

REPORT ON PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE RELATIONSHIP BETWEEN
THE DURAL CARAVAN INCIDENT AND PARLIAMENTARY
DEBATES ON LEGISLATION**

**RELATIONSHIP BETWEEN THE DURAL CARAVAN INCIDENT AND
PARLIAMENTARY DEBATES ON LEGISLATION**

UNCORRECTED

At Macquarie Room, Parliament House, Sydney, on Thursday 22 May 2025

The Committee met at 9:30.

PRESENT

The Hon. Rod Roberts (Chair)

The Hon. Susan Carter (Deputy Chair)

The Hon. Greg Donnelly

The Hon. Wes Fang

Ms Sue Higginson

The Hon. Bob Nanva

The Hon. John Ruddick

The Hon. Emily Suvaal

The CHAIR: Welcome to the second hearing of the inquiry into the relationship between the Dural caravan incident and parliamentary debates on legislation. My name is Rod Roberts and I am the Chair of the Committee. I ask everybody in the room to turn their mobile phones to silent. Witnesses, I understand you are very experienced, having appeared before numerous committees numerous times, but I am still going to pay you the courtesy of making this statement: Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or others after completing your 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 those procedures.

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

Ms KATE MEAGHER, Deputy Secretary, Delivery and Engagement Group, Premier's Department, affirmed and examined

Ms KATE BOYD, Secretary, the Cabinet Office, affirmed and examined

The CHAIR: I welcome Mr Draper, Ms Meagher and Ms Boyd. I note that you're scheduled to give evidence from 9.30 a.m. to 10:30 a.m. In the event that members have further questions at the end, I may ask you to stay past that time, if you are available. As is traditional, I will make the offer: Do any of you wish to make a short opening statement?

SIMON DRAPER: No, thanks Chair.

The CHAIR: In that case, before I refer to my colleagues for questions, I wish to express some concerns that I hold. I say "I" as I'm speaking on behalf of myself and not the Committee. I hold serious and grave concerns about the attempts of some witnesses to avoid appearing before this Committee. This Committee has determined that it wishes—and in fact needs—to hear and take evidence from certain individuals. This Committee has a right to do so. It is apparent that there have been attempts by some to hinder and frustrate the work of this Committee by declining to attend, using spurious and tenuous arguments.

It is the duty of the Legislative Council, and therefore its committees, to hold the government of the day to account. It is our role to review process and executive activities. A strong house of review is fundamental for maintaining democracy. One would think that an accountable government would willingly cooperate with a Legislative Council committee and not proffer weak and insubstantial assertions as reasons not to attend and cooperate. I'll now hand over to the Hon. Susan Carter for some questions.

The Hon. SUSAN CARTER: Good morning, welcome and thank you all for being here. Mr Draper, were you present at the telephone briefing on 20 January at 9.37 a.m.?

SIMON DRAPER: No, I wasn't, and maybe this will help you: Just to let you know, I was on leave. I didn't return from leave until 29 January.

The Hon. SUSAN CARTER: When it says "staff from the Premier's office", who from the Premier's office was present at that meeting?

SIMON DRAPER: I can't—I'm not sure.

The Hon. SUSAN CARTER: Are there any records that you can provide us on notice about who was at that meeting?

SIMON DRAPER: I can, although Ms Meagher might know.

The Hon. SUSAN CARTER: Could provide us with details on notice?

SIMON DRAPER: Yes, sure.

The Hon. SUSAN CARTER: In fact, on notice can you provide us with details of any staff from the Premier's Department who were attending any of the briefings in relation to this matter?

SIMON DRAPER: Yes, that's fine.

The Hon. SUSAN CARTER: Thank you very much. So you returned on 29 January.

SIMON DRAPER: Yes.

The Hon. SUSAN CARTER: What was the first briefing that you were present for?

SIMON DRAPER: The first I heard about this matter at all wasn't really—it was in a briefing, but Ms Meagher just told me on the day that I got back, probably only an hour or two before the media reported on this, that there were some issues with a caravan containing explosives. We had very little information about it. That was the first I'd heard of it.

The Hon. SUSAN CARTER: So you returned from leave before the Premier's press conference in relation to that.

SIMON DRAPER: That day. That was my first day back.

The Hon. SUSAN CARTER: What discussions were there with the Premier prior to that press conference?

SIMON DRAPER: Other than he was going to go and do a press conference, there were none, as far as I'm aware.

The Hon. SUSAN CARTER: Can you on notice provide us with details of which staff from the Premier's Department were actually discussing that matter with him before the press conference?

SIMON DRAPER: I can say with a high degree of confidence that there were no others because I saw the Premier before he did the press conference. He told me he was going to do a press conference, and then he went and did it. So I'd say there was no time lapse where people were going in and being involved in anything.

The Hon. SUSAN CARTER: So this was entirely of his own volition without any advice or input from staff whatsoever?

SIMON DRAPER: That would be very usual. The Premier doesn't ask the Premier's Department for permission or advice on whether he should do a press conference.

The Hon. SUSAN CARTER: Whose responsibility is it to keep minutes of these briefings?

SIMON DRAPER: Which briefing are you referring to?

The Hon. SUSAN CARTER: Any briefings between the Premier and the New South Wales police in relation to the Dural caravan incident.

SIMON DRAPER: It's not necessarily the case there would be minutes kept of those briefings, particularly where sensitive matters are being discussed.

The Hon. SUSAN CARTER: So everybody relies on their memory and there are no notes taken of briefings about something as important as a caravan full of explosives?

SIMON DRAPER: They're not decision-making briefings. They're not briefings that are being held to record a decision or to issue directions or instructions. They're for information; that's all.

The Hon. SUSAN CARTER: But the information received at those briefings would inform later decision-making surely?

SIMON DRAPER: That's speculation. I can't say.

The Hon. SUSAN CARTER: Is it speculative, Mr Draper, to say that information received from the police would lead to making a decision about whether to inform the public about a terrorist incident?

SIMON DRAPER: Yes, I think it is.

The Hon. SUSAN CARTER: So is it your belief, Mr Draper, that the Premier would decide of his own volition to just declare a terrorist incident without necessarily reflecting on briefings from the police?

SIMON DRAPER: I'm not aware the Premier did or can declare a terrorist incident.

The Hon. SUSAN CARTER: Declare that what was happening with the Dural caravan was a terrorist incident?

SIMON DRAPER: Are you referring to the media conference?

The Hon. SUSAN CARTER: Yes, I am referring to that.

SIMON DRAPER: I think the Premier relied on information that he'd been provided prior to that date.

The Hon. SUSAN CARTER: And there are no notes of those briefings kept. There are no minutes of those briefings kept, and so we're just relying on the Premier to remember what was told to him in a very busy schedule, with lots of other issues happening.

SIMON DRAPER: I've already told you I wasn't present at the briefings before that. I'm not aware of any—

The Hon. SUSAN CARTER: But I'm asking about the practice of keeping minutes of those briefings, Mr Draper.

SIMON DRAPER: It's not the practice to produce minutes of every discussion that happens within government.

The Hon. SUSAN CARTER: So what is the practice then? What is important enough to be minuted?

SIMON DRAPER: We have a number of formal decision-making bodies in government. Those forums produce records of decisions that are made. It depends on the formality of the discussion.

The Hon. SUSAN CARTER: Were you present at the teams briefing on 31 January?

SIMON DRAPER: I don't believe—31 January?

The Hon. SUSAN CARTER: Yes. After you returned from leave.

The Hon. GREG DONNELLY: He returned on the twenty-ninth.

The Hon. SUSAN CARTER: Yes, so the thirty-first is after the twenty-ninth.

SIMON DRAPER: I'm going to have to check that one. I don't believe I was. That was the Friday I think.

The Hon. SUSAN CARTER: And so you will tell us which staff from the Premier's office attended instead of you?

SIMON DRAPER: Premier's Department, you mean? Yes.

The Hon. SUSAN CARTER: And 3 February, will you—

SIMON DRAPER: Sorry, just to check, you're talking about the Premier's Department?

The Hon. SUSAN CARTER: The information we have is the Premier's office.

SIMON DRAPER: If I wasn't there, I can't tell you who from the Premier's office was there. The Premier's office don't report to the Premier's Department. I think that's clear.

The Hon. SUSAN CARTER: Were you ever present at any briefings where the AFP was providing information about the Dural caravan incident and the NSW Police Force was not present?

SIMON DRAPER: No.

The Hon. SUSAN CARTER: And are you aware that there were any briefings given directly by the AFP to the Premier without the presence of the NSW Police Force?

SIMON DRAPER: No.

The Hon. SUSAN CARTER: So all the information the Premier would have received would have come from the experts, the NSW Police Force?

SIMON DRAPER: That's a little bit of a jump. I just said I'm not aware of any of those things.

The Hon. SUSAN CARTER: Right. Is it likely, given your position, that you would be aware of sources of information for the Premier?

SIMON DRAPER: If I was asked to be present, then I would know.

The Hon. SUSAN CARTER: Ms Meagher, were you present at any of these briefings?

KATE MEAGHER: Yes, Ms Carter. I think as I confirmed at estimates some weeks ago, I did attend one briefing on 23 January.

The Hon. SUSAN CARTER: And that was the one in the afternoon with the commissioner. That's the only one you attended?

KATE MEAGHER: Correct.

The Hon. SUSAN CARTER: And was the AFP present on that occasion?

KATE MEAGHER: No.

The Hon. SUSAN CARTER: So the information was all from the NSW Police Force?

KATE MEAGHER: Correct.

The Hon. SUSAN CARTER: Ms Boyd, did you attend any of the briefings?

KATE BOYD: No.

The Hon. SUSAN CARTER: Ms Meagher, we've heard evidence that the police indicated that it was an open investigation with a range of possibilities and, at its highest, it may be a terrorist incident—but they had healthy scepticism about that. In terms of balancing the information that was received, there was no direct input from the AFP and the information that was received was from the NSW Police Force?

KATE MEAGHER: Do you mean in that briefing or in general?

The Hon. SUSAN CARTER: In general. Were there any occasions when the AFP directly would have briefed the Premier without the NSW Police Force being present as well?

KATE MEAGHER: I couldn't comment, I'm sorry.

The Hon. SUSAN CARTER: Who would be able to comment on that?

KATE MEAGHER: I think, as Mr Draper has indicated, maybe the police or the AFP. I'm sorry, I can't—I just don't know.

The Hon. SUSAN CARTER: That's very helpful because all we're trying to do is eliminate if there's any extra information other than that the police have given us. I think the situation's very clear. Are you aware, Ms Meagher, of staff—other than Mr Draper or yourself—who would've been present at any of these briefings?

KATE MEAGHER: I'm not, no.

The Hon. SUSAN CARTER: Ms Boyd, are you aware of any staff who would've been present other than—

KATE BOYD: No.

SIMON DRAPER: Mrs Carter, if I can also answer one of your questions from earlier, I checked my diary for 31 January and I don't have any record of attending that meeting. I don't recall it.

The Hon. SUSAN CARTER: Okay. Thank you very much.

Ms SUE HIGGINSON: Ms Meagher, could I ask you please to go back to the briefing on the afternoon of 23 January? Do you recall hearing Deputy Commissioner David Hudson referring to the incident in terms such as this looking to him that it could be a criminal opportunity type of event, relating to the caravan and the evidence that he had been examining by that time?

KATE MEAGHER: Ms Higginson, I don't recall that language. This was the first time I had heard about this and, to be honest, I was absorbing what was being described around explosives with a potential 40-metre radius of damage and the language around mass casualty events. Contextually, what we were doing at the time in the Premier's Department was trying to work with police and community across government to develop responses to a number of incidents that had been occurring over the summer. I definitely don't recall, but I'm happy to take it on notice and check with Mr Hudson if he did use that language. I do recall that it was definitely presented in that meeting as something that could have had the potential to cause a mass casualty event. Where we were sitting, looking at the number of incidents that had been escalating, that was definitely my takeout, if I can put it like that. I don't recall the other language that you've referred to, but I'm more than happy to check in case I missed that context.

Ms SUE HIGGINSON: Was Deputy Commissioner Hudson actively, in that discussion, talking about the impact of potential explosives? Was he doing anything to communicate in his briefing and from his expertise that this was related to a motivated offence, through ideology, or that this was linked to any other events that had happened that might have had antisemitism related to those events, as they had been reported over the months previous?

KATE MEAGHER: You'll appreciate I'm not really in a position to speak for what Mr Hudson was thinking, but he was definitely—

Ms SUE HIGGINSON: No, I'm referring to the words you heard.

KATE MEAGHER: Yes, I think, around the caravan, he was definitely discussing that it was still early days in an investigation and they had to treat it at its highest level, and that it was a matter for the joint counterterrorism arrangements. So that was the positioning, if you like. The work more broadly around what appeared to be a wave of antisemitic attacks—they were certainly looking at lines of inquiry. With regard to the Dural caravan, it was positioned as early days in the investigation. I couldn't be more specific about where he may or may not have been drawing inferences around other matters.

Ms SUE HIGGINSON: Do you recall whether the Premier asked the deputy commissioner or the commissioner questions?

KATE MEAGHER: I don't recall.

Ms SUE HIGGINSON: As in, you think he may have asked questions, or you just—

KATE MEAGHER: He's likely to have asked questions. I just can't recall what they were.

Ms SUE HIGGINSON: You recall he asked questions, but you don't recall what they were?

KATE MEAGHER: Yes.

Ms SUE HIGGINSON: Can I ask you to try a little bit harder in terms of that recollection? No disrespect here—I understand what it means when it's hard to remember what somebody might have said. Do you think he used the inquiry terms around "Could this be a terrorist event?" I'm curious if you could assist the Committee for us to try and understand what the mode and tempo was in that briefing.

KATE MEAGHER: I think, to assist the Committee, it was being described as "early in the investigation" and being considered multi-jurisdictionally under the joint counterterrorism arrangements.

Ms SUE HIGGINSON: If you can recall, did the Premier ask for any advice about what he should do in relation to his responsibilities and informing the public, or whether, perhaps, if he did a certain thing it might jeopardise things? Do you recall any of those seeking-advice-type questions?

KATE MEAGHER: I don't recall that. I think it was very clear that at that point it was closely held information and that it was part of an investigation through joint counterterrorism. I don't want to assume what the Premier was thinking, but that was how it was described.

Ms SUE HIGGINSON: Do you recall any advice being given at any point in that briefing by anybody about the need to keep this a confidential matter?

KATE MEAGHER: Yes. It was a pens-down briefing, if you like.

The Hon. WES FANG: How often does that happen?

KATE MEAGHER: I'll defer to my colleagues. In my experience—

Ms SUE HIGGINSON: Can I just ask, finally, about that one particular meeting: Who were the staff from the Premier's office who were present at that meeting?

KATE MEAGHER: The chief of staff.

Ms SUE HIGGINSON: Just the chief of staff?

KATE MEAGHER: Correct.

Ms SUE HIGGINSON: You weren't present for the meeting on 31 January?

KATE MEAGHER: No.

Ms SUE HIGGINSON: None of you here were?

SIMON DRAPER: No.

Ms SUE HIGGINSON: On 3 February, Mr Draper, you were at that briefing session with the Premier, the police Minister, the commissioner and Deputy Commissioner Hudson. Could you please assist the Committee with understanding the nature of the deputy commissioner's advice at that point? Did his advice involve—was it to the effect that this was looking like it was a criminal enterprise opportunity type of activity as opposed to, or in addition to, the consideration that this could be a different type of activity?

SIMON DRAPER: I would characterise those briefings, including that particular briefing on 3 February, more that the deputy commissioner was taking the Premier and the Minister through the investigative process they were having to follow. It may have been hoped by those in attendance that we could get more conclusive information, but it was really the deputy commissioner explaining the process they were going through and, in a way, reassuring the Premier and the Minister that they were being diligent and that the investigation was progressing given the high level of public interest in the investigation.

I don't recall that there were any conclusions or views put about at that stage about the nature of the event. What I took away from it was they were trying hard to keep an open mind, albeit that there were a number of possibilities, including that it was a premeditated terrorist-type incident but also a possibility that it was—I think

the terms that they would have used were "an attempt to manipulate the justice system to get some benefits in the justice system". I think the police have a lot of experience with that, so it seemed to me very wise that they would keep an open mind about that.

Ms SUE HIGGINSON: Similar to the questions I was asking Ms Meagher, could you please describe to the Committee the sorts of questions that the Premier was asking of the police commissioner and deputy commissioner in terms of his briefing? I don't think anybody sits silent in a briefing; questions were asked.

SIMON DRAPER: There were definitely discussion and questions. They were really around—I don't remember them, so I don't want to mislead the Committee by suggesting I've got a recollection that's more reliable than it is. But I would characterise that the types of questions were about the process: What next? How fast might this investigation move? Was the working relationship between the New South Wales police and the AFP working effectively? There were questions around those sorts of things.

Ms SUE HIGGINSON: Could you describe the conversations, how that advice came and what the flow of information was in relation to those aspects?

SIMON DRAPER: The police were quite reassuring that they were doing as much as they could, that it was a painstaking process. For those who haven't got close experience with police investigations, it can be a frustrating experience to know how long it can take to get access to sources and interrogate those sources, particularly when there are two organisations involved. But, really, I would characterise it as the police providing an update and reassurance about the process, that they were making progress and keeping an open mind about all the possibilities.

Ms SUE HIGGINSON: Did the Premier's chief of staff ask any questions in the briefing session?

SIMON DRAPER: I really don't remember.

Ms SUE HIGGINSON: Ms Meagher, do you recall in the initial one whether the Premier's chief of staff asked questions?

KATE MEAGHER: I don't recall either, I'm sorry. Happy to take it on notice, but I can't recall.

Ms SUE HIGGINSON: Was there any discussion, Mr Draper, in the 3 February briefing with the Premier seeking advice from the police about what he should do in terms of his public responsibility and maintaining communication with the public about the event?

SIMON DRAPER: I think there was definitely interest from everybody and the question of how much could be communicated publicly because of the very high level of public interest and the ongoing antisemitic attacks that were happening at that time. There was an interest in that, but there was also a high degree of respect for the fact that it was a police investigation going on, at both the Commonwealth and State levels, and they were working in a joint taskforce. That had to take primacy over everything else.

Ms SUE HIGGINSON: When you returned from leave on the 29th and between the 29th and 3 February with that briefing, had you had any conversations personally with the Premier about this particular event?

SIMON DRAPER: In what period?

Ms SUE HIGGINSON: Between when you came back from leave on the 29th and 3 February, that first briefing that you attended, had you had any conversations personally with the Premier about the caravan incident?

SIMON DRAPER: I'm sure I did, because we speak regularly.

Ms SUE HIGGINSON: Did you have discussions with him about his approach to the public and fronting the media and providing explanation about the event?

SIMON DRAPER: I attended a media conference that he did with the police commissioner, certainly I was there for that. I don't recall any specific discussions about those matters. But, as I say, it was certainly something that was of interest to everybody in those briefings, just how much could be communicated to the public, given there was a very sensitive police investigation going on and it was operating through a joint counterterrorism taskforce. There was an interest in that topic, but I don't remember any specific discussions about it.

Ms SUE HIGGINSON: Mr Draper, when did you determine in your own mind that this was more likely a criminal opportunity as opposed to a genuine activity motivated by hate and ideology?

SIMON DRAPER: When the AFP and the New South Wales police did a media conference together and said that.

Ms SUE HIGGINSON: Notwithstanding that you had been at all those briefings, you didn't form a view.

SIMON DRAPER: No, I didn't, and I wouldn't back myself to form a view based on what I'd heard, which was mainly about the investigation process. I really didn't have enough information. I have great admiration for police, who can operate in what is often a fog and try to establish the facts in those situations.

Ms SUE HIGGINSON: But there were a lot of other things happening as well. People were reporting in the media and there were conversations. You didn't form any view? Can I phrase it this way—

The Hon. BOB NANVA: Point of order: Mr Draper is quite capable of answering questions, but Ms Higginson is asking for an opinion and has asked for an opinion on a number of occasions. Mr Draper has answered the question. I ask you to uphold the procedural fairness resolution that public officials ought not be asked an opinion.

The CHAIR: I think you're asking his opinion, not an opinion of government policy or anything—just his own opinion. Did he form a view in relation to something?

Ms SUE HIGGINSON: Yes. I'm not asking for an opinion. I'm asking when he formed a view.

The CHAIR: The question is well in order at this point in time.

Ms SUE HIGGINSON: Can I perhaps turn it the other way around? Up until the point that the AFP made the announcement that the evidence suggested and proved or showed that this was a criminal enterprise opportunistic activity, are you suggesting that you laboured under the assumption that this was an event, an activity that was motivated by ideology and hate?

SIMON DRAPER: No. I'm saying that, in the same way as the police were trying to keep an open mind about it—in order not to fall into the trap that these investigations can often have of having a predetermined outcome—I similarly kept an open mind. I think that's always a good rule with these things, particularly because I wasn't particularly close to the investigation. I was in some briefings about the process they were following and the question of how much could be communicated by the public. I must say there were lots of other things happening at that time. I was probably spending more time on those things, given that this was a police investigation and there wasn't really much for us to contribute. From the point of view of the Premier's Department, we were more focused on other community relations and community cohesion type issues. There was also a rail dispute going on at the time, so there were a lot of things happening at that point.

Ms SUE HIGGINSON: Can I suggest, though, that the Premier certainly didn't keep an open mind? He came out and made it abundantly clear that he said that this was a potential mass casualty event, and that it was motivated by antisemitism—that this was an act of antisemitism. That was what the public was told. Did you have any concerns, given you were maintaining an open mind, that that open mind had been clouded at all and that there was a need to advise the Premier that perhaps he had clouded that open mindedness? Could you see that, like other people outside of the Premier's Department could see that?

SIMON DRAPER: Firstly, I should clarify: All the way through, I did see it as antisemitic attacks and events. The motivations of the people behind that antisemitism were being investigated. But there's really no question at all about whether the attacks were antisemitic. They were absolutely targeted at members of the Jewish community. They were intended to invoke fear in that community, and they were successful in doing so. That part of it I had no doubt about. As to the Premier's state of mind, I don't really think it's a matter for me to comment on, other than to say that my experience in discussions with him was that he actually was quite open to receiving advice from the police and understanding the nature of the incident.

Ms SUE HIGGINSON: Was there any motivation between any of the participants in the briefings to try to alleviate the public's understanding and provide the somewhat relief that this was not what it was purported to be by the Premier? Was there any of that in the briefings or—

The Hon. GREG DONNELLY: Point of order: The member is asking the witness to mind-read motivations of individuals. The member wants the witness to respond to that. It's a very generic, broad question. You cast the net very broadly. You said "other people".

Ms SUE HIGGINSON: I'm happy to rephrase the question, I really am. I hear what you're saying. I'm very happy to rephrase the question. I know we're very time-constrained.

The CHAIR: Thank you for your cooperation. Let's rephrase it.

Ms SUE HIGGINSON: Were there any words spoken or activities that you saw or actions on the part of the Premier and other members in the briefing to try to change the public narrative that the Premier had set in the time between the AFP's announcement and when the Premier first went to the media?

SIMON DRAPER: I can say two things. Firstly, for any communication, we were absolutely guided by what the police thought was the correct approach, given that it was in their hands and they were conducting a really sensitive investigation, whether it was motivated by ideology or motivated by some desire to manipulate the justice system. In either case, it was highly sensitive. Police generally don't want to be signalling to those actors what their intentions and their approaches are. We were guided entirely by the police on that. Secondly, I would say that any attempt to allay fears in the community would have been premature, given that, as far as I'm aware, there was no conclusion reached on those things for some time.

Ms SUE HIGGINSON: There was a briefing on 4 February, 5 February and 7 February. In all of those briefings, you were present. What we understand is that other staff from the Premier's office were present. Was it the same staff member in each of those briefings, the chief of staff?

SIMON DRAPER: I don't really remember exactly who was there for each of those briefings, other than the people who were doing the briefings themselves. The chief of staff was certainly there for some of them. I don't know if he was there for all of them. There were a number of briefings set up in the diary. I'm not sure that all of them actually happened, depending on whether there was something to report and other things that were happening at that time. That's probably the best I can tell you.

Ms SUE HIGGINSON: Would you be able to take on notice and provide the Committee, for those briefing dates, who from the Premier's office was present?

SIMON DRAPER: I am not reluctant to take things on notice, but I don't know that there's anything I could go to to tell me who was present.

Ms SUE HIGGINSON: There is no Teams meeting record? Could you ask the Premier to provide that information?

SIMON DRAPER: I don't know that the Premier would have a record of that either.

Ms SUE HIGGINSON: Perhaps he could just try and ask his staff who might have been there and see if that could be provided. Is that something that you might be able to do for this inquiry?

SIMON DRAPER: I'm happy to take it on notice.

Ms SUE HIGGINSON: It is the meetings of 7 February, 5 February, 4 February and 3 February.

The Hon. SUSAN CARTER: Ms Meagher, in an answer to my colleague Ms Higginson, when you were talking about the advice given by Deputy Commissioner Hudson in relation to the likelihood of what the caravan incident was, you indicated that you would check, in case you had missed the context. If no notes have been kept of the meeting, what are you proposing to check?

KATE MEAGHER: I think what I meant by that was that I could talk to Mr Hudson. That's all.

The Hon. SUSAN CARTER: When you offered to take something on notice—

KATE MEAGHER: I don't know whether that's procedurally a thing I can do, but happy to take that on notice. I'm trying to assist, is what I'm getting at.

The Hon. JOHN RUDDICK: Mr Draper, on 19 January the caravan was found and on 29 January it was made public. Some 21 days after that, anti-free speech laws were introduced into this Parliament and rammed through two days later. When did the conversation begin that we need new laws to suppress free speech as a response to this caravan incident?

SIMON DRAPER: Firstly, I don't know that—

The Hon. GREG DONNELLY: Point of order: I take a point of order so that the witness is not seen to be consenting to agreeing to the language "rammed through the Parliament". That was a political statement.

The Hon. JOHN RUDDICK: Passed through the Parliament, okay.

The Hon. GREG DONNELLY: That's fair enough—I get it—but we're talking about straight-up questions to provide witnesses to be able to accurately—

The Hon. JOHN RUDDICK: Those laws were passed in two days. It was rammed through the Parliament.

The CHAIR: Order!

The Hon. GREG DONNELLY: Let's have a debate about ramming laws through, if you want to.

The CHAIR: Order! Perhaps you can just rephrase the question and say "passed through this Parliament".

The Hon. JOHN RUDDICK: Those laws were introduced 21 days later, and they were passed in two days, which is quite quick in my view. But the key question is when did a conversation begin that we need new laws to suppress free speech in response to the caravan incident?

SIMON DRAPER: Firstly, I don't necessarily accept the characterisation of those laws. But the truth is that I don't know. I wasn't deeply involved in that process.

The Hon. JOHN RUDDICK: Would Ms Meagher or Ms Boyd have any idea of when that conversation began?

KATE BOYD: I can assist. December was the first record we have of briefing on that suite of legislation you're referring to.

The Hon. JOHN RUDDICK: In December?

KATE BOYD: Yes.

The Hon. JOHN RUDDICK: Would you say that the caravan incident accelerated that discussion?

KATE BOYD: No, I would not.

The Hon. JOHN RUDDICK: Do we know who it was who actually first proposed it?

KATE BOYD: To the best of my recollection, we were asked for advice following 7 October in the context of an escalating spate of antisemitic incidents around the law reform response to help address this issue, and that occurred in late 2024. The caravan incident was not a feature of that request.

The Hon. JOHN RUDDICK: So you don't think that the caravan incident played any role in these laws being proposed?

KATE BOYD: I would just refer you back to the debate and the second reading speech and other extraneous materials that accompanied those bills that go to the policy rationale for those bills.

The Hon. JOHN RUDDICK: But am I correct in thinking the second read speech would have been around 18 February?

KATE BOYD: I can take that on notice.

The Hon. WES FANG: It was 11 February.

The Hon. JOHN RUDDICK: We all agree that free speech is a paramount civic right. Do we agree that there needs to be extra caution taken around proposing bills where we are obviously restricting free speech?

The Hon. GREG DONNELLY: Point of order: It seems to me, just to be clear, because I think this may be the start of a sequence—I'm presuming that—this seems to be now moving into the area of policy. We have obviously Executive. We have obviously Ministers and Cabinet. Matters of policy fall to the latter. I'm anticipating, I think reasonably, the line of questioning from the member. I'm just, in a sense, getting ahead of it and making the point that matters to do with Government policy which lead to the formation of legislation are a matter for the Government.

The CHAIR: A couple of things. First of all, you said you're assuming—and we all know we should never assume where anything is going, particularly in this building. Secondly, they are very experienced witnesses appearing before us today, and they will be—and should be—afforded procedural fairness. I made that statement at the very start. Mr Ruddick has asked what I believe is a pertinent and reasonable question, asking Ms Boyd for her opinion. I'm sure that she is capable of answering it in any way that she sees fit to answer it. The question is allowed. Continue on.

The Hon. JOHN RUDDICK: Mr Draper, you did just answer Sue Higginson, and you said that you did not realise that it was a criminal con job, in the words of the Australian Federal Police, until they went public with that on 10 March, correct?

SIMON DRAPER: Correct.

The Hon. JOHN RUDDICK: You've heard of a newspaper called *The Sydney Morning Herald*, correct?

SIMON DRAPER: Yes.

The Hon. JOHN RUDDICK: On 17 February, the day before these bills were introduced, *The Sydney Morning Herald*, a very well-known paper—I'm guessing you read it every day. I'm guessing you read this article. On 17 February *The Sydney Morning Herald* reported:

NSW from the outset also said there were puzzling elements to the case, and raised the possibility it was a set-up by criminals to negotiate jail time.

SIMON DRAPER: Puzzling and possibility—they are the two key words there.

The Hon. JOHN RUDDICK: The Hon. Anthony D'Adam spoke in Parliament. He voted for these laws, but he spoke against it. He quoted *The Sydney Morning Herald*. I think it was well known that there were murky details around these laws. You're saying that you weren't aware of it until 10 March, but I think—

SIMON DRAPER: No, I said—no, not that I wasn't aware of the possibility. I think Ms Higginson's question was about when did I form a conclusion or form a view.

The Hon. JOHN RUDDICK: So the bills were going to be introduced on 18 February. There was already significant public discussion that there was something else going on here. Was there any discussion at that point that maybe we should pause these proposed laws until we have further clarity?

SIMON DRAPER: I wasn't involved in the discussions about the progressing—

The Hon. JOHN RUDDICK: I'm guessing there wasn't any discussion because we just wanted these laws passed.

The Hon. GREG DONNELLY: Point of order—

SIMON DRAPER: I can't comment on that.

The Hon. GREG DONNELLY: If the member has a question, can I suggest to you, Chair, that he put the question specifically and clearly to the witnesses to enable them to specifically and clearly answer. The way in which he characterised that first question, I would submit, doesn't fall into that category at all—or get within a bull's roar of it. It's a little bit of a snipe on the way in—a little bit of colour and movement on the way in. That's not fair.

The CHAIR: Mr Donnelly, can I just stop you there. There was certainly colour and movement on the way out, and I'm going to uphold your point of order. If you could just be a bit more careful in your questions, Mr Ruddick.

The Hon. JOHN RUDDICK: Mr Draper, these laws are now the law of the land from the middle of February. My understanding is we did have a spate of what we were told were antisemitic attacks prior to the caravan incident being publicised. But the deputy police commissioner told us that 14 of the previous attacks, which all of us were very alarmed about over the summer—every second day there would be a very alarming incident, such as graffiti, bombings and other things. But since the AFP came out and said that it was a criminal con job, my understanding is that we haven't had any. Would you agree with that?

SIMON DRAPER: I don't know. I certainly think the frequency and intensity of those antisemitic attacks—and I think they were antisemitic attacks—has certainly fallen away, yes.

The Hon. JOHN RUDDICK: That is good news. Do you think that is because the laws were introduced, or do you think it is because the criminal con job was exposed?

SIMON DRAPER: I really don't think I've got the capacity or the information to form a view about that.

The Hon. JOHN RUDDICK: Well, I've finished my questions, but I think it was clearly because the criminal con job was exposed.

The Hon. GREG DONNELLY: I just need to—I mean, I've got no choice, Chair—

The Hon. JOHN RUDDICK: I have finished now, Mr Donnelly.

The Hon. GREG DONNELLY: No, I've got no choice but to express that that's a statement of an opinion; it's not a response to the answer given by the witness.

The Hon. WES FANG: Chair, can I seek the call?

The CHAIR: You can, Mr Fang.

The Hon. WES FANG: Ms Boyd, I want to go back to an answer you gave one of my colleagues earlier. I'm unclear because, obviously, the machinery of government changed with the new term of government. We've got separate departments now; you've got the Premier's Department and the Cabinet Office. In relation to legislation that is to be brought before the Parliament, obviously it goes through the Cabinet process at first, so can I assume that legislation is handled by your office?

KATE BOYD: The way I would characterise it is that the Premier's Department has a situational awareness role and a whole-of-government media and communications role. The activities that Mr Draper and Ms Meagher have described in relation to the early briefings are consistent with that role. The role of the Cabinet Office is around policy and strategy, so we provide advice to the Premier and Cabinet on counterterrorism and national security policy generally. We contribute to the preparation of the New South Wales counterterrorism strategy and other plans, in close consultation with the Department of Communities and Justice and the police. So we have a policy and strategy role, as opposed to the more operational focus of the Premier's Department.

The Hon. WES FANG: So when the Attorney General wants to introduce legislation to the Parliament, does the Attorney General's office, the Cabinet Office or Parliamentary Counsel draft the legislation?

KATE BOYD: The practice is that the Parliamentary Counsel is responsible for drafting legislation and that the various agencies within the Executive will instruct the Parliamentary Counsel on the legislation in accordance with a policy decision of Cabinet.

The Hon. WES FANG: In that respect, then, a proposal is put to Cabinet to bring a new law before Parliament, and that's then agreed to. Then the Cabinet, through the Cabinet Office, liaises with the Parliamentary Counsel in order to form the bill that will effectively introduce that law, and then it's provided to the Attorney General to introduce to the House. Is that a reasonable presumption?

KATE BOYD: I would just say that the Cabinet Office doesn't always take the lead on instructing, particularly where the bill amends an Act that's within another Minister's administration. In this case, the Acts were in the Attorney General's portfolio, and so the Department of Communities and Justice had a lead role in instructions. But the Cabinet Office was closely consulted and advising on those reforms.

The Hon. WES FANG: On 11 February the Attorney General second-read two bills: the Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025 and the Crimes Amendment (Places of Worship) Bill 2025. Did the Cabinet Office have a strong hand in the drafting of that bill in conjunction with the Parliamentary Counsel?

KATE BOYD: Yes.

The Hon. WES FANG: A third bill was then introduced on 18 February: the Crimes Amendment (Inciting Racial Hatred) Bill 2025. Is that the same circumstance, that that bill was brought to the Parliament through the Cabinet Office having a strong liaison with the Parliamentary Counsel in order to form the bill?

KATE BOYD: I would say with the Department of Communities and Justice and the police, yes.

The Hon. WES FANG: In that circumstance, you answered previously that December 2024, or thereabouts, was the time when discussions were being had about the need for legislation in relation to racial hatred. We saw the two bills that were read on 11 February. Were they the two bills that came out of the discussions that happened?

KATE BOYD: I think the December briefings mainly related to the places of worship reforms, which were also second-read on 11 February—so the third bill in that suite.

The Hon. WES FANG: There was obviously the introduction of two bills on the 11th. There was then a third bill that was introduced on the 18th. All three bills were effectively considered by the Parliament in a very short period of time. My first question is: Why was the third bill, the inciting racial hatred bill, introduced a week later? If it was part of that suite that the Cabinet had considered in December and put forward for drafting, why weren't they all introduced together? Why were they separated out? Can you provide some background to that?

KATE BOYD: Sure. Can I clarify that I did not say that Cabinet considered the matter in December. We don't disclose Cabinet deliberations in public forums.

The Hon. WES FANG: I was trying to get around that.

KATE BOYD: But I would say that matters of legislative scheduling are a matter for the relevant office holders in the Parliament, and I couldn't comment on that.

The Hon. WES FANG: In relation to your department, is it usual that the work schedules that are requested of Ministers—say, the Attorney General wants this legislation ready to go for a sitting date. We'll say 11 February in this case for the two bills that were introduced. The Attorney General wants to introduce those. Cabinet has approved it. Does the Minister have the opportunity to liaise with people within your department that goes around you or does everything funnel through you? Would a Minister typically say to you as the secretary, "Can your department please have this ready in conjunction with the Parliamentary Counsel," or can they go lower, to deputy secretaries and the like, to have this work process looked at?

KATE BOYD: It really does differ. I would say that the primary flow of communication goes from a Minister to their responsible agency. We are responsible to the Premier, and we receive instructions and directions from the Premier in relation to bills. But we also discuss those matters with other Ministers, particularly where they are responsible for the carriage of legislation.

The Hon. WES FANG: So the Premier or the Premier's office is the main liaison with you in relation to Cabinet matters but Ministers can sometimes contact you, or is it likely that they could contact or deputy secretaries or lower members of staff without you knowing?

KATE BOYD: No, I think I would always be generally aware. But there's nothing that prevents them from seeking advice from a senior executive in the Cabinet Office.

The Hon. WES FANG: That was the answer I was hoping for. Can I table these documents? I've got 10 copies here. We don't have to photocopy them; we can just circulate them. It is a letter that was sent from the Cabinet Office on 19 May. In fact, it's been published.

The Hon. GREG DONNELLY: Hang on. If you're going to ask questions following on, it's got to be authenticated. It's got to go to the Chair.

The Hon. WES FANG: You've already seen it. We debated it the other day.

The Hon. GREG DONNELLY: Take a deep breath, Wes. Take a deep breath, mate.

The CHAIR: What's the document? Can you please pass around all the other ones?

The Hon. WES FANG: Can we just make sure the witnesses have them first so I can ask them questions?

The CHAIR: Sure.

The Hon. GREG DONNELLY: No, Wes. You're not the chair, mate. Sit down.

The CHAIR: Mr Donnelly.

The Hon. JOHN RUDDICK: Let's be civil, Greg.

The Hon. EMILY SUVAAL: Point of order: The procedure for tabling documents, as I understand it, is that the Committee should be able review them first before they just hand it straight up to the witness.

The Hon. WES FANG: To the point of order: I might say that the usual practice is that one document is provided, and then photocopies are provided. I've been kind enough to actually provide copies to everybody to ensure that—

The CHAIR: Have the witnesses got the document there?

KATE BOYD: I think I brought it with me. Is it the 19 May letter from the Cabinet?

The Hon. WES FANG: Yes, that's correct.

Ms SUE HIGGINSON: Ms Boyd, impeccably prepared, as always.

The Hon. GREG DONNELLY: Hang on. I haven't got a copy.

The CHAIR: Just wait a minute. I'm running the show here, Mr Donnelly; not you. Has everybody got a copy of the document?

Ms SUE HIGGINSON: Yes, and the witnesses.

The CHAIR: In particular, the witnesses?

The Hon. WES FANG: Ms Boyd says she's got one, so I think we're good.

KATE BOYD: I just want to check it's the same thing.

The CHAIR: Why don't you put your question to Ms Boyd, because she has the document, and that'll give the other witnesses a chance just to peruse it so they are familiar with it.

The Hon. WES FANG: Of course. Ms Boyd, you'll note that this is a letter from Matt Richards, the deputy secretary general counsel from the Cabinet Office, indicating that the three of you that are appearing before us now, having already accepted the invite to appear, were then indicating that they were seeking to not appear. Is that correct? Could I paraphrase that correspondence in that way?

KATE BOYD: I don't think we were seeking not to appear. I think the letter makes clear that we were happy to postpone or delay our appearance, pending the resolution of these serious matters between the Houses. I think that's how I would paraphrase it.

The Hon. WES FANG: Given that I asked you whether a Minister or somebody from the Premier's office would normally communicate through you to deputy secretaries and the like, can I assume that you were aware that this letter was going to be sent?

KATE BOYD: Yes. I asked Matt to draft a letter. Matt and Mark—the other deputy secretary general counsel—briefed all of the witnesses that were to appear in light of the Speaker's appeal to the Premier that the Executive not accede to any request from this Committee until they'd had a chance to have a look at the issues. We were all aware that that was coming.

The Hon. WES FANG: You're right, Ms Boyd: The letter was from the Speaker to the Premier. I'm seeking—

The Hon. BOB NANVA: Point of order: I understand Mr Fang's interest in the matter, but I would contend that these are not matters that are relevant to the terms of reference of this inquiry, particularly items 1 (a) to (h) of the terms of reference. I would also contend that they are not related matters to those preceding terms.

The Hon. SUSAN CARTER: To the point of order: I would suggest that these are clearly related matters because it goes to from whom the Committee is able to obtain evidence.

The CHAIR: Yes, they are related matters. That is my ruling. Continue on.

The Hon. WES FANG: Thank you, Chair. Ms Boyd, you're aware, obviously, that the letter contains not only the correspondence that was sent; it has attachments.

KATE BOYD: Yes.

The Hon. WES FANG: One being the letter from the Premier to the Speaker, and then a return letter from the Speaker back to the Premier. Obviously, that was sent to the Premier. Could I ask how you became aware of this correspondence?

KATE BOYD: It's quite routine for any correspondence received by the Premier in his official capacity to be referred to a department within the Executive for advice and assistance with a response. This letter goes to matters of parliamentary privilege and procedure. In accordance with the usual practice, the Premier's office referred the correspondence to the Cabinet Office for assistance.

The CHAIR: Mr Fang, can I just say this will need to be one of your last questions. I'm just looking at the clock. I have a couple, and I must afford the Government the opportunity to ask a couple of questions as well.

The Hon. WES FANG: Ms Boyd, I'll be straight-up blunt: Did anybody from the Premier's office or the Premier himself instruct you to seek this letter to be drafted and sent by the deputy secretary general counsel, Matt Richards, including the correspondence from the Premier and Speaker, and then in return—or did you elect to have this letter sent on your own volition?

KATE BOYD: I advised the Premier that we intended to write to the Committee in these terms. Sorry, I advised the Premier's office, not the Premier directly.

The CHAIR: Ms Meagher, you were present at that meeting, as we've disclosed already, on 23 January. What was particularly said by Deputy Commissioner David Hudson in relation to the other alternatives to terrorism in relation to the discovery of the caravan?

KATE MEAGHER: Mr Roberts, I don't recall a discussion around other alternatives. As I mentioned, it was early days in the investigation, and they were treating it at the highest level, so I can't answer as to specifics.

The CHAIR: But you were present. I'm assuming you've gone back over the transcripts of previous hearings for this Committee, and it's quite apparent that Deputy Commissioner Hudson told us under oath that in

all these briefings, at the first available opportunity, he expressed there were alternatives to terrorism—"Albeit, at this stage, we'll continue to investigate it at its highest level."

KATE MEAGHER: I'm not disputing—

The CHAIR: So you don't remember.

KATE MEAGHER: I just don't remember exactly the detail of alternative.

The CHAIR: That's fine. Mr Draper, I think you said you were present at one of the media conferences—

SIMON DRAPER: Correct.

The CHAIR: —perhaps on the 29th or 30th.

SIMON DRAPER: It was on a Saturday morning, I believe, down at the police operations centre at Darlinghurst.

The CHAIR: I'm going to quote from transcripts of this hearing. On page 17 from Monday 7 April, Deputy Commissioner Hudson said:

I raised that in the press conference as being a potential motivation for placement of that caravan, as an option, and also to allay fear within the community that they were under attack from individuals who were looking to blow up certain Jewish places of interest.

Further on, on the same page of that transcript, he said:

However, I put it forward as an alternate option, as I did the following morning in a radio interview—as to what potential options might be available if it was not to be used for a terrorist attack—to try and allay some fears within the Jewish community that they were under a more positive attack and a more violent attack than they had already been.

Taking into account that you were present when Mr Hudson said at that press conference that there are alternatives to terrorism, and bearing in mind that the next day in a radio interview he himself, the leader of this investigation, said there are alternatives to terrorism, were you yourself party to any conversation inside your office or with the Premier in relation to what Hudson had said as an alternative to terrorism?

SIMON DRAPER: First, to clarify, I wasn't at the press conference where Mr Hudson said that. That must have been the 29th, I think, and the 30th. I was at a press conference the following Saturday, and it was the Premier and the police commissioner. Mr Hudson wasn't at that press conference but, nonetheless, I saw the press conference.

The CHAIR: Okay. Nonetheless, then, you were back from leave by then.

SIMON DRAPER: Yes.

The CHAIR: Were there any discussions between yourself or the Premier, or—you can only answer for yourself, not anybody else—were you involved in any discussions with anybody about the fact that Hudson had belled the cat, to use that expression, and told the public at this stage, early on in this, that there were alternatives to terrorism? Was that discussed in your presence anywhere?

SIMON DRAPER: No.

The CHAIR: Did you, as head of the Premier's Department, think perhaps you should raise this with somebody? If the police are coming out and saying this at this level, so early on in the investigation—the experienced police that you're relying upon to provide information are saying there's an alternative to terrorism here—did you think that was something worth exploring?

SIMON DRAPER: The police were exploring it. Mr Hudson said what he said in the media conference, but I've already given evidence that those possibilities were also mentioned in briefings that we received. But there was no conclusion around those things, so there was nothing for us to do because the police were already exploring that possibility. As you said, they were already talking about that possibility both privately and publicly, so there was really no action for us to take. If the police are comfortable to say it, that's fine, I think, with everyone else. The reservation we would have is getting ahead of the police or speculating about the outcomes of their investigations.

The CHAIR: After the police had said it and gone public with it, were you party to any discussions with the Premier or anybody from his office suggesting that "Perhaps we should follow a similar line as to what the police have said and say there are alternatives to terrorism in this"?

SIMON DRAPER: No, I wasn't party to any of those discussions. I think our position was always, "Let the police communicate about the investigation and the possibilities that they were exploring." They're in the best position to judge what can be said and what can't be said publicly.

The Hon. BOB NANVA: Thank you for appearing and giving evidence today. I understand it would be a busy day for you, given what's happening with the weather events on the Mid North Coast, so I do appreciate that. The Committee has heard evidence in relation to Operation Shelter that in the 19-month period that it's existed, there were 300 incidents of antisemitism, and that antisemitism was a strong operational focus over that period for the NSW Police Force. Could you advise the Committee whether antisemitism was also a whole-of-government focus and priority over that period with respect to threats to safety and threats to life?

SIMON DRAPER: Ms Meagher can talk about this as well, but the general answer to that is yes. We were working with members of the Jewish community about both expressions of antisemitism but also real risks of antisemitic attacks, and security arrangements that they had in place. We were also talking with other communities who were also concerned about how they may be treated in the community. That is a role that the Premier's Department plays: to try to promote cohesion, and work with Multicultural NSW and other agencies to reassure those communities. But I'm not sure if Ms Meagher wants to—

KATE MEAGHER: I'd support that. We have a small team in the Premier's Department that was actually established out of the Lindt Cafe siege, so it has been around for about 10 years. It's countering violent extremism programs. That team convenes, regularly, groups within government who are responding on community cohesion issues. It has been a particular focus in the last couple of years. It's called the Premier's prevention panel on hate and extremism. We do work both with local government—we've attended forums with MPs, in particular in those impacted communities, over the last six months plus since 7 Oct 2023. We roll out grants, we roll out programs and we work with the schools sector to make sure that students are feeling secure, there's resilience et cetera. It's an intense focus of the work.

The Hon. BOB NANVA: Just as a matter of process—and I'm not speaking specifically to the bills that are the subject of this inquiry—as experienced public officials, in circumstances where there is a spike in particular behaviour or criminal activity, would it be remarkable for the Premier's office or a Minister's office to request whole-of-government policy advice or potential legislative reforms to tackle those particular behaviours or criminal activity?

KATE BOYD: I think we can all say no, that would not be unusual.

SIMON DRAPER: Yes, I would say it's pretty standard.

The Hon. BOB NANVA: Excuse me if I'm mischaracterising your evidence, but you've indicated that the bills that were the subject of this inquiry were prepared in December, or the preparatory work was done in December?

KATE BOYD: Yes. They weren't prepared by that stage, I don't think, but there was definitely advice being requested and provided in December.

The Hon. BOB NANVA: Given the context of the widespread antisemitism that was taking place in New South Wales, when did the Premier's office first canvass working up options or work plans or potential legislative reforms to tackle that scourge of antisemitism?

KATE BOYD: As you'd appreciate, it's an iterative process. But my best recollection is that those conversations were ongoing around the time of the 7 October incident and leading up until the introduction of the bills.

The Hon. BOB NANVA: Can you take on notice when the work that precipitated the preparation of the bills may have been canvassed with the Premier's Department or with your office, Ms Boyd?

KATE BOYD: Yes.

The Hon. BOB NANVA: To be clear, can you advise the Committee whether the advice of the work options with respect to the bills that are the subject of this inquiry was a response to the Dural caravan incident or the other incidents that were directly relevant to the criminal con job or criminal master plan?

KATE BOYD: I'll just repeat my previous answer to Mr Ruddick's questions there. The Government's position or policy rationale for the bills is extensively traversed in the second reading speech and other bill materials, so I'd just refer you to *Hansard* on that.

The CHAIR: Witnesses, I know you were due to finish at 10:30, and I'm going to appeal to your generosity and your willingness to assist the New South Wales Parliament. Ms Carter has one more question and Mr Fang has one more question. Is it possible at all that you could stay for those extra questions, and I will give you the guarantee that it will only be one question from each of them?

SIMON DRAPER: Yes, sure. I can stay till quarter to, if that's okay.

The CHAIR: Fine, thank you. Ms Boyd, you're alright with that?

KATE BOYD: Yes.

The CHAIR: And Ms Meagher?

KATE MEAGHER: Sure.

The CHAIR: One question and one question only, Ms Carter.

The Hon. SUSAN CARTER: Ms Boyd, was it your advice to the Premier that the convention of comity overrides the Parliamentary Evidence Act?

KATE BOYD: We certainly were involved in advising the Premier on these issues, and that's consistent with our role. But, no, it wasn't solely my advice.

The Hon. SUSAN CARTER: Who else was involved in giving that advice?

KATE BOYD: I'm reluctant to divulge that in this forum, given that it's likely subject to legal professional privilege, but I can take that on notice and consider your question.

The Hon. WES FANG: Along similar lines but not quite, in the third paragraph of the letter that I tabled—I'll paraphrase part of it but read directly—it raises issues about whether any parliamentary privilege of the Legislative Assembly may be infringed and the observance of the principle of comity and the relationship between the two Houses. That is effectively paraphrasing the contents of the two attached letters between the Premier and the Speaker. Ms Boyd, given that you advised the Premier that you were going to be sending this letter, could you explain to the Committee how you believe the issues of parliamentary privilege of the Legislative Assembly and the principles of comity impact public servants providing evidence to a Committee?

The Hon. EMILY SUVAAL: Point of order: That's a request for a legal opinion. I know that the witness is very capable of answering in such a way, but in terms of how well in order the question is, I would say that it is out of order because it's a request for a legal opinion.

The CHAIR: Ms Boyd provides lots of opinions to government, and I think the question is in order and she is quite capable of answering it.

KATE BOYD: I think I can answer it in a way that doesn't provide an opinion, which I'm not required to do as a witness here. I'm a witness as to fact. I'd just refer you back to the Speaker's letter. Those are the Speaker's views, and they were set out in detail in the Speaker's letter. Our letter back to this Committee merely reflects the positions that the Speaker had or concerns that the Speaker had set out in his letter. All we were trying to achieve by writing to the Committee in these terms was not to get in the middle of what is a matter that should be resolved between the Houses, and I think that's appropriate.

The Hon. WES FANG: But public servants aren't covered by parliamentary privilege, full stop.

The CHAIR: Mr Fang, that's it.

The Hon. WES FANG: No, it's baffling to me, that's all, Chair.

The CHAIR: I gave an undertaking to the witnesses. They were generous enough to stay.

The Hon. WES FANG: I appreciate that, Chair.

The CHAIR: I will stick to my undertaking. Thank you very much for your evidence today. I think some of you may have taken questions on notice. If that's the case, the secretariat will be in contact with you in relation to those. Once again, thank you very much for your attendance today.

(The witnesses withdrew.)

The Committee adjourned at 10:35.