

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday 28 August 2024

Examination of proposed expenditure for the portfolio area

PREMIER

CORRECTED

The Committee met at 9:15.

MEMBERS

Mr Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

Ms Abigail Boyd

Dr Amanda Cohn

Ms Cate Faehrmann

Ms Sue Higginson

The Hon. Mark Latham

The Hon. Sarah Mitchell

The Hon. Bob Nanva

The Hon. Peter Primrose

The Hon. Chris Rath

The Hon. Emily Suvaal

The Hon. Damien Tudehope

PRESENT

The Hon. Chris Minns, *Premier*

CORRECTED

The CHAIR: Good morning, everyone. Welcome to the Portfolio Committee No. 1 - Premier and Finance inquiry into budget estimates 2024-2025. Firstly, I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us here today. My name is Jeremy Buckingham. I am the Chair of this Committee. I welcome Premier Minns and accompanying officials to this hearing.

Today the Committee will examine the proposed expenditure for the portfolio of the Premier. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of this hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Welcome again to all our witnesses, and thank you for making the time to be here today. All witnesses will be sworn prior to giving evidence. Premier, 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.

CORRECTED

Mr SIMON DRAPER, PSM, Secretary, Premier's Department, affirmed and examined

Ms KATE BOYD, PSM, Secretary, The Cabinet Office, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Premier for the morning session from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 3.30 p.m. We will then have a 15-minute break before holding a session with witnesses from independent integrity agencies from 3.45 p.m. to 5.30 p.m. During these sessions there will be questions from the Opposition and crossbench members only and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will now commence with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Good morning. Premier, when was the last time you met with Mike Burgess?

Mr CHRIS MINNS: Mike Burgess, the head of ASIO?

The Hon. DAMIEN TUDEHOPE: Correct.

Mr CHRIS MINNS: I couldn't give you a date, but we have regular meetings with security agencies.

The Hon. DAMIEN TUDEHOPE: You've had, I take it, a security briefing in relation to the issuing of tourist visas to refugees from Gaza?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: You've had no security briefing in relation to that?

Mr CHRIS MINNS: Not directly with me, no. Has The Cabinet Office?

KATE BOYD: No.

The Hon. DAMIEN TUDEHOPE: Do you have any concerns that people coming to New South Wales from Gaza have rhetorically expressed support for Hamas?

Mr CHRIS MINNS: I mean, I couldn't speak to it. I don't know whether they have or they haven't.

The Hon. DAMIEN TUDEHOPE: No, I'm asking about, if they do, would you have concerns about that.

Mr CHRIS MINNS: I'd have to see what was said, the circumstances and what—I think you've portrayed it as inflammatory or discriminatory rhetoric. There are tests that apply to people coming into Australia but, as you know, they're administered by the Commonwealth Government, not by New South Wales.

The Hon. DAMIEN TUDEHOPE: But—

Mr CHRIS MINNS: I'm going to finish my answer. I suspect they haven't changed for a prolonged period of time. I know, anecdotally, of people who've attempted to enter the country who've had their application denied on the grounds of character or previous utterances. I assume that the same rules apply, but it would be circumstance based.

The Hon. DAMIEN TUDEHOPE: But have you checked?

Mr CHRIS MINNS: It's not my direct responsibility, no.

The Hon. DAMIEN TUDEHOPE: Well, they're coming to live in New South Wales.

Mr CHRIS MINNS: Who is?

The Hon. DAMIEN TUDEHOPE: Refugees from Gaza, coming here on tourist visas. You've seen the media reporting in relation to that issue, have you not?

Mr CHRIS MINNS: Are you saying that people are coming to Australia on tourist visas and then attempting to be permanent residents or staying here?

The Hon. DAMIEN TUDEHOPE: Correct.

Mr CHRIS MINNS: It's a matter for the Commonwealth Government. You'd have to raise it with them.

The Hon. DAMIEN TUDEHOPE: And it doesn't concern you at all if in fact those people coming to Australia from Gaza have expressed support for a terrorist organisation?

CORRECTED

Mr CHRIS MINNS: I would say, as a blanket rule, that if somebody should be denied entry to Australia on character grounds, then that should take place. There are well-established laws and precedents in place that are monitored and administered by the Commonwealth Government.

The Hon. DAMIEN TUDEHOPE: So—

Mr CHRIS MINNS: No, I'm going to get my answer out.

The Hon. DAMIEN TUDEHOPE: I've got limited time, Premier.

Mr CHRIS MINNS: No, sorry, I don't care whether you've got limited time. I'm going to take my time with my answer.

The CHAIR: Order! Mr Tudehope, please let the Premier finish his answer.

Mr CHRIS MINNS: I think at the end of the day—

The Hon. DAMIEN TUDEHOPE: But he can't just give speeches.

Mr CHRIS MINNS: No, I'm going to continue the answer. At the end of the day, these established rules are in place. If you've got evidence or you want to present it to me as the Premier of New South Wales—

The Hon. DAMIEN TUDEHOPE: The police have expressed concern, have they not, Premier?

Mr CHRIS MINNS: —that the rules had been abridged or there's an individual that shouldn't have been granted an entry visa or there are circumstances relating to those—

The Hon. DAMIEN TUDEHOPE: That's a cop-out because the police have expressed concerns.

Mr CHRIS MINNS: No, I'm going to finish my answer. If at the end of the day that has been presented to me by you to this Committee, I'd have something to say about it. But they're properly administered by the Commonwealth Government, not by New South Wales. I would expect, under all circumstances, if somebody has expressed support or admiration, or incited violence or hatred or discrimination in Australia, of course they shouldn't be granted entry to Australia, whether it's on a tourist visa or a refugee visa or a permanent residency visa or any other category.

The Hon. DAMIEN TUDEHOPE: If the police have expressed concerns in relation to the visa process, would that be of concern to you?

Mr CHRIS MINNS: They haven't expressed it directly to me. They may have done it through the security agencies, but I wouldn't be and I am not going to ventilate that right now in front of the Committee. That's a matter between interagency dialogue.

The Hon. DAMIEN TUDEHOPE: So you're not aware whether the police have expressed a concern in relation to—

Mr CHRIS MINNS: They haven't done it directly with me. They may have done it through the agencies. I'd have to take it on notice.

The Hon. DAMIEN TUDEHOPE: Are you aware whether they've done it through another agency?

Mr CHRIS MINNS: I've just answered your question.

The Hon. DAMIEN TUDEHOPE: Are you aware whether they've done it through an agency?

Mr CHRIS MINNS: I've just answered I'm not aware of it. They haven't done it directly with me; they may have done it through agencies or with the Commonwealth Government. I'd be reluctant to ventilate intelligence or security briefings between New South Wales and the Commonwealth Government. I think it's important that those conversations—if at the discretion of the security agency or the law enforcement agency in New South Wales, if they make a decision to disclose it, well, that's a matter for them, but I'm not in a position to do that right now.

The Hon. DAMIEN TUDEHOPE: I think where we've got to is you're not aware of any direct issues relating to people entering Australia on tourist visas. You're not aware of police concerns in relation to people coming into Australia on tourist visas as a quick manner of giving them express opportunities to come as refugees to Australia. So you're not aware of any issues relating to that, and you don't have a view, is it the case, that people who have—

Mr CHRIS MINNS: There's enormous supposition in this question, Mr Chair.

The Hon. DAMIEN TUDEHOPE: Just let me finish my question.

CORRECTED

Mr CHRIS MINNS: At the end of the day, you put a question of hypotheticals, none of which I've said.

The Hon. DAMIEN TUDEHOPE: Let me finish my question, Premier.

Mr CHRIS MINNS: I'm happy to use my own words. It doesn't need to be summarised by you.

The Hon. DAMIEN TUDEHOPE: Let me finish my question.

Mr CHRIS MINNS: It started five minutes ago, and I just want to make it clear that I'm not agreeing to the premise of your question. I'll use my own words, and you can draw whatever you like out of that.

The Hon. DAMIEN TUDEHOPE: Are you concerned that families coming to New South Wales from Gaza on tourist visas, as an express refugee process, are given opportunities to attend New South Wales schools?

Mr CHRIS MINNS: I wouldn't jump the gun here. What is important here is that the Commonwealth has rules and provisions in place that prevent people from coming to Australia that have views that would divide the community.

The Hon. DAMIEN TUDEHOPE: But, I'm not asking about that. I want to make sure—

Mr CHRIS MINNS: No, no. Sorry, Mr Chair, I'm going to complete my answer.

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: I want to make sure that they have opportunities to go to school.

The CHAIR: Order! Mr Tudehope, please don't interrupt the witness.

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: I'm going to do that the whole hearing. I'm going to take my time with my answers.

The Hon. DAMIEN TUDEHOPE: In that case—

The CHAIR: Order! A point of order has been taken by Mr Nanva.

The Hon. BOB NANVA: Chair, procedural fairness resolution paragraph 19 requires the witness to be treated with courtesy at all times. I would suggest that interjecting before the Premier has been given a reasonable opportunity to answer the question is not extending courtesy.

The CHAIR: I totally agree. That is the resolution. Mr Tudehope, please do not interject while the witness is answering your question. We want to remain civil and courteous at all times.

The Hon. DAMIEN TUDEHOPE: If he won't interject when I'm asking the question.

The CHAIR: Premier, you have the call.

Mr CHRIS MINNS: There was a major preamble where the honourable member suggested that I had agreed to a whole bunch of premises which I've not. I'll use my own language in relation to this and I think it's important to be precise. I would of course have concerns if people were coming to this country from anywhere in the world with a view to dividing our multi-ethnic, multi-racial, multicultural community. I think that one of the successes of Australia's ability to live together has been a really strict test, particularly in relation to character. I expect that to be applied globally, and I expect it to be applied specifically to anybody that's requesting to come to this country from Gaza. If there are concerns about character grounds that have been exposed as a result of individuals attempting to come to this country, then I expect the Commonwealth Government to do their job. I know of many conversations that take place between the New South Wales police and security and intelligence agencies at the Commonwealth level. I'm not going to ventilate all of them here at this Committee meeting.

The Hon. DAMIEN TUDEHOPE: Premier, let me move on.

Mr CHRIS MINNS: But if at the end of the day someone applies for citizenship or if they apply for a tourist visa, if they apply to come to the country, for any application it's a matter that's determined by the Commonwealth Government. There'd be input from New South Wales agencies.

The Hon. DAMIEN TUDEHOPE: Well, that's a copout, but that's fine.

Mr CHRIS MINNS: There would be input from New South Wales agencies. But, at the end of the day, that's the situation as it applied to the conflict in Gaza. It's the situation as it applied to the conflict in the Ukraine. It's the situation as it's applied to those fleeing situations in relation to Russian aggression. I raise those points not to go around the world.

The Hon. DAMIEN TUDEHOPE: You can give the speech. This is not relevant to the question I asked.

CORRECTED

Mr CHRIS MINNS: The reason I raise it is because I think this is germane to the inquiry, and that is—

The Hon. DAMIEN TUDEHOPE: Point of order—

Mr CHRIS MINNS: —these provisions were in place during the previous Government's time in office.

The CHAIR: A point of order has been taken.

The Hon. DAMIEN TUDEHOPE: You just can't allow the Premier to answer—this is not responsive to the question I was asking. This is just a speech that he has elected to give, and I admire your—

The Hon. SARAH MITCHELL: To the point of order—

The CHAIR: Mr Tudehope, did you say that I can't allow him?

The Hon. DAMIEN TUDEHOPE: Well, I'm requesting. The point of order is in relation to relevance of this answer, this speech, to the question that I was asking.

The Hon. BOB NANVA: To the point of order—

The CHAIR: I will rule on that. It was directly relevant to the question. You asked a very broad question about immigration and refugees.

The Hon. DAMIEN TUDEHOPE: I actually do agree with that proposition.

Mr CHRIS MINNS: The reason I was making it—it wasn't to grandstand about conflicts around the world.

The Hon. DAMIEN TUDEHOPE: It is to grandstand.

Mr CHRIS MINNS: It was to specifically say—

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: It's to give a speech.

Mr CHRIS MINNS: —that the rules haven't changed, that there's been global conflicts that have—

The Hon. DAMIEN TUDEHOPE: Good, that's fine.

Mr CHRIS MINNS: Hang on a second—that have resulted in people applying for refugee or visitor status as a result of conflicts during this Government's time in office and the previous Government's time in office. That's certainly germane to the Committee's inquiry, surely.

The Hon. DAMIEN TUDEHOPE: I know you're not across the issue, Premier.

Mr CHRIS MINNS: I mean, if you are suggesting that it's changed—

The Hon. DAMIEN TUDEHOPE: I know you're not across it. So, that's fine. You give speeches when you're not across it. If you had an answer, you would have. So I'll just ask the next—

The Hon. BOB NANVA: Point of order: Mr Tudehope has just made a series of statements and reflections on the Premier. I would suggest that that is not in accordance with paragraph 19 of the procedural fairness resolution regarding courtesy.

The CHAIR: That is true, Mr Tudehope. If you would desist from editorialising on the questions.

Mr CHRIS MINNS: I'm not attacking you personally; you're attacking me personally. I don't care but—

The CHAIR: I remind you, Mr Tudehope, that your time is ticking. You might as well ask a question.

The Hon. DAMIEN TUDEHOPE: I want to move on to the McPhillamys goldmine. You're going to save the mine, are you, Premier?

Mr CHRIS MINNS: Look, it's very difficult for me to save the mine, and the reasons for that—

The Hon. DAMIEN TUDEHOPE: Well, you've told *The Daily Telegraph* you're going to save the mine.

Mr CHRIS MINNS: So it's going to be a situation where there's no opportunity to even answer a question?

The Hon. DAMIEN TUDEHOPE: Are you going to save the mine?

Mr CHRIS MINNS: It's not as simple as me saving the mine and it's not possible for me to do that, and we have never said, Mr Chair, that we could do that. The reason it's so complex and difficult is because the tailing,

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which is the subject of the section 10 determination from the Commonwealth Government, has to be found elsewhere on the site. We have been in discussions with, and the Secretary of the Premier's Department and the Minister for mining have been in discussions with, the proponent of the mine about an alternative tailing so that we could get the goldmine up and running.

It's not straightforward. There's not an obvious site that can be picked by the owner-operator of the site. As a result of that, anything we do on the New South Wales Government's end, in terms of modifications to the development application or ensuring that there's enough resources to assess the development application, can't be applied until they do the geotechnical and engineering works. This is disappointing and I have said, Mr Chair, I'm disappointed by the decision from the Commonwealth Government. The application was made in 2019. It's gone through the Independent Planning Commission as well as every other government department in New South Wales, and to be knocked over at the eleventh hour is disappointing in terms of mining gold and other critical minerals in New South Wales, which we desperately need because coalmining is under pressure, particularly when it comes to export markets.

The Hon. DAMIEN TUDEHOPE: So the solution that you've identified to save this mine is to identify another tailing dam for—

Mr CHRIS MINNS: We can't identify that. The company needs to do it.

The Hon. DAMIEN TUDEHOPE: Well, to work with the proponent of the application with a view to identifying an alternative site.

Mr CHRIS MINNS: Well, if they can, yes.

The Hon. DAMIEN TUDEHOPE: And if they can't, the mine will fall over. Is that your understanding?

Mr CHRIS MINNS: Yes, it may well.

The Hon. DAMIEN TUDEHOPE: And you would be disappointed with that result, would you not?

Mr CHRIS MINNS: Absolutely.

The Hon. DAMIEN TUDEHOPE: Is there another solution?

Mr CHRIS MINNS: Yes. I mean, the New South Wales Government's processes, the 2019 application—

The Hon. DAMIEN TUDEHOPE: Well—

Mr CHRIS MINNS: Again! I barely get an answer out.

The CHAIR: Order!

Mr CHRIS MINNS: The application goes in in 2019. It's assessed by New South Wales Government agencies. We believe the assessment was rigorous and we were hopeful that that would stand up and not be subject to a reversal by a section 10 application of the Commonwealth.

The Hon. DAMIEN TUDEHOPE: So you disagree?

Mr CHRIS MINNS: I don't think I could be clearer.

The Hon. DAMIEN TUDEHOPE: Do you disagree with the reversal?

Mr CHRIS MINNS: Absolutely. I've said that many times.

The Hon. DAMIEN TUDEHOPE: In your view Tanya Plibersek, using that power, was in error?

Mr CHRIS MINNS: Yes. I mean, this was all ventilated on radio yesterday.

The Hon. DAMIEN TUDEHOPE: So, Premier, if she is in error, there is a disallowance motion before the Senate at the moment. Would you be encouraging New South Wales senators, the senators elected to represent New South Wales, to vote in favour—

Mr CHRIS MINNS: Look, I mean, again, I'm happy to be responsible for New South Wales Government decisions.

The Hon. DAMIEN TUDEHOPE: Let me finish the question, Premier. Would you be encouraging the New South Wales senators and picking up the phone to them with a view—

Mr CHRIS MINNS: No, I'm not going to pick up the phone. I'm answering you. I'm not going to pick up the phone to senators. It's a matter for the Commonwealth Government. We're doing everything we can in the powers that we're responsible for—

CORRECTED

The Hon. DAMIEN TUDEHOPE: Well, you're not, Premier.

Mr CHRIS MINNS: —to see if we can get an alternative view. I think I've been more forthcoming in relation to this issue and the position of the New South Wales Government than any of my predecessors, and that includes the previous Government. My responsibility is New South Wales. I suspect it's inconvenient for you and the Liberal Party that we've been so direct and forceful about the planning application.

The Hon. DAMIEN TUDEHOPE: It's not inconvenient. We want to see it proceed.

Mr CHRIS MINNS: But, no, I'm not going to pick up the phone to senators. I think that would be fruitless. At the end of the day, I wish that the New South Wales Government decision and the New South Wales agencies' and commission's decisions stood.

The Hon. DAMIEN TUDEHOPE: The Prime Minister appears to agree with you, does he not ?

Mr CHRIS MINNS: I haven't spoken to him personally about it.

The Hon. DAMIEN TUDEHOPE: Why haven't you?

Mr CHRIS MINNS: Well, because the decision's been made.

The Hon. DAMIEN TUDEHOPE: It's in the interests of New South Wales to get this mine approved. Why haven't you picked up the phone to the Prime Minister?

Mr CHRIS MINNS: Can I just say, we haven't heard a word from you until this has been on the front page of the newspaper for the last three days and there has been extensive commentary from me—

The Hon. DAMIEN TUDEHOPE: But you love it, don't you! You love it; you're going to save it, Premier.

Mr CHRIS MINNS: —the Minister for mining, the Minister for planning and everybody else. You are late to this dinner party by a country mile, and at the last minute you are suggesting that we call up senators and have it—

The Hon. DAMIEN TUDEHOPE: We thought that it had been approved under us, Premier.

Mr CHRIS MINNS: Can I tell you, this application went in in 2019. You have the world's slowest planning department. It is the worst in the world and most of the time and effort of the New South Wales Government has been trying to fix up your mess.

The Hon. DAMIEN TUDEHOPE: Good on you.

Mr CHRIS MINNS: If you're trying to come to this Committee and say, "It would have happened under us", you had four years to do it and you did nothing. I get exercised about it. Planning has been a disaster under the Liberal Government. Building, construction, residential construction, housing, new homes for people, mining, planning—everywhere you look in New South Wales planning was a disaster, and most of the time and effort of the Premier's Department, the Minister for planning, my Cabinet has been on fixing the mess that you left us.

The Hon. DAMIEN TUDEHOPE: Premier, that's fine—

Mr CHRIS MINNS: Would you acknowledge that, though, by the way?

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: You wanted the headline; you got the headline. Now what's the solution, Premier?

Mr CHRIS MINNS: Everything I've said has been consistent with what's been reported.

The Hon. DAMIEN TUDEHOPE: Where's the substance, Premier? Where is the solution to this issue?

Mr CHRIS MINNS: Again, I answered that at the very, very beginning. We're hopeful for an alternative tailing.

The Hon. DAMIEN TUDEHOPE: Premier—

Mr CHRIS MINNS: Do you want the information or not? We're hopeful for an additional tailing, a change to the tailing.

The Hon. DAMIEN TUDEHOPE: I gave you another solution.

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Mr CHRIS MINNS: It may not be that the owner or the proponent of the mine is able to do that. I don't know. I couldn't have been clearer. I couldn't have been more transparent. We've been very, very direct about the New South Wales Government's view in relation to this mine—not for any reason other than we think that gold, critical minerals and mining is absolutely crucial for jobs and investment in regional New South Wales.

The Hon. DAMIEN TUDEHOPE: Let me ask you again, Premier. Are you aware of the process in relation to the disallowance motion, which is—

Mr CHRIS MINNS: You've already asked that question three times.

The Hon. DAMIEN TUDEHOPE: No, I'm asking you. Are you aware of the process?

Mr CHRIS MINNS: You identified it to me in your question, which was that the ministerial decisions are subject to a disallowance motion in either the Senate or the House of Representatives.

The Hon. DAMIEN TUDEHOPE: Who is the leader of Government business in the Senate?

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: Look it up. I'm not here to be your dictionary, mate. Just do your own job.

The CHAIR: A point of order has been taken by Mr Nanva.

The Hon. BOB NANVA: Chair, questions need to be relevant to estimated expenditure from the Consolidated Fund and related budget papers. Even allowing for wide latitude, we are moving beyond relevance.

The Hon. DAMIEN TUDEHOPE: It is relevant.

Mr CHRIS MINNS: You've only asked questions about the Commonwealth Government.

Ms SUE HIGGINSON: To the point of order—

The Hon. DAMIEN TUDEHOPE: I'll bring you a solution, Premier.

The CHAIR: Order! I'm listening to a point of order and will attempt to rule on it.

Ms SUE HIGGINSON: To the point of order: I think that the Committee is potentially heading into serious—bringing the Committee into disrepute. We've got the Leader of the Opposition in the upper House actually encouraging the Premier to take potentially unlawful steps to interfere with Commonwealth legal procedure to approve a mine. It's serious territory.

The CHAIR: I think that might be a long bow, but I think we've strayed beyond the expenditure in the area of Premier and Finance.

Mr CHRIS MINNS: Yes, it has been 20 minutes of questions. There is \$100 billion spent every year. There are a thousand issues in New South Wales and you've only asked about Commonwealth Government issues. Surely there is something in New South Wales that interests you, for goodness sake.

The Hon. DAMIEN TUDEHOPE: Are there mining royalties which would come from this mine?

Mr CHRIS MINNS: You've got a question about the New South Wales Government and what we're responsible for? You'll be asking about nuclear subs in a minute. Honestly, is there something in New South Wales that you have an interest in?

The Hon. DAMIEN TUDEHOPE: Come on, Premier, this is below you.

Mr CHRIS MINNS: Is it? I don't think it is.

The CHAIR: Order! Mr Tudehope, can you ask a question? You've got one minute and 15 seconds left. Rather than hector each other, can we have a question that we can all hear?

The Hon. DAMIEN TUDEHOPE: Premier, if in fact the disallowance motion was not brought on for debate—

Mr CHRIS MINNS: I mean, I don't know what happens in the Senate. I've got enough on my plate in this Chamber, which I thought you were going to ask questions about.

The Hon. EMILY SUVAAL: Point of order: Chair, you have just ruled on this being completely out of order for the budget estimates portfolio. I'd ask you to encourage Mr Tudehope to refine his remarks.

Mr CHRIS MINNS: I don't know what's happening in the Senate.

The CHAIR: Premier, please don't interrupt.

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Mr CHRIS MINNS: I don't know the Senate procedural—I don't think I'm expected to know.

The CHAIR: Premier, please. I'm hearing a point of order from Ms Suvaal.

The Hon. EMILY SUVAAL: I had concluded, Chair.

The CHAIR: I didn't get to rule on the point of order previously, but do I uphold it. It is beyond the remit of this hearing and this inquiry, so, Mr Tudehope, please come back to expenditure in New South Wales.

The Hon. DAMIEN TUDEHOPE: It would be your view, would it not, Premier, that this is a wrong decision and it would be a great outcome if the disallowance motion was upheld?

Mr CHRIS MINNS: Look, I don't know about the Senate's procedures. They'll have to make a call about it. New South Wales couldn't have been clearer.

The Hon. DAMIEN TUDEHOPE: Would that be a good outcome?

Mr CHRIS MINNS: We're now in the process of trying to work out an alternate view that the New South Wales Government is directly responsible for.

The Hon. DAMIEN TUDEHOPE: It's \$200 million in royalties.

Mr CHRIS MINNS: That includes—

The Hon. DAMIEN TUDEHOPE: You won't pick up the phone.

Mr CHRIS MINNS: Now, there's some grandstanding from you.

The Hon. DAMIEN TUDEHOPE: Pick up the phone.

The CHAIR: Order!

Mr CHRIS MINNS: But, at the end of the day, Mr Chair, the Government, through the Premier's Department, is working with the proponent of the mine. We're looking for an alternative solution. I can't promise that today. I can't. But if there's a way through, of course we'll be pursuing it.

The Hon. ROBERT BORSAK: On a completely different note and dealing with New South Wales, in June 2023 your Government quickly recommended to the Governor that Kathleen Folbigg be released from prison and given unconditional pardon. On 24 July this year she submitted a claim for compensation. Can you tell me where is the Government up to in consideration of Ms Folbigg's entitlement to payment for her 20 years of wrongful imprisonment?

Mr CHRIS MINNS: Is it okay, Mr Borsak, if I ask Ms Boyd to answer that and give you some information?

The Hon. ROBERT BORSAK: Sure.

KATE BOYD: We understand the claim is being considered by the Department of Communities and Justice and that the Attorney will be the Minister responsible for considering that ex gratia claim for compensation, and that is underway.

The Hon. ROBERT BORSAK: So the Government is actively considering it at the moment?

KATE BOYD: Yes.

The Hon. ROBERT BORSAK: Have you yourself seen the claim, Mr Premier?

Mr CHRIS MINNS: I haven't.

The Hon. ROBERT BORSAK: Would you consider having a look at it if requested?

Mr CHRIS MINNS: Yes, of course I would.

The Hon. ROBERT BORSAK: I think this is very important because I caught up with her yesterday and she literally has no means of support. She does need to get some compensation. They've asked twice to the DCS as late as 24 July for progress and they're getting no response whatsoever.

Mr CHRIS MINNS: That seems eminently reasonable and of course I'll do that—find out where it's up to and understand what the circumstances are that have resulted in a delay.

The Hon. ROBERT BORSAK: Premier, just talking about hunting and pest management and control in New South Wales—I know you've got a pretty detailed understanding of what goes on in this space. In 2022 the total gross economic contribution of cultural conservation hunting in New South Wales was calculated by the

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Department of Primary Industries at \$508.9 million in gross State product, generating 4,109 full-time equivalent jobs. What's the value now? Do you know that? I haven't been able to get that yet.

Mr CHRIS MINNS: I don't but perhaps we could take that on notice. Mr Draper, would you know the economic value?

SIMON DRAPER: I don't know it.

Mr CHRIS MINNS: Did you say half a billion dollars?

The Hon. ROBERT BORSAK: Half a billion dollars, yes. That was back in 2022.

Mr CHRIS MINNS: That's a huge amount in terms of economic growth primarily in the regions, and I know, having had discussions with you and your party, that using registered hunters in New South Wales forests and lands has resulted in a reduction in the amount of feral animals that are located in those places around New South Wales. It's probably been really good for regional economies as well, so I think it's a system that's been working well for decades now.

The Hon. ROBERT BORSAK: Yes, it started in 2002 with legislation and started actual hunting in 2006. Premier, given that State forest land is available for conservation hunting, will you also make national parks and Crown lands available for hunting?

Mr CHRIS MINNS: I'm not going to make national parks available for hunting. We've been really clear about that in the election campaign and in Parliament prior to that in opposition. I understand that might disappoint some hunters, but obviously we need to draw clear lines about where and how land is used by hunters. Notwithstanding the safety that does go into other lands owned by the New South Wales Government, I wouldn't be confident that we could protect or have the processes in place to ensure that those that were using national parks for reasons other than hunting felt safe and were in fact safe.

The Hon. ROBERT BORSAK: Let us turn now to wild horse management in Kosciuszko National Park. Where are you up to or where is your Government up to in relation to controlling wild horse numbers in the park? What's the recent count of the number of wild horses in the park? There's been a fair bit of toing and froing in relation to this stuff and I think the program of culling has paused over winter. It might be an idea to tell me when you think it will start as well again.

Mr CHRIS MINNS: I'm just getting some help with the numbers here, Mr Borsak. So I'm advised that the total horses removed under the plan between 24 November 2021 and 2 August 2024 was 8,944. Aerial shooting accounted for 5,963 of those destroyed horses. And the rest were done, I presume, by—well, not the traditional way—the way preceding the change in policy that would allow aerial shooting. I toured Kosciuszko National Park with National Parks and the Minister and saw the baiting program and the penning program, which involved luring horses into big pens and then destroying them or sending them to knackereries or other—but it's very distressing for the horse and obviously prolongs suffering. The Government made a decision in relation to it. We felt that there was no other way of controlling the estimated number of wild horses in the park and that, in fact, the number of wild horses would rapidly escalate if there wasn't a change in the policy.

The Hon. ROBERT BORSAK: When do you think another re-count will be completed?

Mr CHRIS MINNS: I don't know. I'll take that on notice and come back to you.

The Hon. ROBERT BORSAK: The legislation requires the numbers to be reduced to 3,000. How can local communities feel confident that that number will be reached and maintained in the future?

Mr CHRIS MINNS: I hope there's confidence in the team that is responsible for the culling. Part of the misconception—I'm not suggesting by this Committee or by people who live in the community—from some I've seen online and from other passionate advocates in relation to the destruction of the horses is that this was the first time the horses were reduced in number by shooting. The use of guns as part of the national parks plan of management has been in place for a long time; it's just that the shooting would take place at grade. The national parks contractors or rangers responsible for shooting the horses had to have an embankment or a body behind the horse in order to have a safe shot. As a result, it was very difficult on flat terrain to get the critical numbers that you'd need to reduce them sensitively and in terms of the overall number. The decision was made to do it from the air because the shot could go down and the shooter would be confident that it would be a safe use of the rifle or gun. But we have been using guns and killing wild horses in the park for many years.

The Hon. ROBERT BORSAK: Maybe you can't answer this question, but are you confident that the firearms they are using, such as the .308 calibre Winchester, are adequate and that the animals are not being killed or suffering in a cruel and unnecessary way?

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Mr CHRIS MINNS: I'm very glib about guns and bullets. I don't know what the calibre is. Is that considered to be not lethal enough?

The Hon. ROBERT BORSAK: There has been quite a lot of discussion in the Animal Welfare Committee in relation to this and all around it, that's all. I thought you may have had an opinion on it, but that's okay.

Mr CHRIS MINNS: I don't, but I'm happy to find out whether there have been any suggestions that the horses have been suffering as a result.

The Hon. ROBERT BORSAK: I think that committee is pretty full on in relation to all of that. I think we have come to the end of that part of it. I turn now to the New South Wales budget and the economy. Being an old accountant, I'm always interested in seeing deficits. I would like to hear your views in relation to the net debt that is projected to exceed \$130 billion in the forward period. How is the Government going to manage all of this and stop it from increasing?

Mr CHRIS MINNS: With difficulty. The debt that the State is facing is massive. It is the largest figure ever recorded in New South Wales history. You have mentioned the net debt figure. The gross debt figure is on its way to \$200 billion. Again, that's the largest ever recorded. We inherited the biggest debt figure handed from one government to another in the history of the State of New South Wales, both as an overall figure and as a percentage of the economy. The ability to pay it off or manage that debt, particularly with interest rates and inflation being at decade highs, is a big challenge for the Government. For example, we spend more on interest on that debt than we do on the police and TAFE combined. It was over \$6 billion last year. The Government did make difficult decisions in its first and second budgets. They were criticised by the Opposition and by stakeholders in the community. But we felt that they were necessary, primarily because we have to be in a situation where we have a plan as it relates to that debt, and also in recognition of the fact that we aren't in a COVID emergency anymore.

The Hon. ROBERT BORSAK: How do you think this will affect our credit rating in the future?

Mr CHRIS MINNS: We have already lost one of the credit rating agency's triple-A metrics.

The Hon. ROBERT BORSAK: Will we lose more?

Mr CHRIS MINNS: I can't speak to the credit rating agencies or their decision in relation to it, but they may make a decision based on the change in terminology around the amount of debt that subnational governments have in comparison to their economy. But one left New South Wales in 2022, I think. As a result of the size of the debt, there is no question that it would be under pressure.

The CHAIR: Premier, Glencore are one of the largest miners in this State. Have you ever met with them?

Mr CHRIS MINNS: Not to my knowledge, but I may have. I would have to check my diary, but I don't recall a meeting.

The CHAIR: Do you have any concerns that they may not be a good corporate citizen? Do you think that they are a good corporate operator?

Mr CHRIS MINNS: I don't have any evidence to suggest that they are not. I know a lot of people don't like coalmining or coalmining companies, but it is the State's single largest export, worth \$45 billion just last year. Companies like Glencore and others are responsible for a lot of that export growth, and particularly regional jobs. I would meet with them; I'm not suggesting I wouldn't. But I have said repeatedly that coalmining and coal exports, as a percentage of the economy, is under pressure, primarily because the buyers of that coal have stated repeatedly that they are getting out of that business in the years ahead.

The CHAIR: Premier, you just said you have received no evidence that they are not a good corporate citizen. I put this to you: In the UK, Glencore's former head of oil trading has been charged with corruption. He will face court alongside four other execs on 10 September 2024. This month in Switzerland, the Swiss Attorney General held Glencore International criminally liable for failing to have taken all necessary and reasonable organisational measures to prevent bribery. Also, two years ago in the United States Glencore pleaded guilty to foreign bribery and agreed to pay \$1.1 billion, the biggest fine ever given in a US foreign bribery market manipulation settlement. "Bribery was built into the corporate culture," Manhattan US Attorney Damian Williams said. Two years ago in the UK, Glencore Energy UK pleaded guilty to seven counts of bribery. Justice Fraser held that these counts in aggregate represent corporate corruption on a widespread scale. Hearing that, do you think Glencore are a good corporate operator in New South Wales?

Mr CHRIS MINNS: It is a global company. I assume they have got thousands of employees. It is not my job to come here and defend the historical record of a company or corporation like Glencore. If there is evidence

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about any problems, improprieties or malfeasance in New South Wales, of course we would take that seriously. But we've got really rigorous processes in place in New South Wales for mine assessments and we've got very strict rules in place when it comes to the assessment of potential mines. We have, as we have been discussing for most of the morning, everything from the Independent Planning Commission and the mine safety board to the union movement, which is responsible for ensuring safety and health on mining sites. I can't speak for how a company like that or their personnel operate in a jurisdiction like New York or in places in Europe, but I do have confidence that we have rigorous processes in New South Wales.

The CHAIR: Do you think they should be a consideration in those processes?

Mr CHRIS MINNS: I have only been presented with the evidence you have given me now. I haven't had a chance to independently look at it. What I would say, generally speaking, is that—

The CHAIR: Would you commit to do that? We are talking about the biggest coalmine—

Mr CHRIS MINNS: I'll look at anything you want to give me, but I would say that these are global, international resource firms. Generally speaking, we would look at it as we see it. If a company comes to New South Wales and goes through our very rigorous, independent assessment process for mines—but also, we have very strict integrity agencies in New South Wales. I have got confidence in those regimes to police everybody or anyone who comes into this State.

The CHAIR: You would be aware that Glencore have a proposal before the department of planning at the moment for the largest coalmine expansion in New South Wales history. I would like to table this petition from local community groups including NSW Coal Watch, Lock the Gate and residents who are concerned about it. By leave, I table the petition.

Document tabled.

The CHAIR: Their principal concern, which relates to what you just said, is that over the 12 years of the Coalition Government, the merits appeals process for these major projects, in particular for major coalmines, was removed from the community through the Independent Planning Commission and the public hearing process. Would you commit to ensure that, for these massive coalmine projects that have implications for the local community and for climate, the merits appeals process in that planning process is restored?

Mr CHRIS MINNS: I can't commit to that specifically today, although all of the policy issues around mines, mine extensions and how it operates in New South Wales are hotly contested. Obviously, the New South Wales Government's looking at the approval process and the role of coal in the New South Wales economy in the years ahead. In fact, the Minister responsible is in the midst of rewriting the coal statement for New South Wales. We've made that clear to the IPC. We've made that clear to proponents of coalmines in New South Wales. The existing regime, the Barilaro statement, will be replaced by the incoming Government's view.

The CHAIR: When will that happen?

Mr CHRIS MINNS: They're in the process of working on it now. I'd have to take on notice when it would be released. But I've said this quite a few times, Chair, and I think it's important. Coal is our single biggest export, and one-third of it goes to a single market, which is Japan. Putting aside the very significant, I accept, community concern about the impact on the planet, that is a very concentrated export market for the prosperity of the people in New South Wales: our single biggest export going to one particular market. Particularly when you take into consideration the volatility of technology and changes to global patterns of energy consumption, it's a risk for the New South Wales economy in the future, being so reliant on a single piece of export-led resource.

One of the reasons why we're not trying to be antagonistic to the Commonwealth Government or anybody else when it comes to the goldmine—I know you're not asking about that directly, but these are pieces of a jigsaw puzzle that do go together. We've got critical minerals and gold in the ground in New South Wales. If, over time, as everybody expects—even the most passionate proponent of coal—the percentage that we export will drop, we want it replaced with other sources of minerals, exploration, export and opportunities, and job opportunities. That's why we're passionate about the goldmine, other resource-led opportunities, other critical minerals in the ground. We want to get the planning system right and have a set of rules in place to attract capital to that part of the economy, which is massively underdone at the moment.

The CHAIR: The mayor of Muswellbrook, Steve Reynolds, is a proponent of bringing into his region, as a transition out of coalmining, the medicinal cannabis industry. In the US the cannabis industry is worth \$35 billion and growing at double digits. It employs half a million people. There's support for it in the Upper Hunter community as a transition industry. It's got a huge profile. It will be worth hundreds of billions in the coming decades. Do you think that that's an opportunity that the New South Wales Government should be considering if it's looking to create new industries and new opportunities for export?

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Mr CHRIS MINNS: I don't know about export. But I know that there are—I didn't know this off the top of my head, but I took the liberty of looking at the size of the medical cannabis industry in New South Wales. There's 44 companies that are currently in the process, sprinkled up the New South Wales North Coast and in other parts of the State. This might be of interest or news to Mr Tudehope, that the governments, the previous Government—I've got to give credit where it's due—invested money in the cannabis industry. Did you know that?

The Hon. DAMIEN TUDEHOPE: I did.

Mr CHRIS MINNS: There you go. As a result of that, we've seen some companies being able to fill the marketplace for medicinal cannabis in the community. I was surprised to see that the number of New South Wales residents that have access to a prescription and, therefore, access to medicinal cannabis is over 300,000 now in the State—probably a lot higher than that. The companies that are currently regulated under a national regulation and are in operation in New South Wales under licences that are strictly regulated, as everyone would expect, don't fill that full marketplace, and I think there's a lot of Canadian medicinal cannabis coming into the country. I'd be interested to know—I'm not saying you would know personally, Mr Chair—what the quality of that is and whether Australian medicinal cannabis would be of a better quality.

The CHAIR: Australian medicinal cannabis is of very high quality, and it is an export opportunity. Some of the companies are exporting to Germany, a big flourishing market. Some other countries, like Canada, don't allow it. Is that something the Government would be interested in assisting those companies to do—access foreign markets?

Mr CHRIS MINNS: I'd probably say in the first place, given there's a deficit in terms of Australian firms meeting the domestic market for medicinal cannabis, that's where we would begin. If it's a better quality, it would give a lot of people more medicinal benefit as a result of having access to Australian grown and made. That's probably where we would start, but I'd take the other part of it on notice.

The CHAIR: Thank you very much. We now return to questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Premier, I'll just preface the questions I'm about to ask you by saying that the Opposition is not opposed to additional housing and we support your initiatives in relation to the delivery of housing. It's the processes we have some concern about. Premier, I want to take you to the process surrounding Rosehill. You told us, at the last budget estimates, that Steve McMahon is a friend of yours and has been for many years. That's correct, isn't it?

Mr CHRIS MINNS: Yes, he is.

The Hon. DAMIEN TUDEHOPE: How many years, would you say?

Mr CHRIS MINNS: I couldn't tell you, but probably more than 20 years.

The Hon. DAMIEN TUDEHOPE: If I could ask you about the timeline in relation to the development of discussions around Rosehill. You may or may not know this, but accept it from me that this is a timeline created from documents which have been produced to the Legislative Council, pursuant to an order under Standing Order 52. On 14 August 2023 Mr McMahon and the ATC had a meeting with the independent metro audit review committee, and there was no discussion at that meeting about housing on the Rosehill racecourse, but there were other discussions in relation to the delivery of the metro. On 25 October 2023 Mr McMahon had a meeting with the planning secretary, and at that meeting there were no plans for the development of Rosehill. On 26 October, however, Mr McMahon briefed Mr McGauran and the CEO of a concept to sell Rosehill. Then, on 27 October, Mr McMahon requested a meeting with you. That meeting then occurred on the 30th. So he requested a meeting on the 27th, a Friday, and was granted that meeting on the Monday. It was recorded in your diary as a meet and greet with the ATC. Is that how you would recall it happening?

Mr CHRIS MINNS: I don't know. I'd have to check my diary.

The Hon. DAMIEN TUDEHOPE: I can give you a copy of your diary if you like. But that's how it's recorded. It is recorded as a meet and greet. Mr McMahon has access to you, with a request on a Friday, and he's granted a meeting with you on the Monday. Is that a process which is available to most people in the community?

Mr CHRIS MINNS: Normally, I'm getting hammered for not having meetings or being too slow. I remember we would do these estimates meetings and it would be "You haven't met anyone in weeks, and you haven't replied to a phone call."

The Hon. DAMIEN TUDEHOPE: I take it that that's a no. It's not easy to get a meeting with you. So it would be unusual—

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Mr CHRIS MINNS: I don't know. I couldn't recall the circumstances that related to us having the meeting. It might have been there was a gap in the diary. It might have been he's a senior person in a big stakeholder group in the State and we didn't have anything on. It might have been—I don't know.

The Hon. DAMIEN TUDEHOPE: You may not, but you've just told us—

Mr CHRIS MINNS: It was last year. But it wouldn't be unusual—

The Hon. DAMIEN TUDEHOPE: You've just told us it's pretty hard to get a meeting with you.

Mr CHRIS MINNS: No, I didn't.

The Hon. DAMIEN TUDEHOPE: You did.

Mr CHRIS MINNS: I think I'm here for four hours. It's not hard to question me. But I don't think it's unusual, no. I would meet—

The Hon. DAMIEN TUDEHOPE: A meeting on—

Mr CHRIS MINNS: Hang on. I am going to finish it. I would meet senior executives from big stakeholders in the State, particularly big landholders, routinely, whether it was—I can't even name it. There'd be a thousand different groups that we would meet.

The Hon. DAMIEN TUDEHOPE: But it was Mr McMahon who requested the meeting. His name wasn't recorded in the diary as the person having the meeting. It was a meet and greet with the ATC. So a meet and greet meeting had no urgency attached to it; however, the meeting occurred with a mate of yours, requested on a Friday and the meeting occurs on a Monday. Isn't that right?

Mr CHRIS MINNS: A couple of things, because I don't want anyone to be left with the impression that—yes, he was a friend of mine and is a friend of mine, but also he had that position maybe a decade before the New South Wales Government was elected in March of 2023. It's a senior position within the ATC, and it wouldn't be unusual for me to meet either him or the person in his equivalent position in any one of many other government agencies that I would meet, run into, talk to, under any circumstances.

The Hon. DAMIEN TUDEHOPE: But he certainly didn't go to the back of the queue, did he? He was your mate.

Mr CHRIS MINNS: I think it's a semantic position. He wanted a meeting. I would meet with many different groups all the time.

The Hon. DAMIEN TUDEHOPE: So he told you about the proposal at that meeting?

Mr CHRIS MINNS: I think so. It would have been around that time.

The Hon. DAMIEN TUDEHOPE: Yes. So he told you about the proposal and you backed it in, didn't you?

Mr CHRIS MINNS: I think that he suggested that this was an option for the ATC. The view was that we were not going to go on with it because obviously it could upset members of the ATC, whether they were particularly attendees at Rosehill or others, if at the end of the day the New South Wales Government, meaning me, didn't want to go ahead with it. So it didn't seem to me to be unreasonable of "At first blush, is this something that you'd oppose rather than support?" Without knowing the specifics of all of the thousands of gates that would have to be jumped through for a proposal like this to get up, my view would have been, absolutely, I'm not against it. Whether we're for it or not depends on what it looks like.

The Hon. DAMIEN TUDEHOPE: A month later, of course, you were making a big public announcement at Rosehill racecourse, were you not? This was an exciting, once-in-a-generation opportunity that the New South Wales Government was embracing.

Mr CHRIS MINNS: The reason for that—and this is the preface of any question in relation to Rosehill or the ATC—is that it's going to be up to the members to decide. I think we all felt that we would be damned if we did and damned if we didn't. If it stayed inside government and it was a secret discussion between the ATC and the New South Wales Government and then eventually it leaked because it's a big organisation—both organisations are big; the government's big and the ATC is big—notwithstanding confidentiality that would be signed, then there'd be a sense from the racing community and perhaps others that they weren't in the loop, that they didn't know about it.

The reason we made an announcement about it was to be transparent. I do remember that press conference and I remember saying very specifically that there'd be a lot of work to do between now and then—environmental

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approvals, regulatory approvals, processes through the New South Wales Government, eventual planning and rezoning changes if it had gone ahead but, most fundamentally and most importantly, a vote of ATC members. It would have been within the remit of our Government and the previous Government to compulsorily acquire Rosehill and put housing on it, but we weren't going to do that.

The Hon. DAMIEN TUDEHOPE: Why not? You could have done it.

Mr CHRIS MINNS: This was always in the remit and the decision of the members of the ATC, and still is.

The Hon. DAMIEN TUDEHOPE: At the discussion on 30 October, you could have said to Mr McMahon and Mr McGauran, "You go away and get the approval of your members to do that and come back and see us when you've got that approval." That would have been a better way to do it, would it not?

Mr CHRIS MINNS: Going back to your preamble that supposedly you're in favour of this, my suspicion is that your procedural opposition to aspects of this is politically motivated as an opportunity for the Opposition to hit us.

The Hon. DAMIEN TUDEHOPE: No, Premier. It's about probity, Premier.

Mr CHRIS MINNS: I know you'll always claim that.

The Hon. DAMIEN TUDEHOPE: I am always saying it.

The CHAIR: Order!

Mr CHRIS MINNS: But let's hypothetically look at the position that you've suggested to the Government.

The Hon. DAMIEN TUDEHOPE: Correct.

Mr CHRIS MINNS: Either they go away and have a vote or alternatively—and I know you haven't suggested this—that it remains confidential and that there's no public announcement in relation to it. Whichever way it was decided, whether it was a compulsory acquisition, whether it was an ATC members' vote, whether it remained confidential and wasn't revealed to the public and ATC members, there would have been a line of criticism for you or for political opponents for it to take.

The Hon. DAMIEN TUDEHOPE: That's an outrageous proposal.

Mr CHRIS MINNS: Mr Latham's here. I acknowledge that at least Mr Latham's against the proposal; he doesn't want it to go ahead. We can't work out what your view is.

The Hon. DAMIEN TUDEHOPE: No, I've told you.

Mr CHRIS MINNS: Well, what is it?

The Hon. DAMIEN TUDEHOPE: If there is the proper process, Premier, I will support this.

Mr CHRIS MINNS: Right, but you haven't been able to establish that there isn't a proper process.

The Hon. DAMIEN TUDEHOPE: Did you offer a railway station as a condition of the proposal? That was what they wanted, wasn't it?

Mr CHRIS MINNS: Nothing was offered. What was on the table was—

The Hon. DAMIEN TUDEHOPE: But it was only a viable proposition—

Mr CHRIS MINNS: This is ultimately how you'd try to get an outcome for Sydney. There has got to be a process in place; it has to be handled by the Cabinet Office. The best process to take wasn't for us to just go in and grab the land and steal it from the members of the ATC. It was for them, in a very complicated process, to have a vote in relation to it and almost at the same time go through an unsolicited proposal to government. That's very complex; it's not an easy thing to do.

You might say it wasn't perfect or it was bad, or raise a whole bunch of innuendo, but any of the ways we would have pursued it, I suspect, would have been met with opposition. If the opposition to the proposal is "We love Rosehill, we don't want to sell it and we think it should remain a horse track", I'll accept that; I think that's fair enough. I think that there's an option to do something else with it. But if the opposition is, "You shouldn't have had this meeting" or "You didn't have this meeting", or to raise a whole bunch of innuendo on the basis of no facts or no evidence, I think you're copping out and you should just say whether you support it or not.

The Hon. DAMIEN TUDEHOPE: Premier, you're copping out, in my view. In one sense, you were seeking to avoid the proper process.

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Mr CHRIS MINNS: No, absolutely not.

The Hon. DAMIEN TUDEHOPE: You became the cheerleader for an unsolicited proposal, which is exactly the antithesis of—

Mr CHRIS MINNS: What would you have preferred? That we just came in and grabbed the land? If we had done that—

The Hon. DAMIEN TUDEHOPE: I put to you a proposal—

Mr CHRIS MINNS: This is a relevant point, Mr Chair. If we'd gone in there and said, "The proper proposal as identified perhaps by the Opposition is just to grab the land, to execute a compulsory acquisition, to take it over by the New South Wales Government, to put housing on it, to put a metro station on it and to sideline the members of the ATC"—what everybody did in relation to this proposal is to say, "Let's present a proposal to the members of the ATC. Let's let them make up their mind, and there might be a win-win across the board." You can allege that that's improper or not correct procedure, but you're not providing any evidence as to why that would be the case.

The Hon. SARAH MITCHELL: If you're waiting for the members of the ATC, as you say, how come at the Farmers conference out at Rosehill this year, you told them they'd have to find a new venue next year?

Mr CHRIS MINNS: I think that Mr Saunders cracked exactly the same joke prior to my—

The Hon. SARAH MITCHELL: I'm asking you the question.

Mr CHRIS MINNS: But isn't that relevant?

The Hon. SARAH MITCHELL: The question is if you're waiting for a process, why did you tell people that the conference wouldn't be there next year?

Mr CHRIS MINNS: If they choose to have the conference at the ATC in Rosehill, it will definitely go ahead.

The Hon. SARAH MITCHELL: So were you making a joke when you said that?

Mr CHRIS MINNS: I don't think many people laughed but, yes, I was trying to crack a joke.

The Hon. SARAH MITCHELL: It wasn't very funny.

Mr CHRIS MINNS: No, I wasn't very funny. I guess this goes to my point. I crack an unfunny joke at the Farmers' Federation and you guys want to have a royal commission into it and allege that there's a conspiracy. Honestly, what's your position in relation to it?

The Hon. SARAH MITCHELL: You have to follow a proper process for an unsolicited proposal, Premier.

The Hon. DAMIEN TUDEHOPE: Who was suggesting that there would be 25,000 units on the site? Who made that suggestion? Or residences?

Mr CHRIS MINNS: No, I haven't made that suggestion.

The Hon. DAMIEN TUDEHOPE: You did, with respect, Premier.

Mr CHRIS MINNS: The policy point here is important, and that is that my understanding is under the previous Government the proposal was to have between 3,000 and 5,000 apartments around the periphery of the track and maybe more housing at Camellia, which is adjacent to the metro line, but you'd keep the track in place. The point about density is that the benefit for the Government and the benefit for the State in a housing crisis is that it wouldn't just be 3,000. It would be substantially more than that, and maybe approaching 25,000. But I suspect the land economists and those who are proposing the potential sale and presenting that to the members will have to make a decision about what and how many.

The Hon. DAMIEN TUDEHOPE: It was contained in your press release, wasn't it, that it was up to 25,000?

Mr CHRIS MINNS: I'd have to look at it, but substantially more than 3,000. And the reason for that was really straightforward and that was because I didn't want the people of New South Wales to believe that—we wanted to be up-front about it. This would mean more density on the site. This wouldn't just be a gigantic park, which some people have proposed—just closing down the racetrack and turning it into a public park—but that there would be housing on the site. We wanted to be transparent about that, and there would be significant density on the site.

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The Hon. DAMIEN TUDEHOPE: Premier, it was open to you to at least say to Mr McMahon, "Go away and get the approval. We're not interested in this proposal unless you can guarantee to me that your members will back this in."

Mr CHRIS MINNS: We had to do it in a concurrent—

The Hon. DAMIEN TUDEHOPE: But you didn't, did you? You didn't do that process.

Mr CHRIS MINNS: We believed—and I think this was the fairest way in terms of transparency for members of the ATC and the public—we had to do it in a concurrent process.

The Hon. DAMIEN TUDEHOPE: But it would have been a better way to do it to say, "We're not interested unless you"—

Mr CHRIS MINNS: Why is that?

The Hon. DAMIEN TUDEHOPE: Because you're going through a process now, Premier, where you don't even know whether the members are backing it in.

Mr CHRIS MINNS: That's fine, isn't it?

The Hon. DAMIEN TUDEHOPE: You're spending a truckload of money—

Mr CHRIS MINNS: We're not spending a truckload of money.

The Hon. DAMIEN TUDEHOPE: How are you assessing it?

Mr CHRIS MINNS: Ultimately, land use challenges—

The CHAIR: Order! Mr Tudehope, you've asked a series of questions—

The Hon. DAMIEN TUDEHOPE: How are you assessing it?

Mr CHRIS MINNS: This is why nothing got done in Sydney for a decade, by the way.

The CHAIR: The Premier is attempting to answer so please wait for the Premier.

Mr CHRIS MINNS: It's true—I mean, is it not true? Mr Chair, this is why nothing got done. No housing got done for 12 years in New South Wales.

The Hon. DAMIEN TUDEHOPE: Nothing got done!

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: Did you just open the metro?

The Hon. BOB NANVA: Point of order—

The CHAIR: No, I don't need to hear a point of order. I need Mr Tudehope to be quiet while I bring the meeting to order. You've asked about five questions in a row, some of them hypothetical, Mr Tudehope. Wait for the Premier to answer, please, and return some decorum to the Committee.

Mr CHRIS MINNS: I'd make this point, Mr Chair, that this is why no housing got done in New South Wales for 12 years. If you go through the planning system at the moment and you try to get in a schematic, the amount of hoops that private capital has to go through to build a home in Australia's largest and most expensive city would blow your mind. There's about a thousand different routes that a proponent of a policy has to go through—and now I know why, Mr Chair.

The Hon. SARAH MITCHELL: But if you're a mate, you get a meeting in three days.

Mr CHRIS MINNS: Now I know why, because these guys are obsessed about slowing down the process and making it impossible to build any houses.

The Hon. DAMIEN TUDEHOPE: No, Premier. We want a proper process—

Mr CHRIS MINNS: No, I'm going to finish this. This is very important.

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: —but that doesn't matter to you.

Mr CHRIS MINNS: We are not going to usurp the rights of the members of the ATC. We're not. We are not going in there to grab the land from them. We are not taking their right to—

CORRECTED

The Hon. DAMIEN TUDEHOPE: But if your mate wants it, your mates wants it, doesn't he?

Mr CHRIS MINNS: Honestly.

The Hon. BOB NANVA: Point of order—

The Hon. SARAH MITCHELL: You get a meeting in three days if you're a friend.

Mr CHRIS MINNS: What are you implying?

The Hon. DAMIEN TUDEHOPE: Your mate wants it, doesn't he?

Mr CHRIS MINNS: What's the implication?

The Hon. DAMIEN TUDEHOPE: Your mate had a meeting with you and this was his idea.

The CHAIR: Order! A point of order has been taken.

The Hon. BOB NANVA: Mr Tudehope is just making a series of adverse reflections on a third party who's not even here. I ask that he treats the witness with a little more courtesy and allows him a more fulsome answer than what he's allowing the Premier to provide.

The CHAIR: I uphold the point of order.

Mr CHRIS MINNS: That's the point, isn't it. He's not here to defend himself so it's a good opportunity for you to slur him. I just make the point that we are not taking the rights away from the ATC members. The reason we have embarked on this process, this unsolicited proposal from the ATC and a member vote of ATC members, is to give them their democratic right as members over the land that they own. I know it would have been far more convenient for the Liberal Party to suggest that we were going to take it from them, that we were going to grab that land and that we were going to build housing on it, but we're not. This will be up to members of the ATC. If, in the end, they decide that they don't want to go ahead with it, we won't go ahead with it.

The Hon. DAMIEN TUDEHOPE: So it's dead through the water really, isn't it?

Mr CHRIS MINNS: It's up to members of the ATC.

The Hon. DAMIEN TUDEHOPE: You've seen the reaction of the members of the ATC, haven't you?

Mr CHRIS MINNS: Would you be happy about that if it went down?

The Hon. DAMIEN TUDEHOPE: Are you going to delay the metro pending the unsolicited proposal outcome and then the consideration by the members?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: So the metro is proceeding so you'll have to retrofit the station if in fact that's the decision which arises out of the unsolicited proposal—which was, really, a solicited proposal, wasn't it?

Mr CHRIS MINNS: There was about four questions in there, Mr Chair.

The CHAIR: Mr Tudehope, there was a series of quite distinct and diverse questions there. Please, to assist the Committee inquiry, just do one at a time.

The Hon. DAMIEN TUDEHOPE: The Premier's answered.

Mr CHRIS MINNS: No, it won't be delayed. We hope it's open in 2032. It's a massive logistical undertaking. It's the largest public transport project in Australia. It's very expensive, too. When the Government was elected in 2023, the publicly stated cost was \$16 billion. The real cost, which the previous Government and you, as the finance Minister, knew, was in fact \$24 billion, but none of that was presented to the public.

The Hon. DAMIEN TUDEHOPE: The ETU didn't help, did it?

Mr CHRIS MINNS: So they added \$10 billion did they?

The Hon. DAMIEN TUDEHOPE: The delays in these projects were caused by your mates in the union movement.

Mr CHRIS MINNS: Far out, no wonder—this is a shocker. Anyway, Mr Chair, I will just say this. The project jumped from \$16 billion to \$24 billion at least. We saw the process on the North West metro line and the Sydney metro line, which undeniably is a wonderful piece of infrastructure. I think I've appropriately given credit, particularly to former Premier Gladys Berejiklian, in relation to that.

CORRECTED

The Hon. DAMIEN TUDEHOPE: And the NorthConnex and the WestConnex.

The CHAIR: Order!

Mr CHRIS MINNS: My argument in opposition, during the election campaign and after the election campaign, was these are hugely expensive public transport projects. They're going to put the State into significant debt and that debt will have to be paid off by future generations of taxpayers. What we need to do, particularly to give western suburbs families a break from rapid greenfield development, is to have more infill development alongside and on top of that brand-new public transport infrastructure. This Rosehill proposal as put to the Government by the ATC is completely consistent with what we've said in the election campaign, and what we've been pursuing nearly every day since. But, if ATC members don't want to go ahead with it, we won't go ahead with it. As I said, I think it's an exciting opportunity for the city. There are many other people who don't want to go ahead with it. I know that Mr Latham is against it, and other trainers on the track. Everybody's got a position in relation to this project, except for you—which is a bit embarrassing, I've got to say.

The Hon. DAMIEN TUDEHOPE: No, I have a position. You're embarrassing. The process is embarrassing.

The Hon. MARK LATHAM: Thanks, Premier, for your attendance today and good morning. Do you recall two years ago writing in *The Sydney Morning Herald*, "Integrity is not only a noun; it's a verb. It's not an outcome you reach; it's a continuous and relentless determination to place integrity at the heart of all your decisions and actions"?

Mr CHRIS MINNS: I'm sure I did write something like that, yes.

The Hon. MARK LATHAM: I raise with you a serious integrity problem at Racing NSW reflected in a transcript. I'd ask for that to be circulated and for the Premier and other members of the Committee to have a copy. I'll later seek to table it.

The CHAIR: Why don't you table it now?

The Hon. MARK LATHAM: By leave, I table the transcript.

Document tabled.

The Hon. MARK LATHAM: Premier, I take you to that transcript. This was a case in 2021 where the CEO of Racing NSW, Mr V'landys, sought to ban Colleen Walker from the Mudgee Race Club because she'd had a disagreement with his friend John Camilleri's daughter, who Mr V'landys had hired at Racing NSW. You'll see from this transcript, particularly on page 3, that Mr V'landys set up the inquiry and appointed the stewards, headed by his chief steward, Marc Van Gestel. Even though Mr V'landys didn't attend the inquiry and hear any of the evidence, the stewards had to go to Mr V'landys to determine the final outcome of the inquiry. This is clear interference by the CEO, isn't it, in what should have been an impartial, independent inquiry?

Mr CHRIS MINNS: I couldn't possibly—

The Hon. BOB NANVA: Point of order: The procedural fairness resolution is pretty clear that where there's a question that might anticipate evidence that might adversely reflect on a third party, it is not in order, in accordance with paragraph 13 of the procedural fairness resolution. I'd suggest that this question is seeking to elicit evidence that might adversely reflect on an individual who is not here.

Ms ABIGAIL BOYD: To the point of order: With respect, that's not part of the procedure fairness resolution. Members should proceed with caution when they are referring to third parties and there needs to be an opportunity for a third party to then respond at some point, but my understanding is they're free to ask.

The Hon. BOB NANVA: Evidence that might be anticipated—

The Hon. MARK LATHAM: Anticipated where?

The Hon. BOB NANVA: —that might adversely reflect on a third party would normally be heard in camera and you can't do that at budget estimates sessions, which is why the procedure fairness resolution, I would have thought, is fairly clear.

The Hon. MARK LATHAM: To the point of order: I'm going to a matter supported by a document. The matter is clear and the evidence is clear and the Premier, who set a high standard for integrity, should answer the question.

The CHAIR: I won't uphold the point of order. The document is before us. But I remind Mr Latham to proceed, as with the procedural fairness resolution, with caution, because the third parties you are mentioning aren't here and don't have the opportunity to defend themselves.

CORRECTED

Mr CHRIS MINNS: Mr Chair, there's a whole bunch of suppositions in the question asked by Mr Latham that are presented as fact that I've got no basis of validating. He said that the person who was the subject of the inquiry was a dear friend or a close friend of Mr V'landys.

The Hon. MARK LATHAM: No, I didn't say that. I said Mr V'landys was acting on behalf of his friend John Camilleri's daughter, who was in a dispute.

Mr CHRIS MINNS: I don't know that to be true. I don't know the circumstances in relation to it.

The Hon. MARK LATHAM: That's not material to the interference.

Mr CHRIS MINNS: Why did you say it, then?

The Hon. MARK LATHAM: I gave you the background so you can understand it.

Mr CHRIS MINNS: Well, I don't know whether what you're saying is true or can be validated. I've got no idea.

The Hon. MARK LATHAM: I can assure you it is.

Mr CHRIS MINNS: No, no, that's probably not good enough, Mr Latham, your assurance in this Committee. Secondly, the second supposition that was presented as fact is that the chief steward didn't make a decision. I don't know that to be the case. What evidence have you got?

The Hon. MARK LATHAM: Can I take you to the document.

Mr CHRIS MINNS: Sure.

The Hon. MARK LATHAM: Can I take you to the transcript that's in front of you, on page 3, where the chief steward says:

That's how it would work, yes—

Mr CHRIS MINNS: The other supposition is that you said it was payback. Is that right?

The Hon. MARK LATHAM: No, I didn't say that at all. The chief steward says:

That's how it would work, yes. We'll consider the evidence, make any recommendations that we think are appropriate—

The CHAIR: Sorry, Mr Latham. Where are you referring to, for us?

The Hon. MARK LATHAM: Towards the bottom of page 3 of the document. The chief steward says very clearly:

That's how it would work, yes. We'll consider the evidence, make any recommendations that we think are appropriate and then Mr V'landys will then consider as to whether or not he agrees with those recommendations ...

In a situation where Mr V'landys hasn't been present at the inquiry, hasn't heard any—

Mr CHRIS MINNS: I think he had an opportunity to present—

The Hon. MARK LATHAM: Can I finish my question? You always ask to finish your answer. He hasn't been present at the inquiry or heard any of the evidence, and several current and former stewards of Racing NSW have come forward to say—

Mr CHRIS MINNS: Who are they?

The Hon. MARK LATHAM: —that these things happen all the time under Mr V'landys. Will you now inquire into this serious breach of integrity?

Mr CHRIS MINNS: Again, there are a few suppositions presented as facts, Mr Chair. This happens all the time, apparently, and a whole bunch of witnesses that haven't been presented to me and haven't been presented to the Committee as presenting factual evidence as to a third party who's not here to defend himself. I just made the point that, obviously, this should go to the Minister for racing. You had an opportunity to question Mr V'landys a couple of weeks ago. I'm curious as to why none of this information was presented then, and I'm worried that it might be an opportunity to slander him without the ability for him to defend himself.

The Hon. MARK LATHAM: I do my work according to my timetable.

Mr CHRIS MINNS: You are subject to parliamentary privilege at the moment in here, aren't you?

The CHAIR: Order!

The Hon. MARK LATHAM: Are you a hero, to go out there—

CORRECTED

The CHAIR: Order!

The Hon. MARK LATHAM: —when he's got a \$1 million defamation delegation from Racing NSW?

The CHAIR: Mr Latham, order!

Mr CHRIS MINNS: Mate, you're in the midst of a big defamation battle at the moment.

The Hon. MARK LATHAM: You're under it too.

The CHAIR: Order, Mr Latham!

The Hon. MARK LATHAM: It's not a valid point to make, is it? That's why we're in Parliament.

The CHAIR: Order! Mr Latham, I call you to order for the first time.

Mr CHRIS MINNS: Mr Chair, he's loading up a whole bunch of questions with supposed facts—

The CHAIR: He is, and I've called him to order.

Mr CHRIS MINNS: —that no-one can validate.

The CHAIR: I've brought him—

Mr CHRIS MINNS: And you don't get a chance to look at it until the Committee meeting is completed and you look at the transcript of the hearing.

The CHAIR: Order! Premier—

Mr CHRIS MINNS: If you've got a question, I think you should put a question.

The CHAIR: Order! Premier, I call you to order for the first time.

Ms SUE HIGGINSON: Yes, but we can't throw him out. We need him here.

The CHAIR: Can't we? You've made history as the first Premier at budget estimates to be called to order. There you are. Mr Borsak, your questions, please.

The Hon. ROBERT BORSAK: Premier, in relation to the Powerhouse Museum, will your Powerhouse Ultimo project meet its actual projected cost?

Mr CHRIS MINNS: The money set aside for the rebuild of the existing Powerhouse at Ultimo—I haven't heard to the contrary. I think it's a couple of hundred million dollars. It's quite a substantial remediation project at Ultimo, but I could take advice on it and come back.

The Hon. ROBERT BORSAK: That was going to be my next question: Do you know what a final figure is? In these projects, as you can appreciate, they just keep escalating. No-one really knows where we're at in terms of what the current figure might be.

Mr CHRIS MINNS: That's true. The revitalisation project is \$300 million at Ultimo. It's a huge sum of money but necessary. It's an important piece of cultural infrastructure for the State. That's \$250 million from New South Wales taxpayers and \$50 million in philanthropic capital from donations. We would expect it to be on time and on budget. This is a perennial problem across the Government. We've been left with a whole bunch of infrastructure projects that have wildly blown out, and there are opportunity costs that come with it, but we recognise that we've got to manage these things very closely.

The Hon. ROBERT BORSAK: Can you put a date on when you're expecting completion?

Mr CHRIS MINNS: I think I can, but it's not front of mind, Mr Borsak.

The Hon. ROBERT BORSAK: Can you take that on notice, please.

Mr CHRIS MINNS: Sure.

The Hon. ROBERT BORSAK: You mentioned \$50 million in philanthropic donations. Can we find out who actually made those donations?

Mr CHRIS MINNS: I don't know.

KATE BOYD: We can take it on notice.

Mr CHRIS MINNS: I've just read it in my note here that we expect it to be completed the middle of next year.

CORRECTED

The Hon. ROBERT BORSAK: The middle of 2025?

Mr CHRIS MINNS: Yes.

The Hon. ROBERT BORSAK: Premier, will the Powerhouse Ultimo be restored as the primary technology and applied arts and sciences museum in the country once its upgrading has finished—of course, in the middle of next year?

Mr CHRIS MINNS: I expect it to be, yes. That's a position that it has held as a cultural institution for a long time, and I'd expect it to—once the revitalisation is completed and you've got almost sister museums, one located on the Parramatta River and one located in the heart of the city at Ultimo, they'll be fantastic additions to the city, and I can't wait for them to be completed.

The Hon. ROBERT BORSAK: Can you assure the community that the Ultimo development will result in having its major exhibition items restored and returned from Castle Hill and elsewhere?

Mr CHRIS MINNS: Most of them, my understanding is, will be. Do you know that, Simon?

SIMON DRAPER: They'll be spread across the different sites.

The Hon. ROBERT BORSAK: Sorry, I didn't hear that.

Mr CHRIS MINNS: Some of them will go to the new Parramatta site; some of them will be located at Ultimo. But you'd be aware that the Castle Hill site, which is, for want of a better expression, the overflow part of the museum where—when we haven't had an opportunity to put a piece of history or art on display, they had been able to go to Castle Hill. Because we've got more floor space, we'll be able to put more on display more regularly. The intervening period—I think a particular favourite is the Catalina, and that's going to be temporarily put down in Albion Park at the Aviation Museum down there. But it will all come back when the project is completed.

The Hon. ROBERT BORSAK: Will the Catalina, for example, come back?

Mr CHRIS MINNS: That's my understanding.

The Hon. ROBERT BORSAK: And the first steam train New South Wales—

Mr CHRIS MINNS: The steam train is due to be located at Parra, I think.

SIMON DRAPER: I'm not sure exactly where that one is going. Mr Borsak, the vast majority of the items that the Powerhouse holds are actually not generally on display. It has thousands and thousands held in storage.

The Hon. ROBERT BORSAK: I think we accept that, and I think—

SIMON DRAPER: They cycle them through. They cycle them out of storage into different exhibitions that will be held across both those sites, Parramatta and Ultimo, once, as the Premier has said, there are floor spaces available from both those new facilities.

The Hon. ROBERT BORSAK: Are we going to see the live steam exhibition restored?

SIMON DRAPER: I think you'd have to direct that question to the curators at the Powerhouse themselves, the museum of applied arts and sciences.

The Hon. ROBERT BORSAK: Can you take that on notice and get an answer for me?

SIMON DRAPER: I'll take that on notice, yes. I'll try to answer it this afternoon if I can, but otherwise I think that it's going to be—

The Hon. ROBERT BORSAK: No, that's okay, when you can. I'm just interested because there's a lot of talk around the community that the primary purpose of the Ultimo site will no longer be technology and applied arts and sciences. Premier, what you're saying is that that pre-eminent application of that site will continue once it's restored?

Mr CHRIS MINNS: I am. I am saying that.

The Hon. ROBERT BORSAK: I'm not verballing you, am I?

Mr CHRIS MINNS: Yes.

The Hon. ROBERT BORSAK: I am?

Mr CHRIS MINNS: Sorry, what did you say? I am saying that. Is that what you—

The CHAIR: He's verballing you. You've been verballled.

CORRECTED

The Hon. ROBERT BORSAK: I'm verballing you. Thank you.

Ms ABIGAIL BOYD: Good morning to you, Premier. I'm going to start with a multiple-choice question. On 11 August 2016, during the second reading of the Greyhound Racing Prohibition Bill 2016 in the Legislative Assembly, you said that "if there is still non-compliance across the industry after a period of two years", and you then ended that sentence with: (a) it should be closed down; or (b) we should order an inquiry with the sole purpose, under its terms of reference, of ensuring the greyhound racing industry does not need to be closed down?

Mr CHRIS MINNS: I don't know. I don't know what I said.

Ms ABIGAIL BOYD: Do you think you said the first one or the second one?

Ms SUE HIGGINSON: Have a go: (a) or (b)?

Mr CHRIS MINNS: No, no, I'm not sure. Just tell me. Take me out of the suspense.

Ms ABIGAIL BOYD: Obviously it was (a); you said it should be closed down. That was apparently if there was noncompliance after two years. It has been eight years, and it's very clear that this is an industry that continues—

Mr CHRIS MINNS: Can I have a look at the transcript?

Ms ABIGAIL BOYD: Really?

Mr CHRIS MINNS: Yes, absolutely. I don't know what the context—

Ms ABIGAIL BOYD: You don't remember what you said in relation to the greyhound bill?

Mr CHRIS MINNS: No, I don't. Do you remember what you said in 2016?

Ms ABIGAIL BOYD: Mostly.

Mr CHRIS MINNS: I'm sure you do.

The CHAIR: Order! If a question is put to the Premier about a speech he gave eight years ago, I think it's reasonable, Ms Boyd, for you to table the transcript.

Ms ABIGAIL BOYD: I don't have the transcript with me, but you can google it, which is what I did.

Mr CHRIS MINNS: That's fine. I'm happy to answer questions.

Ms ABIGAIL BOYD: Anyway, let's not waste my time. The question is do you—

Mr CHRIS MINNS: I don't have an automatic recall of a speech I gave in 2016. Is that unreasonable?

Ms ABIGAIL BOYD: In 2016 you said that it should be closed down if it was still noncompliant within two years. It has been eight years. It's very clear from the recent scandals that the greyhound racing industry is not compliant. Why won't you shut it down?

Mr CHRIS MINNS: I'm not going to shut down the greyhound racing industry. We've got a new regime and new systems in place, including regulatory agencies and the appointment of a new regulator through GWIC who is responsible for—

Ms ABIGAIL BOYD: Why did you prevent—

Mr CHRIS MINNS: Hang on, I'm going to get the answer out.

The CHAIR: Order!

Mr CHRIS MINNS: —who is responsible for ensuring that the industry does comply with—

Ms ABIGAIL BOYD: But it's not.

Mr CHRIS MINNS: Hang on, I am going to keep going. I think that it is appropriate, under the circumstances, to let Lea Drake, who has just been appointed, to have the opportunity to do just that.

Ms ABIGAIL BOYD: So, on that, why were the terms of reference bounded then by the statement, "The purpose of the inquiry is to ensure a viable and sustainable greyhound racing industry in New South Wales", thereby precluding her from concluding that actually this is an industry incapable of reform?

Mr CHRIS MINNS: Was that the only term of reference?

Ms ABIGAIL BOYD: That was the main purpose. "The purpose of the inquiry—

CORRECTED

Mr CHRIS MINNS: What else was in the terms of reference?

Ms ABIGAIL BOYD: We are not going to waste time with me showing you the terms of reference.

Mr CHRIS MINNS: I am worried that you are cherrypicking, because your suggestion to me in the Committee is that that was the only thing Lea Drake was looking at.

Ms ABIGAIL BOYD: That is the only purpose.

Mr CHRIS MINNS: Were there any other terms of reference?

Ms ABIGAIL BOYD: Of course there are terms of reference, bounded by that purpose. That is how terms of reference work.

Mr CHRIS MINNS: Can I have a look at it?

Ms ABIGAIL BOYD: No, because I've got my own writing all over it.

Mr CHRIS MINNS: Well, there you go. I'd like to see it.

Ms ABIGAIL BOYD: It's your press release, Premier. You know full well and we are just wasting time.

Mr CHRIS MINNS: Well, hang on. This is very interesting. It also says, "The inquiry will examine complaints about Greyhound Racing NSW's—

Ms ABIGAIL BOYD: Yes, I know. I've got it in front of me.

Mr CHRIS MINNS: —governance and operations, track safety, animal welfare issues, including claims made by whistleblowers." If you're going to present a question to me—

Ms ABIGAIL BOYD: What does it say is the purpose of the inquiry? Read the bit—the purpose.

Mr CHRIS MINNS: Mr Chair, if the question is going to be presented, you can't cherrypick different parts of the—

Ms ABIGAIL BOYD: And you—

The CHAIR: Order! Please allow the Premier to answer the question.

Mr CHRIS MINNS: I presume this is an attempt to trick me in relation to the release of the—

Ms ABIGAIL BOYD: No, can we be very clear here. What does it say the purpose is in the last sentence of that paragraph?

Mr CHRIS MINNS: You have deliberately omitted an essential part of the inquiry with the attempt of either—

Ms ABIGAIL BOYD: No, Premier. That is very dishonest of you. It is very clear—

Mr CHRIS MINNS: Is it? I don't think it is dishonest.

The CHAIR: Order! Please, it is very difficult for me to keep up with the banter.

Mr CHRIS MINNS: It's not banter.

The CHAIR: Premier!

Mr CHRIS MINNS: No, Mr Chair. The question was presented to me—

The CHAIR: Order!

Mr CHRIS MINNS: He's going to kick me out in a minute.

The CHAIR: Please come to order. You have been called to order once. It is very difficult for me to keep up. It is very difficult for Hansard to keep up. Please return to some form of decorum. Let's have questions and answers, rather than hectoring each other.

The Hon. PETER PRIMROSE: Can I raise a point of order?

The CHAIR: Yes, you certainly can.

The Hon. PETER PRIMROSE: A number of allegations and suggestions are being made by direct questions.

Mr CHRIS MINNS: Yes, with a whole bunch of omissions.

CORRECTED

The Hon. PETER PRIMROSE: I believe it is appropriate that they are not left hanging and that a witness who is asked to answer those is given the opportunity to answer them now, and then we go on.

Mr CHRIS MINNS: I've got more of this. I've got the whole reference here.

The CHAIR: I'll rule on that. I uphold that point of order. That is how I have previously ruled. Ms Boyd, you have—

Mr CHRIS MINNS: Mr Chair, in relation to the question, the scope of the inquiry is to—

Ms ABIGAIL BOYD: Premier, it is my question time. I have made it very clear what the purpose of the inquiry was and you know full well what the purpose of the inquiry was.

Mr CHRIS MINNS: You have omitted the essential premise. In fact the very first—

Ms ABIGAIL BOYD: Of course terms of reference have more than that.

The Hon. PETER PRIMROSE: Point of order—

The CHAIR: Order! A point of order has been taken by Mr Primrose. Ms Boyd, please come to order.

The Hon. PETER PRIMROSE: This is Premier's estimates. Questions by the Opposition—

Ms ABIGAIL BOYD: He doesn't get to grandstand and make out someone else is not having integrity.

The Hon. PETER PRIMROSE: Very appropriate. But you can't then seek to leave those questions hanging. The Premier must be given the opportunity as a witness to respond. That is a matter purely of courtesy if nothing else.

The CHAIR: Thank you, Mr Primrose. I uphold the point of order.

Mr CHRIS MINNS: I want to respond to the question.

The CHAIR: The Premier was attempting to respond. I have upheld that point of order. Unfortunately, Ms Boyd—

Ms ABIGAIL BOYD: Yes, it is.

The CHAIR: Do you have anything further to add, Premier?

Mr CHRIS MINNS: Yes, I do, absolutely. I don't want to let a misapprehension hang in the air on the basis of an incomplete question that deliberately omitted the first scope of the inquiry. And I want to read it onto the record.

Ms ABIGAIL BOYD: Tell the truth. What does the purpose say?

Mr CHRIS MINNS: "The scope of the inquiry is to—

The CHAIR: Order!

Mr CHRIS MINNS: "The scope of the inquiry is to inquire, report on and make findings and recommendations in relation to the following:—

Ms ABIGAIL BOYD: I didn't ask you the scope; I asked you the purpose.

Mr CHRIS MINNS: "Number one, greyhound welfare—

Ms SUE HIGGINSON: This is pretty bad.

Ms ABIGAIL BOYD: This is terrible.

Mr CHRIS MINNS: "—and the care of greyhounds by Greyhound Racing NSW."

Ms ABIGAIL BOYD: Shameful. The purpose, not the scope.

Mr CHRIS MINNS: You can abuse me if you like, but I think that you deliberately omitted an essential part of the inquiry.

Ms ABIGAIL BOYD: No. You cannot make that kind of allegation against my integrity because you don't understand words.

Mr CHRIS MINNS: I would argue that a sustainable greyhound racing industry—

The CHAIR: Order! Ms Boyd, talking over the top of the Premier while he is answering—

CORRECTED

Ms ABIGAIL BOYD: That was my time.

The CHAIR: —and calling him names is discourteous, is certainly disorderly and I will call you to order if you are reflecting on the witnesses and talking over them continuously. You are not assisting yourselves and you are not assisting the hearing. Questions from Ms Higginson.

Ms SUE HIGGINSON: Premier, I would like to start with a joke, if that's okay.

The Hon. SARAH MITCHELL: Is yours funny?

Ms SUE HIGGINSON: Let's see. A former CEO of forestry, a physicist, an engineer and a former shadow Minister for forestry walked into a bar to talk about threatened species who are threatened with extinction. Is that funny?

The Hon. MARK LATHAM: Three blondes is better.

The CHAIR: Order!

Ms SUE HIGGINSON: So, Premier, the premise is it's not very funny—

The CHAIR: It wasn't.

Ms SUE HIGGINSON: —but this is precisely what your independent forestry panel involves. Could you explain, Premier, why does that panel have no forest expertise on it in terms of forest science?

Mr CHRIS MINNS: It has no expertise on it?

Ms SUE HIGGINSON: In terms of forest ecology and forest science.

Mr CHRIS MINNS: Isn't the former chief scientist on it?

Ms SUE HIGGINSON: With the greatest of respect to Professor O'Kane, she is a physicist and an engineer. We are talking about forests, Premier, and the future of our public forest estate. Could you please just explain why there is no expertise?

Mr CHRIS MINNS: I don't want the misapprehension to be perpetuated by you or the Committee that this doesn't have eminent people with scientific background who can go and get expertise or evidence—

Ms SUE HIGGINSON: Premier, can I please redirect you.

Mr CHRIS MINNS: No, I'm going to finish my answer.

Ms SUE HIGGINSON: Premier, can I please redirect you.

Mr CHRIS MINNS: Mr Chair, I'm going to finish my answer. I think it is unfair to the three people who are on the Committee, who have been appointed—

Ms SUE HIGGINSON: Chair? Premier, can I please redirect you to answer my question.

Mr CHRIS MINNS: No.

The CHAIR: Order! There is no capacity for you to redirect—

Ms SUE HIGGINSON: There is. It's in the orders.

The CHAIR: No, there isn't.

The Hon. PETER PRIMROSE: There isn't.

The CHAIR: No, there isn't. That is a practice that has crept into these hearings in recent years and there is no capacity for you to do that. You have asked the question, Ms Higginson. The Premier is answering it. Please listen to the answer. He can answer as he sees fit, and you can ask your questions when he's finished.

Ms SUE HIGGINSON: Forest science, Premier.

Mr CHRIS MINNS: The truth of the matter is, Mr Chair, that the Government has appointed Professor Mary O'Kane, Mick Veitch, a former member of the Legislative Council—

Ms SUE HIGGINSON: Former shadow forest Minister.

Mr CHRIS MINNS: That's true, yes, and we have been very up-front. And Peter—

Ms SUE HIGGINSON: And Peter Duncan, the former CEO.

The CHAIR: Order! Ms Higginson, please allow the Premier to answer.

CORRECTED

Mr CHRIS MINNS: Mr Chair, you've got to give me an opportunity to answer this—

The CHAIR: This is true.

Mr CHRIS MINNS: —because it is leaving the community with the misapprehension that there are not people who are scientifically qualified who will not go out and get the information necessary to make good judgements in the best interests of the people of New South Wales.

Ms SUE HIGGINSON: Premier, this is not my claim. It is the community's claim.

Mr CHRIS MINNS: No, I'm going to finish this. This may well be an implied—

Ms SUE HIGGINSON: It's the community's claim, Premier.

Mr CHRIS MINNS: It may well be an implied or accidental—

Ms SUE HIGGINSON: Premier, you've got the opportunity—

Mr CHRIS MINNS: —knock on the three people who have been appointed, but I think they should be—

Ms SUE HIGGINSON: You've got the opportunity to answer the question.

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: —given an opportunity to report to the New South Wales Government.

The CHAIR: Mr Nanva on a point of order. I can guess what it is.

The Hon. BOB NANVA: Courtesy to the witness but I just think courtesy to Hansard to allow this to be a question and answer session and not a continuous stream of interjections.

Ms SUE HIGGINSON: Premier, you have the opportunity to answer the question.

The CHAIR: I uphold the point of order. I don't know what the question and the answer was now because there has been too much interjecting. I don't know how Hansard is possibly doing their job.

Mr CHRIS MINNS: Give them an opportunity to do their job. They are eminent people. They'll do a good job on behalf of the people of New South Wales.

Ms SUE HIGGINSON: It's very disappointing. You could have answered the question.

Mr CHRIS MINNS: Don't jump the gun and imply that they won't do a good job. These are eminent people.

Ms SUE HIGGINSON: You could have answered the question, Premier. It was very straightforward—forest ecology.

The CHAIR: Order! We now have time for a question from the Opposition.

The Hon. DAMIEN TUDEHOPE: I would also like to ask a question about appointments. You were a former shadow water Minister, were you not?

Mr CHRIS MINNS: I was.

The Hon. DAMIEN TUDEHOPE: In 2018 did you not tell the *Barrier Daily Truth* that "Minister Blair has been found to have misled Parliament and refused to correct the record when he was told he was wrong. His position is untenable. Minister Blair knew that information concerning supposed prosecutions was false and yet he did nothing about it. This is exactly why no-one has confidence in the National Party. They have misled the Parliament, closed down investigations and misled the Ombudsman. It's time for the Minister to lose his Water portfolio." Then on Facebook you posted, "Labor says Blair must go." Who have you just appointed as the chair of Sydney Water?

The CHAIR: We used to have those debates with Justin.

The Hon. SARAH MITCHELL: Premier, who have you just appointed as the chair of Sydney Water?

Mr CHRIS MINNS: I think you know the answer to that. Do you not know?

The Hon. DAMIEN TUDEHOPE: I'm asking you to confirm that you have just appointed—

Mr CHRIS MINNS: Niall Blair.

The Hon. DAMIEN TUDEHOPE: —the same person that you made that description of in 2018, as chair of Sydney water. Have you not?

CORRECTED

The Hon. SARAH MITCHELL: So, what's changed?

The Hon. DAMIEN TUDEHOPE: What's changed?

Mr CHRIS MINNS: The Cabinet appointed Mr Blair, but I support it. I think he would do a good job in that role.

The Hon. DAMIEN TUDEHOPE: I agree.

The Hon. SARAH MITCHELL: I agree, but you didn't support him in 2018.

Mr CHRIS MINNS: It doesn't sound like you do.

The Hon. SARAH MITCHELL: You just say what you need to when it's a political hit, don't you?

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: Because you want to use it to cover for the appointment of another one of your mates, didn't you!

The CHAIR: Order! Members will come to order.

Mr CHRIS MINNS: Abuse disguised as a question.

The CHAIR: There's time for one question, and that will be from me. Premier, firstly, I congratulate you on strong action following the death of Molly Ticehurst and the \$23 million package announced in May. I note that at the time you flagged the intention to undertake further long-term reforms to prevent domestic, sexual and family violence. More could be done to prevent perpetrators of domestic and family violence from reoffending. You may be aware that there was a review by Corrective Services, the EQUIPS domestic and family violence program. It found that treatment for offenders in Corrections is not working. There are several reasons that the BOCSAR audit found for that—that is, that prisoners are not allowed tablets in their cells with any connectivity and are not receiving therapy for their behaviours. Would you commit to an evaluation of a plan to allow perpetrators to access outside counselling on their tablets so they could commit to change and continue the therapy on release from prison?

Mr CHRIS MINNS: I don't know whether a repeat domestic violence offender in New South Wales, the reason for that repeat offending is the failure to access a tablet—

The CHAIR: And therapy.

Mr CHRIS MINNS: —and therapy, so I'm not committing to that. What I would say is the rate and prevalence of domestic violence is increasing in New South Wales, not decreasing. It's decreasing in Victoria, and Queensland has showed promising results as well. The Government announced an additional \$250 million for domestic violence programs. We changed the law to make it more difficult for those facing serious domestic violence offences to get bail. There's a whole suite of legislative and administrative changes that we've pursued, but I'd like to see those major reforms take effect. I suspect they'll be more effective in reducing the scourge of domestic violence in the community.

The CHAIR: Thank you, Premier. Thank you, everyone. The time for questions in this session has concluded. We now have 15 minutes for Government questions.

The Hon. PETER PRIMROSE: We're very satisfied.

The CHAIR: We will go to a half-hour break, returning at 11.15 a.m.

(Short adjournment)

The CHAIR: The time being 11.15 a.m., we will recommence with questions from the Opposition.

Ms SUE HIGGINSON: The Premier is not here.

The Hon. SARAH MITCHELL: I have questions for the Premier, Chair, but he's not here.

SIMON DRAPER: Chair, if it helps you, I do have some answers to some of Mr Borsak's questions earlier.

The Hon. SARAH MITCHELL: It's our time, Mr Draper.

SIMON DRAPER: It's your time, yes.

CORRECTED

The CHAIR: If someone could find the Premier, it'd be appreciated. In the meantime, Mr Draper, if you do have some answers—

The Hon. SARAH MITCHELL: Can we not have the clock start? Chair, I have questions for the Premier and he's not here.

The Hon. EMILY SUVAAL: He's here.

The Hon. SARAH MITCHELL: You're late, Premier!

The Hon. ROBERT BORSAK: He had to get his coffee.

The Hon. EMILY SUVAAL: He's perfectly on time. No, it's 11.15 a.m. He's on time.

The Hon. SARAH MITCHELL: We're already on and he wasn't here.

The CHAIR: Thank you for returning, Premier, for this second session. We will now start with questions from the Opposition.

The Hon. SARAH MITCHELL: Premier, are you aware that since you came to office more than 10 regional publications have shut down in New South Wales?

Mr CHRIS MINNS: I didn't know the number was 10, but I knew that there'd been several that had shut down.

The Hon. SARAH MITCHELL: Are you aware of any that could be on the brink of closure?

Mr CHRIS MINNS: I had a discussion with the regional journalists association in Gunnedah on Wednesday or maybe Thursday of last week, where they indicated that they were concerned about regional newspapers shutting down. But I can't remember whether they told me about specific titles or not.

The Hon. SARAH MITCHELL: Sure. There has been a number. Are you aware that in September last year there was a media release from your Government stating that you were going to deliver on your election commitment to ensure the longevity of regional media in your first budget, delivering a \$3 million commitment devoted to advertising spend in regional and community print outlets? Do you remember that announcement?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: Are you aware of a joint letter that you received in March this year from the managing director of the Australian Community Media and the president of the Country Press?

Mr CHRIS MINNS: No, I'm not aware specifically of that letter.

The Hon. SARAH MITCHELL: I've got a copy here. I'd be very happy to table it and provide it to you to have a look at. As I said, Premier, it was sent some months ago back in March. I'll wait for you to get the document, but you'll see the highlighted part of the letter that is addressed to you, dated 7 March this year, states:

Whilst the \$1m of incremental NSW Government advertising spend that was part of your government's election commitment was welcomed, sadly, this promised expenditure has not occurred.

In fact NSW Government advertising spend in regional newspapers has fallen by over 40% in the last 12 months.

Premier, why haven't honoured your election commitment?

Mr CHRIS MINNS: My understanding was that we had honoured the election commitment in relation to the increase in expenditure for regional publications, but the net amount that's spent in regional newspapers across government agencies has dropped—or that's at least what was presented to me by the ACM and the regional editors.

The Hon. SARAH MITCHELL: Well, they're saying, Premier—

Mr CHRIS MINNS: Hang on, I'm going to complete my answer. I did have a discussion with them about the Government's commitment, not just in relation to that fund specifically for regional outlets—and there was a similar fund that was in place for ethnic media and other newspapers and media in the State—but also in relation to other government agencies. The big spender for regional communities from the Government, particularly for newspapers, is Roads and road safety campaigns and programs. In any event, I agreed to meet them. They said, can they speak to me and come and have a meeting. I can't remember the name of the people who I was with, but they were associated with—

The Hon. SARAH MITCHELL: That's fine, Premier, but I guess—

Mr CHRIS MINNS: —*The Canberra Times* group, Catalano group.

CORRECTED

The Hon. SARAH MITCHELL: My question to you is—they wrote to you in March. You said you bumped into them at AgQuip last week. We've had at least 10, and possibly more, regional newspapers go under. They're saying under your Government the advertising spend is down 40 per cent in the last 12 months. That means people are losing their jobs. That means regional people who rely on those newspapers for access to information are missing out because you haven't spent the money that you said you would in terms of advertising spend. What are you going to do about it?

Mr CHRIS MINNS: I think that's a glib recitation of the circumstances relating to the economics of newspapers—

The Hon. SARAH MITCHELL: There's nothing glib about it.

Mr CHRIS MINNS: I'm going to answer the question that you put to me. The major reason is because you've neglected to point out the fund-sharing agreement for major social media firms in the country. There was a pool of funds that was distributed. My understanding is that it continues to be distributed by Google, but Meta withdrew from the application. That's affecting print media, broadcast media and regional media right across the country. It's particularly the case in disaggregated populations like in New South Wales, and is the leading pressure, the massive pressure that we're seeing when it comes to regional newspapers. So it's—

The Hon. SARAH MITCHELL: Can I—

Mr CHRIS MINNS: No, sorry, I want to take issue with the last bit—

The Hon. SARAH MITCHELL: Premier, I've asked you a very specific question. I have limited time.

Mr CHRIS MINNS: —of your question, which was that the drop in New South Wales Government spending, which you articulated, is the reason for these newspapers going out. I just think it's important for the Committee to understand that there are a lot of economic forces in relation to media businesses. Perhaps you're not aware of them; I'm not sure.

The Hon. SARAH MITCHELL: I don't need to be lectured by you in relation to what happens to regional newspapers, with respect, Premier. I know many of the people who own and operate and work in these papers and they've made it very clear that that lack of government advertising spend and the lack of the rollout of your election commitment is placing huge financial pressures on them.

Mr CHRIS MINNS: But perhaps you didn't read the second paragraph of the letter that you gave me.

The Hon. SARAH MITCHELL: You are going to meet with them next week. What will you do?

Mr CHRIS MINNS: Mr Chair—I think that's interesting that you just said that.

The Hon. SARAH MITCHELL: I'd like to ask what are you going to do.

The Hon. DAMIEN TUDEHOPE: The letter is tabled, Premier, so don't worry about it.

Mr CHRIS MINNS: I know. I'm going to read from it.

The Hon. DAMIEN TUDEHOPE: No, just answer the questions.

The Hon. SARAH MITCHELL: I don't need you—

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: Mr Chair, surely I'm entitled to refer to the document that's been given to me.

The Hon. DAMIEN TUDEHOPE: No, you're not.

The CHAIR: Order! A point of order has been taken by Mr Nanva.

The Hon. BOB NANVA: Chair, the Opposition may not like the answer that has been given but the answer is relevant to the question that was asked. I ask that courtesy be extended to the Premier to allow him to answer it.

The CHAIR: Yes, I was listening very clearly.

Mr CHRIS MINNS: I'm happy to take the question. I'm here for four hours.

The CHAIR: I'm ruling, Premier. The question from Mrs Mitchell to you was what are you going to do? Are you going to meet with these people? Or you are going to meet with these people, sorry—and I think you were responding to that. So please proceed.

Mr CHRIS MINNS: No, Mr Chair, the question was—

CORRECTED

The Hon. SARAH MITCHELL: Will you guarantee the \$3 million will be rolled out?

Mr CHRIS MINNS: —as a result of the Government's supposed reduction in spending for regional press, people are losing their jobs. I'm just pointing—and I think this is reasonable. If it's not, I think it's grossly unfair. I refer to the tabled documents supplied by the honourable member in the second paragraph, and I'll read it to the Committee. This has just been given to me now.

The Hon. SARAH MITCHELL: I don't need you to do that. It hasn't been given to you now. It was sent to you in March.

Mr CHRIS MINNS: Mr Chair, please.

The CHAIR: Order! The Premier can respond to the question the way he sees fit.

The Hon. SARAH MITCHELL: He is cherrypicking.

The CHAIR: He is being relevant to the questions you have asked. Please proceed, Premier.

Mr CHRIS MINNS: The letter says:

The widely reported decision this week by Facebook parent company, Meta, to discontinue funding to regional media as compensation for using our locally generated news content will have an immediate and devastating effect - it removes a critical income stream that had been widely expected to continue for at least another three years.

The Hon. SARAH MITCHELL: And they also very clearly in the letter, Premier—country people will listen to this.

Mr CHRIS MINNS: I make this point that, if you're going to present information—

The Hon. SARAH MITCHELL: They very clearly in the letter articulate—

Mr CHRIS MINNS: —in a Committee like this, particularly in relation to regional communities—

The Hon. SARAH MITCHELL: —the lack of investment from your Government. You can't hide from this, Premier.

The CHAIR: Order!

Mr CHRIS MINNS: Particularly if you're going to ask questions about regional economies or the businesses, it shouldn't be the case that you cherrypick information. In fact, the second—this just goes to the point here. There's been an income stream—

The Hon. SARAH MITCHELL: That you know nothing about regional New South Wales, and you don't care? Because that's pretty evident.

The CHAIR: Order!

Mr CHRIS MINNS: You've got your abuse out of the way and I'll answer the question now.

The Hon. SARAH MITCHELL: There's nothing abusive about the truth, Premier.

Mr CHRIS MINNS: I just say this: Clearly the economics of media, particularly in regional New South Wales, particularly when it comes to regional newspapers, has been significantly affected by social media companies, particularly Meta's decision to withdraw that local content fee to regional newspapers. The same occurs to major publications in metropolitan cities like Sydney and other places. As a result of that—

The Hon. SARAH MITCHELL: Premier, they very clearly say in this letter, though—

Mr CHRIS MINNS: I'm going to finish this because this isn't just hyperbole; this is absolutely crucial.

The Hon. SARAH MITCHELL: I'm asking you about New South Wales government spending. That's what we're here to do.

Mr CHRIS MINNS: As a result of that, of course the Government will meet with regional businesses and talk about changes to the circumstances.

The Hon. SARAH MITCHELL: Six months after they write to you.

Mr CHRIS MINNS: But I honestly think that you should present all of the information that's been presented to you.

The Hon. DAMIEN TUDEHOPE: It's unlucky it wasn't Steve McMahon. He would have got an answer.

The Hon. SARAH MITCHELL: Yes, he got in in three days but these guys wait six months.

CORRECTED

The CHAIR: Order!

Mr CHRIS MINNS: Well, you've neglected the second paragraph in your question, which seems particularly—

The Hon. SARAH MITCHELL: Well, you've neglected the bulk of the letter and the refusal for six months to meet.

The CHAIR: Mrs Mitchell, if you've got a question, please proceed, rather than badger the witness.

Mr CHRIS MINNS: It adds to the suggestion that you're not on the level about trying to find a solution to this—is my only point.

The Hon. SARAH MITCHELL: Premier, you're the one not on the level. They wrote to you six months ago and you've ignored it. Can you tell me, Premier—

Mr CHRIS MINNS: I haven't ignored them. I saw them last week. I just told you that.

The Hon. SARAH MITCHELL: You bumped into them at AgQuip. That's hardly like it was an organised meeting. If they were a mate, they'd be in within three days.

Mr CHRIS MINNS: Well, I was happy to meet with them and I talked to them. That's inconvenient for you in terms of your timeline, but it's the facts.

The Hon. SARAH MITCHELL: The facts speak for themselves and they know. Can you tell me what the initial intended network capacity target was for the Central-West Orana REZ?

Mr CHRIS MINNS: I can't tell you that.

The Hon. SARAH MITCHELL: Do you know what the current intended network capacity for it is?

Mr CHRIS MINNS: Simon, have you got any information about that?

SIMON DRAPER: No, I don't have it with me.

The Hon. DAMIEN TUDEHOPE: Can you take it on notice?

SIMON DRAPER: We can get that for you today, yes.

The Hon. SARAH MITCHELL: Do you know, Premier, where the Central-West Orana REZ is currently sitting in terms of network capacity when you add up all the projects that have been approved?

Mr CHRIS MINNS: I'm happy to take it on notice and come back to the Committee.

The Hon. SARAH MITCHELL: The concern coming from a lot of the regional communities around this, Premier, is that the original intended network capacity was three gigawatts. We're now looking, when you combine—according to data provided by the relevant councils in that area, the total renewable generation comes in at 12.52 gigawatts. The problem that you've got is that EnergyCo is saying that the Central-West Orana REZ will be at least 4½ and local councils are saying it will be more than 12 gigawatts. Can you clarify which figure is correct?

Mr CHRIS MINNS: I'll have to come back to the Committee and report, which I'm happy to do. But in relation to the Central-West Orana REZ, the Government was faced with the situation where we were originally told that the estimated cost of the project for consumers—this isn't going to be borne by the New South Wales Government balance sheet, but it will be borne by consumers in this State—was \$650 million. We were then told—I presume this was presented to you, Mr Tudehope, in government—that the actual cost was \$3.2 billion, an astronomical increase, more than 300 per cent. None of that information was presented to the public. None of it was presented by the National Party or the Liberal Party to the people of New South Wales during the election campaign. None of it was communicated as part of the challenges facing energy production and distribution in New South Wales.

The Hon. SARAH MITCHELL: Point of order: I actually didn't ask the Premier—

Mr CHRIS MINNS: As a result of that, the Government's decision to keep—

The Hon. SARAH MITCHELL: I can take a point of order, Premier.

Mr CHRIS MINNS: —Eraring power station open

The CHAIR: Order! Mrs Mitchell has taken a point of order.

Mr CHRIS MINNS: —was an important one in terms of keeping the lights on.

CORRECTED

The Hon. SARAH MITCHELL: Can I take a point of order, please?

The CHAIR: Premier, please desist.

Mr CHRIS MINNS: Mr Chair, every time I raise a point that the member doesn't like, a point of order comes in. If I'm here for four hours, you should give me an opportunity to finish my answer.

The CHAIR: The member is entitled to take a point of order.

The Hon. SARAH MITCHELL: With respect to the Premier, I didn't ask questions about the cost of the project. I was asking about the capacity.

Mr CHRIS MINNS: Nonetheless I think this is important information.

The Hon. SARAH MITCHELL: It is important. So I would just like to come back to what I'd asked you about, Premier. If local council—

The CHAIR: So what is the point of order?

The Hon. SARAH MITCHELL: My point of order is relevance. It was not relevant to the question that I asked. I was asking about network capacity; I was not asking about cost.

The Hon. EMILY SUVAAL: To the point of order: It was relevant to the question asked. Wide latitude is given and just because it wasn't relevant to the part that Ms Mitchell wanted it to be relevant to—

The Hon. SARAH MITCHELL: It was a pretty direct question.

The Hon. EMILY SUVAAL: —it doesn't mean that the answer was not relevant.

Mr CHRIS MINNS: It goes to the information, Mr Chair.

The CHAIR: Sorry, Premier, it's my job to rule on that. It was generally relevant so I don't uphold the point of order.

Mr CHRIS MINNS: In any event, the capacity of the site is directly relevant to the cost that will be borne by the consumers. To suggest otherwise, which is what the National Party seems to be implying today, is ridiculous. The information that I've got now is that it will be 4.5 gigawatts by 2028, but if there's updated information I'll report it to the Committee.

The Hon. SARAH MITCHELL: Can you accept, then, Premier, if you're saying it's 4.5, local government in that area are saying—

Mr CHRIS MINNS: Which governments?

The Hon. SARAH MITCHELL: Dubbo council, Mid-Western and also Warrumbungle.

Mr CHRIS MINNS: In what capacity are they saying that?

The Hon. SARAH MITCHELL: As the areas that are having these projects in their backyard. They're within the REZ. They're the three councils within the Central-West REZ.

Mr CHRIS MINNS: And that by 2028?

The Hon. SARAH MITCHELL: They are saying that the data that they've provided—it comes in at 12.52 gigawatts in terms of the approved project. The concern that is coming from the regions, Premier, is that more land is going to need to be used when you're talking about more projects. Do you accept that regional people are having to cop more and more renewable projects in their backyard? Do you understand the concern around that?

Mr CHRIS MINNS: It's interesting. You talk about regional people coping renewable energy projects in their backyard. You started this. This is your project.

The Hon. SARAH MITCHELL: But it is being overblown by more than three times the amount that it was originally intended.

Mr CHRIS MINNS: You presented that as a fact. I'd have to check whether that's the case or not.

The Hon. SARAH MITCHELL: You didn't know. You had to take it on notice, Premier.

Mr CHRIS MINNS: But this is your project. Now you hate it, but at the time—

The Hon. DAMIEN TUDEHOPE: You don't want it?

CORRECTED

Mr CHRIS MINNS: No, I think it's important. Again, my position is clear. With respect, Mr Latham's position is clear. The Greens have got their view.

The Hon. SARAH MITCHELL: Premier, I'm not asking about others.

Mr CHRIS MINNS: Before the election, you're for the project. Straight after the election, when the community starts saying, "I don't like transmission lines"—

The Hon. SARAH MITCHELL: I'm asking you very important questions on behalf of the residents of regional areas—

The Hon. DAMIEN TUDEHOPE: We knew how to manage it, Premier. You don't.

Mr CHRIS MINNS: Give me a break.

The Hon. SARAH MITCHELL: —who actually are deeply passionate about this.

Mr CHRIS MINNS: This is your project. It started at \$650 million. It's now \$3.2 billion and you've got the gall to come in here and say, "I'm not happy with the progress."

The Hon. SARAH MITCHELL: Premier, what will you do—

The Hon. DAMIEN TUDEHOPE: Because you can't handle it.

Mr CHRIS MINNS: Oh, right, okay. Well, what's happened?

The CHAIR: Order!

The Hon. SARAH MITCHELL: —to ensure that the Central-West Orana REZ doesn't continue getting—

Mr CHRIS MINNS: What do you think we've done?

The Hon. DAMIEN TUDEHOPE: You've had two years, mate.

The CHAIR: Order!

Mr CHRIS MINNS: I'm answering his question.

The CHAIR: Can we have a question, please, Mrs Mitchell?

The Hon. SARAH MITCHELL: I would love to ask one. What are you going to do to ensure that the concerns of regional residents who are being impacted by this REZ are being heard? People are concerned about the proliferation of more and more projects being added. What will you do? You are in government. You are the Premier. What will you do?

Mr CHRIS MINNS: I'd say this, Mr Chair: These are land use challenges. They're big. They're very difficult to navigate and we've got real challenges. We've got a very tight and narrow pathway to transmit the renewable energy from places like the Central-West Orana REZ to the east coast energy grid. I didn't mention this, but that's the REZ blowout. The REZ blowout went from \$650 million to \$3.2 billion. The transmission lines have had cost increases as well as time delays, and that puts pressure on existing coal-fired power generation. That's a roundabout way of answering the question, but what I mean is we have to get these projects up and running as soon as possible. The reason is we have increasing numbers of coal-fired generation coming offline in the years ahead. If we don't meet our timetable for renewable energy in the Central-West Orana, New England and other places, then we're going to have a shortfall, and that means prices will increase or there'll be load shedding or supply constraints. When you ask me what am I going to say to the people of the Central West, I'm out there tomorrow. I'll say that this is your project; you started it. It is hugely inconvenient today in relation to your questions, but it's the truth, nonetheless.

The Hon. SARAH MITCHELL: Premier, there was an announcement today of about 125 paramedics in regional New South Wales. Could you confirm for the Committee how many of those 125 paramedics are intensive care or extended care paramedics?

Mr CHRIS MINNS: I couldn't do that off the top of my head, but I'm happy to take it on notice.

The Hon. SARAH MITCHELL: Are you aware that your election commitment of those 500 additional ones was that they would all be intensive care and extended care paramedics? Are they all—those 125 that you announced today?

Mr CHRIS MINNS: I can't answer that. I said I would take it on notice.

CORRECTED

The Hon. SARAH MITCHELL: Is it possible that that's a broken election commitment if they're not—all 125?

Mr CHRIS MINNS: Give me an opportunity to examine the information.

The Hon. SARAH MITCHELL: You spruiked it on social media but you don't know the detail.

Mr CHRIS MINNS: Would you like the information if I can collect it?

The Hon. SARAH MITCHELL: Yes. I thought you'd know it. It's all over your social media.

Mr CHRIS MINNS: I could not tell you whether it was the designation in relation to paramedics.

The Hon. SARAH MITCHELL: Do your staff know? Someone might be able to pass you a note.

Mr CHRIS MINNS: I'm happy to collect the information.

The Hon. SARAH MITCHELL: That would be great.

Mr CHRIS MINNS: When you have my job, you are in a position to ask the health Minister or staff members. I don't think it's unreasonable to suggest that I do that.

The Hon. SARAH MITCHELL: Premier, it was on your social media. I noticed it today; I thought you might know. If you can get me the answer, that would be great.

The CHAIR: The question has been taken on notice.

The Hon. SARAH MITCHELL: Premier, before the election you said, "I don't pretend to have any expertise about regional New South Wales." Why have you brought regional coordination under the control of your department?

Mr CHRIS MINNS: Self-evidently, I'm not the sole person who works in the Premier's Department. We have senior people who can run, administer and implement serious changes. The second part of this is that we want it to be central to the mission of the New South Wales Government. One-third of people don't live in Sydney in New South Wales, and it's important that it gets the highest priority.

The Hon. SARAH MITCHELL: I agree, Premier.

Mr CHRIS MINNS: In relation to my comment, I'm not going to pretend that I'm something I'm not. I grew up in suburban Sydney and I have lived my whole life there. I do make an attempt to understand the circumstances, economic opportunity and challenges of living in regional New South Wales. Every week that Parliament's not sitting, I will go to a regional town.

The Hon. SARAH MITCHELL: Every week?

Mr CHRIS MINNS: Yes. You should try it.

The Hon. SARAH MITCHELL: I live there; I don't need to visit. There is no need to fly in and fly out when it's your own community.

Mr CHRIS MINNS: That is the case. I fully admit that I don't live in regional New South Wales; I live in the city.

The Hon. SARAH MITCHELL: I accept that.

Mr CHRIS MINNS: We do try to make an effort to get out to the communities to understand what they are going through.

The Hon. SARAH MITCHELL: Can you tell me what the four focus areas are for funding in regional New South Wales under your Government?

Mr CHRIS MINNS: What document are you referring to?

The Hon. SARAH MITCHELL: You made an announcement when you were out in Orange. I think that was as far west as you went when you had that cabinet out there. There were four key areas of funding that you'll be rolling out under that regional fund. Can you tell me what they are?

Mr CHRIS MINNS: What's the name of the regional fund?

The Hon. SARAH MITCHELL: You have the Regional Development Trust Fund before the House at the moment. You made an announcement; you were there at the press conference. There were four focus areas for funding. I want to know if you know what they are.

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Mr CHRIS MINNS: These are the specifics and priorities of the individual trust. I am happy to get that for you. But in terms of the priorities for regional New South Wales, they are world-class service delivery, economic opportunity and a chance for everybody, no matter where they live in the State, to meet their full potential.

The Hon. SARAH MITCHELL: There were four areas identified, and I appreciate that you've taken that on notice. Can you tell me how those four focus areas were identified?

Mr CHRIS MINNS: You'd have to direct that to the Minister.

The Hon. SARAH MITCHELL: But, with respect, Premier, it's under your department. You're the Premier of the State. You stood up and did the press conference. Can you tell me how those four areas were identified?

Mr CHRIS MINNS: I'm happy to take it on notice, but I think it's best that you direct it to the Minister.

The Hon. SARAH MITCHELL: If you could provide it on notice, that would be great. Do you think there should be more than four focus areas?

Mr CHRIS MINNS: As I said, this is specifically in relation to the trust, and I don't want regional people to believe that that's the sole focus, priority or attention of the New South Wales Government. We were on the South Coast not long ago. The absolute priority for the New South Wales South Coast—a regional community and a growing community but with an ageing population—was the completion of the Eurobodalla hospital. I'm going to Orange tomorrow. I suspect what they'll speak to me about is resource opportunities and job opportunities in that part of the State, in particular the gold mines. If I go to the New South Wales North Coast—I have specifically spoken to them many times—it's flood recovery and disaster recovery and ensuring that both the State and Federal governments provide the information and funds that were previously promised. If I go to Moree, which I did the week before last, they'll say it's crime and that we need to make a major impact on an intervention when it comes to repeat instances of criminal behaviour.

The Hon. SARAH MITCHELL: But by your admission, Premier, there are much bigger issues than just those four areas.

Mr CHRIS MINNS: But you were just speaking about the priorities of the trust. That is just one aspect of our regional—

The Hon. SARAH MITCHELL: It's the two-year investment strategy that you talked about when you were in Orange.

Mr CHRIS MINNS: In any event, the trust is just one aspect of the thousands of things the New South Wales Government does. To imply that that's the whole priority or focus of the Government's efforts in regional New South Wales is ridiculous.

The Hon. SARAH MITCHELL: That's where your money is rolling out initially, though—those first four. It's a two-year investment strategy.

Mr CHRIS MINNS: No, more money would be going to service delivery, education and health. That's the way it should be. There is \$1 billion for regional roads.

The Hon. SARAH MITCHELL: Regional health is not going particularly well, I have to say, Premier.

The Hon. ROBERT BORSAK: Premier, thinking about social media for a couple of minutes, can you tell us about your social media summit? Why are you doing this and when do you think you'll do it?

Mr CHRIS MINNS: The summit is in October. The reason for pursuing the summit is because I've been inundated with parents who have spoken to me about their concerns about the proliferation of social media use among young people. In my view, it's a global, unregulated experiment on the next generation of young Australians and people around the world. Mr Borsak, I think, at best, it's a giant waste of time and a time suck for young people; at worst, it can have devastating impacts on young people's mental health, development, social circles and cohesion. We made a decision to ban mobile phones in New South Wales schools, and I honestly think—

The Hon. ROBERT BORSAK: How is that working out, for example?

Mr CHRIS MINNS: Overwhelmingly positive. I honestly think it's the best decision that we've made—seriously. It has been hugely beneficial for communities across the State. I have spoken to principals who say, "This time two years ago the kids would sit at recess and lunch and be on their phones, maybe even texting each other two feet away. Now they're playing ball games, talking with each other and interacting." It has had a

CORRECTED

massively positive impact. There are big challenges. There are constitutional and legal challenges in terms of the remedy that we're pursuing. I know the South Australian Government, with Justice French, is exploring the ability for State governments to impose their own restrictions. We look forward to that advice once it's furnished to us by the South Australian Government. But, at the very minimum, we'll be able to present information to parents about what social media is doing to their families.

The Hon. ROBERT BORSAK: Obviously you know there are calls to lift the age of social media access from 13 to 16. Do you support that?

Mr CHRIS MINNS: I haven't given a decision on that personally, and the Cabinet hasn't decided on it either. We're not trying to be coy about it. I think there would be major positive impacts for young people about a change like that. But I want to get the information on the table. I want to get the experts in the room and not overshadow the social media summit, so that the information can be provided. I think those who would be against such a change would imply that there was some form of apprehended bias if I came out and said, "This is the decision," before we even have the evidence presented on the table and pursue the summit. But I did want to make it clear that everything is on the table, including legislative change, and I think something has to change here.

Remember, Mr Borsak, we have a group in my electorate called the Heads Up Alliance. They are mums and dads in Kingsgrove who got together as parents and said, "We have spoken to our kids about accessing social media and our concerns about it." The kids came back to their parents and said, "But if you take me off social media, I'll be a social pariah because everybody else does it in the school." I get that. We see that every single day. The Heads Up Alliance have tried to get a group of parents together to say, "We're all going to bring down the same rules, so at least our kids can have each other." The other point here is that this isn't about being a perfect parent either, Mr Borsak. I'm guilty as much as anyone else of giving an iPad to the kids when they're all blueing and fighting with each other. But that's the point: It's so simple to do it.

The CHAIR: Maybe we need one here!

The Hon. ROBERT BORSAK: Premier, there are studies out there that I have read that say that starting on social media too young actually stunts brain development because our brains weren't designed to develop through adolescence using something like social media. It's more about letting kids be kids, whether they're male or female—it doesn't matter—or something in between. The reality is that I think it's a good idea to think this through very carefully, and I don't think you're actually trying to restrict freedom of communication or freedom of speech, because children don't have a right to freedom of speech. They are meant to be administered by their parents, and it's important that parents have a say in relation to this. What are you going to be doing in terms of getting parent groups into your summit?

Mr CHRIS MINNS: That is part of the process. There is, as I mentioned earlier, a number of groups that have been started by parents, civic-minded parents that are concerned about the impact of social media. We're doing our best to identify them and invite them as participants in the summit, as well as getting experts around the table. Social media firms will say publicly that, while the rules are in place, for many of the social media firms, that people under 12 can't join—I think, 12 for most of them—they've got no way of determining whether the person is of that age or not, and that's just garbage. They can tell whether somebody likes green smoothies and lives in Kogarah and is a millennial. They can virtually pick the date that someone's born, and yet they're, with a straight face, trying to express to everybody that they'd have no idea whether someone was over or under 12 years of age.

Second point here is that—you're right—it's the parents' responsibility to raise their kids. Having access to social media networks opens people up to a whole range of nefarious actors—very difficult to police, almost impossible to keep an eye on. And even if we did bring in a rule banning people from a certain age from accessing social media, I've got no doubt some people will abuse it and join up anyway, but the point would be that you'd have a rule in place and the social media firms would be required to abide by it.

The Hon. ROBERT BORSAK: A lot of this is, obviously, Federal jurisdiction. Obviously, there's some cross-jurisdictional opportunities as well. If findings from the summit push you in a direction of doing some regulation at the State level, would you take every opportunity to do that?

Mr CHRIS MINNS: Yes, we would. We'd have to make sure that we were on solid grounds in terms of legislation or prospective reform. But, as I said earlier, Peter Malinauskas in South Australia, I think, has led the national debate about concern for this, and the South Australian Government's exploring legally enforceable, binding State-based legislation that could make a difference. This is the first time two jurisdictions, so far as I know—South Australia and New South Wales—have bound together to host a joint summit on something other than border issues or State-Federal relations. Hopefully, at the very least, it'll present information to parents about what's going on.

CORRECTED

The Hon. ROBERT BORSAK: Did you say the Federal Government's going to join in your summit?

Mr CHRIS MINNS: They're invited to come. But, no, the New South Wales Government and the South Australian Government are hosting it.

The Hon. ROBERT BORSAK: South Australia at this stage. I suppose you would be interested if any other States—for example, Victoria and Queensland—were interested.

Mr CHRIS MINNS: Yes, we would, but I haven't heard of whether they are or not.

The Hon. MARK LATHAM: Premier, earlier on you said why didn't I put this problem of Mr V'landys interfering in the stewards' inquiries to him directly at the hearing on 9 August. In fact, I did, and Mr V'landys replied:

Let me say again under oath, Mr Latham: I have never, ever, ever interfered in a stewards' inquiry, ever.

You've had a good chance to look at the transcript that shows that, as a matter of course, Mr V'landys makes the final decision. That statement's not true, is it?

Mr CHRIS MINNS: I've got no possible way of answering whether that's the case or not. I'd just have to take your word for it, and I'm not prepared to do that.

The Hon. MARK LATHAM: You said earlier on that this matter needs to go to the racing Minister. Will you now undertake, given the high standard you set before the election for integrity matters, for the racing Minister to investigate this problem at Racing NSW, where the stewards' inquiries aren't impartial and independent? And there are scores of transcripts that indicate the same thing.

Mr CHRIS MINNS: Again you've put a series of propositions and dressed them up as facts and then demanded that I submit to an inquiry by the Government. I've got no way of validating whether that's the case or not. You've suggested that they're not impartial, that there's been some kind of—the implication is some kind of nefarious input from senior figures in Racing NSW. That's not good enough for me to demand an inquiry.

The Hon. MARK LATHAM: It's not? The very high standard, you said, that in your marrow and your bones, it would all be integrity—

Mr CHRIS MINNS: This is you.

The Hon. MARK LATHAM: Haven't you read this transcript?

Mr CHRIS MINNS: But this transcript doesn't imply corruption or nefarious conduct by itself. We're relying on your word.

The Hon. MARK LATHAM: No. You're relying on the words of the chief steward at the time, Mr Van Gestel, who says:

That's how it would work, yes. We'll consider the evidence, make any recommendations that we think are appropriate and then Mr V'landys will then consider as to whether or not he agrees with those recommendations ...

Mr CHRIS MINNS: The question to me was—

The Hon. MARK LATHAM: Are you saying to the Committee you don't regard that as a serious matter of integrity in the administration of Racing NSW—someone who doesn't hear the evidence, someone who's not at the inquiry makes the final decision? Imagine if that happened in the courts or ICAC. Everyone would be up in arms.

Mr CHRIS MINNS: Again, a whole bunch of suppositions that are presented as absolute facts, someone that doesn't hear the evidence, someone that doesn't afford due process. I've got no way of validating whether that's true or not. You're asking me to tell the racing Minister to conduct a formal inquiry based on your word and a partial transcript.

The Hon. MARK LATHAM: No, based on the transcript. You said you'd set high standards of integrity.

Mr CHRIS MINNS: Yes, but you've implied that the transcript is in some way deleterious or nefarious.

The Hon. MARK LATHAM: That's what it says.

Mr CHRIS MINNS: No, it doesn't.

The Hon. MARK LATHAM: Do you understand what it says?

Mr CHRIS MINNS: No, it doesn't say that. Where's the—I'm just trying to find it.

The Hon. MARK LATHAM: You're saying it doesn't that.

CORRECTED

Mr CHRIS MINNS: The other thing, Mr Chair—

The Hon. MARK LATHAM: That's a denial of reality.

The CHAIR: Order, Mr Latham.

Mr CHRIS MINNS: The other thing, Mr Chair, is that, in previous questions on the same issue from the member, there was a whole bunch of—the question was premised with the suggestion that there was—I think the quote is "a whole range of people that have made allegations". They haven't been presented to me. I don't know if they've been presented to the Committee.

The CHAIR: They haven't.

The Hon. MARK LATHAM: The racing Minister can talk to them.

The CHAIR: Thank you, Premier. Your time has concluded, Mr Latham.

The Hon. MARK LATHAM: If you had the integrity to call an inquiry, the racing Minister would.

Mr CHRIS MINNS: If you're going to ask me a question like that, surely you should provide me with all the information.

The CHAIR: Premier, I have some questions, and I'll start with those now. Premier—

Mr CHRIS MINNS: But ask the racing Minister.

The CHAIR: Thank you, Premier. Premier, what's the leading cause of death in New South Wales? Is it accidental—is it the road toll, or overdose from opioids?

Mr CHRIS MINNS: It's the road toll.

The CHAIR: No. Would you be surprised to learn that it's death from opioid overdoses?

Mr CHRIS MINNS: Right. I would be surprised, yes.

The CHAIR: Shouldn't you know that?

Mr CHRIS MINNS: Perhaps I should, yes.

The CHAIR: Are you aware of a new type of synthetic opioid that's emerged globally, called nitazene?

Mr CHRIS MINNS: I am.

The CHAIR: Are you concerned that this is a unique and urgent issue in the community in that nitazene, which is an incredibly toxic and powerful synthetic opioid, is appearing in drugs such as cocaine, THC vapes, methamphetamine, ketamine and MDMA in New South Wales?

Mr CHRIS MINNS: Increasingly, yes, it is appearing.

The CHAIR: And that people have started overdosing from those synthetic opioids in this State?

Mr CHRIS MINNS: Yes, I am aware of that.

The CHAIR: What are you going to do about it? There's been calls from the RCGP—the Royal College of General Practitioners—national alcohol and drugs network, Unharm, to bring in drug checking, expanded drug checking, to roll out naloxone to first responders and to run a public awareness campaign. Would you commit to doing some of those things before people who have got no idea that this drug is out there, that it may be in something they're using, die?

Mr CHRIS MINNS: I don't profess to be an expert in relation to the proliferation of this new substance, particularly in other illicit substances. It might be part of the illicit, black market mix of substances that people buy, whether it's ice or cocaine. Obviously, those unregulated, illegal narcotics in the community are not subject to anything, so we don't know what's in them, and—

The CHAIR: Shouldn't people—

Mr CHRIS MINNS: I'll finish the answer. So, given that and given the experience in the United States, which has seen, I think, half a million people die as a result of exposure to fentanyl and other synthetic opioids, of course we don't want to see the number of people die in Australia for a similar and potentially more lethal product. I can't specifically commit to all of the things that you've just articulated, but I know that the Minister for Health is concerned about it and the government, going back several administrations and under different Premiers, has a long history of public awareness campaigns and ensuring that there's a harm minimisation in place.

CORRECTED

The CHAIR: I understand that, Premier, but will the Government do something specifically around this emerging crisis—as some have put it—around nitazene?

Mr CHRIS MINNS: Mr Chair, I'm sure that we will. I don't have the details of it. This is obviously an emerging threat to the community. The only point I'm making is that the government has a long history of public awareness campaigns that have been run by the Ministry for Health and that have been more successful than if they weren't in place, and I'm sure the health Minister is looking at it. But I will commit to you to return to the Committee and you personally about the Government's program to minimise the number of deaths from this toxic substance.

The CHAIR: That'd be very much appreciated. Another issue, Premier, that I've been raising for a long time now is coal seam gas on the Liverpool Plains. Recently, the Government decided not to vote for a coal seam gas prohibition bill on the Liverpool Plains. The Liverpool Plains contains the largest area of biophysical strategic agricultural land in the State and contributes hundreds of millions of dollars of agricultural productivity to the State every year. The farmers there are asking that their plains be protected from future expansions of the Narrabri Gas Project, as foreshadowed in the State's Future of Gas strategy that's still alive. Why won't the Government commit to protecting our food bowl and the Liverpool Plains from CSG?

Mr CHRIS MINNS: That question rests on the premise that you can't do both, that you can't protect the food bowl and have gas extraction and energy extraction from the Liverpool Plains. Supporting the bill—I think it was your private members' bill in the Legislative Council—would have seen the extinguishment of the prospect of coal seam gas from Narrabri, primarily for domestic use in manufacturing in the State, which is really important. I said in the election campaign—and we've been consistent in relation to this—that the State needs gas. At the moment we import all of it. That doesn't mean Narrabri is going to go ahead. Santos has to make an investment decision at some point, and I understand that there are still environmental court challenges that are taking place, but there are probably a few hurdles to go through. But us supporting that bill and providing the numbers for it would have extinguished the prospect of the program going ahead, and I'm not prepared to do that, particularly when a lot of today's discussion has been about the volatility of energy supply and the challenges facing the State.

The CHAIR: Premier, do I seem impaired to you?

Mr CHRIS MINNS: No, you seem very sharp.

The CHAIR: Would you be prepared to hop in a car with me and drive around the block?

Mr CHRIS MINNS: No.

The CHAIR: Why not?

Mr CHRIS MINNS: Because I'm busy.

The CHAIR: If you weren't busy, if you had all the time in the world, considering I'm not impaired and I hold a licence, would you be prepared to drive down to Bondi Beach and have a cup of coffee?

Mr CHRIS MINNS: I probably would, yes, but it depends what you put on the radio. What would you be listening to?

The CHAIR: Would you be surprised to learn that if you did and I was picked up by an RDT, I would lose my licence because I'm a medicinal cannabis patient and I took medicinal cannabis last night? I would lose my licence for 12 months, even though in your opinion I'm not impaired. I would test positive for the presence of medicinal cannabis. Do you think that that's a fair situation that I, and hundreds of thousands of other people in New South Wales, are faced with every day and that thousands of people in this State have lost their licences, their jobs, their relationships because we are continuing to test for the presence of cannabis, which massively impacts on medicinal cannabis patients who have a legal prescription?

Mr CHRIS MINNS: I think the first question was would I be surprised that you consumed medicinal cannabis last night, and I wouldn't be surprised.

The CHAIR: That's true.

Mr CHRIS MINNS: But in relation to the question of roadside drug testing picking up the presence of THC and therefore cannabis use over a prolonged period—and I accept that the literature suggests that impairment and detection are separate, they're not the same, and that detection will exist longer than impairment—the challenge for the Government is there is no test for impairment. But, as I said earlier to your questions, there are over 300,000 people in the State that currently have a prescription for medicinal cannabis with THC and therefore would be detected by roadside drug testing infrastructure, and therefore if they want to use a car while accessing

CORRECTED

the health benefits of having access to medicinal cannabis, then they can't do it. I think you've asked me about this before.

One of the reasons we are pursuing a drug summit is to look at issues in the law like this. I expect that the drug summit will look specifically at that issue. The reason things have changed is that when I first was elected to Parliament in 2015, in the first year after access to medicinal cannabis became legal in New South Wales there were 1,000 people and then it got to 1,500. Now it's over 300,000 in New South Wales alone, and the numbers are increasing. I think it's an area of the law that needs to be looked at. I can't commit to it today, but the drug summit will investigate it.

The CHAIR: Premier, you and your department have carriage of Aboriginal Affairs and are responsible for Closing the Gap. The parliamentary inquiry into the regulatory framework has received a lot of evidence that one of the leading causes for young Aboriginal people to have an engagement with the police and the criminal justice system that ultimately leads to incarceration are cannabis laws. Young Aboriginal people are being stopped on suspicion of minor cannabis possession, searched and it then leads to "hinder police" and "assault police" and "abusive language". Do you think that cannabis laws and the way they are policed in this State is adding to the rates of young Aboriginal people who are ending up in our criminal justice system unnecessarily?

Mr CHRIS MINNS: I wouldn't be able to give a sweeping answer like that. There'd be a whole range of reasons that anyone in the community, whether they're Indigenous youth or not, would have interactions with police. Police are in a difficult position and they've got to enforce the law of the land, and the law of the land is that these drugs are illicit and illegal. I think that what often happens is that politicians say, "It's the police's fault." The police say, "Hang on, this is the law and we're charged with the responsibility of upholding the law." This is a very complex area of the law. I acknowledge that, under the Closing the Gap targets, we're not meeting our weigh stations along the way, and we're looking very closely at that. The goal has to be that we're making every effort possible to reduce the amount of interactions between police and Indigenous people because crimes aren't committed. That's going to be the best for everybody, and we're starting that process, but I'm not going to pretend it's easy. Mr Chair, do you mind if we have a quick break?

The CHAIR: That's fine. If you have to have a break, you have to have a break.

Mr CHRIS MINNS: I will only be a few seconds.

The CHAIR: We will suspend the time.

SIMON DRAPER: Would it be okay, Chair, if I just gave Mr Borsak some information he asked about earlier or are you stopping the hearing?

The CHAIR: Sure, as long as we don't lose time with the Premier.

SIMON DRAPER: No, it will be very quick. Mr Borsak, you asked about the Powerhouse and the exhibition of some of the larger items. I've checked over the break. The steam engine, the Catalina, the Boulton and Watt engine, they will be returned to the Ultimo museum when that's completed, so they're going back there. In terms of the donations, \$10 million of the \$50 million has been pledged so far but the campaign for the other philanthropic fundraising will commence when the main works contract has been awarded. It hasn't been awarded yet, and that's in line with what we did at the Art Gallery of New South Wales and Parramatta Powerhouse as well.

The Hon. ROBERT BORSAK: So you're saying that people who win the contracts will kick back—

SIMON DRAPER: No, I'm not saying that.

The Hon. ROBERT BORSAK: I can't quite hear you.

SIMON DRAPER: I'm saying that people aren't likely to donate to the cost of a new building until they know it's going to be built, and that happens when we award the contracts to a main works contractor.

The Hon. ROBERT BORSAK: Someone like Walker Corporation, for example, might make a donation?

SIMON DRAPER: I believe Walker Corporation donated to the Parramatta Powerhouse.

The Hon. ROBERT BORSAK: I think they did something in Parramatta.

SIMON DRAPER: That's correct, yes. But I don't know whether they're going to make any other donations. I couldn't comment on that.

The Hon. ROBERT BORSAK: What you're saying is that you hope to get \$50 million once the thing is completed.

CORRECTED

SIMON DRAPER: Probably before it's completed, and that's the track record for the Art Gallery of New South Wales and the Powerhouse Parramatta is we're almost there in terms of its fundraising as well.

The Hon. ROBERT BORSAK: So the actual appeal hasn't been launched yet? Is that what you're saying?

SIMON DRAPER: I'm not sure what you're referring to—the appeal for funds?

The Hon. ROBERT BORSAK: For the donations, yes.

SIMON DRAPER: Correct. The campaign, yes.

The CHAIR: Thank you, Mr Draper. We'll assume that we've lost five minutes and we'll continue on for an extra five minutes.

The Hon. DAMIEN TUDEHOPE: Premier, the ETU are currently engaged in industrial action in New South Wales, are they not?

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: That's impacting and putting at risk a lot of infrastructure projects that are currently taking place in New South Wales?

Mr CHRIS MINNS: You'd have to be specific. There are contingencies in place for infrastructure projects and the running of the metro and other pieces of critical infrastructure, so I wouldn't say it's imperilling it. It really is dependent.

The Hon. DAMIEN TUDEHOPE: It's impacting on it, isn't it?

Mr CHRIS MINNS: It may be, yes.

The Hon. DAMIEN TUDEHOPE: It's self-evident if they're taking industrial action, that it will be impacting on those projects.

Mr CHRIS MINNS: There's a difference between impacting and putting at risk, is my point. I don't think that's a semantic point.

The Hon. DAMIEN TUDEHOPE: Some of those projects include Royal Prince Alfred Hospital. Are you aware if that's being impacted by this action?

Mr CHRIS MINNS: I'm not aware of that.

The Hon. DAMIEN TUDEHOPE: Baulkham Hills public school?

Mr CHRIS MINNS: No, I'm not aware of that.

The Hon. DAMIEN TUDEHOPE: The aerotropolis?

Mr CHRIS MINNS: No, the aerotropolis is going ahead. We're expect it to open on time.

The Hon. DAMIEN TUDEHOPE: But it's being impacted in terms of the work being done there by—

Mr CHRIS MINNS: That's what I'm saying. A lot of these contracting firms have got contingencies in place so they may not put at risk critical infrastructure or timelines.

The Hon. DAMIEN TUDEHOPE: You're prepared just to tolerate this, are you? Is that what I read into what you've just told me? "This is okay"?

Mr CHRIS MINNS: I don't think anything I've said would lead you to that conclusion by a fair-minded observer.

The Hon. DAMIEN TUDEHOPE: Is it okay?

Mr CHRIS MINNS: In different cases—if they're taking protected industrial action under the Fair Work Commission at the Federal level, it's got to be worked through. Oftentimes these are private—

The Hon. DAMIEN TUDEHOPE: Well—

Mr CHRIS MINNS: Hang on, I'm going to finish my answer. Oftentimes these are private firms, construction firms. They might be contractors to the New South Wales Government. They might be contractors to a head company who does work for the Government. It might have nothing to do with us. It might be a private project that's not dependent on government taxpayer work. It really depends.

CORRECTED

The Hon. DAMIEN TUDEHOPE: You would have seen some reporting on Channel 9 last night where private contractors involved with the delivery of important housing infrastructure can't get construction certificates or occupational certificates because of actions being taken by the ETU. You would have seen that, would you not?

Mr CHRIS MINNS: I didn't see it. I'm aware of the issue but I didn't watch the report.

The Hon. DAMIEN TUDEHOPE: There are certain actions you can take in relation to the activity of the ETU. Have you considered taking action under section 424 of the Fair Work Act?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Why haven't you?

Mr CHRIS MINNS: Protected industrial action under the Federal award took place and has taken place since Federation. We hope to reduce industrial impacts. We hope that there's not impacts on critical infrastructure or people's ease of doing work around the State or the country, but I can't promise—and I don't think any leader can promise—100 per cent industrial harmony. There's industrial issues that are going to be pursued.

The Hon. DAMIEN TUDEHOPE: No, I'm not suggesting you can.

Mr CHRIS MINNS: You've asked the question. I'm not going to pursue it.

The Hon. DAMIEN TUDEHOPE: Let me just say that there is a mechanism under the Fair Work Act for an intervention in relation to protected industrial action. What is the point, do you say, Premier, where you would take that action?

Mr CHRIS MINNS: I'm not going to entertain hypotheticals. I think it's important, when talking about industrial relations—we're going to have a different approach to the previous Government. We're going to have a different approach to you.

The Hon. DAMIEN TUDEHOPE: We saw that yesterday.

Mr CHRIS MINNS: That's right. They were yelling my name and abusing me, not you. In fact, most of their behaviour was under your time as the industrial relations Minister.

The Hon. DAMIEN TUDEHOPE: I'm not sure that's right.

Mr CHRIS MINNS: So I don't know if you're in a position to claim that you've got some high moral ground about clamping down on—

The Hon. DAMIEN TUDEHOPE: At least I took action under section—

Mr CHRIS MINNS: No, you didn't. You didn't do anything.

The Hon. DAMIEN TUDEHOPE: We did, in fact, take action under 424.

Mr CHRIS MINNS: Against the CFMEU?

The Hon. DAMIEN TUDEHOPE: No, in relation to the RTBU.

Mr CHRIS MINNS: I think the CFMEU would have been the one that you probably should have taken some action on.

The Hon. DAMIEN TUDEHOPE: We were seeking to beef up the CCU, weren't we, Premier?

Mr CHRIS MINNS: No. You weren't.

The Hon. DAMIEN TUDEHOPE: In fact, you dismantled that under your watch, so don't give me a lecture in relation to dealing with the CFMEU—

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: —when a Labor Government's dismantled the building and construction commission and the CCU.

The Hon. EMILY SUVAAL: Is there a question here?

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: Don't give me a lecture.

Mr CHRIS MINNS: Mate, I'll give you a lecture. I'm happy to give you a lecture.

CORRECTED

The CHAIR: Order! Mr Tudehope, if you want to ask a question, can you please desist—

Mr CHRIS MINNS: There's 5,000—

The CHAIR: Order! Premier, he hasn't asked a question so there's nothing to respond to.

Mr CHRIS MINNS: Yes, he has.

The Hon. DAMIEN TUDEHOPE: I'll ask the question.

Mr CHRIS MINNS: Yes, there were 5,000 construction workers out the front abusing me, not you.

The Hon. DAMIEN TUDEHOPE: Good.

Mr CHRIS MINNS: So where were you on any of these things?

The Hon. DAMIEN TUDEHOPE: Let me just say, Premier, what is the point where you say the impact on the State by the actions of the ETU will lead you to intervene under section 424?

Mr CHRIS MINNS: I'm not going to answer a hypothetical. I don't know.

The Hon. DAMIEN TUDEHOPE: Have you taken advice in relation to that?

Mr CHRIS MINNS: I'd just say the system that we're developing in New South Wales, we believe is better for the State, whether that's got to do with union involvement for public sector unions, whether that's got to do with private sector unions or some unions that have dual coverage. As evidence of that, particularly in comparison to your time, hours lost to industrial action was 154 times higher under the former Government. That's pretty devastating, wouldn't you say?

The Hon. DAMIEN TUDEHOPE: Over what period of time, Premier?

Mr CHRIS MINNS: The last 18 months.

The Hon. DAMIEN TUDEHOPE: Leading up to the election—is that what you're saying?

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: At a time when Mr Morey said it was going to be the "year of the strike" to win an election for you, Premier.

Mr CHRIS MINNS: But isn't your supposition that it's worse now?

The Hon. DAMIEN TUDEHOPE: To win your election for you, he called the year of the strike.

The Hon. BOB NANVA: Chair, is that a question or a statement?

The CHAIR: Order! That's not a question, Mr Tudehope. That is just a—

The Hon. DAMIEN TUDEHOPE: And Mr Nanva over there assisted him.

The CHAIR: Oi!

Mr CHRIS MINNS: I'm really sorry but I thought the supposition of your question was that things are worse now.

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: No, Premier. I'm saying to you, you should be taking action under section 424.

Mr CHRIS MINNS: Oh, right. Sorry, I thought you were presenting yourself as an industrial whiz; but in actual fact it was a mess.

The Hon. DAMIEN TUDEHOPE: Are you serious about delivering housing projects, Premier? Are you serious about that? Or are you allowing—

Mr CHRIS MINNS: Fair dinkum. You spent the first hour bagging out Rosehill and now you're all in favour of housing, are you?

The Hon. DAMIEN TUDEHOPE: I told you I was in favour of it—

Mr CHRIS MINNS: Right! You could have fooled me.

The Hon. DAMIEN TUDEHOPE: —but I'd like the union to get out of the road, Premier. Would you like the union to get out of the road so you can deliver these projects?

CORRECTED

Mr CHRIS MINNS: No, I don't want to launch a war on the union movement.

The Hon. DAMIEN TUDEHOPE: That's fine. We get it.

Mr CHRIS MINNS: But I think the Government's actions over the last fortnight or over the last month speak for themselves. We took action in relation to the CFMEU. We introduced legislation to bring in an independent administrator. We kicked them out of the Labor Party. We made all of these decisions that you didn't take when you specifically and personally had responsibility for it.

The Hon. DAMIEN TUDEHOPE: Are you going to pay the money back?

Mr CHRIS MINNS: The money is not sitting in an account.

The Hon. DAMIEN TUDEHOPE: It's tainted money, isn't it, Premier?

The Hon. SARAH MITCHELL: Luke Foley paid back tainted money. Why won't you?

The Hon. DAMIEN TUDEHOPE: It's tainted money from this union.

Mr CHRIS MINNS: I tell you what: When you guys pay back the money that you took from Daryl Maguire, John Sidoti and Gareth Ward—is that not relevant? Or the Millennium fund or Operation Spicer—

The Hon. DAMIEN TUDEHOPE: Premier, these were the tainted money that you received from this union to get you elected.

Mr CHRIS MINNS: Has the Liberal Party given back a cent in its entire history?

The Hon. SARAH MITCHELL: We are asking you about your decisions as Premier.

Mr CHRIS MINNS: I will answer the question because I think it's important. The money's not available; it's been spent. I'm just trying to be incredibly straightforward and transparent in relation to this.

The Hon. DAMIEN TUDEHOPE: And so was Mr Medich's money.

Mr CHRIS MINNS: The reason for that, Mr Chair, was that the administration of the Labor Party, whether it's running conferences, whether it was running our extensive branch network, it costs money. They were affiliated to the party. When the charges were laid against the former secretary of the CFMEU, I made the decision to kick him out of the party, but it was in relation to his tenure or time as far as the charges were concerned. In the last fortnight we went further. We made a decision to put in an independent administrator, concurrent with the Federal Government's rules and regulations. In the last 24 hours you've seen mass demonstrations out the front of the New South Wales Parliament condemning me and the Government for taking that action. I don't know what point you're trying to make. Is it that we haven't gone far enough or something?

The Hon. DAMIEN TUDEHOPE: The ETU were supporting that action out the front of the building yesterday, weren't they?

Mr CHRIS MINNS: They may well have been. I don't know. I can promise you that it hasn't been universally popular amongst the trade union movement or the Labor movement; I accept that. But I think the right decision was made.

The Hon. DAMIEN TUDEHOPE: The ETU was out there fully supporting that action yesterday by the CFMEU, demonstrating against the decision which has been made by this Parliament?

Mr CHRIS MINNS: Again, I'll make the point: It wasn't—by this Parliament? By this Government.

The Hon. DAMIEN TUDEHOPE: By the Parliament.

Mr CHRIS MINNS: You've come to the party pretty late, then, haven't you, mate?

The Hon. DAMIEN TUDEHOPE: No, mate.

Mr CHRIS MINNS: Yes, this all happened under your time.

The Hon. DAMIEN TUDEHOPE: I was calling for the appointment of an administrator well before you were—

Mr CHRIS MINNS: Not when you were in government. Not when it counted.

The Hon. DAMIEN TUDEHOPE: When these allegations were made, you took a long time to act. If I recall, it was over a week before a response came from you. Isn't that correct, Premier? And the decision—

Mr CHRIS MINNS: They wouldn't even know your name, Damien. No-one knows what you did.

CORRECTED

The Hon. DAMIEN TUDEHOPE: The furies do.

The Hon. SARAH MITCHELL: He's Mr January.

The CHAIR: Order! As entertaining as that was, the flexing by both of you, can we have some questions and some answers that are going to assist with our inquiry.

Mr CHRIS MINNS: Thanks, Mr Chair. Honestly, four hours of questions and we cop a serving from you.

The Hon. DAMIEN TUDEHOPE: How many members of the ETU sit in your caucus?

Mr CHRIS MINNS: I don't know.

The Hon. DAMIEN TUDEHOPE: You don't?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Does it concern you—

Mr CHRIS MINNS: How many are in your party?

The Hon. DAMIEN TUDEHOPE: No members of the ETU are in my party.

Mr CHRIS MINNS: Any members of any trade union in the Liberal Party?

The Hon. DAMIEN TUDEHOPE: I'll ask the questions, Premier.

The Hon. PETER PRIMROSE: And you'll try to answer them as well.

Mr CHRIS MINNS: What's wrong with being in a union?

The Hon. DAMIEN TUDEHOPE: When unions don't engage in illegal activity, absolutely nothing.

Mr CHRIS MINNS: That's pretty unfair. What, ordinary members get to cop it for the objects of the leaders, is it?

The Hon. DAMIEN TUDEHOPE: But you tolerate it, though, Premier. You're prepared to stand there, take their donations and tolerate the illegality. Isn't that the case?

The Hon. EMILY SUVAAL: Is there a question?

Mr CHRIS MINNS: Mr Chair, it's hugely convenient—

The CHAIR: Order! We're just having a series of comments. It's not assisting the inquiry. It's not assisting the hearing. I think we should return to questions and answers.

Mr CHRIS MINNS: I want to answer the question, Mr Chair.

The CHAIR: If we could desist from shouting over the top of each other. It's not assisting me or Hansard.

Mr CHRIS MINNS: In any event, Mr Chair—

The CHAIR: No-one is learning anything. Please, an answer.

Mr CHRIS MINNS: We've got a direct question about returning the money. I've been very clear and very transparent about the fact that it's not sitting in an account, and I don't want to write a cheque to the CFMEU. This is particularly germane: the New South Wales Liberal Party has taken \$45,000 from John Sidoti, \$30,000 from Gareth Ward and \$31,000 from Daryl Maguire—and hasn't returned any of that money.

The Hon. DAMIEN TUDEHOPE: What are you suggesting—

Mr CHRIS MINNS: It's good for the goose but not good for the gander?

The Hon. DAMIEN TUDEHOPE: What are you suggesting here, Premier?

Mr CHRIS MINNS: I'm not suggesting anything, but you've come in and said that it's tainted money, it's corrupt money and it should be returned.

The Hon. SARAH MITCHELL: He's just desperate because he has got nothing else to say.

The Hon. DAMIEN TUDEHOPE: This is exactly—

Mr CHRIS MINNS: I'm all ears, mate. What's the answer? Are you going to return it?

CORRECTED

The Hon. DAMIEN TUDEHOPE: Would you be prepared to adopt a policy, in those circumstances, where you would return the money from organisations like the CFMEU? Are you prepared to adopt that?

Mr CHRIS MINNS: As I've said, the money is not available.

The Hon. DAMIEN TUDEHOPE: When you first came to Parliament, you wanted to do it.

Mr CHRIS MINNS: The Liberal Party shouldn't dress themselves up as lily white in relation to this.

The Hon. DAMIEN TUDEHOPE: We do.

Mr CHRIS MINNS: They haven't returned a single cent or a dollar or anything from Operation Spicer to the ICAC inquiry into the MPs on the Central Coast, all the way down to Daryl Maguire—proven corrupt conduct as it relates to findings from the ICAC and you haven't returned a cent.

The Hon. DAMIEN TUDEHOPE: So Gareth Ward?

Mr CHRIS MINNS: Not in relation to Gareth Ward.

The Hon. SARAH MITCHELL: You mentioned him.

The Hon. DAMIEN TUDEHOPE: So you withdraw that?

Mr CHRIS MINNS: I didn't say Gareth Ward was corrupt.

The Hon. SARAH MITCHELL: Yes, you did.

The Hon. DAMIEN TUDEHOPE: You did. You wanted Gareth's donations returned.

Mr CHRIS MINNS: Gareth Ward's donations should be returned. If it's under the same guidance—

The Hon. DAMIEN TUDEHOPE: No, Premier.

Mr CHRIS MINNS: Shouldn't it? Shouldn't it be?

The Hon. DAMIEN TUDEHOPE: Premier—

Mr CHRIS MINNS: Hang on, this is important, Mr Chair. The suggestion is that the donations from the CFMEU should be returned because the secretary of the CFMEU is facing charges.

The Hon. DAMIEN TUDEHOPE: Correct.

Mr CHRIS MINNS: Is Mr Ward facing charges?

The Hon. DAMIEN TUDEHOPE: Bribery charges in relation to—

Mr CHRIS MINNS: Okay, there's a distinction.

The Hon. BOB NANVA: Criminal charges.

Mr CHRIS MINNS: We're finding out.

The Hon. DAMIEN TUDEHOPE: Are you prepared to tolerate the activity which we saw on the *60 Minutes* program, Premier? Is that activity—

Mr CHRIS MINNS: Every action of the Government for the last month would demonstrate that that is absolutely not the case.

The Hon. DAMIEN TUDEHOPE: Pay the money back, then. Pay it back.

The Hon. SARAH MITCHELL: Have some integrity.

Mr CHRIS MINNS: Pay back the MPs—

The Hon. DAMIEN TUDEHOPE: Pay the money back.

Mr CHRIS MINNS: What about the Hills shire? How much money have you collected from that? I actually don't know. We should find out. Tens of thousands, I suspect.

The Hon. DAMIEN TUDEHOPE: This just goes to show how absolutely desperate you are to protect your union mates, Premier.

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: It shows that you're a hypocrite.

CORRECTED

The CHAIR: Order! A point of order has been taken by Mr Nanva.

The Hon. DAMIEN TUDEHOPE: They're your union mates, and you're intent on protecting them.

The CHAIR: Order! Mr Tudehope, I call you to order for the first time—I think, or is it the second time?

The Hon. SARAH MITCHELL: The first.

The CHAIR: The first time. Mr Nanva on a point of order.

The Hon. BOB NANVA: The level of interjections is not allowing for these estimates be run in a fair and orderly manner, Chair.

The CHAIR: Yes, I uphold the point of order. The level of interjections, the yelling at each other—it's unedifying. It's not treating the witness with courtesy, and it's very difficult for us to understand what is being said and what is being responded to, and for Hansard.

The Hon. DAMIEN TUDEHOPE: In that case, stop interrupting me.

The CHAIR: Mr Tudehope, please proceed.

The Hon. DAMIEN TUDEHOPE: Premier, in the budget there is provision, in fact, for public sector wages, is there not, for increases of 10.5 per cent over three years. Is that correct—which has been allowed for in the budget?

Mr CHRIS MINNS: The Government's wages policy is for that amount across the public service.

The Hon. DAMIEN TUDEHOPE: How many public sector unions have accepted that offer?

Mr CHRIS MINNS: None.

The Hon. DAMIEN TUDEHOPE: None? To the extent that none have yet accepted that offer, do you accept that that figure is at risk in terms of the budget bottom line if in fact the actual awards made to those unions are substantially or above that amount?

Mr CHRIS MINNS: Not necessarily. Again, it's hypothetical. We don't know, if it does get into arbitration in the industrial relations court, what a finding would be. We don't know whether—

The Hon. DAMIEN TUDEHOPE: Let me just ask you this.

Mr CHRIS MINNS: Mr Chair, can I—

The Hon. BOB NANVA: Point of order—

The Hon. DAMIEN TUDEHOPE: Let me ask you this—

The CHAIR: Apologies. A point of order has been taken.

The Hon. BOB NANVA: It's actually a very good question, but I think the Premier ought to be afforded more than—

Mr CHRIS MINNS: Two words.

The Hon. DAMIEN TUDEHOPE: No, you've had more than two words. You've given a speech about it.

The Hon. BOB NANVA: —a cursory response. You can't answer a question like that in a simple sentence, Chair, and I just ask that courtesy be extended to the Premier to actually provide a substantive answer to a good question.

The CHAIR: I uphold the point of order. It was a good question. Please let the witness answer in full.

Mr CHRIS MINNS: No, I'm not going to concede that.

The CHAIR: Are you cavilling with me! I said it was a good question.

Mr CHRIS MINNS: We don't know what the final amount would be. The Government is entering into good-faith negotiations with a whole range of public sector unions that represent the vast majority of essential workers in the State. In the event that an agreement can't be struck between the union and the Government, then it will be set for arbitration in the Industrial Relations Commission. I can't speculate on it. We want to get good outcomes. We've agreed that the paltry amount that the previous Government—and you were personally responsible for it—was too little, and it resulted in a massive decline in service delivery in this State.

CORRECTED

The Hon. DAMIEN TUDEHOPE: We had real wage increases under our Government, Premier.

Mr CHRIS MINNS: So it was all fine?

The Hon. DAMIEN TUDEHOPE: The Fire Brigade Employees Union reports that the Government has not agreed to a single one—you're now proffering that you're a government that enters into good-faith negotiations. They say that none of the issues which they have raised with the Government in relation to those negotiations have been accepted by the Government and will not move in relation to any claim above 10.5 per cent.

Mr CHRIS MINNS: That may well be the case. I don't know. We're hopeful for an outcome, but we don't have one yet.

The Hon. DAMIEN TUDEHOPE: An arbitration is not due until March next year, is it?

Mr CHRIS MINNS: There are rules in place for the Industrial Relations Commission. The commissioners can exercise call-in powers, but we're hopeful to get an agreement. We don't have one yet, but, as I said earlier—I think it was important—industrial disruption in the State has dramatically declined under Labor, which I think bodes better for our system of engaging and talking with the trade union movement. A lot of them can't forget that during COVID you didn't have 2½ per cent as a wages cap; you put it down to zero.

The Hon. DAMIEN TUDEHOPE: Yes.

Mr CHRIS MINNS: Was it a good decision?

The Hon. DAMIEN TUDEHOPE: A very good decision.

Mr CHRIS MINNS: Okay, great. We'd be using that one.

The Hon. DAMIEN TUDEHOPE: It was a good decision at the time, in circumstances—

Mr CHRIS MINNS: Good. Understood.

The Hon. DAMIEN TUDEHOPE: You weren't managing the budget, clearly.

Mr CHRIS MINNS: Would you do it again? Do you reckon you would do it again?

The Hon. DAMIEN TUDEHOPE: You weren't managing a budget under COVID, Premier, clearly.

Mr CHRIS MINNS: Understood.

The Hon. DAMIEN TUDEHOPE: If you don't have any comprehension in relation to that, don't go giving me a commentary on it.

Mr CHRIS MINNS: No problem. We'll bank that. That's fine.

The Hon. DAMIEN TUDEHOPE: What, bank incompetence by you?

Mr CHRIS MINNS: There you go.

The CHAIR: Order! Mr Tudehope, could you desist from making reflections on the witness.

The Hon. DAMIEN TUDEHOPE: Premier, do you concede that in relation to the fire employees union, mutual gains bargaining has been a failure?

Mr CHRIS MINNS: No, of course not.

The Hon. DAMIEN TUDEHOPE: Tell me what concessions have been made by the Government.

Mr CHRIS MINNS: We haven't got an agreement yet.

The Hon. DAMIEN TUDEHOPE: The dispute has been going on now for nearly six months. What concessions have you made, Premier?

Mr CHRIS MINNS: We haven't got an agreement yet, so I can't tell you.

The Hon. DAMIEN TUDEHOPE: Mutual gains bargaining, according to the union, has been an abject failure.

Mr CHRIS MINNS: The Government is proposing to pay 40 per cent more than the previous Government was offering, in terms of a wage outcome. We've got an independent industrial court in the State. We've removed the wages cap, and we'll abide by the arbitrator decision if that's what ends up being the case. I think that system works. I think it's worked well.

The Hon. DAMIEN TUDEHOPE: Give me one case where it's worked, Premier—so far.

CORRECTED

Mr CHRIS MINNS: Well, every public sector union accepted 4½ per cent in the first year. That was a good outcome, particularly with inflation being high. The second point I give you is that industrial disruption in the State—

The Hon. DAMIEN TUDEHOPE: I asked you about mutual gains bargaining.

Mr CHRIS MINNS: Mr Chair?

The CHAIR: Order! Mr Tudehope you asked him to give you an example, and the Premier is.

Mr CHRIS MINNS: Industrial disruption in the State is dramatically lower than under your period of time in office.

The Hon. DAMIEN TUDEHOPE: Have you reduced industrial action by the fire employees union?

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: Are they still engaging?

Mr CHRIS MINNS: What was that?

The Hon. DAMIEN TUDEHOPE: Have you reduced industrial activity by that union, the fire brigade?

Mr CHRIS MINNS: Yes. I am not aware of bans that are in place at the moment.

The Hon. DAMIEN TUDEHOPE: Did they have an impact on the opening of the metro?

Mr CHRIS MINNS: I would have to refresh my memory on the reasons for the delay, but my understanding was that it wasn't directly related to the industrial action that was put on, but I stand to be corrected.

The Hon. DAMIEN TUDEHOPE: But there was some impact that they had on the opening of the metro, wasn't there?

Mr CHRIS MINNS: No, I am not prepared to concede that. I would have to check. There was a whole range of reasons why the metro was delayed.

The CHAIR: We'll turn to questions from the crossbench.

The Hon. ROBERT BORSAK: Premier, your Government has made a lot out of the Electricity Infrastructure Roadmap and the delivery of the renewable energy zones. You have also made an agreement with Origin Energy to operate the Eraring Power Station until 2027. What was the detail of that deal, where it sits now especially?

Mr CHRIS MINNS: I would have to take the specifics on notice, just because it is quite detailed. But, in general, the deal was that if there were to be profits as a result of the running of it, they would be shared to an extent, and that if the Government or the State was required to step in, as a result of the operation of it, we would bear that cost. But all things being equal—and it may not be the case—the cost to the taxpayer may well be zero, whilst at the same time having some kind of redundancy or safety in the system while we attempt to get the renewable energy road map back on track after it was, by common consent, a disaster under the previous Government.

The Hon. ROBERT BORSAK: Should that power station have been sold off for next to nothing in the first place?

Mr CHRIS MINNS: No, it shouldn't have. It put us at a massive disadvantage. As a result of that sale, we had to enter into a negotiation with the private owners of Eraring. If it was in Queensland it would have been far simpler and straightforward.

The Hon. ROBERT BORSAK: It is interesting that you talk about potential for profit sharing because that is not something I have heard before in discussion in relation to the deal the Government has done.

Mr CHRIS MINNS: Mr Borsak, maybe Mr Draper can speak to it.

The Hon. ROBERT BORSAK: Mr Draper?

SIMON DRAPER: In the simplest possible terms, my understanding of the arrangement is that there is certainly a risk-sharing arrangement where on the downside the Government would bear some costs where there were losses by Eraring, but the same would apply if there were gains made by Eraring.

The Hon. ROBERT BORSAK: Because Eraring is certainly, in my view, enjoying super profits at the moment in relation to what they are reporting. Would you agree with that?

CORRECTED

SIMON DRAPER: I wouldn't know.

The Hon. ROBERT BORSAK: You don't know. Premier?

Mr CHRIS MINNS: I have just been given more information, Mr Borsak. Origin must choose to opt into the underwriting arrangement each year. If it opts in and makes a loss, the State will pay Origin 80 per cent of the losses at a cap of \$225 million. The agreement has been tabled.

The Hon. ROBERT BORSAK: Is there any level of operation—in other words, does it have to be 50 per cent available, 75 per cent available, 100 per cent available all the time? Is there anything in that scale in your agreement?

Mr CHRIS MINNS: I would have to take that on notice. The agreement is in the public domain, but my assumption is that it would be based on demand in the marketplace. They would be happy to sell as much as they can into the network.

The Hon. ROBERT BORSAK: Would the road map for the use of that particular power station continue past 2027 if it had to?

Mr CHRIS MINNS: We are not committing to that. The reasons for that are that we hope to get the renewable energy road map back on track and there are redundancies as far as Eraring is concerned. I think I am right in saying it is at the end of its life in any event.

The Hon. ROBERT BORSAK: What are the delivery dates and costs for the renewable energy zones? Can you quote those to me?

Mr CHRIS MINNS: Yes.

The Hon. ROBERT BORSAK: You should have it on the top of your head.

Mr CHRIS MINNS: I don't. Sorry, Mr Borsak. Under the REZ, for the New England REZ, the timetable has changed from an expected completion date of 2027 to 2029. But, in fairness to the Government, that was established following the conclusion of the election campaign. We didn't realise that we were so far off track when it comes to—

The Hon. ROBERT BORSAK: That goes against a bit of your previous answer in terms of the availability of Eraring past 2027, does it?

Mr CHRIS MINNS: No, not necessarily, because Central-West Orana should be online by 2027.

The Hon. ROBERT BORSAK: Sorry, I interrupted you.

Mr CHRIS MINNS: Central-West Orana, 2027. New England REZ, timetable change from '27 to '29. But the truth is that we've got to get a lot better and a lot quicker with a whole range of issues in relation to electricity generation for renewable sites. The REZ process, planning approvals, transmission lines, connection to the grid—it's all slow and it's all too slow. Unless we can get those margins down—I'm just being honest about it—we are concerned about power shortages.

The Hon. ROBERT BORSAK: I have a few more questions, but if I get a chance I might come back to them.

The Hon. MARK LATHAM: Premier, Given that Mr V'landys lied to or misled the upper House inquiry on Rosehill about his interference in stewards inquiries, do you still have confidence in him as the CEO of Racing NSW?

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: Yes, I do.

The CHAIR: A point of order has been taken by Mr Nanva.

The Hon. MARK LATHAM: The question has been answered.

The CHAIR: A point of order has been taken by Mr Nanva.

The Hon. BOB NANVA: I was merely going to say that questions shouldn't reference or raise a debate from an unreported Committee hearing.

The Hon. MARK LATHAM: That's rubbish. That's nonsense.

The CHAIR: Unfortunately, Mr Latham, it's not rubbish. I uphold the point of order.

CORRECTED

The Hon. MARK LATHAM: An answer was given. Premier, before the election you said that you would deal with the problem of fat cats in the New South Wales public sector. How did Mr V'landys escape your dragnet? In the middle of a cost-of-living crisis, how do you, as the head of government, justify his salary and bonuses of \$1½ million per annum for someone doing a part-time job, given his commitments at rugby league and also looking after his private business interests?

Mr CHRIS MINNS: Again, this question—and the last question—was full of suppositions dressed up as absolute facts. The previous question said that Mr V'landys lied or misled the committee. There is no evidence supplied that would prove that charge. We've just got to rely on your word for that, Mr Latham. The suggestion that it is a part-time job, that he is not putting in his full time and effort—again, no evidence supplied. There would be many people in the community that would have a chief executive's job as well as serve on the board of another organisation or corporation or unincorporated entity. That is not novel and it is not novel in relation to corporate life in New South Wales or Australia. So, again most of the questions you have asked have been dressed up with some kind of, I would say, slur at the beginning but again no proof has been provided.

The CHAIR: Yes. I would just remind you, Mr Latham, that adverse mention of third parties who are not here to respond is against the standing orders.

The Hon. MARK LATHAM: Premier, as part of your attack on the problem of fat cats in the New South Wales public sector, will you now investigate the earnings of Mr V'landys at Racing NSW, because the \$1½ million per annum is 50 per cent higher than anyone else in the New South Wales public sector and clearly inconsistent with your Government's policy?

Mr CHRIS MINNS: I am not going to commit to investigating on the basis of uncorroborated information that you have provided at the beginning of your questions, other than to say there are systems in place, regulators in place and independent bodies that are responsible for administering a whole range of agencies, including Racing NSW.

The Hon. MARK LATHAM: Not for his salary. The so-called independent body has him on it. Shouldn't this now be handled by the remuneration tribunal, which is independent?

Mr CHRIS MINNS: No. I mean, there would be a whole range of positions in the New South Wales government that don't have SOORT determinations. I can't list them now, but they would be littered across the 400,000 public servants in the State.

The Hon. MARK LATHAM: Premier, somewhat to the surprise of the committee, the upper House members of the Rosehill inquiry received numerous whistleblower submissions and information about Racing NSW. There are current and former senior staff who for the first time have been able to speak the truth without losing their jobs. They've detailed a range of atrocious working conditions and problems.

The Hon. BOB NANVA: Point of order—

The Hon. MARK LATHAM: Racing NSW has admitted to surveilling its staff—

The CHAIR: Order! A point of order has been taken by Mr Nanva.

The Hon. BOB NANVA: There is a Clerk's advice that states clearly that questions should not raise or debate unreported proceedings or deliberations of a current committee inquiry. I ask that you rule the question out of order.

The CHAIR: I will just take some advice.

The Hon. MARK LATHAM: It's amazing the Labor Party is happy for all this to be happening. Why would you defend these atrocious conditions? Why would you do it?

The CHAIR: Mr Latham, could you repeat the question?

The Hon. MARK LATHAM: Yes. To the surprise of upper House members—and I've received this material directly myself—there's been a range of material put forward pointing out atrocious workplace conditions at Racing NSW. Racing NSW itself has admitted to surveilling its staff using CCTV footage and web traffic and email checks. These other individuals have provided evidence of a toxic workplace culture—

The CHAIR: Mr Latham, I was asking you to repeat the question so I could rule on the point of order.

The Hon. MARK LATHAM: Yes, I am.

The CHAIR: Those matters do not appear to be "unreported". Once the matters have been made public, they are reported; therefore, they can be referred to in this inquiry. I don't uphold the point of order.

CORRECTED

The Hon. MARK LATHAM: Thank you. The further problems are financial and department reports have been doctored; nepotism and favouritism are rife; trade union membership is banned; staff turnover is high, particularly among stewards; there's coercion for staff to show their private WhatsApp messages to management; there's no HR department; and employees live in fear of retribution for these things.

Mr CHRIS MINNS: There's a lot of supposition again dressed up as fact.

The Hon. MARK LATHAM: As a Labor Premier, are you going to order an independent inquiry into these work practices at Racing NSW, or you don't care less?

Mr CHRIS MINNS: Again, you can make that claim. Ultimately, for me to say yes it would rely on your word—and you're in the midst of several defamation proceedings at the moment.

The Hon. MARK LATHAM: Point of order: This goes to the entire evidence the Premier's presented. He's come here with a deliberate tactic to require authenticity to every single thing that's said, even though Committee members and his own members—

Mr CHRIS MINNS: What can I base it on, then?

The Hon. MARK LATHAM: —of the Committee would not object to anything that I've mentioned.

The CHAIR: Order!

The Hon. BOB NANVA: Point of order—

Mr CHRIS MINNS: What am I supposed to base it on?

The Hon. MARK LATHAM: You can't waste time and give non-answers because everyone's got to authenticate what you've had to say—

Mr CHRIS MINNS: Heaven forbid, Mr Chair, I'd have to rely on facts!

The CHAIR: Order! I will hear the Hon. Bob Nanva on a point of order.

Mr CHRIS MINNS: Heaven forbid that I'd rely on some facts or be presented some evidence.

The Hon. MARK LATHAM: We are presenting you with facts and you won't answer to them.

The CHAIR: Order! Mr Latham will come to order. Mr Nanva?

The Hon. BOB NANVA: There is a current parliamentary inquiry into those matters. Those matters are in the form of confidential submissions to that inquiry, and they are all unreported.

The CHAIR: I uphold the point of order. It's very difficult for me to know whether or not those matters are reported or unreported, so I will err on the side of caution and uphold the point of order.

The Hon. MARK LATHAM: Many more individuals have spoken to me.

Mr CHRIS MINNS: I think this is an opportunity to slur Mr V'landys under the cover of parliamentary privilege. Look at some of the stuff that you've said already: defraud, doctoring financial—

The CHAIR: Premier, the question's been ruled out of order, so we don't need to hear anymore.

Mr CHRIS MINNS: These are serious charges.

The Hon. DAMIEN TUDEHOPE: You're not averse to doing it.

Mr CHRIS MINNS: I haven't done it. When have I done that?

The Hon. MARK LATHAM: I'm not saying these things. The people who work there said these things.

The CHAIR: Order! Mr Latham will come to order. The Premier will come to order. I've ruled the question out of order. We'll now turn to questions from The Greens.

Dr AMANDA COHN: Good morning, Premier. Earlier this year you made an apology to people who'd been impacted by the criminalisation of homosexuality before 1984, which was an extremely moving day that many people are really grateful for. You were also the first Premier of New South Wales to ever march in the Sydney Mardi Gras parade. These gestures are really important and have huge value. They've also given people across New South Wales hope that those gestures would be followed up with legislative change. In New South Wales the Anti-Discrimination Act doesn't protect a whole range of people—people who are non-binary, people who are asexual, and people who are bisexual, like me. Do you support changes to the Anti-Discrimination Act to provide those protections?

CORRECTED

Mr CHRIS MINNS: We have made legislative changes since being elected to office. We've made legislative changes in relation to conversion therapy in this State, which was a promise prior to the election campaign and one that we fulfilled. We've pursued other changes to the law as well. Anti-Discrimination Act changes, I can't give a blanket answer that we will change it in line with what some activists insist is necessary. There are many reasons for that. My understanding is that the Anti-Discrimination Act is being reviewed. I expect the result of that review to be presented to the Government, and therefore to Parliament, in the time ahead. I'll have to come back to you and take on notice when that would be. But they are not straightforward changes to the legislation.

Dr AMANDA COHN: The members of the Labor Party who marched with you in the Mardi Gras—and it was good to see so many there—were wearing T-shirts that said, "Labor: A future free from discrimination". What did that mean? What are you promising to LGBTQI communities?

Mr CHRIS MINNS: As I said, we pursued and implemented changes to the law in relation to conversion practices in New South Wales. There are several bills on the books to be debated in the LA and LC, and we will get to it when we get to it.

Dr AMANDA COHN: As I'm sure you're also aware, New South Wales is the only State in Australia that forces people to have medically unnecessary and violating surgery just to be able to change gender on their forms. Do you support changes to the births, deaths and marriages Act to bring us into line with every other Australian jurisdiction?

Mr CHRIS MINNS: We're looking closely at that potential change as well. I realise that it's a priority for those that are impacted by it—I accept that, Doctor. I don't have an announcement about it today. When I say, "We'll get to it when we get to it", I don't mean to be callous about that or flippant. I shouldn't be; it's obviously of major concern for those who are calling for a change in the law. But we don't have a decision in relation to it and we're examining all of those policy matters closely.

Dr AMANDA COHN: The board of the Sydney Gay and Lesbian Mardi Gras has written to every member of Parliament. I got that letter, and I'm sure you did too. The couple of legislative changes that I've just asked about were among a list of legislative changes that they're actually demanding from MPs to be able to march in the Mardi Gras parade next year. They've been very clear that for people to support the queer community on a good day, they need to be ready to support us on a bad day as well. We're now preparing for the Mardi Gras parade in 2025. Are you intending to march in the parade in 2025, and are you intending to make this progress before then?

Mr CHRIS MINNS: I don't know. I haven't even thought about it. It's up to the organisers who they invite, not up to me.

Dr AMANDA COHN: Will we see progress on any of these changes before Mardi Gras 2025?

Mr CHRIS MINNS: I can't give a timetable right now. We're examining potential legislative change, but I don't have an announcement today at the Committee meeting.

Dr AMANDA COHN: I understand it's something your Government might be considering, but you're the Premier. The people of New South Wales are interested in your view. Do you personally support those changes?

Mr CHRIS MINNS: Yes, I want to examine it. There are going to be some issues that we do come to this Committee and can't give answers to because they're under deliberation by Cabinet. This is one of them.

Ms CATE FAEHRMANN: Good afternoon, Premier. You said this morning, as well as on 2GB, that the Federal environment Minister made an error in ruling against a tailings dam for McPhillamys goldmine being constructed on the headwaters of the Belubula River. Why did she make an error?

Mr CHRIS MINNS: The entire project was already assessed by the Independent Planning Commission in New South Wales, as well as government departments in the State. They assessed all of the legislative and regulatory issues around it and made a decision that it should go ahead. In large part, the decision in relation to the tailings dam was taken, my understanding is, on the advice of the Orange Local Aboriginal Land Council, which is the elected body in that part of the State, who made a submission that they didn't regard it as intangible Indigenous cultural heritage. I think they went further than that; I will ask my advisers if maybe we could get a copy of the letter. The decision was made not without evidence. It was assessed against the elected body in Orange—

Ms CATE FAEHRMANN: So your understanding, just based on one Aboriginal group—this is how you're making a judgement that the Federal environment Minister with responsibility—

Mr CHRIS MINNS: Not my judgement.

CORRECTED

Ms CATE FAEHRMANN: —for Aboriginal heritage has essentially said to build the tailings dam elsewhere. You say that's an error?

Mr CHRIS MINNS: No, it's not—again, Mr Chair, it's not my judgement. This was the judgement of the Independent Planning Commission, and I think that was the correct decision.

Ms CATE FAEHRMANN: No, you said it's an error. You said today, and on 2GB, that Federal environment Minister Tanya Plibersek made an error. Why?

Mr CHRIS MINNS: I've explained it many times over. The decision was assessed by the independent planning and assessment commission in New South Wales. They took into consideration the evidence and advice in written form from the Orange Aboriginal land council, which is the elected body representing—

Ms CATE FAEHRMANN: But there are other—

Mr CHRIS MINNS: Hang on, I'm going to finish this.

Ms CATE FAEHRMANN: Premier, there are other Aboriginal groups—

Mr CHRIS MINNS: I understand that.

Ms CATE FAEHRMANN: —as well that feel very differently.

Mr CHRIS MINNS: I appreciate that, but a judgement needed to be made. I think the correct judgement was made in the initial instance. This is the thing. If you come and ask a direct question, I will give a direct answer. But the circumstances are straightforward as far as the Government is concerned.

Ms CATE FAEHRMANN: Did you look into what significance this has for the Aboriginal community? For example, the rivers where they meet—there are two rivers historically. There are 22 springs at that headwaters that are going to be permanently blocked. One Aboriginal stakeholder has said that area is called Belubula, which means "rivers two". It was a very significant gathering place for the Elders. They are incredibly concerned about the fact that the tailings dam was going to be built there—lots of artefacts scattered. Why did you tell 2GB and this inquiry that you think that is an error based on—

Mr CHRIS MINNS: I think it's the same answer I've given three times now, Mr Chair. Is it outrageous that we would accept or I would regard the written advice from the Aboriginal land council in the local area that suggested that it wasn't intangible Aboriginal cultural heritage on the site?

Ms CATE FAEHRMANN: But there are other Aboriginal—

Mr CHRIS MINNS: I appreciate that, so a judgement needed to be made. I didn't make that judgement. The local Aboriginal land council did and the independent planning and assessment commission did.

Ms CATE FAEHRMANN: This morning when you were referring to the need for the mine, you said "gold and other critical minerals". You are aware that gold isn't a critical mineral, though, don't you?

Mr CHRIS MINNS: Gold and other critical minerals—I said that several times.

Ms CATE FAEHRMANN: You said "gold and other critical minerals". Gold is not a critical mineral.

Mr CHRIS MINNS: I know that, but it's still an important component part for renewable energy, export-oriented resource opportunities for the State. It's not on the critical minerals list. It's crucially important for the future economy.

Ms CATE FAEHRMANN: It's not on the State or Federal critical minerals list.

Mr CHRIS MINNS: So not important?

Ms CATE FAEHRMANN: Speaking of importance, were you aware, in terms of the Belubula headwaters, that 22 are springs that feed into Belubula River, feed into the Lachlan River, the Murray-Darling Basin system—that they were going to be permanently plugged?

Mr CHRIS MINNS: Again, I wouldn't rely on my advice in relation to it.

Ms CATE FAEHRMANN: Are you aware of the impact of this?

Mr CHRIS MINNS: What I would suggest that you do is go and speak to the Aboriginal land council, who made a submission to the IPC. Or don't do it. It's up to you.

Ms CATE FAEHRMANN: I have spoken—

Mr CHRIS MINNS: What did they say?

CORRECTED

Ms CATE FAEHRMANN: —to Aboriginal stakeholders in the area who—I've just read you their evidence.

Mr CHRIS MINNS: In any event, I don't want the impression to be left that this is an exclusive judgement of the New South Wales—of me or the Cabinet. This was made by the independent planning and assessment commission on advice from the elected body.

Ms CATE FAEHRMANN: Premier, you seem very vested in this; hence why I'm asking you questions about it.

Mr CHRIS MINNS: I am vested in it.

Ms CATE FAEHRMANN: You also said that the mine would bring thousands of jobs to the area. Where did you get that from? Because, in fact, there are 710 construction jobs, 260 operational jobs going forward. Where were the thousands of jobs coming from?

Mr CHRIS MINNS: I may have misspoken. It's in the hundreds. But critical minerals and in terms of—the investment pipeline for capital in the State is dependent on certainty that, once you get through the State planning panel, the project will go ahead. And this does imperil that. But there's an important follow-up to the question that was asked of me, and this is a letter from the Orange Local Aboriginal Land Council. It is dated 9 January 2023. It says:

It's a matter of concern to the OLALC that a range of claims have been made on this issue by people in organisations lacking the experience, expertise and authority to hold themselves out as authorities on Aboriginal cultural heritage. We question the motives of people in organisations who participate in promoting unsubstantiated claims and seek to hijack Aboriginal cultural heritage in order to push other agendas.

Ms CATE FAEHRMANN: What agenda are you pushing, Premier?

The CHAIR: We will now turn to questions from the Opposition.

The Hon. SARAH MITCHELL: Is it unusual for an ED in a department to have a security pass that gives them direct access to a Minister's office in 52, 24/7?

Mr CHRIS MINNS: Sorry, can you repeat that again?

The Hon. SARAH MITCHELL: Is it unusual for an executive director within a department to have a security pass that gives them access in 52 Martin Place 24/7?

Mr CHRIS MINNS: I would have no idea. I don't know what the security arrangements—

The Hon. SARAH MITCHELL: Do you any of your EDs in your department have access to your office 24/7?

Mr CHRIS MINNS: I don't know.

SIMON DRAPER: I only can say, when I was an executive director in the Department of Premier and Cabinet, I had a pass that let me into Minister's offices. That was about probably 10 years ago, but yes.

The Hon. SARAH MITCHELL: We heard in evidence yesterday that Adam Tyndall, who is an ED within the Department of Primary Industries, has had unfettered access to the Minister's office. Do you think that's unusual?

Mr CHRIS MINNS: Clearly not, because Mr Draper had it under the previous Government.

The Hon. SARAH MITCHELL: Did he get it because he's a member of the Labor Party—Adam Tyndall?

Mr CHRIS MINNS: How grubby, honestly.

The Hon. SARAH MITCHELL: Sorry, what was your answer, Premier?

The CHAIR: I don't think Mr Draper said he was a member of the Labor Party.

The Hon. SARAH MITCHELL: No. Mr Tyndall is, though. I'm just wondering whether Mr Tyndall got it—

Mr CHRIS MINNS: This is pretty funny, but the question was is it unusual for executive directors to have access? Mr Draper has just suggested to the Committee that he had it under the previous Government.

The Hon. SARAH MITCHELL: Yes, and I've asked you a follow-up about whether Mr Tyndall got one because he is a member of the Labor Party.

CORRECTED

Mr CHRIS MINNS: I think this is a backhanded way of exposing, if that was the case, that he was a member of the Labor Party. I don't even know if he is. But mission accomplished. Good for you.

The Hon. DAMIEN TUDEHOPE: Premier, the last time you were before us, you told us that you were able to negotiate a GST agreement in recent weeks. But shortly after that, your Treasurer was telling us and everyone else who would listen that his budget is ruined because of a bad agreement, a bad GST deal. Is that the GST deal that you were talking about that you negotiated?

Mr CHRIS MINNS: No, they're separate arrangements. The agreement that was reached at the National Cabinet related to the extension of the No Worse Off agreement of the GST. The issue of the New South Wales Government missing out on GST revenues has to do with the relativities as determined by the Commonwealth Grants Commission, which we're getting absolutely screwed on. But one is not related to the other.

The Hon. DAMIEN TUDEHOPE: So the only deal that you in fact were able to negotiate was an extension of the agreement which had been negotiated by the previous Government?

Mr CHRIS MINNS: No, because the previous Government's agreement expired after three years and then it fell off a cliff for New South Wales. It is not the crowning achievement of the Government. I don't think we were spruiking it. I barely remember announcing it.

The CHAIR: Mr Tudehope, unfortunately, your time has expired. Premier, you'd be aware that since the 2000s petroleum exploration licences were rolled out across New South Wales and then rolled back principally under the previous Government. They used to cover about 70 per cent of the State. Now they only cover a tiny fraction of the State. Why did that happen?

Mr CHRIS MINNS: I couldn't give you an answer.

The CHAIR: Is it possibly because of community opposition and worries in the community that co-existence with unconventional gas and fracking and CSG couldn't exist?

Mr CHRIS MINNS: That sounds right.

The CHAIR: Why is it that you said in your previous answer that you thought that coal seam gas and the Narrabri project could co-exist with farming on the Liverpool Plains? Why is it that, for the rest of the State, even though there were petroleum exploration licences over Sydney, Newcastle, Wollongong, the South Coast, the North Coast, it was deemed unsafe there and rolled back and couldn't co-exist, and the Government's position is that it can co-exist in our most critical biophysical strategic agricultural land?

Mr CHRIS MINNS: I'm not responsible for the roll-back of those decisions. They were taken by other governments in previous administrations. The point I was taking issue with was that, like a lot of the questions that I've had today, the question is premised by a statement of fact and that is, in your circumstance, that the two couldn't co-exist.

Ms SUE HIGGINSON: They can't.

Mr CHRIS MINNS: Okay, that's your evidence.

The CHAIR: What is your view, though? Your view is that they can?

Mr CHRIS MINNS: Mary O'Kane wrote a report to the previous Government. Is she not an eminent person? She wrote a report to the previous Government suggesting that they could.

The CHAIR: You don't think there were conditions that recommendations—

Mr CHRIS MINNS: Of course there were, but I'm not suggesting otherwise.

The CHAIR: Have those recommendations of the chief scientist been implemented?

Mr CHRIS MINNS: The chief scientist's recommendations haven't been implemented as far as the project hasn't started or hasn't progressed for many years now.

The CHAIR: Thank you, Premier. I'll take that as the end.

Mr CHRIS MINNS: I think they do generate electricity but on a small scale.

The Hon. DAMIEN TUDEHOPE: Can I just ask one question?

The CHAIR: Sure, Mr Tudehope. Why not? One more.

The Hon. DAMIEN TUDEHOPE: The GST agreement that you negotiated—has that been legislated?

Mr CHRIS MINNS: I don't think it requires legislation—

CORRECTED

The Hon. DAMIEN TUDEHOPE: It does.

Mr CHRIS MINNS: —but I can take it on notice.

The CHAIR: Thank you very much, Premier, for your attendance today. We very much appreciate it. I assume that the Government is not—

The Hon. PETER PRIMROSE: We're again very satisfied.

The CHAIR: Thank you very much, everyone. We will return at two o'clock.

(The Premier withdrew.)

(Luncheon adjournment)

Ms KATE MEAGHER, Deputy Secretary, Community Engagement Group, Premier's Department, affirmed and examined

Ms GILLIAN WHITE, Deputy Secretary, Social Policy and Intergovernmental Relations, the Cabinet Office, sworn and examined

Mr MARCUS RAY, Deputy Secretary, Economic and Environment Policy, the Cabinet Office, affirmed and examined

The CHAIR: Welcome and good afternoon. We will recommence the hearing of Portfolio Committee No. 1 – Premier and Finance.

The Hon. DAMIEN TUDEHOPE: Ms Boyd, great article in the *Law Society Journal*.

KATE BOYD: Thanks for bringing it up, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: I'm surprised you had time for such a long article. It's very complimentary, but I have to say that it doesn't do you justice.

The Hon. CHRIS RATH: Great photographs.

The Hon. DAMIEN TUDEHOPE: Great photographs. Ms Boyd, did the Secretary of the Department of Education seek your advice in relation to the SO 52 and the production of documents relating to school funding?

KATE BOYD: Not my personal advice, although The Cabinet Office's advice may have been sought. I'll have to take that on notice.

The Hon. DAMIEN TUDEHOPE: So you're potentially unaware of the specific order relating to school funding. The answer came back that the information would have to be provided by way of GIPAA. That would not have been advice that you would have given, would it?

KATE BOYD: I wouldn't have thought so because GIPAA doesn't in any way curtail the power of the Legislative Council to call for papers.

The Hon. DAMIEN TUDEHOPE: In fact, yesterday the secretary, Mr Dizdar, admitted that the response to the SO 52, in which the advice was directed to the member, was that it should be obtained by GIPAA. He acknowledged that that was in error.

KATE BOYD: I think sometimes we have recommended that the informal release pathway under GIPAA is sometimes a helpful one, particularly when members are seeking electronic access to documents, which is not something that is able to be provided to the House.

The Hon. DAMIEN TUDEHOPE: That might be the misunderstanding because I think, by virtue of the size of the document, the production of a physical document would have been very difficult and, because of the nature of how the document was stored, it didn't necessarily lend itself to the production of a physical document. But it should have been produced.

KATE BOYD: I think electronic production or access is able to be provided under GIPAA in a much more controlled and authorised way, I would say, by agencies. We often find agencies going back to members and saying, "We're happy to provide you with a proactive release of this document. You're able to come to our offices and view an electronic version of the document."

The Hon. DAMIEN TUDEHOPE: This is obviously an area we have traversed before, and I know you have a view. In terms of the amount of documents that are being sought, you've always had a view in relation to

CORRECTED

that. Are you of the view that we should be moving now towards the electronic production of documents rather than the physical production of documents?

KATE BOYD: I think there are definite advantages to electronic production in terms of efficiency and transparency, but I would note that there are countervailing privacy, security and other concerns like that that would need to be really carefully thought through, given the volume, nature and sensitivity of the information that is currently provided to the House under Standing Order 52. If there were appropriate controls and security over those documents, and we could ensure that they were no less secure than they are when they are held by government, I think we would have no qualms about proceeding with electronic production, but at this stage that is not the environment.

The Hon. DAMIEN TUDEHOPE: But it could be done, couldn't it?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: I know when I was on the other side of this equation and you were providing the previous Government with advice, those opposite—of which Bob Nanva wasn't a part at the time—were seeking to ask exactly the same questions that I'm now asking. The same concerns were being raised in terms of making sure that privacy and confidentiality was adequately secure. It can be done though, can't it?

KATE BOYD: Yes, and we've been working really closely with the Clerk's office to ensure that they understand what level of security protocol we would insist on before we provided electronic access to State papers. There has been a really good dialogue, as there always is, between The Cabinet Office and the Clerk's office on this issue. I think the challenges are that that would require a significant uplift in the infrastructure of the Parliament in order to ensure that there's a secure portal for members to view the State papers. Given the cyber risks, foreign interference risks and privacy, there are a lot of reasons why that would need to be carefully done before we opened up electronic access to Standing Order 52.

The Hon. DAMIEN TUDEHOPE: Except that a lot of these documents are currently held electronically in the relevant departments from whom they are being accessed. What is now occurring, of course, is that the order for the papers is made, the departments go away and then produce thousands of documents—sometimes, though not often, because we're very scrupulous about that and we are targeted in terms of the papers we seek. We don't go on fishing expeditions and those sorts of things. But the process at the moment is moving from electronic versions, as they're currently held, to producing the paper, and then all the work that entails. Often the argument about Standing Order 52 is the amount of departmental time that is taken up complying with the order.

KATE BOYD: I acknowledge that the manual printing of documents is a hugely inefficient process, but we would have to ensure that the information was as secure as it is when it is held in departmental systems when it goes to the House.

The Hon. DAMIEN TUDEHOPE: If I was to ask you for some sort of timeline about a situation where documents could be produced electronically, what am I looking at?

KATE BOYD: I think you'd have to direct that question to the Clerk's office and understand where they're at in terms of their systems. It's really their systems that need to facilitate that.

The Hon. DAMIEN TUDEHOPE: That may require some additional funding, would it, to upgrade that infrastructure?

KATE BOYD: It may.

The Hon. DAMIEN TUDEHOPE: I think what you're suggesting is that the software attached to it would potentially need—have you been able to identify the software which would give the requisite level of privacy and security?

KATE BOYD: I can take that on notice. I don't think it's one single bit of software; I think it's the whole infrastructure around cybersecurity that we would really be looking at. There are some objective standards for that that we have shared with the Clerk's office over the years as to what we would look for before the Government would entertain electronic production.

The Hon. DAMIEN TUDEHOPE: Memorandum M2015-05, relating to the publication of ministerial diaries and release of overseas travel information, is still in force, is it not?

KATE BOYD: It is.

The Hon. DAMIEN TUDEHOPE: There are a couple of things about that. That's a mandatory compliance document, is it not?

CORRECTED

KATE BOYD: That's correct.

The Hon. DAMIEN TUDEHOPE: I noticed that it was issued on 30 September 2015. Were you involved at that time with the production of this memorandum?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: It was due for review on 30 July 2024.

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Is that currently taking place?

KATE BOYD: I don't know that it was due for review, but I think—

The Hon. DAMIEN TUDEHOPE: It says, "Review date: 30 July 2024".

KATE BOYD: I would have to double-check that. I don't know that that's accurate in terms of the government review. I think on the ARP system there is always a notional review date for the internal business unit that's responsible for the memo to check that it's still relevant and valid. It's not like a government review of the issue.

The Hon. DAMIEN TUDEHOPE: I accept that. Has the internal review—

KATE BOYD: I can take that on notice and check, but it is generally the practice after an election that we would present all of the current memoranda to the Premier and seek the current Government's endorsement of the existing administrative requirements.

The Hon. DAMIEN TUDEHOPE: There are various things that are required in relation to the publication of diaries, but it includes the nature of the meeting, does it not?

KATE BOYD: No. You have to list the organisation and the purpose.

The Hon. DAMIEN TUDEHOPE: And the person who is attending the meeting?

KATE BOYD: I think, if you're attending a meeting with someone in a private capacity, you list the individual. But if it's with an organisation, you list the organisation.

The Hon. DAMIEN TUDEHOPE: It provides this:

The published diaries should include details of all scheduled meetings of a Minister involving the discussion of a matter that may be considered by the Minister, whether formally or informally ...

A meeting which was recorded as "a meeting with ATC, meet and greet"—does that comply with this disclosure document?

KATE BOYD: I think, if you look a little bit further up in the memo, it just says "the organisation and purpose", and then the section that you read out is really going to the kinds of meetings that need to be disclosed.

The Hon. DAMIEN TUDEHOPE: Then—you're obviously very familiar with this document:

Ministers must publish summaries ... in the attached form ... one month after the end of each quarter.

And that's a document which we do have. But then:

The summary should disclose the organisation with whom the meeting occurred (or, if an individual is attending in a personal capacity, the name of the individual) and the purpose of the meeting.

KATE BOYD: That's correct.

The Hon. DAMIEN TUDEHOPE: Do you say that the diary entry for 30 October 2023, relating to the meeting with the ATC, complies with this?

KATE BOYD: It lists the organisation, and it says that the purpose was meet and greet. So it would appear to satisfy those two requirements, yes.

The Hon. DAMIEN TUDEHOPE: So you would say that "meet and greet" was sufficient to cover a discussion relating to an unsolicited proposal relating to the redevelopment of Rosehill racecourse.

KATE BOYD: I won't express an opinion about the quality of the disclosure, but I will say that the memo requires the organisation and the purpose, and the level of detail that the Minister wishes to go into is really a matter for the Minister.

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The Hon. DAMIEN TUDEHOPE: Does someone in your office actually review the diary publications before they are actually produced?

KATE BOYD: No, that would not be our role. No. I think the Minister's office maintains the Minister's diary.

The Hon. DAMIEN TUDEHOPE: So it would be a ministerial responsibility to cover that material.

KATE BOYD: Yes, I would think so. We're always available to provide advice on the interpretation of memos and circulars, but we would not generate the return or review it, no.

The Hon. DAMIEN TUDEHOPE: Mr Draper, you were involved in the issue of the circular relating to the return to work of people in various departments who had been working from home or, as I call it colloquially, the working-from-home memorandum?

SIMON DRAPER: Yes, I was. I just don't use the term "return to work", because that's got another meaning to it. People who are injured—

The Hon. DAMIEN TUDEHOPE: You're quite right. It's the back-to-office requirement. Did you have consultations with various departments before issuing the circular?

SIMON DRAPER: Yes, we had a number of discussions with secretaries. We have a secretaries board, and we discussed that for quite a long time, probably over the course of, probably, eight months on and off, before we settled on an approach.

The Hon. DAMIEN TUDEHOPE: Before you settled on the actual release of—

SIMON DRAPER: Circular. Correct.

The Hon. DAMIEN TUDEHOPE: Did the various department secretaries disclose to you the numbers of people that they had who, in fact, were working less than three days or more in the office?

SIMON DRAPER: No. I never asked for that. It wasn't really the nature of the discussion we were having.

The Hon. DAMIEN TUDEHOPE: There must have been some disclosure of the issue which gave rise to the issuing of the memorandum because, clearly, there was dissatisfaction with a number of people who had elected to use this very flexible arrangement in relation to their working arrangements. So you must have a concept, in your mind, that there were too many people not working in the office.

SIMON DRAPER: There were two considerations. One was consistency across government. Clearly, we have a body—actually, the majority—of people who work in the public sector, who can't work from home at all. That's one thing. Then a number of departments over the years—

The Hon. DAMIEN TUDEHOPE: That's 85 per cent, I think.

SIMON DRAPER: That's right. A number of departments over the years had had their own approaches to people who could work from home and how much they would work from home. So there was the question of consistency across the government sector, and the second thing that brought this up to my mind was really a discussion about what our approach would be to office accommodation, how much office accommodation we'd need, and we couldn't really settle that matter until we had a view about what sort of work patterns we'd expect of people. They were the two considerations, but I never asked the secretaries for information about the number of days people were working in the office on average or as a distribution.

The Hon. DAMIEN TUDEHOPE: Then, how do you gauge success?

SIMON DRAPER: I don't need to gauge success. What we—

The Hon. DAMIEN TUDEHOPE: You must have the number of people who are actually rearranging their work lives to comply with the memorandum.

SIMON DRAPER: It's just like any other condition of employment we have or any other policy that we have. We set an approach, and then it's up to each organisation, each team in those organisations to then manage that, have the discussions with the people who work in those teams and then apply that within their own workplaces.

The Hon. DAMIEN TUDEHOPE: The manner in which the media reported this after the issue of the circular was that that would happen the next day. But that was never your intention. Is that what your understanding is?

SIMON DRAPER: I've said that in the media myself, that—

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The Hon. DAMIEN TUDEHOPE: I've heard you on the media.

SIMON DRAPER: Yes. It was never going to happen that we issue the circular one day and at midnight the next day people would have to change their work practices.

The Hon. DAMIEN TUDEHOPE: But you agree with me that some of the media reporting and the announcement relating to this was that it was an immediate requirement that those people who are not working three days would, in fact, come back to the office.

SIMON DRAPER: I haven't carefully reviewed all the media, but I think there were some that gave that impression. But that didn't come—anyone who read the circular itself probably wouldn't have got that impression.

The Hon. DAMIEN TUDEHOPE: What is your expectation, then, of the rollout by each of the individual departments, of compliance with this circular? Would you expect compliance by the end of this year, by some time next year? Was that part of the discussions which you had with the various secretaries, relating to how it would be implemented?

SIMON DRAPER: I think the expectation is all departments and agencies are working to implement this circular. What it requires—to go back to the first part of your question—is that agencies develop their own policies that meet the requirements of the circular. Our own departments—the Cabinet Office and the Premier's Department—have collectively done that. We've prepared a draft policy. We've issued that to our staff about a week ago, and we're consulting on it. We've got about another three weeks to run on that consultation.

The Hon. DAMIEN TUDEHOPE: In relation to your own department, how many people, staff, do you say this impacts?

SIMON DRAPER: I think it impacts all staff.

The Hon. DAMIEN TUDEHOPE: No. So you say all staff are working—

SIMON DRAPER: Close to all staff.

The Hon. DAMIEN TUDEHOPE: There is a component of them working from home more than three days.

SIMON DRAPER: No. We would have staff who can't—it's not a question of three days. There's nothing in any of the documents that we've issued, either the circular, the policy or any statement I've made, that refers to three days. That's not what it refers to. We would have people in our department, in the Premier's Department, at least—I'm not sure about the Cabinet Office—people who cannot work from home. Their duties require them to be at a workplace as a fundamental requirement. There would be others—most other people have had some degree of access to working from home. In fact, as you know, we were all commanded to work from home during COVID, and then, when those public health orders were lifted, the different agencies had different approaches, and different individuals also had different approaches. Everyone's made that work.

I'm not at all critical of the public service—just the opposite, actually. I was in the public service at that time, and you were in government at the time. I think we can all be proud of what the New South Wales Government achieved during that period. That's not the reason we're doing this, but we haven't got any reservations about particular individuals or anything of that nature. We just have an expectation that this applies to all staff and that that be discussed in teams as to how they will apply it.

The Hon. DAMIEN TUDEHOPE: Is there any process, though, that you're adopting for the purposes of assessing how this is actually going and the number of people who are impacted by this decision and who will have to alter their current working arrangements?

SIMON DRAPER: The two things that I think we will keep an eye on: firstly, implementing our own policy in our own departments, which, as I said, we're working on; and the second would be that other departments also implement their own policies. We don't need to micromanage that process. They've got their own secretaries or agency heads who will do that. They are the measures that we will apply.

The Hon. DAMIEN TUDEHOPE: How will you know about additional office space, for example, that you may need? That was part of the discussion which you identified as having been had with secretaries prior to the issue of this circular. How do you know, without knowing how many potential staff that it impacted, how much additional office space you may or may not need?

SIMON DRAPER: I think once the policies have been implemented and agencies have had an opportunity to go through their own implementation plans, we will have a much better idea of whether it impacts our needs for office space or not. We're a long way from having fully utilised the office space we have, and it's quite possible that we will be able to more effectively utilise that office space as well. As part of our consultation

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process with our staff, we have already had some really great suggestions about approaches that allow people to better book their workplaces for the day. That also helps people who have caring responsibilities so they don't have to rush into the office in the morning to secure a desk. They can drop their kids at school or other things that they might need to do. Once those things are rolled out and policies have been implemented, we'll have a much better idea, but that won't be for many, many months.

The Hon. MARK LATHAM: Ms Boyd, if I can ask some questions stemming from the major involvement of The Cabinet Office with the development of the Rosehill unsolicited proposal. The Premier earlier today was critical of the traditional bottom-upwards development application process where he said there are a thousand different hoops for applicants to jump through. It seems like this Rosehill USP has been developed as a new way of getting housing moving in Sydney. Can I ask, is there any barrier to a company like Lendlease or Mirvac lodging an unsolicited proposal for major housing development in Sydney?

KATE BOYD: No.

The Hon. MARK LATHAM: They would just need to meet the guidelines set out in the USP document that's available on the website—the three major criteria being it's unsolicited, there's a commercial benefit to government and it's unique?

KATE BOYD: Yes, the uniqueness criteria would be the most significant area.

The Hon. MARK LATHAM: What's unique about Rosehill?

KATE BOYD: I think the fact that the ATC has quite a substantial landholding is probably one of the criteria but, again, the Government has not seen any proposal from the ATC so we don't know what they will be saying in terms of uniqueness.

The Hon. MARK LATHAM: Haven't they lodged the first stage?

KATE BOYD: Sorry, I haven't personally seen that proposal.

The Hon. MARK LATHAM: Mr Draper, what's unique about Rosehill as specified in the ATC first stage?

SIMON DRAPER: Ms Boyd is on to it. The scale of the housing supply that can be generated from that site coinciding with the fact that we have a metro line running directly underneath that site—you don't find that very often. That has been evaluated in stage one as potentially bringing a great benefit to New South Wales. That is being now re-examined as the details are worked through in stage two.

The Hon. MARK LATHAM: But it's not the first time a racecourse in Sydney has been converted into housing, is it? It's far from unique when you look at Rosebery, Kensington, Harold Park and many others. It has happened on many occasions over many decades, hasn't it?

SIMON DRAPER: None of them had a new metro line running through them as far as I'm aware.

The Hon. MARK LATHAM: There's no guarantee of a metro station, is there?

SIMON DRAPER: There's no guarantee about any of it. It's a process. A proposal has been submitted by the ATC. It has been evaluated in stage one as having merit. It has been approved to go to stage two. There are a number of elements to that proposal. They all have to be worked through, and the metro line and the metro station itself are clearly a part of that.

The Hon. MARK LATHAM: What's the commercial advantage to government?

SIMON DRAPER: That's not actually one of the criteria in the guidelines.

The Hon. MARK LATHAM: Are you sure?

SIMON DRAPER: There's value for money, uniqueness and alignment with government objectives. Commercial benefit or commercial advantage is not one that I recall.

The Hon. MARK LATHAM: Isn't that covered by value for money?

SIMON DRAPER: Not the same thing exactly.

The Hon. MARK LATHAM: What's the value for money for government given there's going to be billions of dollars of extra expenditure in providing facilities for 25,000 new dwellings plus a metro station?

SIMON DRAPER: I think the Premier kind of alluded to this this morning. If we build a piece of infrastructure like the Sydney Metro West project and we put in a new station, the number of homes that can be

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located around that station, either a couple of thousand homes or it could be up to 25,000 homes, that's where we evaluate the public benefit associated with that.

The Hon. MARK LATHAM: That's not value for money for government, is it? It's extra expenditure.

SIMON DRAPER: No, it is. That's exactly the sort of thing that gets evaluated in those criteria.

The Hon. MARK LATHAM: Ms Boyd, what was the circumstance by which William Murphy, the acting head of The Cabinet Office, developed this position paper on 6 November, the Project Wattle transaction options analysis?

KATE BOYD: I think you'd have to ask him that. I can't speak to that.

The Hon. MARK LATHAM: You're not familiar with that?

KATE BOYD: No.

The Hon. MARK LATHAM: Could you take it on notice as head of The Cabinet Office to find out how The Cabinet Office produced this document and where it came from?

KATE BOYD: Yes.

The Hon. MARK LATHAM: I'm told that it came from Mr Minns wanting this assessment made. In his risk document for "Option 3 Unsolicited Proposal", he writes:

Probity risk – perception that NSW Government is engineering an unsolicited proposal for a Government-driven transaction.

That's more than a risk, isn't it? That was the reality of how this came about.

KATE BOYD: I wouldn't comment on that. I'm not familiar with that document.

The Hon. MARK LATHAM: Mr Draper, Mr McMahon told the—

SIMON DRAPER: Can you read that out again, please, Mr Latham?

The Hon. MARK LATHAM: Yes. Mr Murphy wrote:

Probity risk – perception that NSW Government is engineering an unsolicited proposal for a Government-driven transaction.

SIMON DRAPER: Yes, it's about the perception.

The Hon. MARK LATHAM: But that's the reality, isn't it, given that—

SIMON DRAPER: The reality is that unsolicited proposals almost always come about through discussions between government and proponents because we won't consider proposals that don't align with government priorities. It's absolutely pointless for a proponent to just lodge something out of the blue without having spoken with government about it. That's the reality. I don't know what was in Mr Murphy's mind when he wrote that, but certainly there's clearly a risk of a perception of that because it's a risk that you've raised many times with me.

The Hon. MARK LATHAM: Mr McMahon from the ATC has told the select committee that the idea came up in meetings with government officials in August and October of last year where they said, "If you want a metro there, you're going to have to have 40,000 people living on the site." And that of course logically requires the sale of Rosehill for housing development. The solicitation of this came from government, didn't it?

SIMON DRAPER: No, I think you're conflating a couple of things. The ATC may have liked to have had a train station or a metro station at Rosehill to service the racing activities at Rosehill. The feedback they would have received was that that was simply not sufficient demand under that scenario for us to warrant us building a station there. But what we're really after in many locations is more housing. In fact, the Government had already I think at that point been very clear that it was pursuing housing development around transport hubs, the new Transport Oriented Development. That makes perfect sense that they would have formed that impression.

The Hon. MARK LATHAM: How can it be an unsolicited proposal if Mr McMahon and the ATC had never heard of the concept of unsolicited proposals until Mr Murphy recommended it in this document on 6 November?

SIMON DRAPER: Again, that is absolutely normal. People come to government all the time with ideas. We don't expect every person in the private sector or non-government sector to know all of our policies. They come to us, they have a proposition they want to pursue and it's standard for us to provide advice about the best way to pursue that. If there's no current process where we're going out and actively procuring something and

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someone has a proposal they want to explore further, that comes down to direct dealing, and we have an unsolicited proposals policy which allows them to put a proposal to us and it be considered in an arms-length way.

The Hon. MARK LATHAM: Mr Draper or Ms Boyd, are you aware of any legal advice that has been produced for the Premier regarding the probity risk that Mr Murphy identified?

KATE BOYD: I'll have to take that on notice but there is a probity adviser under the guidelines.

SIMON DRAPER: There's a proposed probity adviser who is appointed—

The Hon. MARK LATHAM: It's not O'Connor Marsden?

SIMON DRAPER: It is O'Connor Marsden.

The Hon. MARK LATHAM: Who else? Of course. They get every job because they produce what government wants.

SIMON DRAPER: I won't comment on your assertion there. We obviously provide advice to the Premier, directly, ourselves. We've advised him how the unsolicited proposal guidelines worked, and he was perfectly happy with that.

The Hon. MARK LATHAM: From your earlier comments, Mr Draper, this is not really unsolicited, is it? The Government came up with the idea through its officials in discussion with Mr McMahon and then recommended the USP process. It's a misnomer to call it unsolicited; these are just proposals.

SIMON DRAPER: No. I said just the opposite. I said it seems to me a perfectly normal process for these things. What unsolicited refers to is the Government hasn't prepared documentation, issued to the market a request for proposals and then sought responses; that would be a solicited proposal. This is something that has been put forward by proponents after discussions with government to test whether there would be an appetite within government. That's absolutely normal for unsolicited proposals. I have seen many over the years, and that's how they all work.

The Hon. MARK LATHAM: So it's possible to have an unsolicited proposal lodged by an organisation that hadn't heard of unsolicited proposals until the Government told them to do it that way.

SIMON DRAPER: I have already explained that the way that generally works is those proponents are referred to public service officials who are very familiar with those processes and they receive advice on how to go about it. In fact, the guidelines have a preliminary stage which specifically suggests that the proponents do that so that they can understand the process and whether their proposal has any chance of proceeding.

The Hon. MARK LATHAM: Mr Draper, are you on the assessment panel for the USP?

SIMON DRAPER: I'm not on the assessment panel. I'm on the steering committee that governs it.

The Hon. MARK LATHAM: How does the steering committee consider this with an independent assessment of the merits or demerits of the proposal, given that the Premier has repeatedly said he wants it to happen?

SIMON DRAPER: There is an assessment panel as well. The value of the unsolicited proposal guidelines is it creates a separation of roles. There's an assessment panel, who assesses it for all the merits against the guidelines and procures advice if necessary to do so. That assessment panel makes a report to the steering committee, who also tests that. A report is made to government to consider that. There's a number of steps required, each undertaken by different parties.

The Hon. MARK LATHAM: Are each of those steps aimed at meeting the Premier's public statements that it should happen?

SIMON DRAPER: No.

The Hon. MARK LATHAM: What's the difference?

SIMON DRAPER: I beg your pardon?

The Hon. MARK LATHAM: If the Premier has said it should happen, isn't it the job of the public—

SIMON DRAPER: The Premier gave his own evidence this morning on that, which was if government's objectives can be met and the members of the ATC vote in favour of it, then it may happen. But it's also possible it may not happen.

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Ms ABIGAIL BOYD: Good afternoon to all of you. I'll start with you, Ms Boyd, just clarifying something you were saying in response to Mr Tudehope's questions about the provision of documents electronically. Were you only referring to privileged documents or were you referring to all of the documents?

KATE BOYD: No, the discussions we've been having with the Clerk have been on the basis that we would move to full electronic disclosure, subject to appropriate security.

Ms ABIGAIL BOYD: Because you would presume, then, that there would be a different circumstance when it comes to the non-privileged documents, which are notionally public and are supposed to be viewable by anybody. We wouldn't need the same level of security around the provision of those in an electronic form, would we?

KATE BOYD: Our view would be that you still do need some. I think physical access by members of the public is very different in terms of security risk, particularly on matters like foreign interference and misuse of official information, than having all those materials together on an online platform. The ability to piece the huge volume of non-privileged government material together in that way—there would still need to be some management of that, we would think. But, yes, the privileged information is clearly the most significant in terms of the protections that would need to apply to that.

Ms ABIGAIL BOYD: That's interesting, because I think we've always imagined that once a document is released in a public way, in an SO 52, it was only a lack of technology that had stopped the public being able to then access it freely. I actually quite like the idea of the media, for instance, being able to quickly access that information in electronic form. Are we only talking about foreign interference that's the issue here?

KATE BOYD: No, I think the issue for the House is to consider the public interest for and against mass publication of government material over a really long period of time, particularly in circumstances where privilege claims are not generally upheld by the House. I think those are really the issues that we'd be asking the House to consider before moving forward.

Ms ABIGAIL BOYD: For the non-privileged information that there's been no reasons found to put privilege over them, let alone the ones that then privilege gets taken off—for those ones where the department has originally decided to put them out, it's a bit of an interesting position to say they're not actually public and it's only if you take that extra step to come in here that we'll let you look at them.

KATE BOYD: I think some of them are actually published on the Parliament's website. I'm not sure how that decision gets made, but some returns of non-privileged material are published online. I think the distinction I'm drawing is between assessing the public interest harm in producing or publishing a single document in isolation is very different from the kinds of considerations you might need to think about when you're considering mass production of years and years of government data and information. I think there are risks with that that are different from just the publication of a single non-privileged document in isolation. But those are matters for the House, and we'll keep working really closely with the Clerk's office to facilitate this because there are huge efficiency gains there, as well, that we see.

Ms ABIGAIL BOYD: I know that we have to go through that process of scanning the documents and then we have them in electronic form, and now there's software that very easily converts all of that scanned stuff into easily searchable and readable formats anyway. It sounds like there's a reluctance to embrace a new technology because we quite like the hurdle of having it in physical form.

KATE BOYD: I assure you, I do not love the hurdle of printing and carting thousands of pages of documents to the Legislative Council. Obviously the Government Information (Public Access) Act puts an obligation on all government officials to promote open access to government information, and we're very mindful and supportive of that.

Ms ABIGAIL BOYD: It's not open access, though, if people can't get to it.

KATE BOYD: We are working with the Clerk's office to move forward on this.

Ms ABIGAIL BOYD: I'll keep an eye on that. Minister Jackson announced an agency for youth, and I understand some work has been done. Are you able to give us an update of where that is in terms of it being a kind of machinery of government change?

KATE BOYD: I think I'll have to take that on notice. It might be a better question for the Minister for Youth at this stage, but we can take that on notice.

Ms ABIGAIL BOYD: And then lobbying—I know that there was an article in *The Sydney Morning Herald* the other day about how ICAC had written to the Premier asking about what was being done to implement

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the recommendations of a prior report that the Labor Government had agreed to implement, and still hasn't. What is the current state of reforms around lobbying?

KATE BOYD: Operation Eclipse, I believe, is the report that you're referring to. I think that was delivered by the ICAC back in 2021. The then Government received it and put out a response saying that they would support it and consider implementation. That process is ongoing with the new Government as well, who has also expressed support in principle for integrity reform in the lobbying space. But the detail is very fraught. It's a very extensive report with a lot of implementation issues, I would say. We're working very closely with the Special Minister of State to provide advice on how that can move forward, so it's ongoing.

Ms ABIGAIL BOYD: I understand it's not your decision to make, but it would seem to me that there are elements of that report and those recommendations that are pretty easy to implement. I understand the previous Government didn't want to do this either. Do we have any timeline for when the current Government is going to roll out changes?

KATE BOYD: All I can say is that it's ongoing, and we continue to provide advice on the options for implementation.

Ms ABIGAIL BOYD: When it comes to lobbyist passes—this is something I've raised before in these estimates, where lobbyists are given security passes. They can walk around this Parliament. I've had them come into my office when the door's unlocked to say hi. I'm like, "How did you get in here?" When you go to find out who's a lobbyist and who's got a pass and who has sponsored that pass, that information is not available even for members. A very basic thing would be to at least require those lobbyists to have a different coloured pass to, for example, the special constables, which currently have the same coloured pass. Are those sorts of things being dealt with or are they purely within the realm of the President and the Speaker?

KATE BOYD: I would say so. I would definitely suggest that that sort of submission be made to the Speaker and the President and that we don't have any policies or other control over the security passes to access the parliamentary precinct. I am conscious that the Chief Commissioner of the ICAC has made some comments about this publicly, and it might be something you want to raise with him this afternoon. But I think he erred on the side of saying, "I'd rather they meet in a formal office in Parliament than somewhere less professional."

Ms ABIGAIL BOYD: Sure, but I'd rather they turn up to the reception like every other guest that I have, and then there's a record of them being here, and they don't just walk the halls with access to any MP that they like. From a Premier's perspective, and a Premier's Department and Cabinet Office perspective, are there any guidelines that could be issued right now that actually put in place something saying, "If you're to meet with a lobbyist, they can't just have a pass. They need to actually have registered with the front desk"? Presumably that is within the capacity of the Premier to do.

KATE BOYD: I'm not sure that the Premier could. I think he could certainly do it for Government members, but I'm just not sure that we have the jurisdiction over the parliamentary precinct, given that there's an Act that prevails in relation to that precinct, to implement those sorts of changes.

Ms ABIGAIL BOYD: But the Premier could set a standard here and actually say, "Well, at least for Ministers, we're going to make sure that any lobbyist that come to see us, it's going to be completely transparent and they'll come through and actually register at the front desk like everyone else"?

KATE BOYD: I think it would be open to all parties to take voluntary steps if they wish to do that.

Ms ABIGAIL BOYD: Sure, but the Premier has that capacity over Ministers to issue that direction?

KATE BOYD: Potentially, yes.

Ms ABIGAIL BOYD: Okay. I understand what you're saying about the passes. In terms of, then, the direction that Mr Tudehope was referring to before about the definitions and what you need to say in a ministerial diaries perspective, I've spent the last week going through most Ministers' diaries and it's pretty patchy, depending on—like, who's saying what about what. For example, sometimes there are company names that are just abbreviated to two initials that could wherever refer to 200 company names. Where's the accountability for those disclosures?

KATE BOYD: I would say the Ministers are accountable for compliance with that memo. If you have concerns about the quality of disclosures, it would be open to you to raise those with the Minister.

Ms ABIGAIL BOYD: Is there consequence?

KATE BOYD: The Premier's memos are binding, and I think all Ministers are expected to comply with them.

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The Hon. DAMIEN TUDEHOPE: Can I take you, Mr Draper, back to the assessment panel. Who is on the assessment panel for us, beside yourself?

SIMON DRAPER: I'm not on—just to clarify, I'm on the steering committee. I'll step through it. The steering committee—I've got a note here so I don't forget it. Basically, it's myself, the Secretary of Treasury, the CEO of Infrastructure NSW, and the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport. I think that might be it, but I'll just check—hang on a moment. And then there's an assessment panel.

The Hon. DAMIEN TUDEHOPE: Yes.

SIMON DRAPER: Give me one second, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: You'll excuse me if I just don't understand exactly how this process is going to work. I probably should have had the document before me.

SIMON DRAPER: That's okay. So the steer co is the Secretary of Transport; the Secretary of Treasury; the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport; and the CEO of Infrastructure NSW. Then there's an assessment panel, which comprises more or less the same organisations but at a less senior level. They might have some additional members as part of the assessment panel.

The Hon. DAMIEN TUDEHOPE: What is the role of the steering committee?

SIMON DRAPER: As I was discussing with Mr Latham, the whole idea of the unsolicited proposals process is to have separation of advice and decision-making. The assessment panel is getting into the detail of the assessment and the discussions with the proponents. The steering committee is setting the ground rules for that and making sure that the work of the assessment panel is undertaken in a diligent manner and in accordance with the guidelines. And then there's decision-making at a government level once those assessments have been made.

The Hon. DAMIEN TUDEHOPE: We've heard a lot of evidence this morning that this is a proposal which will not proceed unless it is agreed to by the members.

SIMON DRAPER: I think that's self-evident. Unless both parties agree—yes.

The Hon. DAMIEN TUDEHOPE: The Premier was at pains to actually stress that that is the absolutely pre-eminent condition relating to this proposal. When the proposal came into your office, or to the steering committee, why isn't it that the first question you would ask is does this proposal meet with the approval of your members before you did any work whatsoever on it?

SIMON DRAPER: I think the ATC had a view that it would meet with the approval of their members. They at least thought there was a high probability of that. I believe—look, I wasn't that involved in the stages when this all happened, but I understand they have a governing board and they discussed it at that level before it ever came to government, and that the proposal that was ultimately lodged with government was lodged in March, many months after it was publicly announced that there was a consideration of such a proposal and that that had been approved by the governing bodies of the ATC. It wouldn't have been a precondition for us to say, "You have to have taken the whole thing to a vote with your members." I'm not sure what they would put to a vote because the proposition that they could put to a vote hadn't yet been negotiated with government. They need sufficient detail. It would be very unfair to the ATC members to be asked to vote on something where there was no real detail of what they were voting for.

The Hon. DAMIEN TUDEHOPE: There's a proposal which has been lodged as an unsolicited proposal. Why wouldn't it be the case, "At least this proposal should have been put to the members before we consider it further"?

SIMON DRAPER: Every organisation has its own governance arrangements. As I understand the rules of the ATC, or the constitution, the element that needs to be put to the members in order to proceed is the disposal of the land at the Rosehill; the other elements don't require that. Like most organisations, there are powers given to directors and the board to make decisions for their organisation. That's the one element that they need to put to members, as I understand it. It would be very hard for those members to really form a considered view on whether they want to proceed with that until they knew the whole proposition that was being put to the ATC.

The Hon. DAMIEN TUDEHOPE: But we do now know, though, don't we?

SIMON DRAPER: No, we don't.

The Hon. DAMIEN TUDEHOPE: Well, the ATC had a proposal before the board members even knew about it, it appears to me. In terms of governance—

SIMON DRAPER: We got a proposal in March. That's when we got a proposal. It was many months—

CORRECTED

The Hon. DAMIEN TUDEHOPE: But in terms of governance, you accepted the proposal—

SIMON DRAPER: In March.

The Hon. DAMIEN TUDEHOPE: —allegedly on the basis that there was a high probability that it would be approved.

SIMON DRAPER: A significant probability—a possibility, yes.

The Hon. DAMIEN TUDEHOPE: How did you form that view?

SIMON DRAPER: The view was—well, because the governing body of the ATC provided that view to us, and they had done their own approvals internally to present it. It was always clear—

The Hon. DAMIEN TUDEHOPE: Is there a document which evidences that?

SIMON DRAPER: —that the ultimate decision of the sale of the land, as we understood it, was that it would have to be put to a vote of the ATC members. That was very clear.

The Hon. DAMIEN TUDEHOPE: Is there a document which evidences the view of the ATC board that there is a high probability of approval by the ATC members?

SIMON DRAPER: Probably not. The phrase "high probability" is a phrase that I have used now, but the view of the ATC was that it was a proposition that they thought they would like to proceed with; otherwise, they wouldn't have lodged the proposal.

The Hon. DAMIEN TUDEHOPE: I'm not so sure. If you had formed the view that it was a low probability of approval by the members, then wouldn't you take the view, "I'm not going to do any more work on this because there is very little probability that this is going to be approved by the members"?

SIMON DRAPER: Mr Tudehope, every single proposition that comes to government at some point—you don't know whether the party you're dealing with is going to be able to follow through for a whole range of reasons. It's way too early at stage one of an assessment process to say to another party, "We don't think you're going to be able to do this." We need to get much further into the process before we can make that judgement. It's really in stage two when we flesh out the details of a proposal. We understand what's being asked for in detail, what's possible, before we can put back to government. By the time we go back to government, if we were to go back to government, and say we can proceed, we would have a much stronger idea of what the terms of the deal would be and, secondly, the likelihood of it proceeding.

The Hon. MARK LATHAM: Could I jump in and say at page 10 of your guidelines for unsolicited proposal, Mr Draper, the Government has got to be sure that the proponent has the capacity to implement and carry out the proposal.

SIMON DRAPER: Yes. We formed a view—

The Hon. MARK LATHAM: I can absolutely guarantee you, as long as my backside points to the ground, there is no way in the world the ATC membership are voting for this. They see it as a shambles, a debacle at leadership level. The board is split 3-4. You only need one director to flip and they will call the whole thing off. Why wouldn't the Government have an assurance that the ATC has the capacity via a membership vote that the membership wants to go ahead, as you're legally required to under the Registered Clubs Act, before wasting the time of your steering committee with all these high level bureaucrats, your assessment panel, all the money that is going to be spent and time wasted on something that, and I'm telling you, is a complete dead duck?

SIMON DRAPER: Mr Latham, I hope you'll forgive me for saying that I don't think we can rely on your view about what the ATC members are going to vote when it comes to that vote.

The Hon. MARK LATHAM: Why don't you ask the ATC to test it?

The CHAIR: Order!

The Hon. MARK LATHAM: That's what I'm saying.

SIMON DRAPER: As I understand, the ATC will test it. The degree of confidence we need to have about the capacity of another party is proportionate to the stage that the proposal is at. It had been at stage one. It was assessed at stage one that there was sufficient confidence in the capacity of those parties. We knew the types of advisers they were engaging and we knew that they owned the land. We knew that all those elements that we needed to know for that stage, we had sufficient detail for that. The degree of certainty and confidence is proportionate to the stage. Clearly we're not going to get to the point of executing contracts unless we know that the organisation can deliver on those contracts. But we're nowhere near that.

CORRECTED

The Hon. DAMIEN TUDEHOPE: But you would have been aware of a public meeting of the members of the ATC where there was very, very strong opposition to this proposal.

SIMON DRAPER: I had heard of it. I'm not that familiar with it but, as I understand it, there was a public meeting. I think there is something like many thousands of members. I don't think they were all at that meeting.

The Hon. DAMIEN TUDEHOPE: No, they wouldn't have been. But the proposal was canvassed at a meeting of members, and the overwhelming position of the meeting—I wasn't there but as reported—was hostile to the proposal.

SIMON DRAPER: I can see your interest in this, but it doesn't really get us that far. If the ATC members don't vote to do it, it's not going to happen. But we're nowhere near the point where we need to know that with any high degree of certainty. To be fair to those members, they wouldn't even know what they were being asked to agree to until we got much, much further into stage two.

The Hon. MARK LATHAM: Oh, we know. We know.

The Hon. DAMIEN TUDEHOPE: There has been a proposal that has been lodged with you.

SIMON DRAPER: The proposal is a stage one—that's an initial proposal. Unsolicited proposals develop over the course of stage one and stage two. They get down to much finer grain. We flesh out some of the unknowns. The initial proposal is a request by the party that they would like to be considered. It's again at a level of detail proportionate to the stage that it's at. It's not for me to tell the ATC how they should govern themselves, but we're nowhere near a stage where any party or any organisation could go to its members and say, "Here's the thing we're trying to vote on." We're just not there yet.

The Hon. DAMIEN TUDEHOPE: We must be incurring costs in relation to this, are we?

SIMON DRAPER: Yes.

The Hon. DAMIEN TUDEHOPE: Give me an idea about what those costs look like in terms of the work being done to assess the proposal as it currently stands and then go back to the proponent with potential views in relation to moving it forward.

SIMON DRAPER: In terms of the scale of the overall transaction, the costs are relatively low. We're talking about hundreds of thousands of dollars that we're expending on consultants at this stage. If we went all the way to the end of this, we might spend up to a million dollars on advisers, but when you think about the many billions of dollars, as you've mentioned, involved here, I think that's quite a modest cost to the Government.

The Hon. DAMIEN TUDEHOPE: Potentially they are indirect costs. There may be delays in relation to the delivery of the metro?

SIMON DRAPER: No.

The Hon. DAMIEN TUDEHOPE: There won't be?

SIMON DRAPER: No.

The Hon. DAMIEN TUDEHOPE: Not even if proceeding to the next stage involves consideration of the retrofitting of a railway station?

SIMON DRAPER: No.

The Hon. DAMIEN TUDEHOPE: That won't give rise to a delay?

SIMON DRAPER: No.

The Hon. DAMIEN TUDEHOPE: Can I ask you some questions about housing. There is a national target of 1.2 million new dwellings over five years from 1 July 2024 with the Commonwealth. That's correct, isn't it?

GILLIAN WHITE: Yes.

The Hon. DAMIEN TUDEHOPE: And the share for New South Wales in relation to that housing—are you answering these questions? I don't know. Sometimes I get confused about it.

SIMON DRAPER: Ms Boyd.

KATE BOYD: It's alright. We do the policy; they do the delivery.

The Hon. DAMIEN TUDEHOPE: Sometimes I think of Mr Draper in his role in Infrastructure. Ms Boyd, the target for New South Wales is 377,000?

CORRECTED

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: New homes. Under the agreement with the Commonwealth, what is the agreed metric to determine how many new homes will be delivered by each State?

KATE BOYD: Do you mean in terms of, is it completions?

The Hon. DAMIEN TUDEHOPE: Yes.

KATE BOYD: Yes, I think it's completions. Is that right, Marcus?

MARCUS RAY: Yes, it's completions.

The Hon. DAMIEN TUDEHOPE: Does that metric then apply to publicly available information such as dwelling units completed which are tracked by the ABS?

KATE BOYD: Yes, I think—

MARCUS RAY: Yes, it's ABS data.

The Hon. DAMIEN TUDEHOPE: That's the data which will be used for the purposes of New South Wales's compliance.

MARCUS RAY: All States and Territories, yes.

The Hon. DAMIEN TUDEHOPE: And that will include, I take it, all private market, affordable and social housing?

MARCUS RAY: Yes. A broad range of housing, yes.

The Hon. DAMIEN TUDEHOPE: And non-private, including student housing?

MARCUS RAY: I might have to take that aspect on notice. I think there might be some particular rules around—

The Hon. DAMIEN TUDEHOPE: There are some components relating to that. Does it include boarding houses, seniors housing and co-living dwellings? If you can take all those four aspects on, whether it includes that.

MARCUS RAY: Yes, I will take all those.

The Hon. DAMIEN TUDEHOPE: A room in a boarding house, for example, will it be classified as a home for the purposes of 377,000?

MARCUS RAY: I'll have to take that one on notice.

The Hon. DAMIEN TUDEHOPE: Are there guidelines relating to that in the agreement with the Commonwealth, about what they say is going to be—

MARCUS RAY: Yes, there would be, but I don't have them with me.

The Hon. DAMIEN TUDEHOPE: I suppose on a similar basis, a room for student accommodation?

MARCUS RAY: As we have already said, Mr Tudehope, I'd have to take that on notice for those more detailed ones—about those less normal forms of housing.

The Hon. DAMIEN TUDEHOPE: Is the target a net target? For example, if I demolish a house and construct a duplex, will that be recorded as two additional homes or as one additional home, or is that just being too cute to finesse?

KATE BOYD: I don't think you're the first who's asked me that question, but I can't recall off the top of my head how we resolved it.

The Hon. DAMIEN TUDEHOPE: So it has been discussed about whether that would be one or two homes for the purposes of meeting our targets.

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: What is the definition of "well located" within the agreement with the Commonwealth? Is one being applied to the 377,000 home target?

MARCUS RAY: I think it's a broad definition. I don't think it's been subjected to and dissected into a range of different measures per se, but it's a broad definition of what is well located, yes.

CORRECTED

The Hon. DAMIEN TUDEHOPE: It's a broad definition?

MARCUS RAY: Yes. It would take into consideration infrastructure provision, amenity issues and various other things.

The Hon. DAMIEN TUDEHOPE: If it was 200 kilometres from public transport, that might not be one?

MARCUS RAY: Well, not necessarily the case, Mr Tudehope. In regional New South Wales, there might be an additional—

The Hon. DAMIEN TUDEHOPE: There might be other aspects which make it very well located.

MARCUS RAY: There might be other reasons why an additional dwelling would be brought on in a location like that.

The Hon. DAMIEN TUDEHOPE: Can I then just ask you about the \$2 billion New Homes Bonus performance-based fund, which is part of the agreement. Is that only available to States at the end of the housing accord period—that's 2029?

MARCUS RAY: Yes. That's my understanding.

The Hon. DAMIEN TUDEHOPE: The New South Wales Government hasn't received any funding as yet under the \$500 million new housing accelerator. There seem to be new funds for everything. Have we received any funding under that package?

MARCUS RAY: There was some funding that was committed from the Commonwealth the year before last—it was \$600 million in social housing accelerator funding. But I'm not actually fully aware of what the \$500 million aspect of the new home bonus is that you are referring to.

The Hon. DAMIEN TUDEHOPE: Has any application been made under that program for funds?

KATE BOYD: That's the HAF, isn't it?

The Hon. DAMIEN TUDEHOPE: Yes, the HAF.

KATE BOYD: I'm pretty sure there have been applications. We can take that on notice as to what.

The Hon. DAMIEN TUDEHOPE: Have you received any funding as yet under the \$150 million Urban Precincts and Partnerships Program as part of the agreement with the Commonwealth?

MARCUS RAY: I'm going to have to take that one on notice.

The Hon. DAMIEN TUDEHOPE: That's fine.

MARCUS RAY: I'm not aware.

The Hon. DAMIEN TUDEHOPE: My second question was, if you haven't received the funding, have you made any application for the funding?

MARCUS RAY: I'll get you that information.

The Hon. DAMIEN TUDEHOPE: In respect of the Regional Precincts and Partnerships Program, same question: There's a \$400 million program; have you received any funding under it? If no, have you made any application? Again, I assume you want to take that question on notice?

MARCUS RAY: Yes, in relation to those Commonwealth funding proposals I'll have to take that on notice.

The Hon. DAMIEN TUDEHOPE: As part of the agreement, the State Government has issued housing targets to local government areas across the State. Will they be assessed using the same metrics as New South Wales has been assessed under by the Commonwealth?

MARCUS RAY: Yes.

The Hon. DAMIEN TUDEHOPE: Same metrics?

MARCUS RAY: Yes.

The Hon. DAMIEN TUDEHOPE: Good, thank you. As part of those targets, the Government outlined a \$200 million incentive program for local governments that meet and beat their targets. Is that correct?

MARCUS RAY: Yes, that was an announcement in the budget.

CORRECTED

The Hon. DAMIEN TUDEHOPE: So that's similar to the Commonwealth. Will that only be available in 2029 for local government?

MARCUS RAY: I think that's going to be available earlier. But I don't think the details of that package and how it's going to be administered have been announced yet. That's a matter for Minister Scully. You might question him about the details of that.

The Hon. DAMIEN TUDEHOPE: So there may be an opportunity for councils to make early application for some funding in relation to that program?

MARCUS RAY: I haven't seen the details of those guidelines under which that funding is going to be administered, so I really can't answer one way or the other on that.

The Hon. DAMIEN TUDEHOPE: I take it councils can be progressively assessed as to their eligibility for that funding.

MARCUS RAY: Again, all I can say is I haven't seen the details of how that program's going to operate.

The Hon. DAMIEN TUDEHOPE: Is it your office that's responsible for those funding arrangements?

MARCUS RAY: In relation to the local incentive program that you just referred to, that's being administered by the Department of Planning, Housing and Infrastructure.

The Hon. DAMIEN TUDEHOPE: Mr Draper, can I just go back to you with one other thought that just occurred to me? In respect of the costs that are currently being incurred in respect of the assessment of the ATC proposal, why haven't you asked the ATC to meet those costs? It's often the case, is it not, that the proponents who are seeking to have an approval would then at least meet—and not the taxpayer meet—the costs associated with that proposal?

SIMON DRAPER: There may be some circumstances under which we would seek to recoup the costs from them. We always try to get an arrangement where you can get the other party to pay for our costs; it's not that often successful.

The Hon. DAMIEN TUDEHOPE: Wouldn't you at least canvass that with them, rather than—

SIMON DRAPER: Yes, we have, absolutely.

The Hon. DAMIEN TUDEHOPE: —the taxpayer picking up the bill for this proposal and the assessment of it? Then wouldn't you expect the ATC to at least let their members know that this is costing money while this proposal is being considered?

SIMON DRAPER: That's a matter for them.

The Hon. MARK LATHAM: Coming back to the criteria for unsolicited proposal, Mr Draper, there is a provision here, "Return on Investment". The Government has to ask the question:

Is the proposed Return on Investment to the proponent proportionate to the proponent's risks, and industry standards?

Has the ATC provided a credible, professional valuation of what the land is worth to them? We've heard at the select committee the deputy chair of the ATC, Tim Hale, say there's no valuation of \$5 billion that the chair, Mr McGauran, has been using. In fact, the current value of the site is \$1.6 billion, including a metro, and on that basis the ATC wouldn't proceed because they wouldn't meet any of their investment objectives for the future. Have you got an assurance from the ATC with a credible valuation that they do have a "return on investment to the proponent proportionate to the proponent's risks"?

SIMON DRAPER: The assessment process that both yourself and Mr Tudehope have been asking about is the process by which we make that determination. We've got our own advisers to try and form that view, rather than rely on the proponent's own view of that. We make our own assessment. We're not requiring them to provide us valuations. I guess it's not particularly relevant, but I take it that the difference between the valuations that you're referring to relates to land zoned as a racecourse as is, where is, versus land zoned for residential purposes. Clearly, the values would be quite different.

The Hon. MARK LATHAM: No, the latter is \$1.6 billion.

SIMON DRAPER: As residential?

The Hon. MARK LATHAM: As residential. I spoke to a leading developer just last week who said he'd pay half a billion for it.

SIMON DRAPER: Okay. It sounds like he's unlikely to be able to get it.

CORRECTED

The Hon. MARK LATHAM: No, it raises doubts as to what money the ATC might get. It says here:

Where feasible, the proposed rate of return may be subject to independent review or benchmarking—

by the Government. Are you doing that?

SIMON DRAPER: As I just said, yes, that's part of the assessment process and the advisory work that we've engaged.

The Hon. MARK LATHAM: You'll get your own independent assessment?

SIMON DRAPER: Yes.

The Hon. MARK LATHAM: We discussed earlier on the commercial advantages to government. In fact, under the criteria for unsolicited proposals, page 6, dot point 5, under the heading:

Types of proposals that are NOT considered unique and/or proposals that are unlikely to be progressed—

it reads as follows:

- Proposals that do not contain a commercial proposition for the Government.

What is the commercial proposition in this for the Government?

SIMON DRAPER: The potential commercial proposition in this for the Government is to meet some of the housing targets that Mr Tudehope was just asking about and to see if we can defray some of the costs of the metro station, if that proceeds to be built.

The Hon. MARK LATHAM: But overall, won't this cost the Government billions of dollars in extra deficit and debt to build the services that are needed for a community of 40,000, 60,000 people at Rosehill-Camelia?

SIMON DRAPER: As do all—

The Hon. MARK LATHAM: It's not really a commercial proposition, is it?

SIMON DRAPER: As do all developments. The Government provides infrastructure services for all sorts of housing. There are no propositions that are free to government. Every time we build new housing—whether it's on the fringes of Sydney or in a regional city, a regional town, or in established areas in the city—there is a cost to government of providing services and infrastructure to support that.

The Hon. MARK LATHAM: Doesn't the requirement for a commercial proposition indicate that unsolicited proposals are not for land development applications? We've got a planning Act about this thick that is there, longstanding, for land and housing development applications in the New South Wales planning system. Isn't this USP being used as way to shortcut that?

The Hon. EMILY SUVAAL: Point of order: In terms of the line of questioning that Mr Latham is using, I'm concerned that it is straying into the unreported findings of a committee, given that the committee terms of reference for the inquiry into the proposal to develop Rosehill racecourse explicitly set out:

1. That a select committee be established to inquire into and report on the proposal to develop Rosehill Racecourse, and in particular:
 - (a) the unsolicited proposal process including associated probity measures
 - (b) the involvement of the Government prior to the—

and so on and so forth. It includes the role of housing targets. I am concerned with the line of questioning and the established precedent that we've got in terms of not interfering with unreported findings from committees.

The Hon. MARK LATHAM: To the point of order: The honourable member hasn't read Standing Order 231 (2), which states:

- (2) Paragraph (1) does not apply to:
 - (a) any proceedings of the committee that are open to the public ...

All these valuation matters were canvassed extensively in public with Mr McGauran and Mr Hale.

The Hon. EMILY SUVAAL: Further to the point of order: Yes, while I acknowledge that the reporting is in the public domain, there hasn't been a final report from this committee. Attempting to solicit information outside of that process is, whether deliberate or not, interfering with that committee's reporting process. It hasn't been reported on.

CORRECTED

The Hon. CHRIS RATH: To the point of order: If you take the premise that anything before a committee couldn't be assessed in budget estimates, given the breadth of the committee process that we have in the Legislative Council on a wide range of topics, it would set a very dangerous precedent to say none of those matters before any of those inquiries—including the cannabis inquiry that you're chairing, Chair, or the inquiry into alcohol in public places—could be raised at estimates. That would set a very dangerous precedent and stifle debate, the very point of what budget estimates is.

The Hon. BOB NANVA: To the point of order: There is a fundamental difference between raising the unreported proceedings of the committee and asking general questions about the subject matter of an inquiry that's before the committee. My view is that they're very specific references to proceedings before the committee as opposed to asking questions just about the general subject matter of Rosehill, which is entirely permissible under the standing order.

The CHAIR: Thank you for your submissions, everyone. It's a very interesting development that this standing order is being relied upon. But I'm not going to uphold the point of order for the reasons that have been outlined by Mr Latham, and that is that 231 (2) (a) does say "any proceedings of the committee that are open to the public and media". While it is difficult for me to know exactly what was said at a select committee that I wasn't at, I'm going to err on the side of allowing the questions because I think it's in the interests of this Committee and the public interest to allow an investigation into what is a matter of public interest. I understand the point that has been made. I'll keep considering it and get some advice from the clerks. But at this point, I'm not going to uphold the point of order.

SIMON DRAPER: To answer that, if I can remember the end of your question there through all that—

The Hon. MARK LATHAM: Yes, that it's not a commercial proposition for government.

SIMON DRAPER: I think it was about the planning system and the unsolicited proposal.

The Hon. MARK LATHAM: It's a way to circumvent the planning laws.

SIMON DRAPER: Just to make it really clear, unsolicited proposals do not usurp planning systems. Were the Government to enter into an agreement with the ATC about this or any other proponent for any other site, the planning assessment process would have to happen separately and more than likely happen after that happens. For that reason, the department of planning does not play any role in the unsolicited proposal assessment process.

The Hon. MARK LATHAM: What commercial proposition to the Government has the steering committee identified—or the ATC submitted?

SIMON DRAPER: You've become very focused on this idea of a commercial proposition. If you look at that, that's a sub-point of a number of other—is that under the value for money one or the return on investment one?

The Hon. MARK LATHAM: It's the type of proposals that are not considered unique and/or proposals that are unlikely to be progressed.

SIMON DRAPER: Which one are you focused on?

The Hon. MARK LATHAM: Dot point five—proposals that do not contain a commercial proposition for the Government.

SIMON DRAPER: This has got a commercial proposition for the Government. This is saying that they would enter into a financial arrangement with the Government where they would sell the plan—that would be reinvested elsewhere. The Government would potentially receive some returns to compensate for some of the infrastructure that would be spent. That's all on the table.

The Hon. MARK LATHAM: What are the returns to the Government of ATC expenditure?

SIMON DRAPER: Government is not—

The Hon. MARK LATHAM: The ATC builds a new grandstand at Warwick Farm. What's the return to the State Government?

SIMON DRAPER: Government is not a for-profit organisation. The way we evaluate the return to government is partly measured in the benefits to the community.

The Hon. MARK LATHAM: Are you worried that the Save Rosehill group have spoken about a legal challenge to this entire process, given that it doesn't fit the Government's guidelines for USP?

CORRECTED

SIMON DRAPER: No.

The Hon. MARK LATHAM: You're not worried about that?

SIMON DRAPER: No.

The CHAIR: There is no-one else here from the crossbench. I have no questions, so—

SIMON DRAPER: Chair, do you mind if I just do one thing? Mr Borsak is not here, but there was some evidence given—he was asking a question this morning about the completion of the Powerhouse in Ultimo. I think the evidence might have been it was 2025. That's the Powerhouse Parramatta—is 2025. Ultimo is 2027.

The CHAIR: I will allow another five minutes of questions from Mr Latham in the absence of other questions from crossbench members.

The Hon. MARK LATHAM: In a memo written by Rowan Fisher, an executive director in DEIT, on 3 November regarding Project Wattle, he raised a question of what interest ICAC might have in this, specifically the problem of "It's already happened before you say that you're going to start negotiating." Isn't this the problem that he's identifying seemingly inside the bureaucracy—the word was out, "The Premier wants this to happen. We're manufacturing a special USP process"? What's the point in doing a negotiation and an assessment of it given that the head of government has said that it's ticked through?

SIMON DRAPER: I just gave the evidence. I said earlier that it's most common that unsolicited proposals that do proceed often have the support of government. If they don't have the support of government, why would government agree to them? That's extremely common. At that point, the unsolicited proposal process hadn't commenced. But the whole point of the unsolicited proposal guidelines is to align with ICAC's direct dealing guidelines. That's what it's designed around.

The Hon. MARK LATHAM: Why wouldn't the Government say to the ATC, "You want to sell your property for housing? Join the queue. We've got a planning Act here. Facilitate that. You can lodge an application like anyone else"? Why wouldn't that be happening?

SIMON DRAPER: That's quite right. In fact, as you go to your list that you were looking at a moment ago—things that aren't unique. If a property owner with land says, "I want to sell my property. I want to develop my property", there's really no role for government other than the planning assessment process. Then there's no need for that to go through an unsolicited proposal process. In this case, there were at least two very critical elements to the proposition that require government to agree. One is the idea that we would provide a metro station that would support the level of development there. The second is the use of Horsley Park for training and stabling facilities.

The Hon. MARK LATHAM: I don't know what the second point means. But, just going to the metro, you're saying that any landowner surrounding a new metro can lodge an unsolicited proposal and have the same treatment the ATC has received. Within three or four days, you get a meeting with the Premier. Within five days, you get Will Murphy developing a position paper on how you can get this done. Within a few days after that, you're meeting with the metro team.

SIMON DRAPER: Yes.

The Hon. MARK LATHAM: That's how the Minns Government now works?

SIMON DRAPER: Well, not only the Minns Government. I'll give you another example. The metro station at Martin Place that just opened a week or two ago was an unsolicited proposal, where the party concerned, who owned properties around that station, offered to develop the station for the Government because they could see a benefit for it. They brought that proposition to government after early discussions. That's exactly how it was built.

The Hon. MARK LATHAM: I don't see housing in Martin Place. Don't you think this creates a real problem in other areas? You've got the joke Sydney Science Park there at Luddenham—15 years, promised thousands of science and advanced manufacturing jobs, and it's a horse and cow paddock. But the Government, through a ridiculous process, is building a metro. Won't it be available now for Celestino to lodge an unsolicited proposal to put housing there?

SIMON DRAPER: It's open to anybody to lodge an unsolicited proposal. Their likelihood of success depends on whether it meets all those criteria that you mentioned earlier. There's no bar on any particular party lodging an unsolicited proposal, as Ms Boyd said earlier.

The Hon. MARK LATHAM: Any new metro station—this is now the precedent for doing it this way rather than going through the planning Act?

CORRECTED

SIMON DRAPER: I've already given evidence about that. The planning Act is completely separate. The process of getting land rezoned or getting development approvals is completely independent of unsolicited proposal processes.

The Hon. MARK LATHAM: Ms Boyd, on 21 November Cecilia Ngu, the acting deputy legal counsel at DEIT, recorded her concerns and those of Rowan Fisher at the probity of the Rosehill USP process, writing of how Mr Fisher:

Caught up with Katie, uncomfortable with the process. KK—

I assume that's Katie Knight—

was thinking about it, need to remember that upstairs—

The Cabinet Office – your office—

is not our concern ... We've told them the process if they lodge a proposal, we keep our nose clean. Don't worry about the other stuff they are doing.

Are you aware of these concerns that she's outlined—

KATE BOYD: No.

The Hon. MARK LATHAM: —and investigated what, in fact, The Cabinet Office was doing that caused such concern?

KATE BOYD: No.

The Hon. MARK LATHAM: Will you do that now in speaking to Cecilia Ngu, the legal counsel at DEIT?

KATE BOYD: No.

The Hon. MARK LATHAM: You won't?

KATE BOYD: No, I don't—

The Hon. MARK LATHAM: You're not worried that they needed to keep their nose clean and not worry about the other stuff that was happening in the office you now head?

KATE BOYD: If those officials have concerns, I'm sure they'll raise them with me. But I'm not aware of them and no-one has approached me with that.

The Hon. MARK LATHAM: Well, I have a concern based on their concerns. Isn't that enough to act on talking to her at least as to what went on?

KATE BOYD: I'm happy to take that on if you would like us to do that.

The Hon. MARK LATHAM: On notice?

KATE BOYD: Yes.

SIMON DRAPER: Just to be clear, Mr Latham, DEIT as it was is now a new department. It was deeply involved in running the stage one assessment of the unsolicited proposal.

The CHAIR: Thank you very much to the officials today for your attendance. There were some matters taken on notice. The secretariat will be in touch in due course regarding a response to those. Thank you again for your attendance and the work you do for the people of New South Wales.

(The witnesses withdrew.)

(Short adjournment)

CORRECTED

Ms ANINA JOHNSON, Acting Chief Commissioner, Law Enforcement Conduct Commission, affirmed and examined

Ms CHRISTINA ANDERSON, Chief Executive Officer, Law Enforcement Conduct Commission, affirmed and examined

Mr PAUL MILLER, Ombudsman, NSW Ombudsman, affirmed and examined

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

Mr CHRIS LAMB, Deputy Commissioner, NSW Public Service Commission, affirmed and examined

The Hon. JOHN HATZISTERGOS, AM, Chief Commissioner, NSW Independent Commission Against Corruption, sworn and examined

Mr DARRIN MOY, Chief Executive Officer, NSW Independent Commission Against Corruption, sworn and examined

Mr BOLA OYETUNJI, Auditor-General, Audit Office of NSW, sworn and examined

Ms CLAUDIA MIGOTTO, Acting Deputy Auditor-General, Audit Office of NSW, affirmed and examined

Mr PETER COULOGEORGIOU, Executive Director, Finance and Performance, Audit Office of NSW, affirmed and examined

Dr MATTHEW PHILLIPS, Acting Commissioner, NSW Electoral Commission, sworn and examined

Ms ANDREA SUMMERELL, Executive Director, Elections, NSW Electoral Commission, affirmed and examined

Ms SARAH-JANE MORRIS, Executive Director, Funding Disclosure and Compliance and General Counsel, NSW Electoral Commission, sworn and examined

The CHAIR: Good afternoon to everyone from our very important independent integrity agencies. Welcome to the budget estimates hearing for Portfolio Committee No. 1 - Premier and Finance.

The Hon. CHRIS RATH: I thank each of you for appearing today and for the important work that each of the agencies do. I might start with the Electoral Commission. I can confirm that I have always managed to get my nomination forms in on time, but my line of questioning is not about that. I want to start with the Electoral Funding Act and the definition of "property developer". I wonder if there is ever ambiguity or concerns from the Electoral Commission regarding certain entities about whether they meet that criteria and whether their principal business regards development—one relevant planning application that's currently pending or three in the past seven years. Is it difficult at times, when it comes to donors, to determine whether they meet that threshold of being a property developer?

MATTHEW PHILLIPS: Chair, if you don't mind, I might refer that question to the Executive Director of Funding Disclosure and Compliance, Ms Morris.

SARAH-JANE MORRIS: I will have to say that I cannot speak from experience. I have unfortunately been in this role for two months, so I cannot speak to particular examples of that and I would have to take that particular question on notice.

The Hon. CHRIS RATH: Again, you might need to take this on notice, but with regard to the definition of "property developer", if there is a State-based entity but it's linked to a Federal entity that might be a property developer, does that mean then that the State-based entity is also a developer as part of the "close associate" definition?

SARAH-JANE MORRIS: I would prefer to make sure that I'm giving an accurate answer to the Committee, so I will also take that question on notice.

The Hon. CHRIS RATH: The other one as well that you probably need to take on notice, unless anyone else can help, is about if the property development is interstate—so they don't or haven't had any active DAs in New South Wales per se, but they're an entity or linked to an entity that have had DAs or have been engaged in property development interstate. Does that then make them a property developer by that definition in New South Wales as well?

SARAH-JANE MORRIS: I will take that one on notice as well because I really would hate to give the wrong response to that one.

CORRECTED

The Hon. CHRIS RATH: Is there currently any investigation into the CFMEU by the Electoral Commission?

MATTHEW PHILLIPS: All allegations of breaches of the electoral laws are reviewed by the Electoral Commission in accordance with its compliance and enforcement policy. Unless permitted by law, the NSW Electoral Commission is not allowed to disclose details of the outcomes of any specific review or investigation it may take, and this includes whether or not it is even conducting an investigation.

The Hon. CHRIS RATH: I might come back to the Electoral Commission in a moment and I might go now to ICAC. Ms Boyd started this questioning earlier, but I wonder if we could turn to Operation Eclipse. What were the recommendations or conclusions that you made regarding Operation Eclipse and where is that up to? If you could provide an update, that would be helpful.

JOHN HATZISTERGOS: The report was published under the hand of my predecessor in 2021. You can get a copy of it. Do you have a copy of it?

The Hon. CHRIS RATH: Yes.

JOHN HATZISTERGOS: All the recommendations are in there. They relate to a whole range of activities including ministerial diaries and definitions of lobbying—in particular, expanding the definition so that it goes beyond third-party lobbyists to include in-house lobbyists, requirements not only on the lobbyists but also on the person being lobbied, and issues around the scope of lobbying. In some instances, we have suggested that that should also extend to political parties who may be lobbying on behalf of third-party interests. You can read all those recommendations in there. What happened is that, after the report was released, the previous Government responded to the recommendations. That response is available online; you can see it on our website. However, nothing was done to action the recommendations under the term of the previous Government.

I wrote to the Premier on 30 October 2023, drawing his attention to two reports, one of which was Eclipse, and the other one was Operation Aero and the recommendations which the commission had made. I subsequently met with the Special Minister of State on 31 January 2024—that was at his request—to discuss a number of matters, including the recommendations in Operation Eclipse. Then, following that, I wrote to the Premier again, on 29 May 2024. One matter that did occur that relates to both that matter and Operation Aero is that a decision was made to reactivate the reference which was made to the Joint Standing Committee on Electoral Matters into the administration of the New South Wales election. That was a reference that was outstanding to the previous committee, but the previous committee had not actually reported. So that matter was followed up, and I gave evidence to that committee recently. There's a submission that I've made to that committee.

The Hon. CHRIS RATH: And the Government now has accepted all the recommendations or at least accepted in principle—

JOHN HATZISTERGOS: No. They have not responded to the recommendations in Eclipse. The previous Government did. They issued a document, which is on our website, responding to the recommendations, but I don't have a response from the Government. I did get a letter, I think, last week from the Special Minister of State—it was on 21 August—advising the Government were considering the Operation Eclipse recommendations. They stated that they were also reviewing the Queensland lobbying reforms. The Queensland Government did go out and do a review. That followed, in fact, Operation Eclipse. They have actually legislated since.

The Hon. CHRIS RATH: Was any explanation given as to what's taking so long, in terms of providing a response, given the previous Government already has?

JOHN HATZISTERGOS: I can't answer that question—other than the fact that they're still examining it. The issues in Eclipse are not straightforward and simple. They are fairly extensive and they need to be addressed, but it has taken a long time, over the term of the previous Government and this Government, to meaningfully respond to them. Some of the recommendations are more straightforward than others.

The Hon. CHRIS RATH: So they haven't indicated any acceptance of recommendations regarding things like banning lobbyists from meetings with Ministers or banning lobbyists from making political donations. We're, essentially, still waiting on—

JOHN HATZISTERGOS: They haven't given me any indication of that. I did raise some of the matters that have occurred in our more recent investigations surrounding donations. I've also raised, as I did before the joint committee on electoral matters, the fact that political parties in particular get \$15 million—well, they get a lot of money in administrative—expect to cover their administrative expenses. Last year it was \$15 million. One of the recommendations which arose, I think out of Aero, was that there be requirements for them to have governance arrangements to deal with some of the ethical issues that arise. That can include, incidentally, matters relating to third-party lobbying. But I haven't got a response.

CORRECTED

The Hon. CHRIS RATH: Fair enough. To the ICAC and probably more to the Electoral Commission, do either of your agencies keep track of political donations from lobbyists? I assume the Electoral Commission—you publish any item above \$1,000, is it? Or whatever the disclosure threshold is.

MATTHEW PHILLIPS: That's right. It's \$1,000.

The Hon. CHRIS RATH: Yes. But I assume it's not a matter necessarily that's tracked by the ICAC.

JOHN HATZISTERGOS: We wouldn't look into a matter, either, unless it was referred to us by the Electoral Commission.

The Hon. CHRIS RATH: Fair enough. Mr Hatzistergos, is the ICAC currently considering the investigation into the New South Wales division of the CFMEU?

JOHN HATZISTERGOS: I'm not going to comment on what we're investigating and what we're not. There has been some publicity about a referral. I'm not going to comment on any aspect of that, for reasons which I think you'd be aware of. I can say to you, however, relevant to that issue, one thing, and that is that you should carefully look at the recommendations which were made in Operation Hector. That's a report in relation to a public inquiry where I presided. I identified some limitations on the commission in terms of being able to examine circumstances where a head contractor had been engaged and there was corrupt activity involving subcontracting. You can read the report. I subsequently wrote to the parliamentary committee, and I've also written to the Cabinet Office, identifying that fact. Hopefully, they will both take it up at some point in time. I raise that because that may be relevant to the matters you're raising.

The Hon. CHRIS RATH: Different issue—I know I'm jumping around a little bit. I want to turn to local procurement, local content rules. To what extent is procurement which gives preference to local content and supply a gameable or corruptible system? I read the submission that the ICAC made to the parliamentary inquiry into local content rules, but I wanted to ask you about it today as well.

JOHN HATZISTERGOS: Our director of corruption prevention gave evidence to the committee of this Parliament which looked at the issue of procurement, and I can refer you to his evidence. Our concern in relation to local procurement is different to State, for obvious reasons. When you're looking at State procurement, you're looking at a much wider field, but the issue of local councils deciding that they're going to preference local contractors is problematic. In many cases, that can be one person only. In a very small community, it might be a person who they well know and identify. That is a problem. We're trying to deal with it at the moment through a corruption prevention approach and through education, rather than a heavy-handed approach. But it has arisen in the course of our work, and it's something that we've identified. It's more common in rural councils, I have to say, than in metropolitan councils.

The Hon. CHRIS RATH: Have these warnings or issues been raised with the New South Wales Government, outside of the submission?

JOHN HATZISTERGOS: I'm not quite sure what you mean. We've had a couple of conversations with the Minister for Local Government. I can't recall off the top of my head whether that specific issue was raised, but we've certainly identified it through the inquiry—that local government is a concern for us where that circumstance arises.

The Hon. CHRIS RATH: I was talking more about, I suppose, as the Government pursues a domestic manufacturing and local procurement policy, whether they've sought your advice or whether you've had input into their decision-making on that.

JOHN HATZISTERGOS: It depends on what the issue is. We've had some involvement with the Government in relation to procurement policy. We've dealt with it. But at what depth, I can't tell you off the top of my head. I can take it on notice and let you know.

The Hon. CHRIS RATH: I might go to the Auditor-General and to the Audit Office. Your website's very helpful in terms of some of the projects that have gone through the audit process. Does your office maintain a risk register for grants programs, in particular in terms of pork-barrelling?

BOLA OYETUNJI: No, we don't. What we do is part of a specific scoping of an audit. Then we'll look at the risk environment, the risk ratings and to pick the specific agencies that we'll target in terms of our audit process.

The Hon. CHRIS RATH: So it's more that a referral is made to your office and that audit would be undertaken. Is it that you would look into it at the end of the program or can it be for a program—a grant funding program, for instance—that is currently in place or maybe even just having been proposed and quite early on in its initial stages but hasn't yet been rolled out particularly widely?

CORRECTED

BOLA OYETUNJI: Yes, we do because we have audits at the design planning stage, whether it's in flight or when it's matured. We have different stages. One of the things that we often get pushback on is when, at the start of the program, there's always resistance about what the findings will be when they're just designing the policies. But one of the things that we convince them about is that when you're part of the planning, we can actually add to what the policy design will be and what the governance arrangements should be. That's what we currently do. But I think, to answer your question, yes, at different stages we're able to go in to do an audit.

The Hon. CHRIS RATH: It could be retrospective for a program already finished, concluded, or it could be having input into maybe the guidelines early on.

BOLA OYETUNJI: And the plannings, yes.

The Hon. CHRIS RATH: Very good. Have any concerns been raised with your office or any referrals about the Local Small Commitments Allocations?

BOLA OYETUNJI: I'll just check with my deputy.

CLAUDIA MIGOTTO: I'm not aware of a specific referral about that grants program, but I'd be happy to take that on notice because we do get a volume of requests and referrals through a number of channels. I'd be happy to check that, but it's not currently a focus for any of our current work.

The Hon. CHRIS RATH: In terms of the budgeting process, in terms of the budget papers themselves, do you have any role in terms of the production or audit or compliance of those, or is that entirely left up to Treasury?

BOLA OYETUNJI: Yes, that's entirely left up to Treasury. We're not involved in the review of the budget. We used to be, I understand, in 2016-17, but not currently, no.

The Hon. CHRIS RATH: Probably one last question before my time expires, probably just to the Public Service Commissioner. How has the role of the NSW Public Service Commissioner changed over the past 18 months in terms of responsibilities?

KATHRINA LO: Thank you for the question. I think it's probably a narrower period than the past 18 months. As you would be aware, a bill was passed by the Parliament amending the Government Sector Employment Act which changed some of the functions of the Public Service Commissioner and reassigned some of those functions to the Secretary of the Premier's Department. There were also administrative orders which abolished the Public Service Commission. In its place, an Office of the Public Service Commissioner is being established in the Premier's Department. I will be the head of that office, but the staff of that office will be employees of the Premier's Department and assigned to work with me to deliver on my statutory functions. That is a model that I suggested after being advised of the budget allocation that would be provided to help fulfil my statutory functions. Given the overheads that are associated with maintaining a separate agency, I suggested this alternative model because I didn't think it was a good use of taxpayer money to maintain a separate agency and have those associated overheads.

The Hon. MARK LATHAM: Could I ask, Ms Lo, do you believe it would be useful in New South Wales to have legislated whistleblower protections?

KATHRINA LO: I think you might be referring to legislation administered by the Ombudsman's office. There is whistleblower legislation.

The Hon. MARK LATHAM: Just for complaints to the Ombudsman, but I was meaning across the board. Recently the Parliament has had an experience where there was a certain matter under committee inquiry and it elicited a whole series of other submissions about problems in a public agency where people clearly, for a decade or more, have been living in fear of speaking the truth, and it has been quite an eye-opener in that regard. We don't have across-the-board whistleblower protections in New South Wales, do we?

KATHRINA LO: People are able, if they're employees of government departments, to make disclosures about things that they're concerned with. Members of the public also have various channels through which they can make complaints or raise issues as well.

The Hon. MARK LATHAM: What protection do you get? In other States, whistleblower protections give protection and immunities to whistleblowers. They have penalties for anyone who names a whistleblower and they have restitution provisions to assist whistleblowers who have been harassed or sacked for speaking out. We lack those, don't we?

KATHRINA LO: My responsibilities are the functions that I've been given under the Government Sector Employment Act. Whistleblowing legislation is beyond the remit that I've been assigned.

CORRECTED

The Hon. MARK LATHAM: It wouldn't help public servants to have a bit more protection when they live in fear?

KATHRINA LO: I'm happy to refer that to the NSW Ombudsman.

The CHAIR: Mr Miller, would you like to respond?

PAUL MILLER: I'm happy to respond. In New South Wales we have the Public Interest Disclosures Act. We have had a Protected Disclosures Act since 1994, which became the Public Interest Disclosures Act. That was completely rewritten in 2022. That legislation commenced in late 2023. That provides protection for public officials who make disclosures of serious wrongdoing, which include the kinds of disclosures that you might make to a body such as appears here. Those disclosures can be made to one of these bodies. They can also be made to any other public sector agency, the head of the agency or a disclosure officer of that agency.

Public officials who do make a public interest disclosure obtain the protections under the Act, which include protection from criminal or civil prosecution, protection from detrimental action, which is defined much more broadly than that, including bullying and that sort of conduct, and there is also an obligation on those who receive a public interest disclosure to undertake a risk assessment to identify the risk of detrimental action and take steps to mitigate it. The legislation is administered by the Cabinet Office, so the Cabinet Office is the policy agency responsible for it. I chair a PID steering committee, which is comprised of many of these agencies as well as Cabinet Office and police, which provides advice to government and where necessary to Parliament on that legislation. We did so in relation to the 2022 legislation.

The Hon. MARK LATHAM: To Mr Oyetunji, the Auditor-General, in the inquiry about the sale of Rosehill racecourse, Tony Harris, one of your predecessors, made a submission very critical of the accounts of Racing NSW. Yesterday I spoke to someone with even more serious allegations about the misuse of the horse welfare trust funds being spent on real estate properties. Why can't you audit the books of Racing NSW?

BOLA OYETUNJI: Because it's not under the mandate of the Auditor-General.

The Hon. MARK LATHAM: You have a list of agencies?

BOLA OYETUNJI: Yes, we have a list of agencies that we can audit.

The Hon. MARK LATHAM: Would you like to broaden that list to include other public authorities with lots of money where serious allegations are raised?

BOLA OYETUNJI: I think it all depends on the funding for it. One of the things we do have is if there's any funding from government to Racing NSW, we now have the power to follow the money, but only if there is funding to Racing NSW from government.

The Hon. MARK LATHAM: That's the grants reform "follow the money" provision.

BOLA OYETUNJI: Yes, so we can do that.

The Hon. MARK LATHAM: To Mr Hatzistergos, why in some cases do simple ICAC inquiries take three years? I'm citing the case of John Sidoti, where the process became the punishment. The findings about him some would see as trivial, but effectively it ended not only his ministerial career but his parliamentary career. You've got plenty of funding and staff. Surely a matter like that should be wrapped up within 12 months so that the accused person can get on with their parliamentary duties rather than effectively being run out of the Parliament and unfairly having his career ended.

JOHN HATZISTERGOS: I don't subscribe to the opinion part of your question.

The Hon. MARK LATHAM: That it took three years?

JOHN HATZISTERGOS: The aspect of timing I'm happy to address. But in terms of the opinion that it was trivial, I completely reject that. Members of Parliament are in a position of trust. All their resources and all their powers are to be used in the public interest. In that case, there was a very clear demonstration of a member of Parliament who used his authority, his powers, the instruments of his office, in order to advance something that was in a private interest. That was identified.

There was a challenge brought in the Supreme Court, which was ultimately abandoned. So the commission's findings stand and there's nothing in that report that I need to apologise for. In terms of the question of timing, you are right. It's taken us too long to do some of these matters. But I do draw your attention to the fact that under the previous Government we had a significant funding cut which at one stage led to a retrenchment of our staff—a significant section of our staff.

The Hon. MARK LATHAM: How many?

CORRECTED

JOHN HATZISTERGOS: We lost about 25 per cent at one point. This was under the Berejiklian Government.¹ To his credit, the previous Premier, Perrottet, restored some of that funding. I also give credit to this Parliament, the parliamentary committees, which embraced our concerns about our funding and supported us to get to the point where we now have a significant increase in our staff from 110 to 150. But let me be quite clear: Our organisation runs with a legal staff of 20; we cannot devote all of that to one investigation. Robodebt had 30 staff for one inquiry. There's no way I can ever have 30 staff working on a single investigation. We are dealing with multiple matters. When we came to the commission in 2012, Commissioner Murrell and Commissioner Lakatos and I had five uncompleted reports. Some of them had not even been commenced to be written, and we had to undertake that and get them all completed in the space of 18 months. We did Keppel, we did Tolosa, we did Galley, we did Skyline and one other. I can't remember.

The Hon. MARK LATHAM: Are you aiming to cap the duration of these inquiries so there's no more three-year delays for relatively straightforward matters?

JOHN HATZISTERGOS: No, it's not a question of that. We now have benchmarks. I still think the benchmarks are quite ambitious. We have met those benchmarks with our last three investigations that we've done: two of them were under my predecessor and one that I did myself. We have engaged in a number of processes to try to streamline them and try to get them out. I fully accept your criticism that persons who are in positions of power should not be left hanging for a long period of time.

That's one of the reasons why a lot of effort was made to not only finalise the Barilaro-Ayres matter but to publicly state what our position was in relation to that matter, which we did prior to the last election. It's another reason why we did everything we could to expedite the Crakanthorp matter, which was in a somewhat similar position. Ms Joyner, you might recall, who was a person who was identified in this Parliament—there were some allegations concerning her. Likewise we did the same—it's not always easy.

Very often with these investigations, 90 per cent of the material that we trail through is electronic and documentary, so there's a heavy burden on us. Our benchmarks at the moment are not based on the amount of data we have. They're based on the number of hearing days, which is a very antiquated way of having a benchmark. That's the benchmark that was set by our predecessors. At the moment I'm trying to meet those and do everything possible we can do to get those investigations finalised as soon as possible.

The Hon. MARK LATHAM: You mentioned the Crakanthorp inquiry. I thought it was a fascinating report—and I said so in the House—with regards to the duties of an MP. Why didn't ICAC have any capacity at all to see things through the eyes of a representative member of Parliament? In the case of Crakanthorp, it would have been a betrayal of everything he stood for and promised his electorate not to have some involvement in advancing the much-needed regional sports facility at the sportsground on the main road in Newcastle. It's the most nebulous point of view that a sports facility could have any positive impact on the father-in-law's property holdings when the member himself was estranged from the father-in-law. There was no mention of the betrayal that an MP would have to his electorate if he did nothing about the one big sporting project he had in his electorate.

JOHN HATZISTERGOS: I'm not here to review that report. That report stands for itself. You can read it. We're publicly accountable for the contents of it. We've made our findings and you can disagree with them. Anyone else can disagree with them. If you wish to come out and make a statement about it, that's your entitlement. We apply the law. There's laws on conflicts of interests, there's laws in relation to acting impartially, there's laws in relation to breaches of trust—we've identified all of that. There's also laws on what constitutes corrupt conduct and in particular serious corrupt conduct, and we apply that. Our explanation is clearly documented in that report. It's available for you to make whatever assessment you feel appropriate. If you don't like it, you can move a motion to put a bill to change it, but that's what we apply.

The Hon. MARK LATHAM: Put a bill to change your findings? I don't think that's happening.

The CHAIR: He might just do that.

The Hon. MARK LATHAM: They might do that for Gladys.

JOHN HATZISTERGOS: By the way, Mr Latham, he accepted the findings.

Ms SUE HIGGINSON: I have a couple of questions for Ms Johnson and Ms Anderson in relation to the Law Enforcement Conduct Commission functions. As I understand it, the court proceedings have now been settled in relation to the Law Enforcement Conduct Commission being able to require materials from police in relation

¹ In [correspondence](#) to the committee received 13 September 2024, the NSW Independent Commission Against Corruption requested a clarification to the evidence of Hon John Hatzistergos AM, Chief Commissioner.

CORRECTED

to critical incidences and other matters. Are you satisfied at this point in time, as an agency, that you can now conduct your investigations, or your oversight functions, of these particular incidents and investigations with a high degree of confidence and satisfaction?

ANINA JOHNSON: You're correct. The proceedings have settled. There was application for special leave to appeal filed in the High Court of Australia; that's now been withdrawn. The Commissioner of Police and the acting chief commissioner—it was me sitting in the role on the day on which the joint protocol was signed. That joint protocol sets out the arrangements by which the Law Enforcement Conduct Commission will be able to access highly sensitive material held by the New South Wales police relating to critical incident investigation and monitoring functions and the way in which that material will be provided to us.

There were two matters that were the subject of the Court of Appeal proceedings. I understand that the documents in relation to both of those matters have now been provided to the commission. There were another six matters where public interest immunity was claimed. Documents have been provided in relation to one of those matters, and we're confident that the balance of the documents in relation to the remaining five will be provided shortly. It's really a matter of working out some of the practical access arrangements rather than anything otherwise. The process of accessing those documents, so far, has certainly been very cooperative. We're confident, at this stage, that that joint protocol is working as we'd anticipated and as it should.

Ms SUE HIGGINSON: What would be the procedure now if you had concerns going forward that things weren't as forthcoming as they ought to be? Clearly this was litigation, it was court proceedings that was the police exercising some—I don't know—impunity that they don't have to cooperate or some question. But what would be the process shy of that? What would you have to do if you feel that the police are not cooperating fully in the provision of materials that you need?

ANINA JOHNSON: In the area of the critical incident monitoring, which was a narrow part of the commission's jurisdiction, the joint protocol sets out the appropriate arrangements but it also sets out a process for escalating any concerns, initially via the various levels within the commission but, ultimately, it would be a matter for the chief commissioner to speak with the Commissioner of Police and to come to some arrangement in relation to accessing those materials. The joint protocol—which, as I said, is on our website—makes it clear that public interest immunity does not apply in relation to those documents. But we do acknowledge that the police have understandable concerns about the sensitivity of some of the documents that form part of a critical incident investigation. We're willing to work with police to make sure that those highly sensitive documents are handled carefully within the commission and not disclosed outside of the commission, at least without first giving proper notice to the police.

Ms SUE HIGGINSON: What is the current LECC capacity to undertake proactive work in oversight of police? Do you feel that you have the resources and capacity to do proactive work?

ANINA JOHNSON: We certainly do. If you mean by proactive work, we have investigations that we start and commence either on the basis of complaints or on the basis of our own inquiries.

Ms SUE HIGGINSON: I would consider that more reactive kind of work, really.

ANINA JOHNSON: We have a strategic intelligence function that's underway now, which is aimed at identifying matters that are not linked to complaints but where we're doing our proactive sweep, if I can put it that way, of upcoming issues. We also have our prevention and engagement function, which is very much about looking at broader systemic issues within the police. That is working well.

Ms SUE HIGGINSON: Is there a way of understanding what that is, or is that more confidential work?

ANINA JOHNSON: No, the prevention and education function is the function that leads to the publication of a range of reports. The domestic and family violence complaints report, Operation Tepito in relation to the Suspect Targeting Management Plan, our review of the Aboriginal Strategic Direction—all of those things are under our prevention and education function. I think it's fairly carefully set out in our annual reports, year to year, the kinds of big systemic reports and work that we do as part of that function.

Ms ABIGAIL BOYD: If I could go back to Operation Eclipse with you, Chief Commissioner, I asked questions at the last estimates about lobbyists and passes, in particular. I want to be clear about what I meant. Being an MP in this building, we see a lot of things. During a sitting week, we have Ministers who are here in the building on floors that anyone can access through stairs, and then we have a bunch of people who just have a permanent pass that they can use to come in whenever they like because they've got sponsored from somebody and we don't know; there's no transparency over that.

JOHN HATZISTERGOS: I've got one too.

CORRECTED

Ms ABIGAIL BOYD: Right. Whether it's unions or peak bodies or lobbyists or whatever, they walk around with these black passes and go into people's offices and say hi. Firstly, would you expect that that be a bit more transparent? Secondly, should Ministers really be putting down those interactions they have in the hallways and those casual interactions with lobbyists into their ministerial diaries?

JOHN HATZISTERGOS: The issue of passes has been raised with me previously. It's not an issue which has been the focus of any of our attention, so I can't really comment to you in terms of the corruption risk. I mean, generally, I would think most people would not welcome someone just barging into their door, unannounced, and coming into their office. If that arose, I would expect that there'd be some protest somewhere in the building. Generally speaking, all I can say to you is, looking at some of the events that have occurred in local government where you see councillors meeting in cafes and less salubrious environments—pubs and so on—I'd prefer them to be meeting in offices where at least people can see what has happened and there are actually staff and other people around who can assist them. I think that's an issue.

Ms ABIGAIL BOYD: When we look at the recommendations in project Eclipse, then, when we talk about there being insufficient transparency around when these meetings are being held—

JOHN HATZISTERGOS: Eclipse does deal with a broadening of the kind of interactions which should be disclosed and the persons who are described as lobbyists, who should be identified. We haven't got a response to that. You can read the report for yourself—I'm sure you have—if you've got any doubts about any of that.

Ms ABIGAIL BOYD: Yes.

JOHN HATZISTERGOS: The problem at the moment is that we have these diary disclosures, but I have to be perfectly frank—and I say this both in respect of the current Government and the previous Government—they're suboptimal. When you have a description of the purpose of the meeting as "portfolio matters", it really doesn't tell me anything when the description is "purpose of the meeting"

Ms ABIGAIL BOYD: No, exactly, and that's the norm.

JOHN HATZISTERGOS: I think this needs to be dealt with. The object of the disclosure regime should be, together with a documentation regime of the interaction, to enable a party to be able, if necessary, to go and make an application under the GIPA legislation and get access to the particular record.

Ms ABIGAIL BOYD: I was looking at the Premier's diary for these estimates, and everything was either "lunch" or "meet and greet" or something of that nature, which tells me absolutely nothing.

JOHN HATZISTERGOS: It tells you very little, if anything. Some of them, if it's—I suppose if you're meeting a consul-general and it has nothing to do with your portfolio, describing it as "meet and greet" might be sufficient, but in other circumstances clearly not so. This is an issue that we've dealt with in our report. We've also given reference to some examples in other jurisdictions where there are much more comprehensive statements of what occurs and greater transparency. I'm not trying to—I'm very conscious of the fact that there are interactions that may not need disclosure. They're also dealt with in the report, particularly some community organisations that we shouldn't be burdening with the obligation of making detailed bureaucratic disclosures. They're all dealt with in the report. It's a considered report. I don't know that I really need to add to what's in there. It's really a matter for government to respond to it.

The Hon. CHRIS RATH: I might ask a couple of questions to the LECC. I want to turn to the issue that has been in the media quite a lot in the last few weeks about the police commissioner and the large number of bottles of gin that have been gifted to dignitaries or, as has been asserted in this Parliament, to members of staff. Has the police Minister or any other Minister sought your advice on this matter or matters regarding the conduct of the commissioner?

ANINA JOHNSON: The commission, as has been announced, did investigate aspects of that issue in terms of an alleged conflict of interest, and a report has been provided to the police Minister, along with the Commissioner of Police. That report is subject to confidentiality orders made by the commission, and we haven't had any further correspondence with the police Minister.

The Hon. CHRIS RATH: So you recommend that it be a confidential report?

ANINA JOHNSON: That was our recommendation and the basis on which it was provided under section 135 of our Act, yes.

The Hon. CHRIS RATH: Did the Minister request that it be confidential as well?

ANINA JOHNSON: We had no—

The Hon. CHRIS RATH: It was purely a decision that was made?

CORRECTED

ANINA JOHNSON: No, that was a decision made by the commission.

The Hon. CHRIS RATH: In terms of the timing in which that Operation Askern was released, was that a decision that you made in terms of when that was released?

ANINA JOHNSON: That report hasn't been released. It was provided to the police Minister and to the commissioner on 6 August. That date had been set by the commission several weeks prior, taking into account a number of other commitments that the commissioners and the commission had. There was no communication from either the Commissioner of Police or the Minister in relation to the timing of the provision of that report. That was a decision entirely resting with the Law Enforcement Conduct Commission.

The Hon. CHRIS RATH: When you were looking into this matter, were you looking at, to put it crudely, the first 50 bottles of gin, which was later updated to 100 bottles?

ANINA JOHNSON: The nature of the commission's investigation is subject to the confidentiality provisions—the confidentiality orders that were made in relation to that matter. We've indicated that there were no findings of serious misconduct on the part of the Commissioner of Police, but we've made some recommendations in relation to a refresher of conflict of interest obligations for senior staff and senior officers of the NSW Police Force and the NSW Police Force generally.

The Hon. CHRIS RATH: I think that the issue for us is—and it's been debated in our Chamber in particular more so than the other place—that it seemed to be that the commissioner, when the media story did break, was running with the line of 50 bottles and then it was later updated and reclarified, I think two or three times, to be a hundred. I was just wondering, I suppose, if you've looked at the nature of misstatements that are made by the commissioner in that regard, or was it just the substantive issue itself?

ANINA JOHNSON: Our investigation preceded those comments in Parliament and the comments made by the commissioner. We have not, to my knowledge, received a complaint that there's been misstatements or that the Commissioner of Police has been making misleading statements. We receive hundreds of complaints a week, so I could easily be wrong about that, but not so far as I'm aware. Those comments were made after our report was provided and after our investigation had therefore concluded.

The Hon. CHRIS RATH: I mean, you would take seriously the issue of misstatements by someone as senior as the police commissioner, for instance.

ANINA JOHNSON: We always carefully scrutinise any complaints made about the conduct of senior police officers. We carefully scrutinise complaints made about the conduct of any police officers but, clearly, as the commissioner herself has acknowledged, there is an extra degree of scrutiny upon her as the leader of that organisation and the importance of her having integrity as the leader of that organisation.

The Hon. CHRIS RATH: Held to a higher standard than a rank-and-file police officer on the beat, so to speak.

ANINA JOHNSON: The standards are the same, but I think she takes that responsibility as seriously as we do.

The Hon. CHRIS RATH: I'll turn to a different matter. It's some time ago now, but the tasering of the elderly woman in a nursing home, Clare Nowland, by a police officer. What reform has the LECC undertaken or recommended with relation to weapon regulation and training as a result of that incident?

ANINA JOHNSON: That incident is a coronial inquiry and comes under part 8 of our Act. We have no powers to investigate that matter until the coronial process has concluded. We are monitoring the critical incident investigation as we do any critical incident investigation. So I don't think I can take that any further.

The Hon. CHRIS RATH: But you could very well do a review down the track on the use of tasers, for instance? That could be something that you could do post the coronial inquest?

ANINA JOHNSON: Yes, and post the conclusion of a report being provided by the NSW Police Force critical investigation officers. Sometimes that report is actually provided 12 months after the conclusion of the coronial inquest. It's something we're working on with the police to shorten that time frame, but it would be—I am not sure where the coronial process is up to, and it may have paused while there are the Supreme Court proceedings on foot. I expect that that would be some years potentially away before the LECC regains the jurisdiction to look at that particular incident.

The Hon. CHRIS RATH: Is that also the case for the incident of Beau Lamarre-Condon and the police-issued handgun being used in that incident? I'm sure you're aware of that.

ANINA JOHNSON: I am.

CORRECTED

The Hon. CHRIS RATH: Is the LECC looking at that, or has it looked at that, or is it a similar issue where it's pending a coronial inquest?

ANINA JOHNSON: We can't investigate that particular incident or how that officer came to have access to that handgun and how that unfolded. However, the New South Wales police commissioner has indicated that the Police Force—she's requested that there be a review of the way in which firearms are tracked by the Police Force. We've been briefed by the Police Force about that review, which is a more general review, albeit triggered by, as I understand it, that particular event. The commission has received a verbal briefing about that review. We have requested some documents to be able to review those ourselves in writing and to reflect on the suggestions. We received a letter yesterday from the Commissioner of Police indicating that they'd be willing to provide us with those documents provided that we don't disclose them outside of the commission, and that's something we're considering further.

The Hon. CHRIS RATH: A question that I have—and it is a bit awkward that I have to go around and ask each agency individually, so maybe we will just go around one by one. We have just legislated, and Mr Hatzistergos, you mentioned it before, the integrity agencies bill in terms of a new process for the funding of the agencies. I just wanted to confirm with each of the agencies that the appropriation in this budget was the appropriation that you requested and was allocated to you by the Treasurer. I don't think the Public Service Commission is captured but Ombudsman, ICAC, Auditor-General, et cetera.

ANINA JOHNSON: I might ask Ms Anderson, my chief executive officer, to answer for the commission.

CHRISTINA ANDERSON: Our budget was what we were expecting and we received additional funding for some additional positions that we had requested. There were no questions about what we had asked for, so it was all approved.

PAUL MILLER: Similar position. We made three budget bids, only one of those required an additional appropriation from government. That related to our lease is up next year and we will need a new lease. But, beyond that, the budget was what we expected it to be.

DARRIN MOY: Yes, our funding is what we requested and that included additional funding to accommodate an eventual move to new premises over the next two years. So we were very satisfied with the funding.

BOLA OYETUNJI: Yes, we're satisfied with the process. We didn't request for any additional funding but we are satisfied with the framework as recommended by my predecessor, so that has been captured in the process.

MATTHEW PHILLIPS: Happy with the process and the specialist integrity agency or unit which has been established in Treasury—we've had really good engagement with that unit over the budget process, which is many months. Disappointed with the outcome. The NSW Electoral Commission made four submissions for new funding, new policy proposals, in the 2024-25 budget, one of which was funded. At first with digital modernisation, we are trying to upgrade our systems. Our core election and corporate systems are rather dated, end of life. They pose significant risk to the delivery of elections in the future. We had scoped up in the previous budget. We had received some funds to scope up the project to develop a strategy and the like to take the organisation forward, and this leverages a lot on what's happening at the Commonwealth as well through their Project Indigo where they are updating all their systems, so a lot of lessons were learnt through that process.

We put in a detailed business case and in the 2024-25 budget it was rejected. We also put in a budget submission, new policy proposal, to re-baseline our budget. This was consistent with the previous Government, Premier Perrottet, to re-baseline the integrity agencies. We have been working for a number of years with Treasury on this, what this looks like. We had undertaken that work in accordance with government requirements and so forth on what re-baseline should look like. We made quite a substantial bid, funding submission, to government, and that's to address issues such as WHS, fatigue for our staff, the high-cost employment model. We rely upon external, third-party contractors to deliver core services to the NSW Electoral Commission at great cost. We were seeking to move away from that. We've got high staff turnover, and between elections we lose a lot of critical IP. Also, this Committee and the JSCEM have asked us around stakeholder engagement. We did have resources built into that budget re-baseline submission, but ultimately we were not successful in that business case.

Thirdly, we put in a submission for technology-assisted voting—this is internet voting—to enable us to deliver a solution at the State general election in '27. We always said it was a policy matter for Government to decide whether or not to pursue internet voting. We did a request for information to market to see if there were suitable suppliers. They were very limited—two, and one has subsequently gone. We put in a bid to say to Government, "Yep, you can proceed. We can offer this solution for the State general election in '27." That funding submission was not funded.

CORRECTED

We did make a submission for cybersecurity, and that was through the Digital Restart Fund. We were successful; it was just over \$15 million, which is money that had already been hypothecated to the commission anyway under that fund, so we just put in an application to get it. Again, that's to improve our cybersecurity defences. We were successful, but I should note that staffing, licensing and maintenance were stripped out of that bid, based on advice, and put into budget re-baselining. That was rejected. While we've received money for cybersecurity to a certain extent, we don't have ongoing staffing, we don't have maintenance and we don't have licensing into the future. Our ability to deliver what we put up in that business case is now curtailed, and we're going to have to re-scope and go back to Government.

Just generally, I'd make the point that the NSW Electoral Commission is now operating outside its risk appetite. We're not currently funded to address critical risks in staffing, systems and cyber to ensure successful election delivery in the future. I should note, just for completeness, we did put in a PTA—a parameter and technical adjustment. That's where you've got existing funding but you need a little bit more. That was around the roll and roll products provided to us by the AEC—the Australian Electoral Commission. We were successful there. We were successful also in some of our carry-forward bids as well.

The Hon. CHRIS RATH: So the—

MATTHEW PHILLIPS: The implications?

The Hon. CHRIS RATH: Yes. The new bill that has passed this Parliament in terms of a more independent approach, if I can put it that way, of funding the agencies is now coming into law. But the process was in place before the law came in, I think, from the 2022-23 budget.

MATTHEW PHILLIPS: Yes.

The Hon. CHRIS RATH: So you wrote to the Treasurer requesting funds that hadn't been allocated and then the Treasurer, I assume, wrote back to you indicating that you weren't successful in terms of those additional appropriations that you've asked for; a copy of that would have gone to the JSCEM as well.

MATTHEW PHILLIPS: I assume.

The Hon. CHRIS RATH: Which was the practice that has been in place for the last couple of budgets, is that right?

MATTHEW PHILLIPS: The process has been in place for the integrity agencies to make funding submissions, which is slightly outside the normal budget process for agencies in terms of, if there are any limitations and so forth, you apply to a number of submissions and so forth. We're outside; we can always make a submission. That process has been in place for a period of time. I should note that it's not as simple as providing some correspondence to the Treasury or the Treasurer or the Premier to ask for funds.

The digital modernisation program—we're talking serious dollars. Over 10 years it's \$323 million; re-baselining was close on \$500 million. These are substantial bids and they're supported by comprehensive business cases in all those instances. I should note that we got very good support from Treasury throughout that budget process. I'd just like to correct that in terms of its not just the letter; it is supported. You go through a process with Treasury where they rigorously go through every little line item in those submissions. We are still subject, as we should be—it's taxpayer dollars. Those business cases are heavily scrutinised by Treasury. Every dollar needs to be justified. We went through that process, and we had good support via Treasury during that process.

The Hon. CHRIS RATH: Commissioner, I think I cut you off before. You were going to start talking about the implications of what it means for the Electoral Commission now that those—what was it?—four budget bids were rejected.

MATTHEW PHILLIPS: The three.

The Hon. CHRIS RATH: Three of the four, yes.

MATTHEW PHILLIPS: Yes, three of the four of the new policy proposals. My priority in the organisation is now around the delivery of the local government elections in just over two weeks while we work through the process of the impacts of the funding decisions. However, we are undertaking a restructure of the agency. I will be forced to exit staff—temporary staff and contract staff—who are performing critical services not only at election time but outside that as well, who we were hoping to convert to ongoing roles. They will have to leave the organisation and we will have to shrink to accommodate our reduced budget, our budget envelope.

We've got, currently, 377 people as of 30 June. We've got LEC funding in this budget—which is labour expense cap, which is your staffing item—for about 160-odd staff. We will be able to retain some temporary staff,

CORRECTED

absolutely, because there is some project funding around. But this will result in a significant reduction in our staffing, which means that we will have to look at our service offerings and what we provide into the future. We're also going to have to do that on our systems as well. We're undertaking a comprehensive systems review and we'll have to pare back our systems. Those systems are delivering elections because we just—the risks of election delivery failure are heightened as a result of this funding decision.

Ms SUE HIGGINSON: It's like shrinking democracy.

MATTHEW PHILLIPS: We may even have to revert to some manual processes, and that includes the count. I've already advised the Government that we won't be able, because of the funding decision, to do certain activities. That includes logos on ballot papers, for example.

The Hon. CHRIS RATH: Yes, that was a recommendation we've had for some time in JSCCM, I think.

MATTHEW PHILLIPS: Yes. Our digital modernisation program was required to enable us to deliver logos on ballot papers. Without that funding, we cannot deliver. We're comprehensively going through all our service offerings—what we provide to political participants, what we provide to members of the public—and we will have to pare back that offering because we are not funded to deliver.

The CHAIR: Before I turn to Mr Latham, I've got a couple of questions for the Acting Chief Commissioner of the LECC, Ms Johnson. In September 2023 you prepared a report, *Review of a sample of NSW Police Force strip search records 2021-2022*. There were some findings in there that I think alarmed a lot of people, in that 65 per cent of records were unclear when it came to strip searches, only 30 per cent of strip search records reflected adequate consideration of the seriousness and urgency threshold which officers must meet in order to justify a strip search under the law and only 27 per cent of strip search records contained information indicating police followed the rules for protecting privacy and dignity in strip searches. You made a number of findings and conclusions in that report. What has been the response, if any, to your report from the police and from the Government?

ANINA JOHNSON: That report related not to strip searches generally, but it was a paper audit of strip searches conducted at a number of identified music festivals.

The CHAIR: Yes, that's right. I understand.

ANINA JOHNSON: I think it's important to clarify that it wasn't a broad audit of police strip search powers generally, but in quite a narrow compass, and reflected concerns that the commission had identified in earlier reports in relation to the way in which strip searches are conducted at music festivals. What we'd identified was that the training that had been developed and the forms that had been developed by the police were both good. The problem was the forms weren't used and the training wasn't completed, in general terms. And so my recollection—but I would need to check and take it on notice—is that the police have acknowledged those deficiencies and have agreed to do better. We ordinarily now will put the police response onto our website so that the community can see what the police response to our recommendations is. I presume it's there, Mr Buckingham. And I apologise—I just can't remember. I'm happy to take that aspect on notice.

The CHAIR: As part of that audit of the sample of New South Wales strip searches, you decided not to review body-worn footage—

ANINA JOHNSON: Yes.

The CHAIR: —from police officers. Why did you do that?

ANINA JOHNSON: That was effectively a resourcing issue, in that, one, it allowed us to turn that review and that report around much more quickly. If you want to get body-worn footage for each matter to see how the strip search has been conducted, then it's a much bigger project; it takes a lot more time and a lot longer to report. So we made a strategic choice in collaboration with the New South Wales police that, in this instance, we'd do a paper audit. And already that paper audit, as you've indicated, uncovered some significant problems. We were able to identify them relatively quickly.² We do have, as one of our regular focus areas, the way in which strip searches are conducted. So if there are complaints made to either the New South Wales police or to the Law Enforcement Conduct Commission about strip searches, we would regularly and ordinarily ask for and obtain the body-worn video footage for those strip searches and we'll review that body-worn video footage either as part of our complaints assessment process or as part of our oversight of any investigation.

² In [correspondence](#) to the committee received 8 October 2024, Ms Anina Johnson, Commissioner, Law Enforcement Conduct Commission, provided a clarification to her evidence.

CORRECTED

The CHAIR: Do you have any plans to conduct another audit in the future that's better resourced so that you can ascertain whether or not there's been an improvement in the processes that you've been investigating?

ANINA JOHNSON: Never say never, but every time we look at strip searches, we're not looking at something else. I think, for the time being, we don't have a project planned to go back and look again at the way in which strip searches are conducted at music festivals. As I said, strip searches and the way in which they're conducted by the New South Wales police remain always very much on our radar and on the things that we scrutinise. We're aware, too, of the training and have attended police—I've certainly gone to observe the way in which the strip search training has been rolled out. So it's something that we keep an eye on, but we don't currently have a project in place to review—to repeat that audit at a later stage.

The Hon. MARK LATHAM: Mr Hatzistergos, does ICAC have any concerns or is it monitoring the emergence of this unusual, unorthodox process of unsolicited proposals as a new way of doing housing development in Sydney, given that it's quite ripe for favouritism? It takes you out of what the Premier this morning described as jumping through a thousand hoops in the planning Act to something that can be quite fast-tracked—in the case of Rosehill racecourse and the ATC and Steve McMahon, three days to get a meeting with the Premier, six days to get the Cabinet Office to tell you how to do it, eight days to meet with the Metro people and then a very high level of just about all the departmental secretaries on the steering and assessment committee. What's the ICAC's view of what could be seen by the Government as the solution to housing supply issues in Sydney but also raise some probity questions?

JOHN HATZISTERGOS: I'm not going to tell you what matters we are looking at and what matters we're not looking at, but you're perfectly entitled, as is any other citizen, to make a referral to us about any issue that you have concern. I will hand you down, complimentary, a publication that we issued in 2018 on direct negotiation guidelines for managing risks. That might be of interest to you. Pass that down to Mr Latham. Anyone else wants a copy, it's available on the website. Hopefully that will be of interest to you. There's also a publication which the South Australian Independent Commission Against Corruption has published more recently—this year, actually, I think—on the same topic. I refer you to that as well.

The Hon. MARK LATHAM: Do you think it would be desirable for these unsolicited proposal guidelines to be legislated, to have a formal statutory standing in New South Wales? The whole thing, I suppose, going back is very unusual—that it came out of some meeting in the Toaster with James Packer and Barry O'Farrell and Alan Jones and it sort of evolved since then. The Premier has now brought Investment NSW into the Premier's Department, so it looks like unsolicited proposals are very much part of central government. Would it be helpful for these guidelines, which just sit there randomly in the Cabinet Office, to actually be legislated as a process, as we have with the planning laws in New South Wales?

JOHN HATZISTERGOS: There have been occasions where the commission has had to examine unsolicited proposals. We've published some reports on it. I can draw your attention to those reports if you wish. But it's not a subject that, as far as I'm aware, we've specifically recommended in terms of legislating comprehensive guidelines for unsolicited proposals.

The Hon. MARK LATHAM: But if it became common now—I asked the Cabinet secretary Kate Boyd earlier: Is there anything stopping a Lendlease or a Mirvac from lodging an unsolicited proposal for a major housing development? If this is the new pathway for housing supply in Sydney and it becomes quite popular in that regard and, if you like, a rival to the traditional methods—the thousand hoops of the planning Act—do you think it's desirable at that level to have it legislated so that there's a clear statutory basis on which these things happen rather than vague guidelines that are interpreted by some bureaucrats?

JOHN HATZISTERGOS: I can't comment on the proposal. You've asked me the same question now twice, effectively, differently.

The Hon. MARK LATHAM: I'm just projecting if housing developments—

JOHN HATZISTERGOS: It's the same proposition. But can I just say this to you: If you're asking me whether it should be in exceptional circumstances, I would concur.

The Hon. MARK LATHAM: So you don't think it should become commonplace—

JOHN HATZISTERGOS: I don't, no.

The Hon. MARK LATHAM: —because it's open to favouritism? Like back in the day—I don't want to bring back nightmares for you, but imagine Eddie Obeid in charge of unsolicited proposals.

JOHN HATZISTERGOS: Well, I don't know. You published an article in 2019 praising Mr Obeid in the Financial Review. I'm not sure if you remember it.

CORRECTED

The Hon. MARK LATHAM: In 2019? No, I think you're wrong there.

JOHN HATZISTERGOS: I've got it here.

The CHAIR: Have you got a copy there?

JOHN HATZISTERGOS: I do. I thought you might be interested to read it.

The CHAIR: Are you tabling that?

JOHN HATZISTERGOS: No. I'll give it to Mr Latham: "In praise of Joe and Eddie".

The Hon. MARK LATHAM: I don't know about that, but anyway—unsolicited proposals. I'm sure unsolicited proposals aren't mentioned in the article. I'm just asking: Are they left open to favouritism if they become a source of multiple applications for major housing developments?

JOHN HATZISTERGOS: I'll give you a look at the article. You can read it for yourself. I don't really wish to—this is not an occasion for me to sledge and I don't intend to do it. But I've indicated to you what my thoughts are in relation to that subject matter. The commission's thoughts are in the publication which I've given you. There's further material that you might—

The CHAIR: We'll treat that as a tabled document. I'd like to have a read.

The Hon. MARK LATHAM: It's not 2019.

JOHN HATZISTERGOS: Sorry, when is it?

The Hon. MARK LATHAM: Well, it's 16 years ago.

JOHN HATZISTERGOS: You can read it out if you want.

The Hon. MARK LATHAM: No, I'll have a look at it. I think I said he donated to a lot of community groups, probably you.

JOHN HATZISTERGOS: Well, I donated to you too, once, when you were the Leader of the Opposition.

The CHAIR: Mr Latham, just provide that to the secretariat there.

The Hon. MARK LATHAM: No, he hasn't tabled it, and the ICAC commissioner hasn't provided an accurate dating of it.

JOHN HATZISTERGOS: No, I stand corrected, Mr Latham. But I was just interested that you had positive thoughts about Mr Obeid. I didn't, actually, at the time. In fact, I was the one who was responsible for recommending the appointment of Mr Ipp.

The CHAIR: Mr Hatzistergos, just for clarity, did you table that document?

JOHN HATZISTERGOS: No, I'll just give it to Mr Latham. It's not really appropriate that I should table the document.

The CHAIR: Fair enough. We can google it.

Ms ABIGAIL BOYD: Dr Phillips, I was going to come to you anyway to ask you how wonderfully the project for technology-assisted voting was going, assuming that you had been funded. So it comes as a huge surprise, after sitting here for the last however many years—four years—of the previous Coalition Government failing to fund it, to now find out that the Labor Government has also failed to fund it. You'll probably recall I've been asking about this because it's yet another one of those issues that really disproportionately impacts on people with disability. I'm a bit astounded. If we were to get the money now—say, there was to be a turnaround—would it be in time in order to provide online voting in 2027?

MATTHEW PHILLIPS: No, we don't think so at this time for a number of reasons, one of which is the market has changed. While we went out for a request for information process, I think we got seven responses. Two of those we thought had potential, as I mentioned before. One of those companies now is in receivership or is now no longer probably able to provide the services. So it's down to one.

There is still one, I suppose, and there may be new entrants since that time. So there are market conditions. And, two, it takes time to roll that out. Also, we made a commitment to the blind and low-vision community in particular that we would work with them on this technology; we would co-design this thing with them to ensure they got out of it what they are seeking. They are the key group that arose from my predecessor's review into technology-assisted voting. There was going to be a very narrowly defined offering for SG27, blind and low-vision electors. It takes time to test, implement and design. Given the market conditions, given the time and, most

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importantly, the fact that we have zero budget, it is impossible to deliver an internet solution for the State general election in 2027. I am happy to stand corrected by my officers, but even if we were to be given money today, I do not believe that we could deliver a solution for the State general election in 2027.

Ms ABIGAIL BOYD: When was the first time you asked for this money from the Labor Government?

MATTHEW PHILLIPS: In the 2024-25 budget, so in the recent budget round. A submission would have gone in roughly in February.

Ms ABIGAIL BOYD: So if you had had the money in the budget when it came out in June—

MATTHEW PHILLIPS: Or in July.

Ms ABIGAIL BOYD: —then you could have done this by 2027?

MATTHEW PHILLIPS: Yes. I think it still would have been difficult, given the changes in the market. I still think it would have been difficult, but we could have done it, based on the advice at the time. But that's the position we are in. We always maintained that it was a policy decision for government. We gave them an option throughout the budget process. Decisions have been made, due to the tight fiscal environment, not to fund that particular initiative.

Ms ABIGAIL BOYD: I am keeping a tally of all the ways the Labor Government has failed people with disability, so I will add this one to it. Can I ask you about the shrinking of staff and needing to re-baseline the budget? Did you say that that's going to potentially result in a manual count?

MATTHEW PHILLIPS: No. What we need to do is we need to look across our systems. The count system now is a computer system and it has been in place for a number of years. Particularly for the upper House, we need to work out if we've got the funding available and the resources that we could dedicate to it to roll it out and to ensure that appropriate measures such as cybersecurity protections and others are in place for us to use that system. We have not come to a decision at this particular point in time. We are going through that work across all our systems, both our core election systems as well as corporate systems. I'm not saying that we can't at this time; I'm just saying we need to look at them all and we need to retire some systems that we can no longer afford to provide. Whether it be in corporate systems or election systems, we may have to revert to manual processes. But it's too early to determine that at this time.

Ms ABIGAIL BOYD: And all the discussions we had about outreach that Victoria does and everyone else manages to do, that's not on the horizon at all now.

MATTHEW PHILLIPS: We have one officer on an ongoing basis who provides outreach to stakeholders.

Ms ABIGAIL BOYD: Versus the 12 they have in Victoria.

MATTHEW PHILLIPS: I should give him praise. He is doing an amazing job during the local government elections in terms of his engagement with those communities who face additional barriers to democracy.

Ms ABIGAIL BOYD: There just needs to be 11 more of him.

MATTHEW PHILLIPS: Yes. Much to the Victorians—there should be 11 more. We've got a package that we presented which wasn't funded. We can do more and we should be doing more in that space, but we are not funded to do so at this time. There is the JSCEM process, the Joint Standing Committee on Electoral Matters, looking at voter engagement, participation and integrity. I think that's a wonderful review. We will be looking at that review to re-engage on these matters around stakeholders and so forth, but also to re-prosecute our claims for additional funding, because without investment in the fundamentals of this institution in democracy—staffing, systems and cyber, for example—I will leave it with you. May I make just one statement of fact that 38 per cent of our workforce is ongoing—that's it.

Ms SUE HIGGINSON: I'm heading back to Ms Johnson and Ms Anderson from the LECC. I'm just trying to get a grasp of the amount of complaints you receive and the percentage of those per annum that you would take on as matters that you investigate. Can you give us a rough idea of what that looks like?

ANINA JOHNSON: I think when we've done these figures before, it comes through at about 1 per cent of complaints that we take as our own investigations. Last financial year we assessed 5,755 complaints and we have about 50 investigations on hand at any one point in time. That number fluctuates depending on where things are at.

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Ms SUE HIGGINSON: What is the primary reason that you wouldn't be taking a matter further into investigation or within your capacity? What's the primary—or even if there's a couple of grouping reasons.

ANINA JOHNSON: The legislation provides that police should have the primary responsibility for managing misconduct—police and the Crime Commission, obviously, should have the primary responsibility for managing misconduct within their organisations. So, primarily, we look to see if the complaint raises issues that can be handled appropriately by the New South Wales police.

Ms SUE HIGGINSON: On that, are you suggesting that the bulk of the matters, the 5,000-odd that you don't investigate or take further, you would refer back to police?

ANINA JOHNSON: Yes. No complaint reaches a dead end—or very few. Unless the complainant specifically says that they don't want it referred back to police or—we receive a small portion of complaints where we refer them for information only, where the complaint is very difficult to understand what the complaint's about. But, yes, otherwise, the complaints come to the Law Enforcement Conduct Commission, either directly from the public, or we oversee complaints that have been made to police. We will refer those complaints to police. We check to see the way in which police have triaged the complaints. We make sure that that triage has been completed properly. We assess the police response—if they're going to investigate it or not. If we disagree with their approach and if we think something should be investigated that police have said they're not going to investigate at that point, we have the power to direct police to investigate a matter.

We will then oversee the outcome of that investigation. So it's not a matter of sending a complaint to police and just saying job done—far from it. We maintain an active role in overseeing the way in which those complaints are handled. Coming back to your other questions about what we might investigate, we also have an eye, perhaps, to particular systemic issues, but we can also pick up—and do pick up—complaints that have not been investigated by police to our satisfaction. The matter involving Police Officer Daniel Keneally was one of those where the matter had been referred to the police, the police had investigated, the LECC was overseeing that investigation and then wasn't comfortable with the way the investigation was being handled. We picked it up and did the investigation ourselves, and then prosecution proceedings flowed from that.

Ms SUE HIGGINSON: Does it concern you at all that the police spent more dollars, literally, losing in court proceedings and settling misconduct cases than your entire budget? I'm not trying to be smart about it at all; I'm coming from that public-confidence perspective. Yes, there's a lot of police, but—in terms of the amount of complaints that the LECC doesn't take to another matter.

ANINA JOHNSON: At the moment, I am comfortable with the number of investigations that we have on foot. There aren't matters where we say we don't have the resources to investigate those. It's a question of—under the statutory scheme, the police need to have responsibility for owning their own conduct. That was a recommendation from the Wood Royal Commission, who said, if you palm it off to a third party, they won't own it. They need to look at themselves in a mirror. And I think, generally speaking, that system works effectively.

Ms SUE HIGGINSON: You think that recommendation from the Wood inquiry is still the most contemporary kind of best practice for policing accountability systems?

ANINA JOHNSON: I think it is. There's always room to tweak at the edges, but I think there are real risks with saying an independent third party ought to always investigate everything. I think there are real benefits with police investigating their own, looking frankly at the conduct that's alleged to be misconduct and making an assessment of whether this was right. Police will, I think, hear criticism and receive criticism better if it comes from someone wearing a blue uniform than if it comes from someone external. I think that's an important part of the process. I think where the LECC can and does add value is in making sure that that investigation is well conducted, thoroughly conducted and addresses all the right issues.

The CHAIR: Thank you very much, Chief Commissioner. Unfortunately, that concludes our allocation of time for questions today. Thank you all for your attendance.

JOHN HATZISTERGOS: Could I just clarify a few matters—very quickly. I mentioned five reports when the commissioners commenced. We commenced in 2012, by the way. I think I may have misspoken about the date. Sorry—2022, not 2012. There were five reports. They were Skyline, Tolosa, Galley, Paragon and Keppel. We got all of those done within that timeline that I mentioned earlier. I also mentioned 20 legal staff. The number of staff in the legal division is actually 14. There are other lawyers, but they're not in the legal division—associates, brief-handlers and some people in assessments. I just mention those numbers.

The CHAIR: Thank you, Chief Commissioner. Thank you all for your time today. The secretariat will be in contact with you regarding any questions or matters taken on notice. Thank you for the work you do serving the people of New South Wales.

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(The witnesses withdrew.)

The Committee proceeded to deliberate.