locked down, when we can undertake the review, but the general essence of it remaining in place. I cannot remember the exact words in the contract or in the GSE or the regulation, but I concur with the general essence of your question.

The Hon. DANIEL MOOKHEY: I will ask you how this all works in practice. Every year, acting under your delegation, you review the performance of every secretary, do you not?

Mr REARDON: I ask, including myself, for other secretaries to review their own performance through self-assessment and that performance is then reviewed by the Premier and I am asked to involve myself with that review.

The Hon. DANIEL MOOKHEY: Is that what is loosely described as a 360 review framework?

Mr REARDON: You are conflating two issues, so I will separate them. One is simply that we have a performance agreement under the GSE. It lists what our priorities are for the year and our functions, and some of those might be multi-year. For example, in this portfolio, a Powerhouse Museum that has been questioned previously in this hearing would have multiple milestones year on year to deliver upon. The year that we are in would have certain milestones and the next year would have certain milestones. Others are simply within the year, particularly when they relate to customer service, customer satisfaction and service delivery elements. The way we review ourselves then can be done in a whole range of ways. It can simply be: Did we deliver against the bulk of our requirements and perform reasonably? Did we exceed how we were expecting to perform or did we perform below standard? Part of the augmentation of just that standard review process can be at times doing a 360-degree review. A 360-degree review is just a typical management technique where—

The Hon. DANIEL MOOKHEY: I am aware of it.

Mr REARDON: —peers above you, below you and at your same level provide quite intensive feedback on you. We as a bunch of secretaries have undertaken that process over the years. I have not undertaken it in the last couple of years mainly because of COVID, bushfire and the State general election in 2019. We have not had the bandwidth to do it.

The Hon. DANIEL MOOKHEY: I appreciate that, and thank you for separating out both issues.

Mr REARDON: It is simply one of the augmentation techniques to give other views.

The Hon. DANIEL MOOKHEY: I appreciate you separating out the two review processes, and for the purposes—

Mr REARDON: They are not to review processes. One might be just another step you might take. You can do other things to help out.

The Hon. DANIEL MOOKHEY: Let us concentrate on the process you outlined in which a secretary provides self-assessment that is then provided to the Premier as well. When in the year does that usually take place?

Mr REARDON: In the second half of the year. In a calendar year quarter three, quarter four; in a financial year, quarter one, quarter two.

The Hon. DANIEL MOOKHEY: Great. That means it takes place around July onwards?

Mr REARDON: No, not necessarily.

The Hon. DANIEL MOOKHEY: August?

Mr REARDON: It can take a while. It takes a bit to get alignment across the people who are involved. The key point I would make is, in terms of accountability, the regularising of that process in the New South Wales public service has been a hallmark probably over the last 10 years.

The Hon. DANIEL MOOKHEY: That is good to know. Mr Reardon, you said that a secretary first makes their self-assessment and that is then provided to your office, is that correct?

Mr REARDON: We basically collate, including my own.

The Hon. DANIEL MOOKHEY: Yes, and then you pass it on to the Premier?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: And in that process, is there any independent assessment of a secretary's performance provided?

Mr REARDON: There can be. Again, if there is something like 360-degree feedback, that can be added in. A cluster Minister will take a view as well. That is part of the input for the review.

The Hon. DANIEL MOOKHEY: Sure, I was going to ask you about that. Does the relevant senior cluster Minister make a written submission to that process?

Mr REARDON: Not that I am aware.

The Hon. DANIEL MOOKHEY: So how would they provide their feedback into that process?

Mr REARDON: They can do it however they see fit. They can see the Premier whenever they wish to provide that feedback or they can provide feedback to me.

The Hon. DANIEL MOOKHEY: So they can pick up the phone to you or they can officially go see the Premier, that is correct?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: You do not have a meeting with the secretary, is that correct?

Mr REARDON: Sorry, I have ongoing meetings with the secretaries.

The Hon. DANIEL MOOKHEY: You have a meeting specifically called to review the secretary performance agreement?

Mr REARDON: I would have ongoing meetings with all of the secretaries. I am answering your question. You are being a little bit traditional about it, this one annual review. We have ongoing discussions during the year on performance.

The Hon. DANIEL MOOKHEY: But a meeting is then called with the Premier directly, is that correct?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: And who attends?

Mr REARDON: Usually the Premier, the secretary, cluster Minister and myself.

The Hon. DANIEL MOOKHEY: Is that meeting minuted?

Mr REARDON: No, it is not.

The Hon. DANIEL MOOKHEY: Why is the meeting not minuted?

Mr REARDON: Because there is performance review documentation to be gone through then and there, and that is typical with what we would do with my own people. Your terminology of minuting is probably red tape. I am not sure what I would minute.

The Hon. DANIEL MOOKHEY: How do you record the goings-on in the meeting?

Mr REARDON: They either have performed or they have not performed.

The Hon. DANIEL MOOKHEY: So you just tell them?

Mr REARDON: The Premier, the cluster Minister and myself are in attendance. The employment function I undertake, under delegation from the Premier that they will receive feedback, as they should from the Premier and the cluster Minister.

The Hon. DANIEL MOOKHEY: Is that feedback verbal? Is it written?

Mr REARDON: Verbal.

The Hon. DANIEL MOOKHEY: They give verbal feedback?

Mr REARDON: Including based on documentation that they have in terms of their performance agreement.

The Hon. DANIEL MOOKHEY: Is it the case that the standard form secretary performance agreement that your office distributes contains a table for the Premier to provide written feedback?

Mr REARDON: I cannot remember the actual form in front of me. I would not know. I just do not have it in front of me.

The Hon. DANIEL MOOKHEY: I might be able to help you there, Mr Secretary. Let me see if I can. I might be able to help you a bit later on today. In the past year, you did this with each of the eight cluster secretaries?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: Did you do that effectively from August onwards?

Mr REARDON: I cannot remember the dates but it would have been around, as I said, calendar year quarter three, quarter four.

The Hon. DANIEL MOOKHEY: Just in case I missed this or did not properly understand it, you are saying that you, the cluster Minister, the Premier and the secretary whose performance is being reviewed sit down, discuss their performance benchmarked against the secretary performance agreement, but no record is kept of the goings-on of that meeting in any written form? Did I understand correctly?

Mr REARDON: Yes, that is correct.

The Hon. DANIEL MOOKHEY: I did?

Mr REARDON: That is correct

The Hon. DANIEL MOOKHEY: Is it because there is no policy in place for requiring those meetings to be documented?

Mr REARDON: I would nearly get the public service commissioner to make a comment. Simply—

The Hon. DANIEL MOOKHEY: Is the public sector commission there, by the way? Sorry, I just forgot to ask. Does the public sector commissioner attend?

Mr REARDON: No. There will be a rating system for us and, basically, the record of the meeting will be your rating, which I would not say is a minuted meeting. I would simply say it is a rating.

The Hon. DANIEL MOOKHEY: And that is provided to them. I can actually help you, it turns out. The performance ratings are, are they not: outstanding, superior, performing well, developing to standard, unsatisfactory, and unable to assess?

Mr REARDON: I do not have that document that you have in front of you.

The Hon. DANIEL MOOKHEY: I will table it in a minute and you can have it, but is that the standard form?

Mr REARDON: You could table it to me now and then I could probably feed it back to you.

The Hon. DANIEL MOOKHEY: Sure. I do not have another copy. I am more than happy to table it. That is fine. If it assists the Secretary of the department I am more than happy to provide it.

The CHAIR: So you can have a look at it while the questions are happening. Otherwise we will have to get it copied.

The Hon. DANIEL MOOKHEY: No, it is okay. He is allowed to have it. I have the questions. He can have it now. Before I formally hand it, if you could just turn to the last two pages, that would be most helpful. I have identified the pages specifically. That is one of the performance agreements I am about to ask you some questions about. You can see on the back two pages there is a clear table that says, "Premier's comments and overall feedback" and there is space for, I presume, the Premier to write feedback, or for any Premier to write their feedback. Do you see that?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: And you see below is a table of all the ratings, is that correct?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: Does the Premier fill that out directly or do you fill it out on her behalf? Is there someone in the room who does that?

Mr REARDON: In a self-assessment, basically the secretary themselves will self-assess themselves and then after the fact, whether it is on this document or simply a briefing, that confirms for each of all the secretaries what their rating is.

The Hon. DANIEL MOOKHEY: Sure, but how does the Premier document her feedback? Does she fill that form out?

Mr REARDON: I will take that on notice.

The Hon. DANIEL MOOKHEY: And how then do you decide, of that hierarchy of ratings, which to attach to each secretary?

Mr REARDON: The Premier does that with the cluster Minister and the secretariat in the meeting.

The Hon. DANIEL MOOKHEY: Does she circle it in the meeting?

Mr REARDON: I cannot recall how she does that, but I will happily take it on notice.

The Hon. DANIEL MOOKHEY: And then who does she give it to?

Mr REARDON: Back to me.

The Hon. DANIEL MOOKHEY: She gives it to you and you keep it?

Mr REARDON: I advise secretaries of the final range. They have heard it verbally and then I can simply reconfirm that.

The Hon. DANIEL MOOKHEY: So it remains in the possession, custody and control of your office.

Mr REARDON: I believe so.

The Hon. DANIEL MOOKHEY: Mr Reardon, on 17 November 2020 you terminated Mr Staples' contract as Secretary for Transport for NSW, didn't you?

Mr REARDON: Just let me check.

The Hon. DANIEL MOOKHEY: I might table these documents too, if that is possible, to help the Secretary.

The CHAIR: Do you want the Committee to have it?

The Hon. DANIEL MOOKHEY: Actually, I do have a copy for the Committee as well.

The CHAIR: Are you asking for the witness to have a look at it?

The Hon. DANIEL MOOKHEY: Yes, he needs to have these documents. If you turn to document B, do you see that?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: That is the letter that you sent to Mr Staples terminating his employment, pursuant to section 41 of the Government Sector Employment Act 2013; do you agree?

Mr REARDON: How about I just make a comment first. So 17 November 2020, I wrote to the Transport secretary to provide formal notice of my intention to terminate his employment pursuant to section 41 of the Government Sector Employment Act.

The Hon. DANIEL MOOKHEY: You did. You wrote that letter to him at 11.51 a.m. Is that correct?

Mr REARDON: I am not sure if that is the time.

The Hon. DANIEL MOOKHEY: Then at 8.23 p.m. you sent him letter B, did you not?

Mr REARDON: I will just go through steps, if it helps. On 17 November 2020 I wrote to the Secretary of Transport for NSW to provide formal notice of my intention to terminate his employment pursuant to section 41 of the Government Sector Employment Act. That letter invites the secretary to make a submission to me in relation to the proposed termination pretty much within 24 hours, which has been standard practice. I also had a conversation with the secretary to discuss the matter and prior to that I discussed it with Kathrina Lo, the Public Service Commissioner next to me here, in relation to the matter.

The Hon. DANIEL MOOKHEY: Sorry, Mr Reardon, can you just slow down a little? You are talking as fast as I am.

The Hon. BEN FRANKLIN: Yes. It is annoying, isn't it?

Mr REARDON: I could say years of practice, but you there go.

The Hon. DANIEL MOOKHEY: It takes a master to recognise another one.

Mr REARDON: That it right. Then on the afternoon of 17 November, I received a written submission back from Mr Staples and I responded to Mr Staples with a letter confirming his termination on the evening of 17 November.

The Hon. DANIEL MOOKHEY: Correct.

Mr REARDON: I just wanted to go through those steps.

The Hon. DANIEL MOOKHEY: I appreciate that. In fact, the letter that you sent at 11.51 a.m. providing notice of your intention is tender document C, Mr Staples' reply is tender document A and your letter terminating him is tender document B. Can you see that?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: So I just return to my first question, which is: Why did you terminate him?

Mr REARDON: That was not your first question.

The Hon. DANIEL MOOKHEY: I did actually ask.

Mr REARDON: You asked me a whole range of questions about delegations and you asked me questions about process—

The Hon. DANIEL MOOKHEY: I will ask you now.

Mr REARDON: —so I have gone through that.

The Hon. DANIEL MOOKHEY: Thank you. I appreciate that. But, Mr Reardon, why did you terminate Mr Staples?

Mr REARDON: As I said, I have got the delegated authority from the Premier to deal with these matters. I consulted with the Minister for Transport and Roads prior to coming to a decision on this. It was relevant for me to consider the views of the responsible Minister, and he is responsible to Parliament for matters within the portfolio of Transport and Roads. I consulted, as I said, with my colleague the Public Service Commissioner, as required under the GSE Act, and after considering their views and a desire for renewal within that cluster, the secretary was terminated.

The Hon. DANIEL MOOKHEY: Did you do so at the request of the Minister or did you initiate that judgement that the secretary should be terminated yourself?

Mr REARDON: It was a request from the Minister to discuss the matter. He outlined his views on the need for renewal and the direction that he wanted to take Transport. I took that into account and reached a conclusion to terminate.

The Hon. DANIEL MOOKHEY: When did the Minister make contact with you to initiate that sequence?

Mr REARDON: I would have to take it on notice. I do not know.

The Hon. DANIEL MOOKHEY: Was it in November?

Mr REARDON: I would have to take it on notice.

The Hon. DANIEL MOOKHEY: You held Mr Staples' annual performance review on Thursday 20 August, did you not, the one attended by the Premier?

Mr REARDON: Sorry, can you clarify—if your point is his performance agreement and his performance review would have been known at a date you have just outlined, is that your point?

The Hon. DANIEL MOOKHEY: I am not making any points, Mr Reardon; I am just asking questions. So, Mr Reardon, did you hold the annual performance review for Mr Staples with the Premier on 20 August?

Mr REARDON: I do not know what date it was. I can take it on notice but I do not know what date it was. It was before 17 November.

The Hon. DANIEL MOOKHEY: I might be able to help you there if you just give me a minute. I might find this document, but do you recall—

Mr REARDON: Not the date.

The Hon. DANIEL MOOKHEY: My time has expired.

Ms CATE FAEHRMANN: I have just got some questions in relation to Create NSW and the Rescue and Restart funding. Ms Foy, is that directed to you?

Ms FOY: Yes. Thank you.

Ms CATE FAEHRMANN: You would be aware of some various public reporting as well as, of course, the questions during the grants inquiry around the transparency in relation to the first tranche of funding, particularly in relation to what at the time I think was \$7 million that seemed to be unaccounted for after a Government Information (Public Access) Act [GIPAA] request from the Guardian, I believe. Can any more light be shed on that \$7 million at this hearing today?

Ms FOY: There is, as a matter of process, \$50 million allocated for Rescue and Restart to support the arts sector, particularly given the level of impact that there had been to the sector as a result COVID. If we think in terms of what are the outcomes that that investment has achieved—I think we have heard today from a lot of our institutions that the vibrancy of the arts sector had closed down and is reopening in a COVID-safe way and we are continuing to see the re-emergence through the arts. We have, to the best of our knowledge, not lost a single arts company in New South Wales as a result of the financial impact of COVID.

Ms CATE FAEHRMANN: That first tranche though, Ms Foy, just to get to the detail of it—how much money was allocated?

Ms FOY: If I could address the inaccuracies in *The Guardian Australia* article. The first is a total of \$26.2 million has been paid from the package as at 16 February, not \$13 million as reported. No money is unaccounted for under the package. The \$7 million is currently a provision under the stage one rescue package, pending further assessment of vulnerable organisations. As everyone would be aware, COVID is still with us. While we operate in COVID-safe ways we want to make sure that there is provision there to support arts companies should, over the following months, that be required. The other item I would like to clarify—

Ms CATE FAEHRMANN: Can I just check, with that \$7 million, is that out of the first tranche?

Ms FOY: The \$7 million is currently a provision under the stage one rescue package. So the rescue package is the first tranche and the recovery is the second tranche. The other point I would just like to make is PwC's role has not been to appraise or assess applications. They have been assisting us with the level of the financial analysis. I also state the funding is prioritised to those companies in financial distress and that do not have existing reserves to draw on.

Ms CATE FAEHRMANN: Thank you for that. The \$7 million from tranche one, which is the rescue component—and remember COVID kind of really hit mid-March or the first couple of weeks of March in terms of our arts organisations, so that is almost 11 months. There is still \$7 million sitting within tranche one for—did you say vulnerable organisations?

Ms FOY: Further assessment of vulnerable organisations.

Ms CATE FAEHRMANN: Further assessment. So what is happening with that further assessment and when is that \$7 million getting out the door?

Ms FOY: I would have to come back to you on the timing of further allocations of funding but I think there are probably two points I would like to make. The first is that the impact of COVID, while it is significantly reduced and we are delighted to see arts coming back, is still there. We have a range of grants that have been provided to a range of organisations and I think that is a matter for the Minister to comment in more detail on. But the criteria has been around financial distress for those that do not have anything else to draw on. I will get back to you on the detail of the timing of that. If I can get that by this afternoon, I will.

Ms CATE FAEHRMANN: There have been some questions about this. What was the rationale to separate the \$7 million from the \$23 million or \$24 million in that first tranche rather than put it all together as a rescue package? Tranche one, here we go, we have got close to 20-something million dollars and we will allocate that because it is about rescuing arts organisations during the year that COVID hit and there is still \$7 million. I am just wondering what the rationale was.

Ms FOY: The rationale is to support those companies in financial distress. As we go through and assess that we then understand what quantum is required to keep them going, basically, as a going concern. There was not a view about hiving off any portion in particular, but we look at what is the funding available, we try and forecast and think about what might be coming up and to make sure that we are using that money judiciously. But

just to make very clear, we did not say, "Well, we are going to set aside a portion of that money," be that X million or \$7 million or whatever. There was not a view to do that. The money is there to support those companies based on an assessment of financial vulnerability.

Ms CATE FAEHRMANN: Who was it open to? Which organisations?

Ms FOY: It was open to any not-for-profit arts organisation in New South Wales.

Ms CATE FAEHRMANN: How many arts organisations? It says here 42 arts organisations were funded through the first tranche of grants.

Ms FOY: Because the numbers—we are constantly supporting agencies, so it is an ongoing thing. We keep the support rolling as it is required. If I can get back to you—I am just making sure I have got the absolute accurate figures.

Ms CATE FAEHRMANN: Could you provide it on notice for us as much detail as possible? With respect, this is budget estimates. It is Rescue and Restart—

Ms FOY: Sorry. I am happy to provide that now. I apologise. So the total paid as at 16 February 2021: \$30.5 million. The number of companies supported as at that same date, being 16 February: 203 companies.

Ms CATE FAEHRMANN: I take it then that the \$7 million has been allocated? That is what that sounds like.

Ms FOY: Not as yet. I am sorry. I am just looking to Mr Keely, my colleague. Not as yet. It is still available funding to continue support. So, as at 16 February, \$7 million is held as a provisional amount for further payment should that be required.

Ms CATE FAEHRMANN: Do you think that arts organisations at the moment probably do require that? I am hearing from a number of organisations regionally that they are still in trouble. So how do arts organisations access that \$7 million?

Ms FOY: They put in an application. They go on to our website. It is a pretty simple process. We ask essentially for their financial information. If they have not received any word yet, I would be very happy to take any information and make sure we are making contact with them. We are trying to make this as straightforward and as easy as we possibly can for companies. So on the website there is a link there. Send us information and it is assessed.

Ms CATE FAEHRMANN: Is the allocation of the Rescue and Restart package going to be transparent for the public and the arts sector to see which organisations have received funding and how much they have received under Rescue and Restart?

Ms FOY: We have to declare anything as part of our annual reporting. So all information would be released as part of our annual reporting, if not before.

Ms CATE FAEHRMANN: Is there a reason why we do not include that on the Create NSW website, for example, once things are allocated like other States do?

Ms FOY: I think we are very sensitive—I will just make a statement in principle, if I could. If there is more detail, I will take that on notice. But, in principle, we are talking about companies that are financially distressed who may or may not be comfortable with us revealing certain information about their financial status. Certainly, there has been information released about companies that have been supported but this is an ongoing program and we continue to support those particular companies. To go back to your point of the amounts, if it is roughly \$25 million in rescue and 25 equally—the allocations are around \$20 million in rescue and about \$30 million in restart—we are spending out of both of those. So it is not as though we are saying, "Let's exhaust the first bit to move to the second bit." It is prioritising companies in financial distress, and then how do we restart the arts sector?

Ms CATE FAEHRMANN: Just in relation to the question around the transparency of the grants process, you said that it would be revealed in the annual report of Create NSW.

Ms FOY: Premier and Cabinet, because they are part of Premier and Cabinet.

Ms CATE FAEHRMANN: Premier and Cabinet. Sorry. That would therefore be a list of the companies or organisations and what they received?

Ms FOY: We would make any declarations that we are required to make as part of our reporting.

Ms CATE FAEHRMANN: The question—

Ms FOY: I can certainly invite Mr Keely to speak to more detail.

Ms CATE FAEHRMANN: I am not sure of the declarations you have to make, but the question is whether there is a list provided in terms of the organisations and the grant amount they received. It is public money and it is grants.

Ms FOY: Yes, of course. I just might invite Mr Keely to go through more of the detail, please.

Mr KEELY: Thank you for your question. The situation in relation to these companies that applied to Create NSW on our website for funding and related to their solvency was one that we consulted about with PwC, the consulting firm. They were very concerned and expressed that to ourselves that there was significant potential damage that could be done to these companies by revealing the amount of funding that we had provided. You might recall that when the Premier announced back in March the \$50 million arts Rescue and Restart fund that she was quite explicit to say that the goal of the funding package was to ensure the viability of the sector and to ensure that critical companies did not go into insolvency or liquidation. So she had very much put on the table that we were initially at least talking as part of the rescue package about companies that were essentially insolvent.

What happened was we went through and analysed all of the data—three years of financial records. We had that data checked and verified by PwC, and then by NSW Treasury. Essentially, the advice from PricewaterhouseCoopers in relation to revealing that information was that it could do significant damage to those companies by way of the withdrawal of goods and services, the supply of goods and services on credit, for instance, or the supply of goods and services at all; damage to the confidence of patrons, stakeholders, philanthropists and the like.

Ms CATE FAEHRMANN: Sorry. If I can have one more question just to follow up this line of questioning—if that is okay, Robert. Thank you. Has Create NSW, though, offered or provided money then to companies that were not insolvent?

Mr KEELY: Absolutely. That is part of the second restart phase. The focus of that phase was to provide some capital to companies who were essentially without opportunity to perform or open their doors and to allow them to invest in future productions, performances, exhibits et cetera. The second part of the restart fund has payment that goes out to all of the funded companies that are eligible to have received funding from Create NSW. We can provide further detail about the specifics of the funding to those companies to you.

Ms CATE FAEHRMANN: What about the PwC report that you are referring to?

Mr KEELY: Can you explain what you mean?

Ms CATE FAEHRMANN: The PwC advice in relation to not publishing the list of those organisations who received the Rescue and Restart funding because of issues around insolvency and everything else that you are suggesting. Could you provide that advice as well?

Mr KEELY: Can I take that on notice?

Ms CATE FAEHRMANN: Okay.

Mr KEELY: Thank you.

The Hon. ROBERT BORSAK: Ms Lo, how are you?

Ms LO: Very well. Thank you.

The Hon. ROBERT BORSAK: Your role, as far as I understand it based on the Government Sector Employment Act, is to partner with advice agencies on strategic workforce strategy, helping ensure the sector is up to date with contemporary best practice—yes?

Ms LO: That is correct.

The Hon. ROBERT BORSAK: Does that also apply to the NSW Police Force?

Ms LO: Yes. I am always happy to assist any agency within the government sector.

The Hon. ROBERT BORSAK: Do they have to ask for help or do you volunteer it or do you have an audit process that you follow through on?

Ms LO: We do not have an auditing function as such in the legislation, but I work with Mick Fuller; we are on the secretaries board together. I am in contact with the NSW Police Force. We do things with them.

The Hon. ROBERT BORSAK: Commissioner, the New South Wales Coroner's inquest into the deaths of Jack and Jennifer Edwards in September last year identified severe deficiencies in understanding by employees at the NSW Firearms Registry of their role, function and responsibilities. Are you aware of that?

Ms LO: In very general terms, I am aware of that inquiry. I have not read the coronial report, so I could not comment on detail.

The Hon. ROBERT BORSAK: The final report is not out yet, but it was extensively reported on in the newspapers.

Ms LO: That is the extent of my knowledge—what was reported on in the newspaper.

The Hon. ROBERT BORSAK: I will just hand up to you some copies of articles from the media. I quote one section there:

... the NSW Firearms Registry was mostly staffed by people confused about the requirement to only grant licences and permits to "fit and proper" people—

their new boss at the time, Anthony Bell, said. Are you aware of that?

Ms LO: I am aware of it because you have just given me the article.

The Hon. ROBERT BORSAK: Ms Lo, how can the NSW Police Force, specifically the Firearms Registry, get itself into such a predicament?

Ms LO: I am not in a position to comment on that. As Public Service Commissioner, what I can comment on is we have New South Wales Capability Framework for staff, and within specific organisations it is up to organisations or the agencies to determine how to apply that capability framework to the roles that are in their agencies and to assess what sort of skills and experience are needed for different roles and to ensure that staff are recruited to have those capabilities and they receive ongoing training so that they keep up with skills needed for the role.

The Hon. ROBERT BORSAK: You are telling me that you provide a framework and if they fail to meet it you do not know anything about it, it is not your responsibility? How can you be encouraging the best possible results to develop a modern, high-performing government sector—especially in a sensitive area like policing— when you set it and forget it? Is that what you are saying?

Ms LO: No, that is not what I said at all. My functions are set out in the Government Sector Employment Act and they are fairly detailed. A lot of the role is around setting frameworks and guidance for the sector to help with uplifting sector capabilities at that more general level. That could be strategic workforce planning. You mentioned strategic workforce planning. We have developed tools to assist agencies with strategic workforce planning and run workshops as well.

The Hon. ROBERT BORSAK: You said earlier that you work extensively with Commissioner Fuller. Would you like to outline some of the things that you are working on with him strategically, and perhaps some that might relate to what should have been done in the Firearms Registry, which in the past seems to have employed people that are untrained and do not understand what their job is?

Ms LO: The work that I do with secretaries and the secretaries board, of which Commissioner Fuller is a member, is largely around Premier's priority 14, which is the world-class public service. That has a number of components, including the diversity targets that we spoke of earlier. A lot of it is around the Premier's Priorities targets and the things we need to achieve together as a sector, as opposed to units that fit within a large organisation.

The Hon. ROBERT BORSAK: You are telling me it is all about diversity?

Ms LO: No, I am not saying that at all.

The Hon. ROBERT BORSAK: That was the only part of the answer you gave me—diversity as discussed earlier in the hearing.

Ms LO: That is actually not what I said at all.

The Hon. WES FANG: Point of order: I have been listening very intently to the questions asked by the Hon. Robert Borsak and the answers given by the witnesses. The Hon. Robert Borsak is continuing to put words in the witnesses' mouths after they give an answer. I ask the Chair to remind him that he is here to ask questions and not attempt to provide his interpretation of what the answers are.

The CHAIR: He is not doing that at all.

The Hon. WES FANG: He actually is.

The CHAIR: The witness is entitled to answer as she chooses.

The Hon. ROBERT BORSAK: Ms Lo, do you think that this process that you are engaged in—especially as it relates to the police and their specific unit, the Firearms Registry—could build public confidence in the public sector?

Ms LO: I am not sure I understand your question. All I can say is to refer back to the objectives—

The Hon. ROBERT BORSAK: It is pretty clear.

Ms LO: —the objectives that I am given in the legislation and the specific functions that I am given in the legislation, and I can say that we are discharging that. We report annually on things that we are doing in our annual report. We provide a report on the state of the public sector. A lot of the initiatives that we undertake are covered off in those sorts of reports.

The Hon. ROBERT BORSAK: How can the public of New South Wales be sure that in the future the NSW Firearms Registry will employ only the highest level of professional staff, which admittedly, as you quite rightly say, is your main objective to make sure that they have the right people? What can your office do to guarantee that happens?

Ms LO: I think around the specifics you need to put the questions to the relevant portfolio. I have spoken about things like the capability—

The Hon. ROBERT BORSAK: I will be doing that later in March, for sure.

Ms LO: I have spoken about things like the New South Wales Capability Framework for employees, things we do to support the sector to undertake strategic workforce planning. We run a very good graduate program for the government sector and bring in top talent through that. We run the NSW Leadership Academy, where we put high potential employees and improve their leadership skills so that they are suitable leaders for the New South Wales public service. They are some of the things that we do. Other things that we do are detailed quite extensively in our annual report.

Mr REARDON: There is a consistent framework across the entire public service and we follow our values of accountability, service, trust, integrity and the Public Service Commissioner consistently does that across the Government Sector Employment Act for all senior executive. But, just as the Public Service Commissioner would not be able to give detailed operational guidance to how to drive a train or to be an accident and emergency nurse, she probably also does not have a detailed operational response to the questions you are asking her.

The Hon. ROBERT BORSAK: I do accept what you are saying. I am not asking for that specific detail. What I am wondering, apropos of the answer Ms Lo gave me earlier—that she is working closely with Commissioner Fuller—maybe she could shed some light as to how we got to the sorry situation we did at the NSW Firearms Registry in Murwillumbah.

Mr REARDON: She is working closely with the police commissioner on the secretaries board on whole of public service in New South Wales stewardship. It is at that level. We cannot dive into every operational area.

The Hon. DANIEL MOOKHEY: Mr Reardon, I resume asking questions about the events leading to Mr Staples' dismissal.

The Hon. BEN FRANKLIN: Point of order: This is just about the issues I raised beforehand about the potential, if this is going to go through to 5.00 p.m., to have witness sit for three hours without giving them a comfort break. I do not think that is fair.

The CHAIR: At the moment we will continue with the Opposition's line of questioning unless people have a specific request. But I have not had a specific request for a break and it is not scheduled.

The Hon. BEN FRANKLIN: I understand that but I thought it would be appropriate to give them the opportunity.

Mr REARDON: Can we request?

Ms FOY: Yes, we would not mind.

Mr REARDON: I am not saying now.

The CHAIR: It does not mean it will happen right now. But the request is noted.

Mr REARDON: Can we request at some stage just so people have some sense of—

The CHAIR: We will see if we can find an appropriate time.

The Hon. BEN FRANKLIN: That is all I am asking, Madam Chair; you did not need to be defensive.

The CHAIR: No, I understand.

The Hon. NATALIE WARD: It is just a courtesy.

The Hon. DANIEL MOOKHEY: Sorry, Mr Secretary—

The Hon. NATALIE WARD: Someone needs a break.

The Hon. DANIEL MOOKHEY: —I do not want to have misunderstood your evidence you gave earlier, but I think you said something to the effect of the Minister contacted you and expressed concerns about some of the frustrations he was having—or words to that effect. Do you mind just taking me—

Mr REARDON: No, I did not say that.

The Hon. DANIEL MOOKHEY: What did you say again?

Mr REARDON: I simply said that I have had a conversation with the Minister, it would have been prior to 17 November 2020 and its, basically, a Minister, as his prerogative as cluster Minister, was looking to set a renewal in the executive leadership at secretary level and to take the organisation in the direction he saw fit.

The Hon. DANIEL MOOKHEY: How did the Minister contact you to inform you of that view?

Mr REARDON: I do not recall how he contacted me. We would have had a face-to-face meeting at some stage.

The Hon. DANIEL MOOKHEY: It was a face-to-face?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: It was not a phone call or anything like that?

Mr REARDON: No, we would have had a face-to-face meeting.

The Hon. DANIEL MOOKHEY: That would have presumably taken place in your office?

Mr REARDON: I do not recall where we had it, but we would have done it face-to-face because of the nature of the matter; we would not have done it by phone.

The Hon. DANIEL MOOKHEY: To the best of your knowledge, is that a meeting that your office would organise or is that one the Minister's office would organise?

Mr REARDON: I cannot recall. I actually cannot recall who organised it.

The Hon. DANIEL MOOKHEY: Do you mind taking on notice as to whether or not you organised it or did the Minister's office organise it?

Mr REARDON: I can take it on notice.

The Hon. DANIEL MOOKHEY: Thank you, I appreciate that.

Mr REARDON: In terms of organising meetings with cluster Ministers on various matters as they relate to the public service, it is not unusual for those to occur either in their office and sometimes in my office. It is not unusual.

The Hon. DANIEL MOOKHEY: Nothing is to be read into it, but I do appreciate that context as well. That face-to-face meeting you had with the Minister in which he expressed his desire for a different direction, was it just you and him?

Mr REARDON: No, his chief of staff was there as well.

The Hon. DANIEL MOOKHEY: Was any other public servant there?

Mr REARDON: No.

The Hon. DANIEL MOOKHEY: After you had that meeting what did you do?

Mr REARDON: Ultimately, it led to 17 November and the termination action.

The Hon. DANIEL MOOKHEY: Did you notify the Premier that the Minister had come to see you to express this view?

Mr REARDON: I would have prior to that time, absolutely.

The Hon. DANIEL MOOKHEY: Would you have notified her in a meeting directly with her?

Mr REARDON: I am sure I did.

The Hon. DANIEL MOOKHEY: Would you have had to prepare a written brief or any sort of briefing note?

Mr REARDON: No, I think I would have verbally advised her.

The Hon. DANIEL MOOKHEY: You would have verbally advised?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: Did you notify the Premier prior to the meeting that you were having this conversation with the Minister?

Mr REARDON: Sorry, can you clarify that?

The Hon. DANIEL MOOKHEY: After a request from the Minister arrived with your office for a meeting, did you notify the Premier that a request had come in?

Mr REARDON: I am sure—the request for a meeting or that I had a meeting?

The Hon. DANIEL MOOKHEY: Yes, the request.

Mr REARDON: No, I just would have had the meeting.

The Hon. DANIEL MOOKHEY: After the meeting you advised her as to what the Minister said?

Mr REARDON: Between that date and 17 November, absolutely.

The Hon. DANIEL MOOKHEY: Do you have any particular recall as to when in time that took place?

Mr REARDON: No, I do not; I do not.

The Hon. DANIEL MOOKHEY: What did the Premier say?

Mr REARDON: That is a matter between myself and the Premier.

The Hon. DANIEL MOOKHEY: I know, but I am asking you.

Mr REARDON: That is a matter between myself and the Premier.

The Hon. DANIEL MOOKHEY: Did you document that conversation in any form?

Mr REARDON: No, not that I can recall.

The Hon. DANIEL MOOKHEY: Did the Premier?

Mr REARDON: I do not speak on behalf of the Premier or what she does or does not record.

The Hon. DANIEL MOOKHEY: Given that the Premier is the employer and she has delegated it to you, why were no records kept?

Mr REARDON: Sorry, on what matter?

The Hon. DANIEL MOOKHEY: On this matter.

Mr REARDON: On what matter?

The Hon. DANIEL MOOKHEY: On the particular conversations.

Mr REARDON: Records are kept. You have actually just tabled some records here, so records are kept.

The Hon. DANIEL MOOKHEY: What records were kept of your conversation with the Premier in which you disclosed the Minister's concerns?

Mr REARDON: I have multiple conversations. If I spent all of my time recording every one of those conversations, I would not do much else but record conversations.

The Hon. DANIEL MOOKHEY: Fair enough. Did you have a meeting with the Premier and Mr Staples on 20 August 2020 to discuss—

Mr REARDON: You asked me that previously. I said I would take it on notice. I do not know what date it was.

The Hon. DANIEL MOOKHEY: I might be able to help you now. Can I table this document and ask that a copy be provided to the witness? This is an extract, I believe, from your diary that your office produced to the upper House. It says, "Premier/Rodd Staples, 2019-20 performance period and look ahead for 2020-2021. Start: Thursday 20 August 2020 at 3.00 p.m. End: 3.30 p.m. Organiser: Timothy Reardon". I presume your office organised a meeting with the Premier and Mr Staples to have a discussion about his 2019-20 performance and look ahead for 2020-21. Is that correct?

Mr REARDON: I am sure we set up meetings for all the secretaries, including myself, with the Premier at that time. Whether that meeting actually happened at that time, I would have to take a look at.

The Hon. DANIEL MOOKHEY: Sure. Is that the meeting which the cluster Minister attended and the Premier attended and the secretary attended, consistent with the manner you outlined earlier?

Mr REARDON: I cannot recall if the cluster Minister attended that meeting or not, but mostly they do. I cannot recall if he did.

The Hon. DANIEL MOOKHEY: At the meeting on 20 August which was attended by the Premier, for which Mr Staples produced a secretary performance agreement, which I provided to you earlier, did you express concerns with Mr Staples' performance at that meeting?

Mr REARDON: He would have produced his performance agreement and review, as we all would have, prior to that time. He would not produce it on the day to have a conversation about it on that day. It would have been prior. Those conversations are confidential conversations and I do not particularly wish to go into them.

The Hon. DANIEL MOOKHEY: I am sure you do not, but did you raise concerns with Mr Staples about his performance at that meeting?

Mr REARDON: I indicated to you before that secretaries' performance during a year is not a one-off event. We have ongoing conversations. Mr Staples was a colleague of mine for a 10-year period. We worked very, very closely together. To think that we would have one conversation a year about how he was going and I was going is probably not accurate. We would speak on a continuous basis about matters that we had in front of us: about service delivery performance, customer service performance and infrastructure performance.

The Hon. DANIEL MOOKHEY: I have no doubt, but I am asking you: Did you raise concerns with Mr Staples about his performance at that specific meeting?

Mr REARDON: We would have raised the normal matters we would raise in a secretary performance meeting.

The Hon. DANIEL MOOKHEY: Did the Premier raise concerns about his performance at that meeting?

Mr REARDON: That is a matter you would have to ask the Premier.

The Hon. DANIEL MOOKHEY: Well, you were there. Do you recall her raising any such concerns?

Mr REARDON: I am not here to offer comments on what the Premier has to say.

The Hon. DANIEL MOOKHEY: I am not asking you for comments, Mr Reardon. I am asking you, did you hear the Premier raise any concerns?

Mr REARDON: I am not here to verbal what the Premier may have to say, either.

The Hon. DANIEL MOOKHEY: Fair enough. When did you first notify Mr Staples that the Minister had concerns about his performance?

Mr REARDON: I cannot recall a date, but I will just take you to the fact that when these matters are known and a decision has to be made, it is made quite quickly. It would have been done in my office quite swiftly and the steps up to that would have been quite quickly, so it would have been close to 17 November.

The Hon. DANIEL MOOKHEY: Can I table another document and provide it to the witness? Mr Reardon, this is another extract from your diary. It shows that you had a catch-up with Mr Staples on 11 November 2020, which was Remembrance Day, at 3.00 p.m. at the secretary's office on level 12, which I presume is your office. It says that you organised it. What was the purpose of that meeting?

Mr REARDON: I have no idea.

The Hon. DANIEL MOOKHEY: This was a meeting—

Mr REARDON: I would meet with Mr Staples and other secretaries either on a formalised basis or on an informal, ad hoc basis pretty continually. Again, if I diarised every single one of them, that is all I would do as well. I do not know what we would have spoken of at that time. I think, if I recall, we would have met on a morning to actually have a discussion about the issues that I had to talk to him about in terms of termination. I do not know what we would have talked about at that meeting, if we did have it.

The Hon. DANIEL MOOKHEY: So your office organised a meeting six days prior to your decision to terminate Mr Staples. Was this meeting organised after Minister Constance had expressed his concerns, or before?

Mr REARDON: After.

The Hon. DANIEL MOOKHEY: So you had a meeting with Mr Staples six days before you fired him, but you cannot recall what the purpose of that meeting was.

Mr REARDON: I am sure we had several meetings during that week.

The Hon. DANIEL MOOKHEY: In the course of the several meetings with Mr Staples during that week, did you raise concerns about Mr Staples' performance?

Mr REARDON: I indicated to Mr Staples the reasons for making a decision, which—as I said to you before—were about renewal and about taking a new direction. What I did not do was talk about his performance beyond saying that "Your performance agreement and your performance review has landed you in a rating which is strong. You continue to do a good job in terms of doing your job." But at any particular time, it is the prerogative of the Government to change direction and to renew as it sees fit.

The Hon. DANIEL MOOKHEY: I am not disputing the ability or the power.

Mr REARDON: When that position is put clearly, it means that I, with the delegated authority, have to take action. I take that myself. But at the end of the day, when a cluster Minister seeks to take a new direction, that is their prerogative. They are Ministers of the Crown.

The Hon. DANIEL MOOKHEY: I accept that, Mr Reardon. You said to me that in the course of that discussion you indicated to Mr Staples that his performance rating was strong.

Mr REARDON: We both did that, because I think he formerly recorded it back to me—as he should have, to the extent that he wished to—that his performance was strong.

The Hon. DANIEL MOOKHEY: Would you mind picking up that folder I tabled with you earlier and turning to document A? Do you have that document in front of you, Mr Reardon?

Mr REARDON: I have one circled "A".

The Hon. DANIEL MOOKHEY: Great. This is a letter that Mr Staples sent back to you on 17 November at 3.59 p.m.—so this was after you provided him with notice of your intention to terminate but four hours prior to your decision to terminate, or at least your decision to inform him that you have terminated. Do you see dot point 2, where Mr Staples says, "I accept this termination in the context that my documented performance, including my recent performance review with the Premier, has been above satisfactory with no performance issues raised"? Do you agree that that was an accurate statement that Mr Staples provided you?

Mr REARDON: Yes, I do.

The Hon. DANIEL MOOKHEY: Thank you. Of course, I am not disputing the power of the Government to dismiss; in fact, it is provided for in section 41 of the Act.

Mr REARDON: We all sign up to it.

The Hon. DANIEL MOOKHEY: Yes, indeed. It is no surprise whatsoever to anyone that you have that power. But did you inform the Premier prior to a decision to terminate on 17 November that you were intending to do so?

Mr REARDON: Yes.

The Hon. DANIEL MOOKHEY: Do you recall when precisely you did that?

Mr REARDON: No, I do not.

The Hon. DANIEL MOOKHEY: Was it close to 17 November or thereabouts?

Mr REARDON: No, I actually do not know what date. I have indicated to you—you have asked me, between performance agreement and performance review, all the way to the 17th. I just do not have the diary in front of me to go through it all—

The Hon. DANIEL MOOKHEY: I accept that, Mr Reardon.

Mr REARDON: —including the preciseness of when certain meetings would have occurred. But all the steps that needed to occur occurred.

The Hon. DANIEL MOOKHEY: When, in your mind—as the employer acting on the delegated authority—did you individually reach the decision to terminate?

Mr REARDON: No, I do not recall. All I know is, in my experience, when there is a decision to renew and take a new direction, taking that into account and taking into account my delegated functions—and just to repeat those, because I took something on notice previously, it was actually 20 February 2017 when the incoming Premier, the Hon. Gladys Berejiklian, endorsed the two existing employment delegation instruments that had been made by the previous Premier, the Hon. Mike Baird, delegating certain functions to the secretary of Premier and Cabinet. They were about appointing a person to the office of the secretary of the department and also the termination of the employment of the secretary of the department and the termination of the employment of a head of a public service executive agency related to a department where the Premier has the employer functions under the Act in relation to the head of the agency. That matter I took on notice, so I just wanted to clarify it for you.

The Hon. DANIEL MOOKHEY: That is very helpful, Mr Reardon. Do you mind turning to document B in that bundle that I provided you earlier? The third paragraph of the letter that you sent terminating Mr Staples' employment states:

As advised, your last day of service will be Friday 19 February 2021. After that date, and in accordance with clause 14.1 of your contract, you will be paid compensation in line with clause 39 (b) of the GCE regulation.

Do you see that?

Mr REARDON: I do.

The Hon. DANIEL MOOKHEY: Did you ever seek advice as to how much money would be paid to Mr Staples as a result of your decision to terminate his employment?

Mr REARDON: Basically I leave that to the clusters to determine and to liaise with the Public Service Commissioner as they see fit. But if I may—you have asked me a question—their right to annual leave payout, their right to long service leave payout, their right to termination payout is all in accordance with their contract. So it is their right to be treated with dignity, as Mr Staples deserves to be, because he is a fantastic public servant. Whatever that number adds up to is his right under his contract.

The Hon. WALT SECORD: Did you seek advice from Ms Lo?

Mr REARDON: I do not recall. There were certainly conversations with Ms Lo at the time but the number is the number. It is purely a statement of what is in their Statutory and Other Offices Tribunal [SOORT] determination multiplied by 38 weeks plus their right to their annual leave and their long service leave.

The Hon. DANIEL MOOKHEY: Fair enough.

Mr REARDON: There is nothing surprising about that.

Ms LO: I am happy to add to that.

The Hon. DANIEL MOOKHEY: Ms Lo, I was going to ask you some questions so that is good.

Ms LO: I liaised with the chief people officer at Transport for NSW to work through payout. There are legal entitlements. Under clause 39 (1) (b) an individual who is terminated under section 41 of the GSE Act can receive 38 weeks payout. In addition to that they can receive their legal entitlements: any accumulated annual leave or long service leave. That is what the payout comprised.

The Hon. DANIEL MOOKHEY: Thank you. Mr Reardon, I think you established earlier that as you exercise these powers you either choose to or are required to consult with the Public Sector Commissioner; is that correct?

Mr REARDON: I outlined the steps before and one of those steps is that.

The Hon. DANIEL MOOKHEY: Ms Lo, when were you first informed that there was an intention to dismiss Mr Staples?

Ms LO: It was in the days leading up to 17 November when the letter was sent.

The Hon. DANIEL MOOKHEY: Were you informed on the seventeenth?

Ms LO: Before.

The Hon. DANIEL MOOKHEY: But were you also informed on 17 November after the secretary exercised his prerogative?

Ms LO: Yes, I knew that the letter was being sent on that date.

The Hon. DANIEL MOOKHEY: Were you asked to provide advice as to the appropriateness of this decision?

Ms LO: Yes. I was told what was being proposed and the section of the Act that was going to be utilised. We talked about including in the letter an opportunity for Mr Staples to respond, and that was what was reflected in the letter.

The Hon. DANIEL MOOKHEY: Fair enough. Thank you. There is nothing at all untoward about any of that? That is just process?

Ms LO: No, everything that was done was done in accordance with the legislation.

The Hon. DANIEL MOOKHEY: I do not disagree. Mr Secretary, after you reached the decision to dismiss Mr Staples that evening, did you inform the Premier?

Mr REARDON: I would not recall. I basically just got on with it because Mr Staples is a grown-up professional and was treated with dignity—as he deserved to be—because the Government wanted to renew. He performed strongly so I got on with those steps. When you are dealing with one of these matters you stay focused on dealing with that matter with the individual. I do not recall when and whom I would have spoken to, if you mean that evening or even the next day. Basically I was dealing with the matter at hand.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide us any further detail as to that?

Mr REARDON: If I can.

The Hon. DANIEL MOOKHEY: That would be helpful. Did you at any point determine yourself that there had been a relationship breakdown between Mr Constance and Mr Staples?

Mr REARDON: No. Secretary and cluster Minister relationships are a unique combination. They have to be. You need to get on with your job. They are a difficult interface between the political level and the public service. There are nine people who have to give guidance to 400,000 people. It is not an easy job, no matter what cluster you are in. Then you have to take direction of the elected officials on specific priorities. It is a very challenging job. The Transport cluster, as I know well, is probably one of the most challenging and rewarding jobs in the entire nation. But every cluster secretary and every cluster Minister has a relationship. They are very, very large professional roles to fulfil. There is honour and privilege in doing them. You need a strength of will to get on with things. You need to be a hard-headed optimist when you are in Transport. Certainly that is what Mr Staples was and he got on with things fantastically well. There are always day-to-day interactions where you have to deal with the interface between the political level and the public service level. That is just the natural course of the Westminster system.

The Hon. DANIEL MOOKHEY: Thank you, Mr Reardon. Were you aware that Minister Constance had issued a written ministerial direction to Mr Staples to remove trees within 40 metres of any highway across at least three corridors?

Mr REARDON: Could you give more specificity?

The Hon. DANIEL MOOKHEY: Yes, I can. Were you aware that early last year Minister Constance had issued a written direction to Mr Staples for his department to remove every tree within a 40-metre distance from the highway effectively from Nowra down to the Victorian border?

Mr REARDON: At the beginning of 2020?

The Hon. DANIEL MOOKHEY: Mr Regan has said in the other estimates hearing—just about an hour ago—that the direction was issued sometime in the first quarter of last year. Were you aware that this direction was issued?

Mr REARDON: My question is: Is it related to bushfires?

The Hon. DANIEL MOOKHEY: No.

Mr REARDON: Was it in relation to bushfires or bushfire territory?

The Hon. DANIEL MOOKHEY: Minister Constance said it was in relation to bushfires, or in the aftermath of the bushfires. Whether specifically the direction covered bushfires I do not know because he is yet to table the direction and he said that he would. But my question to you is: Were you aware that such a direction had been issued?

Mr REARDON: I believe that Mr Staples had indicated to me that he had received some direction—whether that is small "d" or large "D"—in relation to bushfire highway clearances.

The Hon. DANIEL MOOKHEY: Chair, could I have one minute?

The CHAIR: It is crossbench time, so it is up to the crossbench.

Mr DAVID SHOEBRIDGE: You can have one question—

The Hon. NATALIE WARD: Point of order—

The Hon. BEN FRANKLIN: Point of order: We are now at an hour and a quarter to go. Clearly the witnesses said that they would like to have a comfort break. This is not trying to get rid of time; we can add five minutes on the end, or whatever.

Mr DAVID SHOEBRIDGE: If people need a break, let us have a break. That is my view.

The Hon. BEN FRANKLIN: Thanks, David. I appreciate that.

Mr DAVID SHOEBRIDGE: I do not have an issue with that.

The Hon. WES FANG: It has been suggested for a while.

The CHAIR: What I said earlier was that there had not been a request—

Mr REARDON: I think there was a request.

The CHAIR: —and that we would arrange for a time to do that.

The Hon. BEN FRANKLIN: Then half the people at the table put up their hand to say, "Can we make a request?" I am suggesting that now, in this period between the two sections, would be the appropriate time.

Mr DAVID SHOEBRIDGE: I am more than happy for Robert and I to commence at five to 4.00 p.m. Are you okay with that, Robert?

The Hon. ROBERT BORSAK: Yes.

The CHAIR: It is your time.

Mr DAVID SHOEBRIDGE: No, the break is not coming out—

The Hon. NATALIE WARD: No, we will add it on.

Mr DAVID SHOEBRIDGE: —of the crossbench time. I am happy to have a 10-minute break and we will come back.

The CHAIR: We will be back at five to 4.00 p.m.

(Short adjournment)

The Hon. DANIEL MOOKHEY: Mr Secretary, we were having a discussion about ministerial directions and I asked if you were aware that Minister Constance had issued a ministerial direction to Mr Staples to remove all trees within a 40-metre distance from a series of major highways, but namely the Princess Highway.

Mr REARDON: I just sought clarification that it was around the time of the bushfires at the start of 2020. You said ministerial direction; I do not know if it was small "d" or large "d"—whether it was actually formalised under their Act.

The Hon. DANIEL MOOKHEY: I am advised by the Minister in the other hearing that it was a written direction, which the Acting Secretary has confirmed.

Mr REARDON: Yes, I just do not know whether that is under their Act or whatever and I will leave that to them. Mr Staples did mention, at that time, a that he had such a direction or formal instrument from the Minister in that part of the world on the South Coast.

The Hon. DANIEL MOOKHEY: Did Mr Staples express to you concerns after receiving this direction about both the legality of and effectiveness of what the Minister ordered him to do?

Mr REARDON: I do not recall that level of detail. Remember, that time you are asking me about, we were going from bushfires in January and February. If it is around that time, straight into COVID—too much happening.

The Hon. DANIEL MOOKHEY: At any time did Mr Staples raise with you concerns that he had been given an instruction that he thought may have been illegal?

Mr REARDON: No, not in those terms. He would have mentioned it to me at the time, I am sure, but I do not recall any more detailed conversations on it. If we did, I just do not recall them, mainly due to what I have just outlined to you about the time you are talking about. The public service and Transport was no different. Dealing with bushfire recovery and COVID recovery, and what Rodd Staples had on his plate, that is where his attention was focused.

The Hon. DANIEL MOOKHEY: Fair enough. The Minister told this morning's estimates hearing that he was dissatisfied with how the department went about implementing his order. Did Minister Constance say that to you in any conversation that led up to the dismissal of Mr Staples?

Mr REARDON: No, not that I recall. I will repeat what I said before: We serve the government of the day and the Minister, and the cluster Minister can take a view on seeking a new direction and renewing executive leadership. That is their prerogative.

The Hon. DANIEL MOOKHEY: To be fair to Minister Constance, he suggested that this featured in his thinking around that question. He was not necessarily clear whether it was determinative. But was it raised with you in any of these discussions?

Mr REARDON: Not that I can recall. As I said, the basic two premises I have just outlined.

The Hon. DANIEL MOOKHEY: Did you canvass the Minister's direction to Mr Staples in any conversation with Mr Staples that led to his termination?

Mr REARDON: No. Quite frankly, as I indicated, once you are clear on what a key stakeholder like the cluster Minister's view is, you get on with it. I indicated to the Secretary that his performance was strong. We made it clear. You have some documentation in front of you there that makes it clear that his performance was strong, but government can take a new direction as it sees fit and seek renewal, and that was the nature of our conversation. Rodd Staples, being the thorough professional that he is, took that in the spirit it was given because he understands that we all serve at the pleasure of the government of the day and we got on with the next actions we needed to take. He is a thorough professional.

The Hon. DANIEL MOOKHEY: Did you at any point discuss with the Secretary of the Department of Planning, Industry and Environment the Minister's instruction to Mr Staples to remove the trees?

Mr REARDON: No, not that I can recall. It may have been raised between those secretaries. They could have discussed that at any time last year. I just do not recall a specific conversation on it. They may have even had a discussion at Secretaries Board about it, but, again, we have to discuss so much and last year there was just so much operational activity going on constantly that I just would not know. I just do not know.

The Hon. DANIEL MOOKHEY: Do you mind taking that question on notice, as well as checking any— ?

Mr REARDON: What is the question?

The Hon. DANIEL MOOKHEY: Whether you have discussed it with Mr Betts and whether it was discussed at any Secretaries Board meeting, or any other meeting whatsoever, really.

Mr REARDON: I cannot take on notice something I cannot remember. It might be better to ask the Planning, Industry and Environment Secretary, Mr Betts, if he recalls and that might be the better course of action.

The Hon. DANIEL MOOKHEY: Sure, no problems; I will do that. Are you currently contemplating terminating the employment of any other Secretary?

Mr REARDON: That is not a matter that I am going to discuss in a hearing like this. What I have been delegated to do is to get on with the Government's priorities. There are nine secretaries in the Government; they have all got a massive job to do. The focus of myself and all of those other eight secretaries, including the one acting in Transport, is just focused on the job ahead, and the job ahead for economic recovery now. Based on a legacy of what Rodd Staples has actually left behind in Transport, getting through COVID, getting through the bushfires, leading 25,000 people with a great deal of passion and pride, those nine secretaries, including myself, are just focused on getting on with the job.

The Hon. DANIEL MOOKHEY: That is good to hear, Mr Reardon. Have you specifically had any conversation or meeting with anyone whatsoever about dismissing the Secretary of the Department of Education?

Mr REARDON: No. Sorry, the nature of your questions—we have ongoing performance discussions; ongoing. We do not have one-off discussions. Things go well; things need to be fixed. We have robust discussions constantly. Leading directly to a dismissal type of discussion, there are always the options available to the government of the day and delegated through me on any of the secretaries, including me. The way you have phrased that as something that is quite specific—when you go through a machinery of government change, when you go through a general election, my role and everyone else's role at Secretary level, you are having a discussion about who will stay and who may go, depending on whatever could occur at a State general election. Those discussions are had because they are written into our contracts; it is contemplated. But the specificity of what you have raised—no.

Mr DAVID SHOEBRIDGE: So that you can be clear, Mr Reardon, since the last machinery of government changes, you can rule out having had a conversation with Mr Scott about his potential termination?

Mr REARDON: No, I could probably have a discussion with you about all of the secretaries and having a view on how they are performing, getting on with their job. I think they all know if we are not performing and continue to not perform that the prerogative of the Government, delegated to me, is that we can renew.

Mr DAVID SHOEBRIDGE: I would have thought it would have been easy to say, "No, I haven't had a conversation with Mr Scott since the machinery of government changes where I've raised his termination with him," but you cannot give that statement?

Mr REARDON: Well, you are more eloquent than me. That is what you have said.

Mr DAVID SHOEBRIDGE: I am going to go back to finish those questions to Ms Courtman, as registrar. Ms Courtman, did you say that there have been only two Aboriginal land agreements [ALAs] registered?

Ms COURTMAN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: When did that process start? Not of those individual ones, but when did the process of discussions for ALAs start?

Ms COURTMAN: I cannot confirm the exact date of when the negotiations related to the LNP commenced, but my recollection—and I will take it on notice—is that the provisions were introduced, I think, in 2019.

Mr DAVID SHOEBRIDGE: I think the first half of 2019 is what I have.

Ms COURTMAN: I cannot give you the exact date, but I can get it for you.

Mr DAVID SHOEBRIDGE: So effectively in two years there have been a grand total of two registered. Do you know how much land they cover?

Ms COURTMAN: I can get those details for you. They relate to two local Aboriginal land councils.

Mr DAVID SHOEBRIDGE: Which ones?

Ms COURTMAN: The Coffs Harbour and District Local Aboriginal Land Council and the Griffith Local Aboriginal Land Council. Can I just clarify—

Mr DAVID SHOEBRIDGE: Go for your life.

Ms COURTMAN: Neither of those agreements, I understand, have come out of the LNP.

Mr DAVID SHOEBRIDGE: Okay, so they were separately negotiated? They have not come out of the LNP process?

Ms COURTMAN: That is my understanding.

Mr DAVID SHOEBRIDGE: So it would be fair to say that the LNP process has so far generated not a single registered ALA?

Ms COURTMAN: Not a registered ALA.

Mr DAVID SHOEBRIDGE: Any other binding ALAs?

Ms COURTMAN: From the LNP?

Mr DAVID SHOEBRIDGE: Yes.

Ms COURTMAN: No, not that have come to the registrar for registration.

Mr DAVID SHOEBRIDGE: I would characterise that as a failing process, the LNP, if it has not led to a single registered ALA. I am not asking you to either agree or disagree with that and give your opinion, but have you raised any concerns with Crown Lands about the LNP?

Ms COURTMAN: Yes.

Mr DAVID SHOEBRIDGE: What are those concerns?

Ms COURTMAN: I want to check that I am not going to—it is my opinion in terms of the concerns that I have raised. Is that appropriate for me to answer?

Mr DAVID SHOEBRIDGE: All I would ask you is: If you have raised concerns, what are the concerns you have raised in your capacity as the independent statutory officer?

Mr REARDON: If you are concerned, take it on notice.

Ms COURTMAN: I would be very happy to answer the question, but I would prefer to do it on notice if that is okay, because it is actually quite a detailed response.

Mr DAVID SHOEBRIDGE: Alright. Have you had a response to those concerns from Crown Lands?

Ms COURTMAN: There has been an ongoing conversation is what I would say.

Mr DAVID SHOEBRIDGE: Have they addressed the substance of your concerns?

Ms COURTMAN: I am not aware of—if I can just clarify: The registrar under the Aboriginal Land Rights Act does have a function in terms of conciliation of disputes relating to the Aboriginal Land Rights Act, but that function has not been used in relation to the LNP. So the registrar has not had any formal role in relation to that program.

Mr DAVID SHOEBRIDGE: Have you offered those services?

Ms COURTMAN: When I say "registrar", I am also covering the former registrar. Yes, I have.

Mr DAVID SHOEBRIDGE: Have you had a response to that offer?

Ms COURTMAN: There has recently been an offer for me in the future, on invitation, to attend the governance committee, but that has not eventuated as yet.

Mr DAVID SHOEBRIDGE: So rather than have a functional role in terms of conciliating any specific claim, there is an offer that, at some point, you may have an invitational role in the committee?

Ms COURTMAN: Input into the program presumably, through that committee.

Mr DAVID SHOEBRIDGE: I have a couple of question for Ms Havilah, if she is still here. Is it part of your vision for the Powerhouse that a proportion of the floor space will be used for commercial utilisation? Is that part of the vision?

Ms HAVILAH: Are you referring to Powerhouse Parramatta?

Mr DAVID SHOEBRIDGE: Correct.

Ms HAVILAH: Yes. As part of the operations at Powerhouse Parramatta, we have incorporated a commercial event program not dissimilar to all museums around Australia and around the world. That is an important part of our role, to make sure that we are leveraging outside investment but also that those programs activate the precinct and activate the space.

Mr DAVID SHOEBRIDGE: This is something that you explored with your role with Carriageworks, isn't it? In 2016 this concept of a commercial utilisation of the exhibition space was something you explored in your role at Carriageworks, is that correct?

Ms HAVILAH: Carriageworks was a completely different model and type of operation from the Museum of Applied Arts and Sciences. Carriageworks is a contemporary multi-arts centre that did leverage a whole range of commercial income, and that commercial income was invested back into the programs.

Mr DAVID SHOEBRIDGE: The last budget you were responsible for at Carriageworks had, in fact, 70 per cent of the floor space at Carriageworks being used for commercial utilisation. That was your budget.

Ms HAVILAH: Yes. We had a very specific model—which was endorsed and supported by the board—where half of Carriageworks, 70 per cent, was used for commercial and 30 per cent for artistic, and the other half was the other way round: It was 70 per cent artistic and 30 per cent commercial.

Mr DAVID SHOEBRIDGE: And that is the experience you have brought to your role at the Powerhouse, isn't it? That is your thinking. It is a good indication of thinking is what you did in the past.

Ms HAVILAH: I bring my experience to the Powerhouse, but it is not the same type of thinking and it is a very different type of institution.

Mr DAVID SHOEBRIDGE: Ms Havilah, you could understand the concern in the arts community and the museum community if the last time you ran a major institution, you directed a budget that had 70 per cent of the floor space used for commercial utilisation. Are you looking at the same kind of figures for the Powerhouse?

Ms HAVILAH: That was my experience at Carriageworks, but I have other experiences. I have spent over a decade working in western Sydney, working for local government, delivering outcomes for a whole range of different communities, access programs that were primarily funded by government.

Mr REARDON: Could I just ask: You are asking Ms Havilah about whether she is going to bring the same approach to the Powerhouse at Parramatta as at Carriageworks. She has indicated they are completely different approaches.

Mr DAVID SHOEBRIDGE: No, she hasn't, Mr Reardon. She hasn't.

Ms HAVILAH: I did.

Mr REARDON: She did.

The Hon. WES FANG: Point of order: Can you allow him to finish, David.

Mr DAVID SHOEBRIDGE: I am going to take a point of order with the witness. It is not this witness—

The Hon. WES FANG: I am going to take a point of order with Mr Shoebridge.

The CHAIR: Hang on.

Mr DAVID SHOEBRIDGE: Well, no, let me finish.

The Hon. NATALIE WARD: Well, who has taken a point of order.

Mr DAVID SHOEBRIDGE: I may have some questions to put to Mr Reardon about this, but it is not Mr Reardon's job to run commentary on Ms Havilah's evidence.

The CHAIR: That is actually correct.

The Hon. WES FANG: To the point of order:—

The CHAIR: I will come to your point of order.

Mr DAVID SHOEBRIDGE: That is why I am taking objection to Mr Reardon butting in to Ms Havilah's evidence to run commentary. I am more than happy if Mr Reardon wants to add something at the end of it, but not to interrupt Ms Havilah and run a parallel commentary.

The CHAIR: Yes, that is absolutely correct.

Mr REARDON: May I just ask though, in terms of where this sits in the terms of reference, that's all I was going to get to.

The CHAIR: Well, with respect, we will ask the questions. How the witnesses choose to answer them is a matter for the witnesses. I will take the point of order. Mr Fang?

The Hon. WES FANG: To the point of order: Mr Shoebridge was effectively doing exactly that, interrupting Mr Reardon as he was trying to provide some context, and Mr Shoebridge's commentary over the top of Mr Reardon is inappropriate.

Mr DAVID SHOEBRIDGE: I do not think I need to address that.

The CHAIR: No. I do not uphold the point of order.

The Hon. WES FANG: Chair, you have not yet upheld one of our points of order.

The CHAIR: Have another crack and we will see how we go. Mr Shoebridge has the call.

Mr DAVID SHOEBRIDGE: Mr Reardon, I will give you an opportunity to come in after this.

Mr REARDON: Sure.

Mr DAVID SHOEBRIDGE: Ms Havilah, if it is not 70 per cent of the floor space at the Powerhouse that is going to be used for commercial purposes, what is the percentage you are working to?

Ms HAVILAH: I will have to take that on notice, but we have a key function centre that we are using. We are also using other spaces for commercial return, including retail space, and that retail space is focused on food and beverage. We want to enhance the visitor experience. We want them to experience the great museum exhibitions right across the precinct and then we would like them to stay for lunch or dinner or morning tea, and also be able to support broadly that experience with great food and beverage experiences.

Mr DAVID SHOEBRIDGE: How much of the current Ultimo Powerhouse floor space, what proportion of the current Powerhouse facility at Ultimo, is used for those kinds of commercial purposes?

Ms HAVILAH: I would have to take that on notice. It is not dissimilar to what Powerhouse Parramatta will be.

Mr DAVID SHOEBRIDGE: As I understand it from your answer just then, all of the level 4 space at Parramatta, which is commercial hire, events et cetera, will be a commercial space entirely. Is that right?

Ms HAVILAH: It is presentation space 7, and that will primarily be used for events but also for education programs and other community activity.

Mr DAVID SHOEBRIDGE: So level 4 is overwhelmingly commercial as presentation space 7. Presentation space 1, multipurpose, concerts, major events, installations, will be used for commercial purposes, will it?

Ms HAVILAH: No, the primary purpose of that space is for large-scale museum exhibitions.

Mr DAVID SHOEBRIDGE: What about performance space 2 on level 2? That was originally going to be for large objects, but, as many of them are not moving, what is the proposal for performance space 2—commercial?

Ms HAVILAH: No, that will be museum exhibition space and it will present large objects from the Powerhouse collection.

Mr DAVID SHOEBRIDGE: Performance space 3 is set aside for events, exhibitions, flexible seating for 800—commercial?

Ms HAVILAH: No, museum exhibition and public program space.

Mr DAVID SHOEBRIDGE: Performance space 4 is a large performance space, exhibitions, performance events—commercial?

Ms HAVILAH: No, that is for museum exhibitions and programs.

Mr DAVID SHOEBRIDGE: Performance space 5 is slightly smaller exhibitions and performance events space—commercial?

Ms HAVILAH: Museums, exhibitions and programs, not commercial.

Mr DAVID SHOEBRIDGE: Performance space 6?

Ms HAVILAH: That will be our immersive screen space, it will be our 360-degree immersive screen space, so it will be for museum programs.

Mr DAVID SHOEBRIDGE: If I am to understand your answers to my questions, the only space that you are setting aside for commercial utilisation is performance space 7. You have ruled it out for every other performance space. Is that right?

Ms HAVILAH: For example, in performance space 3, if there is a conference or an event, we might partner with people to leverage income into those types of programs, but the majority of time it will be for museum exhibitions and programs.

Mr DAVID SHOEBRIDGE: That is quite a different answer to what you gave earlier as I went through the space. Is it that performance space 7 will be, for the majority of time, commercial and the others will have some commercial space for a proportion of the time, or is it wholly for museum purposes? I want to be clear about this.

Ms HAVILAH: It is primarily for museum purposes and programs that may leverage commercial income.

Mr DAVID SHOEBRIDGE: They are two quite different things, are they not? One is making money through commercial partners and the other one is a museum, so which is it?

The Hon. BEN FRANKLIN: But they are not mutually exclusive.

Ms FOY: I think they are entirely compatible.

Ms HAVILAH: Yes.

Ms FOY: This is the Museum of Applied Arts and Sciences. Its primary purpose is to be a museum, to display more of the some half a million objects that the Powerhouse has as part of its collection and provide an experience in western Sydney that is not there now and that we look forward to providing in the future. While Ms Havilah was talking about the Powerhouse, it is the case with all of our institutions that they have a level of mobility and flexibility inside the space. Primarily, the Art Gallery is the Art Gallery and, primarily, the Sydney Opera House provides performances.

The Australian Museum, the fantastic Discovery Centre and recently the bequest from one of its former staff to open an education centre—these are all institutions primarily to serve the public, to provide arts and culture experiences, and, for Ms Havilah, the experiences around science and technology, engineering, maths and agriculture. It is a good thing for them to do, for us to do and for the Government to set us the ambition that we are primarily a museum, but we also operate in a modern context and can provide a range of experiences for the public, either in the forecourts or in their exhibition spaces, through commercial kitchens and through residential programs. These are all services that can be provided and, as a modern organisation, leverage what commercial income there might be to reinvest in its programs and expand its reach throughout the community.

Mr DAVID SHOEBRIDGE: To be honest, Ms Foy, I was not really interested in the brochure; I was more interested in the numbers—

Ms FOY: I can assure you I am not reading from a brochure.

Mr DAVID SHOEBRIDGE: I will get some numbers on notice from you, Ms Havilah, about the current proposal in terms of the break-up between commercial utilisation and museum use.

Ms HAVILAH: I would be happy to provide that.

The Hon. WALT SECORD: Ms Lo, are you familiar with the recent commentary about the appointment, which did not eventuate, of Police Commissioner Fuller to the NRL?

Ms LO: I am familiar with it, yes. .

The Hon. WALT SECORD: Did you provide any advice in this regard?

Ms LO: Yes. I am aware of the commentary about the Police Commissioner and the ARL Commission. When I read the articles in the media, what I did was contact the General Counsel of the Department of Premier and Cabinet because I anticipated that she would be asked to provide advice on that. I expressed a view to her that I thought that there would be a conflict of interest. She shared that view and said that they were already looking into the matter.

The Hon. WALT SECORD: Who is general counsel in the DPC?

Ms LO: Do you want the name or the position?

The Hon. WALT SECORD: Well—

Ms LO: The General Counsel of the Department of Premier and Cabinet.

The Hon. WALT SECORD: Thank you, Ms Lo. And that person reports to you, Mr Reardon?

Mr REARDON: That person does report to me.

The Hon. WALT SECORD: Did you have any discussions with police Minister David Elliott involving the appointment?

Mr REARDON: To me or to Ms Lo?

The Hon. WALT SECORD: To you.

Mr REARDON: No.

The Hon. WALT SECORD: Did you have any discussion with Commissioner Fuller?

Mr REARDON: Yes.

The Hon. WALT SECORD: Did you convey to him the advice from Ms Lo and the advice from the general counsel?

Mr REARDON: I did not have the advice at that time, but in general that the issue of conflict would need to be dealt with, and there was advice provided by my general counsel.

The Hon. WALT SECORD: Did you have any discussions with anyone else involved in this appointment that then did not go ahead?

Mr REARDON: With the Premier.

The Hon. WALT SECORD: Did you have a discussion with Mr V'landys?

Mr REARDON: No.

The Hon. WALT SECORD: Did you recommend to the Premier that there was a conflict in this?

Mr REARDON: My general counsel provided advice. In the terms you have put, I would have to—she provided advice outlining as Ms Lo put it.

Mr DAVID SHOEBRIDGE: That there was a conflict?

Mr REARDON: Yes, I just cannot remember the actual wording, that is all.

The Hon. WALT SECORD: Ms Lo, what was the basis? Was there a contravention of legislation, or what was the basis of your interpretation?

Ms LO: I saw it as a conflict of interest.

The Hon. WALT SECORD: Mr Reardon, on 1 February was it a memo or a letter that you put out involving voluntary redundancies?

Mr REARDON: In the Department of Premier and Cabinet?

The Hon. WALT SECORD: Yes.

Mr REARDON: Voluntary redundancy went out via a secretary's message, which is what we call them internally.

The Hon. WALT SECORD: What has been the response to that request for voluntary redundancies?

Mr REARDON: There has been interest. Expressions of interest have been provided. I indicated this morning that that process is underway. We are basically in the middle of it now. I do not actually have the latest numbers. I think the last time I was briefed was either late last week or Monday this week, and basically the first stage of the process was just coming to finalisation, and then there was consideration of those expressions of interest within our people and culture area, and that is what I provided this morning as well.

The Hon. WALT SECORD: Was the \$8 million saving the target or the goal?

Mr REARDON: I said this morning that there is no dollar target that is against voluntary redundancies. I saw reference to \$8 million somewhere, whether it was in the media or otherwise.

The Hon. WALT SECORD: *The Sydney Morning Herald.*

Mr REARDON: I indicated this morning that we had a savings target for 2019-20 of \$20.3 million. And then it accumulates up from there across every area—not just voluntary redundancies, across a whole range of areas whether they are procurement, corporate services et cetera; voluntary redundancy is only one. I do not have a target against that necessarily because it is an expression-of-interest stage. It is a voluntary redundancy process, so I do not have a number against it. I know that I have to achieve savings. How and where they are achieved? A number of different ways.

The Hon. WALT SECORD: Can you tell me the number of staff in Create NSW at the moment?

Mr REARDON: I might refer that to Ms Foy.

The Hon. WALT SECORD: I will list them: Create NSW, Heritage NSW, Aboriginal Affairs, cultural institutions of Sydney Opera House, the Australian Museum and the Art Gallery of NSW?

Mr REARDON: Create NSW first?

The Hon. WALT SECORD: Yes, please.

Ms FOY: Just give me a moment. So we are talking about the Community Engagement branch. The total headcount as at December 2020 is 722.1 FTE; Aboriginal Affairs has 149.4; a broader group that sits across community engagement has around six; Create has 93.4; employee relations, 51.8; Heritage at 127.2. They are the ones you asked about?

The Hon. WALT SECORD: Yes.

Ms FOY: And then the cultural institutions, I would have to take their headcount on notice to get it from them.

The Hon. WALT SECORD: Mr Reardon, of the divisions or departments or areas that I mentioned, did I leave any out that were within your purview?

Mr REARDON: Within the Department of Premier and Cabinet in what has just been described by Ms Foy, is that your question?

The Hon. WALT SECORD: Yes.

Mr REARDON: You left multiple out.

The Hon. WALT SECORD: And what were the others that I left out?

Mr REARDON: I have direct reports, being Ms Foy as Deputy Secretary of Community Engagement. She has just described many of the functions of her area. I have a Deputy Secretary of Strategy and Delivery, who delivers a whole range of commercial arrangements, plus broader policy and strategy. I have a Deputy Secretary of Transformation, who does major events, Premier's protocol, looking further in the future—hence the name "transformation"—and all intergovernmental, particularly the large amount of work we do at the Commonwealth level, particularly in relation to COVID over the last 12 months.

There is General Counsel, who we talked about before—so the Office of General Counsel; it is a small office but it has a massive influence across all of government—a Chief People Officer who runs People, Culture and Talent, who runs the ministerial services, who runs corporate and shared services for the entire department; and Mr Shane Fitzsimmons, who is the Commissioner of Resilience NSW, and has a dotted line report as a Deputy Secretary of Emergency Management within our executive as well. Just for our senior executive leadership, the head of Aboriginal Affairs, Lil Gordon, also sits on our executive leadership. She is not a direct report, but she is treated as such due to the nature of that role.

The Hon. WALT SECORD: What is the global staffing figure?

Mr REARDON: The global staffing figure for the entire cluster—the entire cluster headcount, not just FTE—is around 4,000. FTE is about 3,360, and then the core agency itself I will take on notice so I do not get the calculator out right now, if that is okay?

The Hon. WALT SECORD: No, that is fine.

Mr REARDON: I will not say a number. If I can get it together in a few minutes, I will. Otherwise, I will take it on notice.

The Hon. WALT SECORD: Ms Gordon, are you familiar with a tragic case in Tumut in 2016 involving Naomi Williams?

Ms FOY: I am aware of it from what has been available publicly and I believe that this is a case that has been mentioned before. I think this would be appropriately responded to by my colleague.

The Hon. WALT SECORD: This is a case that has been taken up by the National Justice Project. Ms Gordon, can you fill me in on the state of play at the moment? What has been the response and has there been any action on the recommendations of the Coroner?

Ms GORDON: This is one I definitely have to take notice. I do not have that information with me at the moment. It is probably one that is better directed to Department of Health, but happy take it on notice and provide whatever we can from that end.

The Hon. WALT SECORD: How do you determine what issues your area of the cluster becomes involved in Aboriginal Affairs? This was a national death. She had visited the hospital 18 times in eight months. She was six months pregnant and she was stereotyped as a drug user. So when do these issues come into your portfolio or your purview?

Ms GORDON: They may come in from a range of different directions; it might be from a community perspective, it could be from another cluster. What we would do is seek advice that we need from the cluster or the department that was relevant at that time if there was any need to then assist from the community perspective, or assist from a more policy perspective.

The Hon. WALT SECORD: Ms Foy, do you have responsibility or oversight of the Theatre Royal project involving Minister Harwin.

Ms FOY: Yes, that is a project that has been largely coordinated through the Create Infrastructure group.

The Hon. WALT SECORD: So what is the status of that project? We have heard very little about it recently.

Ms FOY: It is fantastic. The status of the project is—and I will refer to my notes to make sure I am completely accurate—this is a redevelopment of the broader MLC building over here that is being managed by Dexus. We have appointed—Trafalgar is going to be the operator. The works on the theatre and the external parts of the building are the responsibility of Dexus and are well underway. I will just check. We have entered the heads of agreement. As we have talked about before, Trafalgar has the 55-year sublease that was part of an international tender. Investment by both parties, being Trafalgar and Dexus, will ensure a significant upgrade of the theatre. I understand that Trafalgar has lodged a development application with the City of Sydney late last year and they expect to commence fit-out works earlier this year. The theatre is on track to reopen late 2021. Of course, we are particularly excited about the reopening of the Theatre Royal and adding an additional theatre back into the Sydney arts landscape.

The Hon. WALT SECORD: Ms Havilah, the Government has announced in one of the criteria as part of the Dine & Discover vouchers that you can take them to museums and galleries. The criteria says museums, galleries and historic sites. Have you had any response, any inquiries, involving Dine & Discover at Powerhouse Ultimo?

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

The Hon. WALT SECORD: Have you had—

Ms HAVILAH: Not that I am aware of, but that does not mean that there has not been.

Mr REARDON: Mr Secord, could you repeat the question?

The Hon. WALT SECORD: The Dine & Discover vouchers program—the four \$25 vouchers—as part of the criteria it says they can also be redeemed at museums, galleries and historic sites. I wanted to know if, in fact, there had been a response or any inquiries involving that?

Mr REARDON: Just more generally, the measurement of where people are using their Dine & Discover is just starting, so some of that has been recorded. If there is anything for Ultimo we will seek to find that out.

The Hon. WALT SECORD: I do not know who to direct this to, but the person that handles questions involving heritage?

Ms FOY: That will be me.

The Hon. WALT SECORD: Have there been any representations or any work involving stepping in to save the Gough Whitlam, Margaret Whitlam house in western Sydney?

Ms FOY: I read on the weekend that the trust purchased that house prior to the auction last weekend, and I am happy to take any of the details on notice if I may.

The Hon. WALT SECORD: Another separate heritage question: Has the State Government done any work involving the United Nations Educational, Scientific and Cultural Organization [UNESCO] site nomination for the Female Factory at Parramatta?

Ms FOY: This is something that I am sure members are aware the Minister is particularly passionate about. The North Parramatta site has the involvement of a number of members of my portfolio, and many of them are here today. We are working with the team at North Parramatta and we are very strongly making sure that the Minister's ambition to be eligible for World Heritage listing is being pursued. I will see if I can provide sufficient information. We brief the Minister regularly because of his passion and interest as the portfolio Minister for Heritage. Certainly, it is wonderful that the residence of the previously demolished Female Factory buildings still survives. The Minister has asked us to make sure that it is properly protected, managed and interpreted in that wonderful landscape.

The Government certainly recognises there are local community groups who strongly advocate for the Female Factory's sensitive conservation and possible World Heritage listing. He is supporting, and we are supporting, that advocacy. In July 2020 the Minister wrote to his Federal counterpart, the Minister for the Environment, to indicate the New South Wales Government's support for World Heritage listing of the Parramatta Female Factory and to seek her support. He has recently received a promising response from the Federal Minister and notes the New South Wales Government's aspirations. We, through Heritage and a number of our portfolio agencies, continue to assess the work and the buildings on that particular site.

The Hon. WALT SECORD: Various Ministers have referred to putting a business hub on the site. How does UNESCO listing interface or interplay with that?

Ms FOY: I would have to take that detail on notice. The work that we are doing around protection of that World Heritage or heritage listing of the site, we are engaging through Heritage all of the relevant assessments and we work directly with the North Parramatta team. Anything specific you have got, I am happy to take on notice and refer to the team as well as our colleagues in the Department of Planning, Industry and Environment.

The Hon. WALT SECORD: Ms Foy, on 11 December a statement was put out about Walsh Bay saying that it is completed; it is finished. What was the final cost of the project?

Ms FOY: Walsh Bay as a precinct continues. We have got the two wharves—sorry, we have Pier 2/3 and Wharf 4/5. Wharf 4/5 has been completed and really, really pleased to see it coming into use with its resident companies. The work at 2/3 continues and everything is being pursued within the budget envelope that has been allocated to us by government.

The Hon. WALT SECORD: Have all resident companies been returned?

Ms FOY: Wharf 4/5 companies include the Sydney Theatre Company, Sydney Dance Company, Bangarra Dance Theatre, Sydney Philharmonia Choirs, Gondwana Choirs and The Song Company. Wharf 2/3 will have different companies resident when it is completed and we remain on schedule for completion by the end of this calendar year. The future 2/3 tenants are the Australian Chamber Orchestra, Bell Shakespeare, the Australian Theatre for Young People, and we continue to work with them through the construction process.

The Hon. WALT SECORD: This is probably a question to Ms Havilah but I will start with you.

Ms FOY: Of course.

The Hon. WALT SECORD: As part of the Powerhouse Parramatta there is a mention involving the deconstruction of Willow Grove so that it is not to occur until a relocation framework and methodology plan has been completed and developed.

Ms FOY: Yes.

The Hon. WALT SECORD: What is that?

Ms FOY: That is a matter for Infrastructure NSW, who is the delivery arm, and I think Mr Draper spoke to this in the inquiry some fortnight ago. There are obviously conditions in the State significant development application [SSDA]. As was pointed out, there are several conditions. I do not want to speak for Mr Draper but I do recall his evidence that they will continue to work with and make sure that those things are observed. I am just seeing if there are any other matters that are relevant to advise the Committee. Certainly it is worth noting that detailed surveys, assessments and archival recordings of the building's condition are currently underway with experienced heritage consultants and builders to determine the exact way it will be dismantled and rebuilt. Those details will be worked through by Infrastructure NSW. If there is something specific I am very happy to take it on notice, but that work is underway and we must observe the conditions placed on us by the SSDA.

The CHAIR: Ms Courtman, you have been asked a number of questions today in relation to land claims and I want to ask some follow-up questions. I will be paraphrasing because it was earlier in the day. I am happy to be corrected if I do not have the language right. You mentioned a couple of times that you had given advice in various forms about the lack of resources, or the registrar's view on the lack of resources, in terms of processing land claims. Who did you give the advice to?

Ms COURTMAN: There have been a number of conversations. There were previously discussions directly with Crown Lands. One of the things I do is provide independent advice to the Minister for Aboriginal affairs, so comment on that respect as well. It has been an issue for a long time that has been talked about. Obviously, more resourcing to the investigation side in Crown Lands would result in more determinations of land claims.

The CHAIR: Thank you, that is helpful. You have given some advice directly to the Minister for Aboriginal affairs. In your role do you give advice to the Minister for Crown lands?

Ms COURTMAN: Not directly, no.

The CHAIR: Through the department have you engaged with them, or is it through this cluster?

Ms COURTMAN: There have been discussions as well as written communication with the department. I think there is a question on notice in relation to that matter—what concerns have I raised in relation to the Land Negotiation Program. I would be happy to provide the detail.

The CHAIR: That is fine. I am talking in general terms about how the interactions work. I understand the bulk of this is done by Crown Lands.

Ms COURTMAN: It is.

Mr REARDON: I think also my peer, being the Secretary of Planning, Industry and Environment, would have a view on it. He and I have discussed it, not in resource terms but just the tasks that they have, so I would think he would be the appropriate person to focus that question to.

The CHAIR: Sure, will do. In terms of interactions with the Minister, how many times would you have met with Minister Harwin on this issue or anything to do with land claims?

Ms COURTMAN: I would have to check back through because I have been in the position for over four years, so it would be multiple times over that period.

The CHAIR: I understand. You are welcome to take it on notice.

Ms COURTMAN: Yes, I will.

The CHAIR: Again, I understand this is through Aboriginal Affairs but do you interact at all with the Minister for Crown lands in this capacity?

Ms COURTMAN: No, not directly.

Ms FOY: May I add that I note that the accountability for the program is through the Department of Planning, Industry and Environment. We do work, all of us work, closely with our colleagues in the department and I think they are—without wanting to speak for them—well aware of the challenges in the area. Jody Broun,

the deputy secretary who the Minister referred to this morning, we work with closely on a range of issues around Aboriginal cultural heritage, other matters associated with Aboriginal communities in the portfolio. As the secretary said, it is worth putting the detailed questions to them but I do want to reiterate that they have been eyes wide open looking at the issues inside their own organisation. They are taking very active and proactive steps to address them. Certainly Ms Courtman is one of the very important stakeholders as an independent entity. Ms Gordon and myself also work quite closely with them and the Minister has maintained a strong interest in making sure that we are delivering the outcomes that are required to that particular program. I just wanted to, I suppose, express there are a number of players in this, with the accountability squarely with the Department of Planning, Industry and Environment working to the Minister responsible for Crown lands.

The CHAIR: Understood, and we have that hearing on Monday.

Mr DAVID SHOEBRIDGE: Ms Lo, at least one prior effort by the Public Service Commission to restructure was rejected by DPC. Is that right?

Ms LO: Could you please repeat the question?

Mr DAVID SHOEBRIDGE: At least one prior effort to restructure on the part of the Public Service Commission was actually knocked back by DPC. Is that right?

Ms LO: I am not aware of that in my term, which is 10 months.

Mr DAVID SHOEBRIDGE: Mr Reardon?

Mr REARDON: I cannot recall any of that, all the way back to 2017.

Mr DAVID SHOEBRIDGE: In terms of the restructure that was just undertaken by the Public Service Commission, was there any referral to your office, Mr Reardon, about that restructure?

Mr REARDON: Formal referral because there was an issue, or just being advised of it?

Mr DAVID SHOEBRIDGE: Seeking approval or an indication of support from your office.

Mr REARDON: No. I think the Public Service Commissioner, from memory, has simply advised me that she was getting on with it.

Mr DAVID SHOEBRIDGE: Is that your understanding, Ms Lo?

Ms LO: Yes. I raised it in the regular meeting that we have. I do not require the approval of the Secretary of the Department of Premier and Cabinet.

Mr DAVID SHOEBRIDGE: It is true, is it not, that the second IRC hearing about the restructure was withdrawn—or the PSA agreed to the withdrawal of the proceedings, primarily on the basis of the establishment of the joint consultative committee?

Ms LO: You asked me a question this morning about undertakings, which I have the information about and I can answer that now. I think it is a bit linked to what you have just asked me.

Mr DAVID SHOEBRIDGE: They are very much linked.

Ms LO: Yes, so perhaps I could just give you the answer. There were two undertakings that we gave. There was a hearing on 30 September 2020. Two days before that hearing, we received a letter from the Public Service Association. Because it was two days before, we did not have sufficient time to consider and respond to that letter. So at the hearing on the thirtieth we undertook to respond to that letter, which we subsequently did on 9 October. The other undertaking we gave was around a regular joint consultative committee meeting to be held monthly during the course of the restructure and then bimonthly thereafter. That has also occurred. We have also agreed terms of reference together.

Mr DAVID SHOEBRIDGE: How many times has the joint consultative committee met?

Ms LO: I would have to take that on notice, but they have been meeting regularly—as recently as last week, I think.

Mr DAVID SHOEBRIDGE: Do you know when it first met?

Ms LO: I will take that on notice.

Mr REARDON: Mr Shoebridge, there are a couple of other questions that we took on notice that Ms Lo can also respond to.

Ms LO: Questions that you asked me.

Mr DAVID SHOEBRIDGE: Now is the time.

Ms LO: You asked me a question about diversity statistics at the Public Service Commission as opposed to the sector as a whole. In terms of female senior leaders, we have eight and that is 80 per cent. In terms of Aboriginal senior leaders, we do not have any at the senior executive level but I note that my head of people and culture, who is a Grade 11 or 12, is part of our senior leadership team. In terms of people identifying with a disability, 7.98 per cent of our staff identify as having a disability, and that compares to the sector figure of 2.4 per cent.

Mr DAVID SHOEBRIDGE: And the target?

Ms LO: The target is 5.6 per cent by 2025, but that is a whole-of-sector target.

Mr DAVID SHOEBRIDGE: I accept that. Thanks, Ms Lo.

Ms LO: I do have some other information I can share with you. I think you asked about retention rates for two groups of people. We express that as a statistic for commencement and a statistic for separation from the agency. Separation from the agency could be to go to another agency, or it could be to leave the sector altogether. You asked for Aboriginal and Torres Strait Islander staff. The commencement rate for 2020 was 10.8 per cent and the separation rate was 10.1 per cent. For employees with disability, for the sector the commencement rate was 6.5 per cent and the separation rate was 10.4 per cent.

Mr DAVID SHOEBRIDGE: I should have asked how that compares to the across-the-board rates. I do not know if you have that there.

Ms LO: Yes, I do. The public sector rate for commencement is 8.6 per cent and the separation rate is 8.6 per cent.

Mr DAVID SHOEBRIDGE: At first flush, that would suggest that members of the public service who identify as Aboriginal or Torres Strait Islander or as having a disability have a higher separation rate. Would that be a fair reading?

Ms LO: Yes, I think that is a fair interpretation of the statistics. I think it is also worth mentioning that we have identified an issue around people identifying with diversity groups.

Mr DAVID SHOEBRIDGE: Indeed.

Ms LO: Where we have the People Matter Employee Survey, which is anonymous, the rate of identification is higher than rates recorded on the human capital management systems of agencies.

Mr DAVID SHOEBRIDGE: Rather than try to run off one data point here, which I could try to build a castle out of but which would not be very useful, could I ask you to look at those numbers going back over the past three to five years in terms of the separation rates for, particularly, people with a disability and people who identify as Aboriginal or Torres Strait Islander and draw some reflections on what the trend has been and what, if any, action has been taken to address it?

Ms LO: Yes, I can do that.

Mr DAVID SHOEBRIDGE: Ms Havilah, you probably heard some questions I put to the Minister earlier about the Riverside Theatre and the original proposal for connectivity between a redeveloped Riverside Theatre and the Powerhouse. Were you here for those questions?

Ms HAVILAH: I was.

Mr DAVID SHOEBRIDGE: Have you had any conversation with Parramatta city council about the redevelopment of the Riverside Theatre?

Ms HAVILAH: No, I have not. They are a very key stakeholder in Powerhouse Parramatta, so I have ongoing conversations around a range of things around Powerhouse Parramatta and community engagement in particular, but not about Riverside Theatres.

Mr DAVID SHOEBRIDGE: Surely the success or otherwise of the Powerhouse would be impacted by the redevelopment of the other major cultural institution just across the river. How is it that you have not sat down and spoken with Parramatta about a precinct plan?

Ms HAVILAH: I have spoken to a range of cultural stakeholders right across Parramatta, including Robert Love, who is the director of Parramatta Riverside Theatres. I have also addressed the Parramatta Riverside Theatre board around plans on Powerhouse Parramatta. We have talked about, potentially, how we might partner in the future. I have also talked to cultural stakeholders around North Parramatta as well. I do agree the cultural precinct in Parramatta is something that everyone has ambitions for.

Mr DAVID SHOEBRIDGE: Would the current Powerhouse plans allow for or incorporate the proposed pedestrian bridge linking the redeveloped Riverside and the Powerhouse? Do the current plans allow for that to be included? Is it part of the planning at all?

Ms HAVILAH: No, they are not currently incorporated in our plans.

Mr DAVID SHOEBRIDGE: Do you think it would be sensible to sit down with the council and say to them, "You're doing potentially something big across that side of the river. We're doing something big on this side of the river. Why don't we have a precinct plan"?

Ms FOY: I think those matters of the precinct fall more within the Create NSW portfolio. They have many, many conversations. Ms Havilah's interest is in bringing the vision to life of the Powerhouse Museum. Of course she engages with stakeholders, including those at council and at Riverside. But the broader thinking about the precinct is a matter for discussions between Create Infrastructure and the council.

The current scope of the Powerhouse does not incorporate a bridge. Should the council wish to do something with the riverside that is consistent, perhaps, with the business case that we provided to them in late 2019 then that would be a matter for them to bring forward for discussion with us. But I think the Minister has indicated this morning that the redevelopment of Riverside is not a dependency for the success of Powerhouse; it is a bonus for Parramatta. He has expressed his attitude towards a cultural precinct incorporating all of those major institutions, thinking about the Roxy, thinking about Powerhouse Parramatta and Riverside Theatre.

Mr DAVID SHOEBRIDGE: Ms Havilah, are you aware that City of Parramatta Council has what was originally a \$40 million fund to implement its strategic plan on the arts sector in Parramatta?

Ms HAVILAH: I am aware of it, yes.

Mr DAVID SHOEBRIDGE: Have you sat down with City of Parramatta Council to provide feedback or to work out how that would assist with the Powerhouse?

Ms HAVILAH: I have had multiple meetings with stakeholders right across Parramatta council, including the cultural services director and its head of Indigenous engagement. There are multiple conversations happening about how we are going to collaborate with Parramatta council in terms not only of the council extending its own ambitions but also making sure that Powerhouse Parramatta is completely embedded into the city and the broader cultural aspirations of the community.

Mr DAVID SHOEBRIDGE: But I asked you specifically about the \$40 million fund, if I could just get an answer on that.

Ms HAVILAH: I have not spoken to them directly about the \$40 million fund.

Mr DAVID SHOEBRIDGE: Alright. So no—

Ms FOY: Again, that is a role for Create Infrastructure to have those detailed conversations.

Mr DAVID SHOEBRIDGE: Thanks, Ms Foy.

Ms FOY: Ms Havilah and the team are major stakeholders that will be responsible for a major institution, but the conversations around the arts precincts, cultural infrastructure, the form of the city and how that goes—

Mr DAVID SHOEBRIDGE: Ms Foy, we may agree to disagree as to whether or not the director of a billion-dollar cultural project—

Ms FOY: I am—

Mr DAVID SHOEBRIDGE: Let me finish.

Ms FOY: Of course.

The Hon. WES FANG: Actually, no. In that case, Chair, point of order—

Mr DAVID SHOEBRIDGE: Because there is repeated commentary from you about Ms Havilah's answers.

The Hon. WES FANG: Point of order: Ms Foy was answering the question when Mr Shoebridge interrupted her. For Mr Shoebridge to claim that she is being—

Mr DAVID SHOEBRIDGE: You are quite right. I should have taken a point of order on Ms Foy. Ms Foy's job is not to run a parallel commentary on Ms Havilah's answers—

The Hon. WES FANG: I have not finished my point of order, Mr Shoebridge, and I have not—

Mr DAVID SHOEBRIDGE: I accept the point of order. I should have done that differently.

The Hon. WES FANG: —had a ruling yet, either. Mr Shoebridge, now you are—

The CHAIR: I am happy to continue hearing Mr Fang, but I am also happy to rule because we are very close to time. I think robust questioning and answering is okay, and Mr Shoebridge has just made some comments in terms of that. Let us continue.

Mr DAVID SHOEBRIDGE: It is not feeling super productive. I will hand over to Mr Searle, who is very anxious.

The Hon. ADAM SEARLE: You seemed to be having so much fun.

Mr DAVID SHOEBRIDGE: It is all yours.

The Hon. ADAM SEARLE: Mr Reardon, I think for the second year in a row there is no specific mention in the budget papers for DPC cluster to industrial relations and employee relations. I think last year I asked you and Ms Foy some questions about how many full-time equivalent staff are in the industrial relations function, what they do, how many inquiries you had—a range of activities you have given evidence on. I do not expect you to know all of that here and now, but if you have it please provide it; otherwise I am happy for you to take it on notice.

Ms FOY: There are probably two ways to address that. In terms of the staff of Employee Relations, 51.8 FTE were in Employee Relations as of December 2020. They have a broad range of responsibilities. I am very pleased that my colleague Charlie Heuston, who is the Executive Director of Employee Relations, is here. I think he is the one who leads that part of the business. With your indulgence, I would be very happy to invite Mr Heuston to speak to that.

The Hon. ADAM SEARLE: Please. I am happy to hear from Mr Heuston.

Mr HEUSTON: Mr Searle, where I might start is just some of the statistics that you asked about last year and provide an update on the last financial year. We received 13,001 telephone calls and 2,153 web inquiries. We received 213 formal complaints and recovered \$866,492 of recoveries to, I think, 71 people. The number of face-to-face workshops, you would appreciate, has reduced somewhat.

The Hon. ADAM SEARLE: Yes, I would not be expecting as many of those last year.

Mr HEUSTON: But there were still 108 workshops conducted. However, the majority of those—some 69—were undertaken remotely through webinars and the like. I might also just mention that one of the initiatives that was progressed within the past 12 months was a move to some of the things that we would traditionally do in a face-to-face manner being converted to digital, whether it be e-learning or online webinar formats. For that purpose we had the development of e-learning modules around long service leave, being the primary topic that we receive inquiries about. It makes up about 85 per cent of our inquiries. That is an e-learning module that has had over 8,000 visits since it was established about a year ago. There are also some e-learning resources around recovering entitlements for people who believe they have been underpaid who are looking to progress that with their employer or former employer, and also more recently a further e-learning module around the taxi industry.

The Hon. ADAM SEARLE: In relation to the Industrial Relations Commission, Commissioner Murphy's term expires, I think, in October this year, and Commissioner Stanton was three days a week but is now down to two days a week. I think his appointment expires in October. Is it the Government's intention to replace both of those positions and will there be a dedicated position still located in the Hunter when Commissioner Stanton goes?

Ms FOY: That is probably more a matter for me, Mr Searle. The appointments of the commissioners are a matter for the Minister. I am happy to take anything on notice, but I prefer that they are matters for the Minister around—

The Hon. ADAM SEARLE: Do you know of any plans to at least keep the commission at the same size—

Ms FOY: I beg your pardon?

The Hon. ADAM SEARLE: Do you know if the Government's position is to at least keep the commission at the same size it is?

Ms FOY: I would refer that back to the Minister.

The Hon. ADAM SEARLE: Last year I also asked some questions about how when the current chief commissioner was appointed. Her commissioner role was not backfilled, so the commission went from 5.4 FTE positions down to 4.4 FTE. I noticed in the most recent Industrial Relations Commission report there is a significant increase in workload both for unfair dismissals and industrial disputes, and there has been a consequential blowout in the time frames for handling matters. That is no criticism of the commission, but with 4.4 members it is very difficult. I asked last year whether or not there was going to be a replacement of that fifth position. Do you know whether that will happen?

Ms FOY: As you may be aware, we have been actively in the market seeking a potential commissioner, and recommendations or referrals of information will be provided to the Minister in due course for him to make a decision about that.

The Hon. ADAM SEARLE: Do you know over what period of time—

The CHAIR: We are out of time, so this will be your last question, Mr Searle, and then the Government.

The Hon. ADAM SEARLE: There was a GIPAA request about a briefing to the Minister in relation to the Warragamba Dam wall and environmental impact statement [EIS] issues. I believe you are the author, Ms Foy.

Ms FOY: Am I the author?

The Hon. ADAM SEARLE: I think you are—

Ms FOY: May I see the document?

The Hon. ADAM SEARLE: You certainly may. I am happy to hand it up. It describes you as the DPC final approver, but I am happy to hand it to you.

The Hon. BEN FRANKLIN: There is a difference between "final approver" and "author".

The Hon. ADAM SEARLE: I think if it goes to the Minister. Anyway, I am happy to hand that up.

Ms FOY: In general terms, when there are briefing notes that go to the Minister they are produced by the responsible agency, whether that be Aboriginal Affairs—

The Hon. ADAM SEARLE: Sorry, I have a further one here, too. Basically it outlines that there are a number of issues with the draft EIS that have not been addressed by WaterNSW, criticisms of the EIS by the Federal department and concerns that only 27 per cent of the potential impacted area has been surveyed for Aboriginal cultural significance. Can you inform the Committee what action has been taken by your agency since that briefing note was authored and where things are currently up to in relation to that matter?

Ms FOY: Of course. Just to return to my point before about matters of process, there is a range of briefing notes that goes to the Minister across his portfolio. In general terms it is drafted by the people with the expertise inside the agencies. It goes through an approval process and I, as the responsible senior executive, have the final review and approval. What I would do as part of the process is sign a document before it goes to the Minister as evidence that I have reviewed it and endorse it. I note the document provided here to me is not signed by me, and I do not have any recollection of seeing it.

The Hon. ADAM SEARLE: Sorry, I have got one here that is signed by you. I apologise.

Ms FOY: Thank you. I do not have a recollection of seeing it. Nevertheless, when it comes to Warragamba Dam—if I could just take you through a few points. The Department of Planning, Industry and Environment is undertaking a consistency review—

The Hon. ADAM SEARLE: I think your signature is on the second page just above the Minister's.

Ms FOY: Oh, good. So the Minister has seen this one. When it is signed by me it means that it has been reviewed and endorsed. They are two different ones.

The Hon. ADAM SEARLE: Yes. I am happy for those to be copied and for them to go to the Committee.

Ms FOY: This is the final. The other one that was provided is a draft. I just note that. Whether it is different, I will not take your time up. The review is to identify and source any additional information required to enable the department, being DPIE, to conduct a full assessment of the proposal prior to public exhibition. It is a normal part of the planning assessment process for a State significant infrastructure project. The departmental and agency feedback is an important part of this review process and helps re-inform the finalisation of the environmental impact statement for exhibition. Heritage NSW, through the team, continue to work with DPIE and WaterNSW to advise on the draft environmental impact statement and Aboriginal cultural heritage assessment to ensure the assessment and consideration of Aboriginal cultural values and ensure the final assessment meets the requirements. I am happy to talk about any other matters of detail.

The Hon. ADAM SEARLE: Just those concerns that were raised in the brief. What actions have been taken subsequently by your agency to address them?

Ms FOY: These go into the discussions with WaterNSW and DPIE as part of the environmental impact statement development process. So we are very open and work very collegiately with our departmental colleagues around these concerns and ensure the fabulous experts we have in the Aboriginal cultural heritage assessment space are working shoulder to shoulder with our colleagues. Obviously we have a range of interests around Warragamba Dam—water storage, protection of communities in the event of inundations and protection of important sites. We balance these things up maturely as a group of professionals.

The Hon. NATALIE WARD: I express our sincere thanks to each of you, particularly to your teams and the teams of the public servants behind you who have brought the State of New South Wales and all of us through a drought, bushfires and a pandemic and who had an enormous year. I thank you for your service and your great work, particularly your work today telling us about what you do. It is a robust process; it is part of what we do in this House. On behalf of some of us, we extend our courtesy and our thanks to you sincerely for the great work that you do.

Ms FOY: Thank you, Ms Ward.

Mr REARDON: Thank you.

The CHAIR: That was not really a question.

The Hon. NATALIE WARD: Do you agree?

The Hon. BEN FRANKLIN: Are you happy to endorse that statement?

Mr REARDON: Endorsed.

Ms FOY: Hear, hear!

The CHAIR: On behalf of all of the Committee, thank you so much for your time today and for your service. We do appreciate your efforts today.

Mr REARDON: Thank you.

Ms FOY: Thank you, and we thank the many staff back in the office who are listening now I am sure and who have ploughed through to make sure that we are held accountable for the work we do. On behalf of my team, I thank them for their work.

(The witnesses withdrew.)

The Committee proceeded to deliberate.