

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday 20 August 2025

Examination of proposed expenditure for the portfolio area

PREMIER

CORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)
The Hon. Robert Borsak (Deputy Chair)
Ms Abigail Boyd
The Hon. Mark Buttigieg
The Hon. Susan Carter
Dr Amanda Cohn
Ms Cate Faehrmann
Ms Sue Higginson
The Hon. Mark Latham
The Hon. Sarah Mitchell
The Hon. Bob Nanva
The Hon. Chris Rath
The Hon. John Ruddick
The Hon. Emily Suvaal
The Hon. Damien Tudehope

PRESENT

The Hon. Chris Minns, *Premier*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Good morning, everyone. Welcome to first hearing of the Portfolio Committee No. 1 - Premier and Finance inquiry into budget estimates for the year 2025-2026. 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 today. My name is Jeremy Buckingham, and 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 the 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 the witnesses, and thank you for making the time to give evidence. 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.

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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 independent integrity agencies from 2.00 p.m. to 3.30 p.m. We will then have a 15-minute break before holding a session with departmental witnesses 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 will be allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will begin with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Good morning, Premier, Ms Boyd and Mr Draper. Premier, yesterday morning you were interviewed on radio 2GB. I think you had a conversation with a patient at Concord hospital, Jane. She was obviously a bit distressed by virtue of the fact that she had been sleeping on a bench or some chairs in the emergency department at Concord hospital. You recall that conversation, do you not?

Mr CHRIS MINNS: Yes, of course.

The Hon. DAMIEN TUDEHOPE: In the course of that conversation you quoted some statistics. Effectively, you had empathy for her situation. At the conclusion of the conversation you had this conversation:

I mean, I appreciate the fact that there have been some improvements, and we can always dive into stats and say, "All right, well, here's a positive figure, so I'll share that with everyone."

But then you go on to say:

But, you know, we've got to do something about the fact that people are sleeping on hospital floors.

Do you recall saying that?

Mr CHRIS MINNS: Could you just give me the full quote?

The Hon. DAMIEN TUDEHOPE: This is attributed to you. This is the transcript of what you have said:

I'm not sure that's what Jane is really wanting right now. I mean, I appreciate the fact that there have been some improvements, and we can always dive into stats and say, "All right, well, here's a positive figure, so I'll share that with everyone."

Then you go on:

But, you know, we've got to do something about the fact that people are sleeping on hospital floors.

Do you recall that?

Mr CHRIS MINNS: Not directly, but if you're saying I said it, then I believe it.

The Hon. DAMIEN TUDEHOPE: Yes, that's what you said. Premier, it's the truth, isn't it, that on 11 September 2024 there was some significant coverage in relation to Blacktown Hospital. You may recall scenes or shots then of patients sleeping on the floor. Do you recall that?

Mr CHRIS MINNS: Sure.

The Hon. DAMIEN TUDEHOPE: Do you recall that at the time you said:

I have to look at Blacktown in particular, there's major stress on our public hospitals ... we want to do better when it comes to health outcomes.

Do you recall saying that?

Mr CHRIS MINNS: Perhaps. I don't have automatic recall of everything I've said. But if you can get to the question that you've got.

The Hon. DAMIEN TUDEHOPE: Let's say you don't recall saying it.

Mr CHRIS MINNS: If the general question is do I remember verbatim what I said last week, last month or last year, unfortunately I'm not going to be able to do it. But I'm happy to answer the question. What are you getting at?

The Hon. DAMIEN TUDEHOPE: We're a year later now, aren't we, from 11 September? You've really let down the voters of Western Sydney, haven't you, in terms of what is happening at Blacktown Hospital?

Mr CHRIS MINNS: Damien, I appreciate the question, and I think it's absolutely reasonable that you ask it. I think the circumstances are important here. Firstly, no-one can promise a perfect health system; no-one can promise a perfect emergency department. It might surprise members to know there are about 6,000 to 8,000

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people that enter a public hospital every single day. In some cases, during the middle of winter, during the peak of flu season, that number can escalate even higher than that. It's very difficult to predict. I was at St George Hospital late in the evening a couple of weeks ago and they had a relatively mild night. The day before it was absolutely chock-a-block. I gave my number to the nurse unit manager, who said that the day after it was absolutely chock-a-block as well.

There's an enormous amount of people that go into the public health system. The only thing I've said is we're determined to make improvements to the health system. The statistic that I think I quoted on 2GB yesterday morning was that 50 per cent of category 2—so they're people who are in a life-threatening situation—were receiving treatment within time, which is generally considered 10 minutes. We've got that up to 63 per cent or 64 per cent, and we want to get that even higher. Now, that's not 80 per cent or 90 per cent, but it is an improvement.

I just want to make the point that the health system is so large, and we've seen such an increase in the number of people having access to the health system—I think it has grown by 5 per cent or 10 per cent in Blacktown just in the last 18 months—that perfection is not going to happen, but progress can happen. The Government has only ever said, in the election campaign and afterwards, that we want to have fewer people in difficult situations because we're giving healthcare workers what they need. The biggest thing we can do, and the biggest change we've made, is to remove the wages cap for healthcare workers.

The Hon. DAMIEN TUDEHOPE: We'll come to that. If you're doing everything you can, you would expect that the delivery of the extra beds for Blacktown Hospital would be accelerated, wouldn't you?

Mr CHRIS MINNS: I'd love that to be the case. Unfortunately, structural change to the hospital is required. To give credit to the previous Government, Blacktown Hospital was built, and it was good that it was built, but there were too few beds in there, Damien. Unfortunately, you've got a situation where, if you're looking at critical health care in Western Sydney, we had to plan not just for the population as it exists today but also tomorrow. We want to add 30 beds to Blacktown Hospital. For the lay person, it's not as simple as doing that.

The Hon. DAMIEN TUDEHOPE: Then—

Mr CHRIS MINNS: I want to get this out because I can see that you're taking this seriously. But the context is really important. Blacktown in particular is a story that needs to be told. This is for category 2. They're people who go into the emergency department. They are in a critical condition, or they're suspected of being in a critical condition. When we took office, 16 per cent of patients were seen within time. That is a miserable number. We've got that number to about 45 per cent—not 80 per cent, not where it should be. But, again, it is a dramatic improvement. I just posit that the largest reason for that is because the healthcare budget for Western Sydney Local Health District has increased by half a billion dollars under Labor. We believe that money's making a difference.

The Hon. DAMIEN TUDEHOPE: The initial infrastructure spend in relation to Blacktown Hospital had, in fact, these extra beds being delivered by 2028. In the infrastructure statement in the last budget, the completion date of those beds is now 2029. That's hardly, in fact, treating this hospital with priority, is it, Premier?

Mr CHRIS MINNS: I really wouldn't rely on the latest budget released by the previous Government.

The Hon. DAMIEN TUDEHOPE: No, it's your budget.

Mr CHRIS MINNS: There's a specific reason why. So much of the health budget needed to be redirected to the 1,100 COVID nurses that were on what's commonly referred to—but maybe people don't necessarily understand—as a funding cliff, and there's a little bit of history here that's important. During the COVID pandemic, quite laudably—and I think Gladys Berejiklian did a very good job here—1,100 nurses were recruited to deal with a massive increase in demand for our public hospital system. It was done quickly. It was done incredibly efficiently. The money was allocated to them. What the general taxpayer may not know, Damien, is that the money stopped the next year—or last year. In other words, the final budget of the previous Government didn't allocate any money for any wages.

The Hon. DAMIEN TUDEHOPE: You're missing my point, Premier.

Mr CHRIS MINNS: But it's important for this budget, and here's the reason why.

The Hon. DAMIEN TUDEHOPE: But it is these beds, Premier. These beds were promised for 2028.

Mr CHRIS MINNS: Yes, but, Damien, this is my point. Beds without nurses don't make any difference, mate. You have to have nurses, and you have to have healthcare professionals to make the beds work. Otherwise, it's an out-of-home aged care or a hotel or a motel.

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The Hon. DAMIEN TUDEHOPE: Premier, it is 2029 that you're now promising these beds. In fact, your healthcare Minister, in fact, issued a media release on 31 July 2025. I don't know if you saw his media release. Did you?

Mr CHRIS MINNS: Again, if it's going to be an automatic-recall thing, I can't do it. But I'm happy to answer the substance of your question.

The Hon. DAMIEN TUDEHOPE: Do you recall that the media release was, in fact, accompanied by digital photos of beds in a hospital?

Mr CHRIS MINNS: Would you mind showing me a copy of it, perhaps?

The Hon. DAMIEN TUDEHOPE: Sure. I'm happy to. Just bear with me. But assume that that photo is available.

Mr CHRIS MINNS: I'm happy to take it as given, Damien. It doesn't require my acceptance of it. I'll take your point if you want to get to your question.

The Hon. DAMIEN TUDEHOPE: What do you say, though, to the person, the 70-year-old man lying on the floor in Blacktown Hospital, when he's told how good the hospital is, and the health announcement by the health Minister delivers a digital photo of a bed?

Mr CHRIS MINNS: I think, in fairness to the Government, I have not said the hospital's perfect. I have not said it's completed. In fact, I've said the Government acknowledges there are serious challenges out there. But I also think I'm entitled to say that the half a billion dollars from the New South Wales Government, which isn't my money—it's taxpayers' money—is resulting in better outcomes. Not perfect outcomes—no government and no Premier and no health Minister can promise perfect outcomes in New South Wales hospitals. As I said, 6,000 to 8,000 patients every day will present in a public hospital somewhere in New South Wales. I think you'd appreciate there's a lot of miracles as well right across our health system. People that go—

The Hon. DAMIEN TUDEHOPE: I certainly appreciate that, Premier.

Mr CHRIS MINNS: People that go into hospitals and get life-saving world-class treatment for zero dollars, nothing—they don't pay a cent. And that is part of the story, too. That's not in defence of the Government, but that is in defence of some of the most highly trained, incredibly skilled, passionate healthcare workers that are employed right across our health system.

The Hon. DAMIEN TUDEHOPE: I think you'd agree with me that Blacktown Hospital and Westmead Hospital are two of the worst performing hospitals in Western Sydney, are they not? Mount Druitt, probably, thrown in there, as well.

Mr CHRIS MINNS: I think a couple of things are important. Again, Blacktown Hospital in particular, because of the half a billion dollars that's gone into the Western Sydney health district, has seen—we've gone from 16 per cent of people who were having a category 2, life-threatening presentation to the emergency department to 45 or 46 per cent. That's an improvement. Again, one of the reasons why it's under so much stress is—I don't have automatic recall of the figures, but my understanding is that the presentations have increased by nearly 10 per cent. Massive increase. One of the reasons why we have made a decision to allocate hundreds of millions of dollars to Rouse Hill hospital is precisely to take pressure off one of the fastest growing communities in Western Sydney.

I have spoken to people in Sydney's north-west who say that the delay—and this is an important part of, I guess, the jigsaw puzzle for Western Sydney's health district. Part of the real frustration when it comes to Blacktown, Westmead and Mount Druitt hospitals is that Rouse Hill hospital was promised in 2015, 2019 and 2023 and was never built. That kind of critical infrastructure in the neighbouring suburb means that Blacktown acts like a magnet and has to deal with their immediate geography, the people that require urgent medical attention immediately, as well as the community in the north-west of Sydney.

The Hon. DAMIEN TUDEHOPE: But let me ask you this—

Mr CHRIS MINNS: But, Damien, you'd agree Rouse Hill hospital should have been built, surely. Can we have a common understanding on that?

The Hon. DAMIEN TUDEHOPE: Let me ask this, Premier. I'm asking the questions. You can ask me the questions later on, when I'm sitting in your chair and you're sitting here. Premier, let me ask you this. It is clear that there is a problem with Westmead, Blacktown and Mount Druitt. Would you support a parliamentary inquiry in relation to the manner in which Western Sydney Local Health District is administering those hospitals?

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Mr CHRIS MINNS: I wouldn't automatically support it. I think that the most important thing we can do is three things: firstly, get on with the job of building Rouse Hill. Secondly, I think there should be an unambiguous and united position that we should not return to a wages cap for healthcare workers in New South Wales. That is just so fundamental to health care in New South Wales.

The Hon. DAMIEN TUDEHOPE: Why haven't you agreed to the nurses' and midwives' pay request, Premier?

Mr CHRIS MINNS: I need to get this out, Chair. This is super-important. These are the conditions for an upper House inquiry. If we go back to a situation where we say to nurses and healthcare workers, in the middle of a pandemic, "Your pay rise this year is zero dollars", it would be catastrophic for the public healthcare system in New South Wales.

The Hon. DAMIEN TUDEHOPE: Whoever did that?

Mr CHRIS MINNS: You guys.

The Hon. DAMIEN TUDEHOPE: No, we didn't.

Mr CHRIS MINNS: Yes, you did.

The Hon. DAMIEN TUDEHOPE: Premier, let me just—

Mr CHRIS MINNS: It was 0.2. I want to make this point because I think it's so—you're asking me would I support a parliamentary inquiry. The parliamentary inquiry needs to examine whether the people that run our public hospitals should be paid something approaching the conditions in which they live. And I would say that one of the biggest challenges that the health Minister has faced over the last two years has been getting resignations back to pre-COVID levels.

The Hon. DAMIEN TUDEHOPE: So you're not going to have an inquiry. Is that it?

Mr CHRIS MINNS: It's not up me. It's up to Parliament.

The Hon. DAMIEN TUDEHOPE: Would you support it?

Mr CHRIS MINNS: We've had a—

The Hon. DAMIEN TUDEHOPE: Yes or no?

Mr CHRIS MINNS: No, we've had—

The Hon. DAMIEN TUDEHOPE: No. Okay.

Mr CHRIS MINNS: This is silly. You can have a conversation about health care, but surely it should be about not privatising hospitals, not reintroducing the wages cap, and putting beds into Western Sydney.

The Hon. DAMIEN TUDEHOPE: Premier, you're aware of a decision—Ingmar Taylor, the president of the—

Mr CHRIS MINNS: If you were to have a parliamentary inquiry into those three things, I think that that would be important—particularly Northern Beaches Hospital and the privatisation of hospitals.

The Hon. DAMIEN TUDEHOPE: I think there's already been one.

Mr CHRIS MINNS: But, Damien, that would be a disaster for New South Wales.

The Hon. DAMIEN TUDEHOPE: Premier, what do you really say to the woman at Blacktown Hospital who was crying on camera because of the manner in which services are delivered to her, in circumstances where you sit here today and say, "No inquiry necessary. Your standard of treatment is appropriate"? Is that what you're saying to her?

Mr CHRIS MINNS: That's completely unfair. I think a reasonable person would say that at no point during my evidence here or even my public commentary have I said that the standard of health care is appropriate. That's a really unfair presentation.

The Hon. DAMIEN TUDEHOPE: Then why not support an inquiry?

Mr CHRIS MINNS: Because I think a talkfest—

The Hon. DAMIEN TUDEHOPE: Because that's what you would say to her, that you care about her, Premier?

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Mr CHRIS MINNS: I think that's unfair, and I don't think a reasonable person would draw that conclusion. In fact, I have said the opposite. We need to do far better. What I have said is the solution from the Government's perspective is not to privatise public hospitals, not to reintroduce the wages cap and to build Rouse Hill hospital. I think you're entitled to say to me, "What's your solution to an undeniable critical situation for many people that enter an emergency department?" I can't be clearer than that. Build Rouse Hill hospital and stop privatising emergency departments. I know you persisted with this, but a return to the wages cap would be ruinous for public health in New South Wales and I would love to hear whether that's off the agenda, because at some point you're right, you will be sitting here and your party will be back in government, and it's not the way to run public health here or in any other jurisdiction. If you look at other States and other Territories, none of them have followed that lead because they all realised it would be a disaster.

The Hon. DAMIEN TUDEHOPE: Have you read the decision by Ingmar Taylor in *Fire Brigade Employees' Union (NSW) v Industrial Relations Secretary (on behalf of Fire and Rescue NSW)*? Have you read that?

Mr CHRIS MINNS: I have read parts of it, but I'm happy to take it as stated if you want to ask me a question about it.

The Hon. DAMIEN TUDEHOPE: You'd be aware of the observations he made in relation to real wages increases between 2011 and 2019, would you not?

Mr CHRIS MINNS: Why don't you read it out to me, because I am aware of this.

The Hon. DAMIEN TUDEHOPE: Good.

Mr CHRIS MINNS: I'd love to hear what your perspective of it is.

The Hon. DAMIEN TUDEHOPE: Even in relation to the period where, in fact, you assert that the Government at the time was offering a zero percentage increase—not the fault of the wage cap, is that not what he said?

Mr CHRIS MINNS: I think you'll find that, in actual fact, the reason for the lift above 3 per cent was precisely because the fire brigade union presented evidence that they had real wage decline during your period in office. Is that right?

The Hon. DAMIEN TUDEHOPE: No, it is not.

Mr CHRIS MINNS: I think you'll find it is.

The Hon. DAMIEN TUDEHOPE: Premier, we'll explore that with you, but it is in fact entirely wrong. In fact, this is what the president said:

It is objectively the case that for most of the period of the wages cap (2011–2023) public sector wages increased in real terms, because the standard increase of 2.5% was, in almost every year from 2011 to 2020 ...

Mr CHRIS MINNS: Very interesting. Did you notice that?

The Hon. DAMIEN TUDEHOPE: No, I will come to the second part.

Mr CHRIS MINNS: Did you notice that—"almost every year"?

The Hon. DAMIEN TUDEHOPE: Almost every year.

Mr CHRIS MINNS: What did he say about the years when you imposed 0 per cent?

The Hon. DAMIEN TUDEHOPE: "...in almost every year from 2011–2020, greater than the change in CPI." In the very next paragraph, he says:

To the extent that there was a significant reduction in the real value of public sector wages in 2021 and 2022, that was not the result of the wages cap.

Mr CHRIS MINNS: That's because you put it to zero.

The Hon. DAMIEN TUDEHOPE: No, we didn't, Premier.

Mr CHRIS MINNS: You put it to 0.2, didn't you? What was the number?

The Hon. DAMIEN TUDEHOPE: It was 2.5 per cent, Premier.

Mr CHRIS MINNS: No, what was it during COVID?

The Hon. DAMIEN TUDEHOPE: Premier, in relation to—

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Mr CHRIS MINNS: No, just help me answer the question. Could you just let me know during the COVID period—

The Hon. DAMIEN TUDEHOPE: We didn't set it during COVID.

Mr CHRIS MINNS: So it wasn't at 0.2 per cent?

The Hon. DAMIEN TUDEHOPE: The Industrial Relations Commission did, Premier. If you don't know that, I ask you to go and have a history lesson.

Mr CHRIS MINNS: For goodness sake, this is just—

The Hon. DAMIEN TUDEHOPE: Premier, a year ago you wrote to IPART—

Mr CHRIS MINNS: This is a deliberate misrepresentation of history, and I think—

The Hon. DAMIEN TUDEHOPE: You're misrepresenting history, Premier. A year ago you wrote to IPART, requiring them in their upcoming price determination to Sydney Water to consider the cost of living impacts of price determinations and opportunities to adjust project timelines within the price determination period, and over the next 10 years to minimise price impact.

Mr CHRIS MINNS: Actually, I want to go back to the previous question. I have a series of questions, Mr Chair, and I think I'm entitled to answer them, aren't I?

The Hon. SARAH MITCHELL: No, you've got to answer them. You don't get to ask the questions.

The Hon. DAMIEN TUDEHOPE: Are you pleased with how IPART has handled the—

Mr CHRIS MINNS: No, there is a series of questions from Damien and I want to answer them.

The CHAIR: Order! If you could allow the Premier to answer.

The Hon. DAMIEN TUDEHOPE: Well, I've moved on, Chair.

Mr CHRIS MINNS: You might have moved on, but I didn't even get a chance to get an answer in.

The CHAIR: Order! While I appreciate the conversational nature of this exchange—

The Hon. DAMIEN TUDEHOPE: It's not a conversation. I'm asking questions.

The CHAIR: —the Premier's responses should be directed through me, the Chair, and we should allow each other the opportunity to ask questions and reply, in full measure.

Mr CHRIS MINNS: Chair, I just want to make the point that the decision of the Industrial Relations Commission—

The Hon. DAMIEN TUDEHOPE: Premier, I've moved on from that question. I've had your answer.

The CHAIR: Order!

Mr CHRIS MINNS: —specifically and deliberately, as I understand it, referenced the decision of the previous Government to wind not just a wages cap of 2.5 per cent, Mr Chair, but effectively zero. The decision of the IRC to go above 3 per cent, which was the Government's offer, directly referenced that determination. But let's put aside the judgement of the Industrial Relations Commission.

The Hon. DAMIEN TUDEHOPE: No, don't put it aside.

The CHAIR: Order!

Mr CHRIS MINNS: If the Opposition's position is to return a wages cap to New South Wales—that's a legitimate position for them to add—I would make the point that we've spent the first 20 minutes talking about public health in New South Wales: You cannot run hospitals without public health workers.

The Hon. DAMIEN TUDEHOPE: I agree with that.

Mr CHRIS MINNS: If we pay them 0 per cent during a period when inflation hit 7 or 8 per cent, they will leave. They will go to Queensland. They will go to Victoria. It is a terrible public policy position.

The Hon. DAMIEN TUDEHOPE: But we didn't do that, Premier.

Mr CHRIS MINNS: As a result, the Government has had to invest enormous amounts of time—

The Hon. DAMIEN TUDEHOPE: Premier, this is a misrepresentation of the truth.

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The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: A complete misrepresentation.

The CHAIR: Order!

The Hon. BOB NANVA: Point of order—

The CHAIR: A point of order has been taken by Mr Nanva. I expect I know what it is.

The Hon. BOB NANVA: Chair, it's not courteous to the witness or to Hansard or to the orderly conduct of this inquiry if members are talking over the top of each other. I ask that Mr Tudehope be called to order on that basis.

The Hon. SARAH MITCHELL: He's been very tame.

The CHAIR: If we could refrain from interjecting over the top of witnesses when they're giving an answer that would assist the inquiry, Hansard and everyone else watching.

The Hon. DAMIEN TUDEHOPE: It goes both ways, I have to tell you, Chair.

The Hon. ROBERT BORSAK: Welcome, Premier. Good to see you got off to a good start today. You're likely aware of a bill that I introduced to Parliament, the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill. You've made some comments regarding invasive species in the media. Can you provide some of the Government's views on this issue?

Mr CHRIS MINNS: I don't profess to be an expert on it. I have never gone hunting and I don't think I've ever held a gun before. But I do acknowledge, particularly having spoken to Penny Sharpe, Minister for the Environment, that invasive species is a massive problem, an increasingly large problem in Forestry Corp, in national parks and wildlife, and on private land as well. I think I was asked on a radio interview—on 2GB about it—what are we going to do about it. We've had a difficult, but I think necessary decision, in relation to Kosciuszko National Park. Did I say it right?

The Hon. ROBERT BORSAK: You got it.

The CHAIR: He tried.

Mr CHRIS MINNS: We've got to change the vernacular here.

The Hon. ROBERT BORSAK: Bring out your inner Polish.

Mr CHRIS MINNS: It's buried very deep. But we've had a difficult run in relation to that. I think it was the right policy decision, but obviously it was very controversial. I think a lot of people—in fact, in all candour, I didn't know about this—would be unaware that pretty much every weekend and throughout the week, private hunters do effective pest management control in New South Wales forests. The suggestion was put to me that a bounty system could be put in place. I looked at it and went, "Well, it doesn't seem crazy to me." I was interested to see New South Wales farmers came out very quickly afterwards and said, "We think that would be a good thing to do," because goat, pigs and feral cats and other invasive species are really causing havoc to what is the natural beauty. It's not a blanket support of anything. I think we probably need to tread carefully here and make sure we make the right decision, because we want to make sure that whatever's in place exists for a long period of time. But we would consider it. I think every political party is considering it.

The Hon. ROBERT BORSAK: Have you got any statistics to back up the problem that invasive species present?

Mr CHRIS MINNS: Not off the top of my head. What would be your understanding of the scale of the problem, just to help me in my answers?

The Hon. ROBERT BORSAK: I think it's a huge problem. You've only got to look at the evidence from the inquiry into my bill—I think last Friday week ago—where the president of the Australian Pig Doggers and Hunters Association talked about, in 12 months, on private and public land, private conservation hunters killed 1.6, 1.7 million pigs alone. That by itself isn't a solution, but it's part of the solution. What do you say to that?

Mr CHRIS MINNS: Is that 1.6 million feral pigs?

The Hon. ROBERT BORSAK: In 12 months.

Mr CHRIS MINNS: The scale of that is far beyond what I thought. That's shocking to me and, in all candour, probably beyond the scale of the Government's approach if we were to do it via contract labour or even using National Parks and Wildlife or Forestry Corp employees. That's all they'd be doing, and they've got other

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responsibilities in terms of attracting people to the national parks and the upkeep of the national parks. We're not even speaking about invasive species and its impact on private land, which is astronomical as well.

The Hon. ROBERT BORSAK: That number is across the board, both private and public land, and it's a very large number. Nobody really knows how many feral pigs are out there at any one time, but there are obviously millions and millions and millions. As you said earlier, pig dog hunters and other hunters are out there every weekend and during the week on public and private land doing what they do. It's a resource that should be harnessed.

Mr CHRIS MINNS: Yes, Robert, I'm told that invasive species are the highest impact contributors to the extinction of native animals, directly endangering 70 per cent of threatened wildlife. If we're knocking off 1.6 million feral pigs in a 12-month period, that's what we've got around to. I mean, a bounty system—look, I've heard the arguments. I can't remember the name of the organisation, but there's groups that are opposed to it I think on the understanding that it would lead to the cultivation of some of these things in order to claim the bounty. But, in reality, there's such a huge number that's available in the wild that if we can get help—

The Hon. ROBERT BORSAK: I think that's basically rubbish talk. They don't need to save up pigs from Queensland or Victoria or somewhere else to claim a bounty. There are plenty of pigs out there in the wild and on public land in New South Wales for their bounties to be claimed. That's really the way it works. What role do you think bounties will actually have in the end, because we're talking about a bounty for pigs and we're talking about a bounty for wild dogs, foxes and especially feral cats?

Mr CHRIS MINNS: I guess the hope is that it would lead to a reduction in the number of invasive species in our national parks and forests and on private land. I've spoken to the Minister for Agriculture. We spend hundreds of millions of dollars on invasive species management, particularly for our agricultural sector. We want to grow our agriculture sector. It's a huge and important part of the future economic growth for the State. Most members would appreciate that—from the perspective of the Government and economic growth, our largest export is still black coal and it still goes to effectively a single market. I think last year was between \$40 billion and \$50 billion worth of exports went to a single market, and it was largely black coal. Those countries will continue to buy it and there's a future for those jobs. I accept that. But they've all indicated to us, over different time horizons in different ways, that they'll be buying less of it in the future to the point where they don't buy any of it at all.

That's the energy mix, particularly for South-East Asia. New South Wales is facing a situation where our single biggest export, we are being told in explicit terms, will decline in the years ahead. We have to think of export-led industries that are native to us and that we can grow, and agriculture is a massive part of it. But that's not going to happen if both the actual product is threatened by invasive species or secondly the perception about Australian agriculture and primary products is threatened as a result of invasive species. So I think it's all hands on deck, Robert. I am concerned about it.

The Hon. ROBERT BORSAK: Do you want to talk a bit generally about biosecurity? What initiatives has the Government put in place in relation generally to biosecurity as it relates obviously to the farming sector, which is what you're talking about now?

Mr CHRIS MINNS: Yes, I can't remember the stats, but we've put more than any other State into combating varroa mite, which is a massive issue, particularly in the Northern Rivers. That's resulted in a lot of trucks being stopped at the border. We need to make sure that money continues.

The Hon. ROBERT BORSAK: Well, you've got fire ants now too invading New South Wales.

Mr CHRIS MINNS: Yes. Do you have the latest data on that, Simon?

SIMON DRAPER: I don't have any data on it, but, yes, the northern part of New South Wales has had a lot of problems with it.

Mr CHRIS MINNS: Yes, I spoke to NSW Farmers a couple of weeks ago about this particular issue. It remains a massive concern for them. Particularly one of the things that they've often mentioned to me is in regional communities where you've got farmers on all sides, obviously there's a big focus on—I can see Sarah looking at me quizzically—

The Hon. SARAH MITCHELL: I sure did, Premier.

Mr CHRIS MINNS: —but I say this as a complete novice. I'm not pretending to be a farmer—

The Hon. SARAH MITCHELL: I'm listening with bated breath.

CORRECTED

Mr CHRIS MINNS: —although I have been watching *Clarkson's Farm*, so I'm getting there. No, but they did say to me when you've got farmers on each side of you, it means that you're good neighbours. They all obviously focus on ensuring fencing's up and if there's some kind of mistake on one part of the land, the farmer and the farm is notified as soon as possible. They also make the point that when they border New South Wales Government land, whether it's forestry or national parks, we're not considered good neighbours. We've got to be good neighbours. If there's an invasive species that is effectively mating, germinating and crossing over into private land, that's a big concern for us for a sector that we need to grow.

The Hon. ROBERT BORSAK: Wheat is another whole big story by itself, especially as weeds migrate from national parks onto private land. It is a real big problem and Local Land Services have got their hands full just dealing with that.

Mr CHRIS MINNS: Is there any jurisdiction that does it—well, maybe they all do it better than us, but what State's doing it better than New South Wales? What should we be looking at?

The Hon. ROBERT BORSAK: I don't honestly think any State does that sort of thing well at all in Australia, not that I've ever seen. Maybe Ms Mitchell can say something different, but everywhere you go you see the same problem, and there's not enough money in the New South Wales Treasury to try to handle these things in a way that farmers would be happy with right across the board. You can only do what you can do. I think as far as the feral animal control situation is concerned, I think it's commendable that the Government's looking at using volunteer conservation hunters as part of the solution rather than ignoring them, as has been done in the past. That's my time.

Mr CHRIS MINNS: Good advice.

The CHAIR: Thank you. I'll take that as a comment. Premier, earlier this year, the Legislative Council unanimously passed a motion under Standing Order 55 requesting that the Governor provide the police and criminal records of the mass murderer Ivan Milat. On the advice of your Executive Council, the Governor declined that request. Why did your Executive Council advise the Governor not to provide these police and criminal records to the Parliament of New South Wales?

Mr CHRIS MINNS: Mr Chair, if you don't mind, I might pass over to the Secretary of the Cabinet Office.

KATE BOYD: Thanks, Mr Buckingham. Look, it's a complex issue, and the advice of the Executive Council to the Governor is obviously covered by Cabinet conventions, so we can't disclose the details of those deliberations in this forum. But I would say the files relate to ongoing criminal investigations and so there would be a public interest against their disclosure in general, which is why they're covered by Standing Order 55 rather than the traditional approach under Standing Order 52.

The CHAIR: Premier, earlier this year, the Legislative Council unanimously passed a motion that under Standing Order 52 the work records of Ivan Milat, who worked for the DMR and Water Board for 30 years, be supplied to the Legislative Council. Subsequent to this, the Legislative Council received just a few pages—almost nothing—which do not show in any way what his role was, what he was doing and, most importantly, where he worked and when. Premier, how is it that the Government does not have or has not supplied these records?

Mr CHRIS MINNS: Perhaps, Kate, you might be in a better position.

KATE BOYD: Look, I'm happy to get back to you this afternoon, Mr Buckingham, about the details of that standing order if you like.

The CHAIR: Premier, I've got a photo here I'd like you to see—if we could hand that down to the Premier. There's some for the other Committee members here. Premier, this here is an identikit of a homicidal maniac who killed two young women at Wanda Beach in 1965, Marianne Schmidt and Christine Sharrock. That's the identikit of him. The other one is Ivan Milat. Do you think they look the same?

Mr CHRIS MINNS: I do.

The CHAIR: Remarkably similar?

Mr CHRIS MINNS: Yes, remarkably similar.

The CHAIR: Are you aware that the MO of the perpetrator in the Wanda Beach killings is almost exactly the same as the MO of the Belanglo killings—abducting young women, stabbing them in the back and then sexually assaulting them post-mortem? Were you aware of that?

Mr CHRIS MINNS: I'm generally aware of the crimes of Mr Milat, and I obviously know, having lived in southern Sydney, about the horrors of the Wanda Beach killings. I couldn't testify that they're exactly the same

CORRECTED

or they've got a similar modus operandi, but I'm horrified by those crimes. They continue to haunt the shire and the Cronulla community, and I am—

The CHAIR: And they remain unsolved.

Mr CHRIS MINNS: They remain unsolved. They're still incredibly alarming and I'm sure the family of the women who were killed would be desperate for answers, notwithstanding the fact that it's decades ago.

The CHAIR: Yes, it is decades ago. But, just for the record, you think that those images are remarkably similar?

Mr CHRIS MINNS: I'm concerned that they are incredibly similar. I do take your general point that, if there's government information that can shine a light or a spotlight on further investigations, or even advocacy on your part that can prompt somebody with some kind of information about these horrible murders, then I think it's worthwhile. I'm also conscious that there's been remarkable advances in cold case investigations, primarily as a result of DNA links. There are specific ones coming out of America that have resulted from what had previously believed to have been completely unsolvable murders that have brought justice and a peace of mind to victims and their families. So I don't dismiss it automatically. I understand the interest. I'm concerned about the likeness here of these two images; I was unaware of that. Let me take on notice your questions about the information that you're seeking.

The CHAIR: Premier, if one of your friends or loved ones was the victim of a crime, would you want that perpetrator brought to justice, and would you want that perpetrator brought to justice even if they were serving a custodial sentence for other unrelated crimes?

Mr CHRIS MINNS: I would. I can have empathy for victims of crime, even if they're not related to me, Mr Chair. I think everyone in these circumstances, when you see someone—the heartache associated with a horrible murder I think is compounded by the fact that they don't know what happened, and they're not sure who's responsible for it and justice hasn't been served. I think the other part of it is that many families and victims of crime are concerned, because the case remains unsolved, have other people been put in a similar situation or will other families be put in a similar situation. So I don't dismiss it. I can understand the deep interest and the passion for justice here.

The CHAIR: Premier, senior police who worked on the taskforce that led to the arrest of Ivan Milat, including the actual arresting officer, the late Detective Senior Constable Paul Gordon, and Detective Sergeant Neville Scullion have publicly stated recently that other than the Belanglo seven, who were murdered in a two-year period, they believe Ivan Milat and others were responsible for more than 80 unsolved murders over a 30-year period. Premier, do you think it's time to inquire into the true extent of the crimes of Ivan Milat and his associates? Will your Government support the calls from victims' families for a parliamentary inquiry into the crimes of Ivan Milat and his associates?

Mr CHRIS MINNS: Let me take that on notice. Perhaps the best thing for me to do is to meet with you—and I'm with you; it would be a privilege to meet victims' families. I think that's an important thing to do, to understand not just their circumstances and their anguish associated with the loss of their loved one—but I wouldn't rule it out. I think that may be the necessary next step given the scale of some of the things that you're mentioning.

The CHAIR: Premier, on a lighter note, say a person were to be sitting in a pub, having a cold beer, reading the paper and say to their mate, "How about that Mark Latham? Isn't he fucking unhinged?" Do you think that they should be arrested for saying that?

Mr CHRIS MINNS: No.

The CHAIR: For using offensive language in public?

Mr CHRIS MINNS: No, I don't. No.

The CHAIR: Have you ever sworn in public without a reasonable excuse?

Mr CHRIS MINNS: Probably. I've been in the Labor Party for 25 years, so probably.

The CHAIR: Are you aware that 500 people a year are charged with offensive language under the Summary Offences Act in New South Wales and 45 per cent of those are Aboriginal? Isn't it just an offence created to criminalise an overpoliced minority and the laws are clearly outdated?

Mr CHRIS MINNS: It's a difficult one. I don't have a straightforward answer for it. I think it's probably where there's a collision of rights that the law finds it difficult to find an adequate settlement for. What I mean by that is there are circumstances where it's completely inappropriate to swear: outside a school, outside a preschool,

CORRECTED

outside a primary school or, I don't know, in a church foyer. Everyone would accept that there is going to be a situation where decorum dictates that you don't—

The CHAIR: Aren't those offences caught by the offence of offensive conduct?

Mr CHRIS MINNS: I don't necessarily think so, because that would necessarily be a higher bar. The evidentiary burden of suggesting that somebody—particularly with body-worn cameras, for example, is reasonably straightforward. What I'm trying to say is it's generally policed via police discretion and, in lieu of a better legal settlement, despite being far from perfect, it's probably the appropriate framework in which we moderate the public's right to swear their head off and the rest of the public's right to enjoy their community absent somebody dropping the f-word or even worse. I acknowledge that in some circumstances, Mr Chair, it's not appropriate to swear like that, and police have got to be in a position where they can restore order and some decorum in the right circumstances. It's one of those legal situations where an imperfect situation is governed via discretion rather than law. The law is littered with examples like that.

The Hon. DAMIEN TUDEHOPE: Premier, corrupt former Labor Minister Eddie Obeid has been released from jail today. Can you tell us, since you wrote to the Crime Commission in May, what further steps have been taken, if any, to retrieve the \$30 million of ill-gotten gains from Mr Obeid or the Obeids?

Mr CHRIS MINNS: We've had deep discussions with the Crime Commission, and we're anticipating, potentially, legislative changes soon to strengthen their position in relation to this matter. We're very serious about what I would regard as the public's confidence that incidents of proven corrupt public conduct does meet the necessary reason for having the NSW Crime Commission. It's an area of the law that I think is ripe for change. Recent examples indicate that that's absolutely the case, and you'll hear more soon.

The Hon. DAMIEN TUDEHOPE: Can you foreshadow what that legislative change looks like?

KATE BOYD: I think if you review the Crime Commission's report on Operation Jasper, it highlights some of the challenges that the Crime Commission faced in terms of the evidentiary burden on the Crime Commission with regard to the recovery of criminal assets. That is a good of indicator of the kind of things.

The Hon. DAMIEN TUDEHOPE: That will be addressed.

KATE BOYD: Yes.

The Hon. SARAH MITCHELL: I want to turn to the Local Small Commitments Allocation program again, which I've raised with you before. We've had documents provided to the House now which finally reveal the initial and true election commitments made by the Labor Party. Did you direct your ministerial or Premier's office staff to make changes to those election commitments before providing the public service with the final list?

Mr CHRIS MINNS: When you say direct changes, what do you mean?

The Hon. SARAH MITCHELL: There are changes from the initial list that has been provided through the House and some of the payments that have gone out. We talked about the Sydney electorate previously; there are a few other examples. I'm asking did you direct your staff to makes changes to the election commitments and the list that was provided to the public service?

Mr CHRIS MINNS: I don't have any recollection of doing it post-election. The only reticence I have or reluctance I have is it may well have been the case that during the election campaign a candidate or a mayor or somebody said, "I think this would be a good initiative in Muswellbrook or Tweed", and I might have said that would be perfect for the local small commitment grants.

The Hon. SARAH MITCHELL: But post-March, post the election, you can't recall giving any direction?

Mr CHRIS MINNS: No, I don't recall anything.

The Hon. SARAH MITCHELL: Did you or your staff change the funding allocations after involvement of lower House Independent MPs?

Mr CHRIS MINNS: Change the allocations?

The Hon. SARAH MITCHELL: Yes.

Mr CHRIS MINNS: I'd have to take it on notice. I can't remember.

The Hon. SARAH MITCHELL: Did you direct your staff to misrepresent to the Premier's Department that projects suggested by Independents after the election were election commitments?

Mr CHRIS MINNS: No. Clearly not, no.

CORRECTED

The Hon. SARAH MITCHELL: We know that there have been changes, as I said, to the list. We also know that we heard evidence from Cherie Burton, who works in your office. She told the parliamentary Public Accountability and Works Committee that these were all absolutely election commitments. We now know that that's not true, so her evidence directly conflicts with the documents provided to the House.

Mr CHRIS MINNS: Why is that untrue?

The Hon. SARAH MITCHELL: Because she told us that the election commitments were absolute. We now know that that's not the case. Are you concerned that one of your senior staff has misled a committee?

Mr CHRIS MINNS: What quote are you referring to? I just want to get to the bottom of it. What did she say? Have you got the quote?

The Hon. SARAH MITCHELL: When we had the committee in March, she said, "All of the projects were election commitments." I said, "They were nominated from Labor candidates?" Her direct quote was, "Absolutely, as election commitments." We now have an earlier list from March—which we have had provided, finally, through a call for papers, after many iterations—and there's a discrepancy. The figures don't add up and the projects aren't correct.

Mr CHRIS MINNS: According to who?

The Hon. SARAH MITCHELL: According to the documents, Premier, that have been provided.

Mr CHRIS MINNS: Referencing what in particular?

The Hon. SARAH MITCHELL: There are a number of seats where the pre-election commitment—

Mr CHRIS MINNS: You would appreciate that I can't just take it at face value that it doesn't add up.

The Hon. SARAH MITCHELL: With respect, Premier, there are a number of seats where the pre-election commitments do not match up with the funding that had gone out the door.

Mr CHRIS MINNS: According to who?

The Hon. SARAH MITCHELL: According to the documents, Premier. I'll give you an example. In the seat of Wollondilly, pre-election in March 2023, the documents that we have had provided say, "NSW Labor will deliver up to \$400,000 to local councils across the electorate towards upgrades to playgrounds and parks." That was in March 2023. You have said there was no intervention from you or your office. You can now see on the list of the money that has gone out in the seat of Wollondilly that it says Thirlmere Tennis Club, Friends of Hill Top War Memorial Hall, the fire brigade, a soccer club—

Mr CHRIS MINNS: That's a good thing, isn't it?

The Hon. SARAH MITCHELL: But that's not what the election commitments were. My point to you, Premier, is—

Mr CHRIS MINNS: The war memorial? Why shouldn't we be giving money to the war memorial?

The Hon. SARAH MITCHELL: Premier, my question to you is that your senior staff member Cherie Burton has lied to the committee under oath.

Mr CHRIS MINNS: That's an outrageous accusation.

The Hon. SARAH MITCHELL: It's true. The documents speak for themselves.

Mr CHRIS MINNS: Will you say that outside this Committee meeting?

The CHAIR: Order!

The Hon. SARAH MITCHELL: The documents speak for themselves, Premier.

The CHAIR: Order!

The Hon. SARAH MITCHELL: Were they lying at your request?

Mr CHRIS MINNS: I think that's a pretty outrageous statement.

The CHAIR: Order! I remind Mrs Mitchell about adverse mention of people who are not here to defend themselves.

Mr CHRIS MINNS: Yes, say that outside the Committee.

The CHAIR: Order!

CORRECTED

The Hon. SARAH MITCHELL: The documents speak for themselves, Premier.

Mr CHRIS MINNS: I bet you you won't.

The CHAIR: Order! I call the Premier to order for the first time. I call Mrs Mitchell to order for the first time. While I appreciate the member's efforts to interrogate this issue—

Mr CHRIS MINNS: Why would you appreciate that?

The CHAIR: —the member should avoid adverse mention of people who are not here to answer questions or defend themselves.

Mr CHRIS MINNS: Mr Chair, why should that be appreciated?

The Hon. SARAH MITCHELL: The truth comes out, Premier. That's what happens.

Mr CHRIS MINNS: You won't say it outside this Committee, which I think speaks to your integrity on this issue.

The CHAIR: Order!

The Hon. SARAH MITCHELL: I don't need to. The documents speak for themselves, Premier. They are there.

The CHAIR: Order!

The Hon. SARAH MITCHELL: I apologise, Chair.

The CHAIR: Please proceed, Mrs Mitchell, by asking some questions.

The Hon. SARAH MITCHELL: To be clear, Premier, did your office advise the Special Minister of State about the role of any lower House MPs, particularly Independent MPs, in nominating projects and funding amounts?

Mr CHRIS MINNS: I don't know. If someone came and said, "Should we give money to a local war memorial or a swimming club or a tennis club?"—I think that would be a good idea.

The Hon. SARAH MITCHELL: That's not the question, Premier. You have changed your election commitment after the election. You can't hide from it.

The CHAIR: Order! Mrs Mitchell, you have asked a question—

Mr CHRIS MINNS: If you were genuine about this and you were going to defame private—

The CHAIR: Order!

Mr CHRIS MINNS: Mr Chair, please, I am entitled to give an answer.

The CHAIR: I am trying to regain some decorum and order here. There are constant interjections from Mrs Mitchell. It's impossible for me to hear what's going on and for Hansard to record what's going on. Please, let's have questions and answers.

Mr CHRIS MINNS: I'm in the middle of an answer.

The CHAIR: Yes, I understand, Premier. Please, proceed.

Mr CHRIS MINNS: Mr Chair, I think, in the circumstances, someone saying money for a tennis club or a war memorial is a good idea. I'm struggling to find out why—and as far as calling someone a liar, I think that's pretty outrageous.

The Hon. SARAH MITCHELL: The documents speak for themselves.

Mr CHRIS MINNS: We're all politicians. We've got a microphone. We've got an ability to defend ourselves. I think this is a pretty new low.

The Hon. SARAH MITCHELL: Can I just ask, Premier, the guidelines to this program made it clear that these projects needed to be an election commitment. There is now evidence through documents provided to the House that that is not the case for a number of seats.

Mr CHRIS MINNS: That's what you say. I don't know whether that's the case.

The Hon. SARAH MITCHELL: It's true. Did your office play a role? Did you advise the Special Minister of State to change these commitments based on requests from Independent members of Parliament?

CORRECTED

Mr CHRIS MINNS: I have to take the specifics on notice. But if someone came to us, whether it came through the Premier's Discretionary Funding or the Local Small Commitments Allocation for a jazz festival or a war memorial or a tennis club—I mean, why are we picking on the men's shed?

The Hon. SARAH MITCHELL: I'm not picking on them.

Mr CHRIS MINNS: That's a good initiative.

The Hon. SARAH MITCHELL: I'm picking on your office and you ignoring grant guidelines if you feel like it.

Mr CHRIS MINNS: You are picking on my office. You have belled the cat there.

The Hon. SARAH MITCHELL: You have ignored grant guidelines post-election—

Mr CHRIS MINNS: I don't think we have, no.

The Hon. SARAH MITCHELL: —curiously, in Independent seats that you need to help form government. It's not a coincidence, Premier. Can you sit here today and say that nothing was changed after the election, there were no political favours done and your Government has delivered everything that was in your pre-election commitments under this fund, as per the guidelines?

Mr CHRIS MINNS: I think we're working hard to deliver on all of our election commitments. As for political favours, it's just another wild conspiracy theory.

The Hon. SARAH MITCHELL: The documents are pretty clear, Premier.

Mr CHRIS MINNS: I think, ultimately, the Local Small Commitments Allocation—for laypeople that don't know the background, we were really faced with the situation where there had been persistent and almost machine-level industrial effort to funnel taxpayer funds to National Party seats.

The Hon. SARAH MITCHELL: Premier, I'm asking about a program under your—

The CHAIR: Order! Mrs Mitchell—

Mr CHRIS MINNS: Mr Chair, I'm sorry, I am really entitled to get answer out.

The Hon. SARAH MITCHELL: With respect, Chair, this isn't what I asked about.

The CHAIR: You asked a question and the Premier is answering the question. Premier, please proceed.

Mr CHRIS MINNS: In those circumstances, we were faced with the situation where, I think, 22 out of 23 bushfire grants went to Coalition seats. I thought that was the most shocking of all. I would have thought that—

The Hon. SARAH MITCHELL: Have a look at these documents, Premier. You might be pretty shocked by what your own lot is doing.

Mr CHRIS MINNS: Mr Chair, is there a chance I could get an answer out? I had 30 seconds to get an answer out.

The CHAIR: Order! I remind Mrs Mitchell that she is on one call to order. Please allow the Premier to answer the question.

Mr CHRIS MINNS: We were faced with the situation where 22 out of 23 bushfire grants went to Coalition seats. I remember speaking to the member for Blue Mountains, who had enormous destruction in her community during the Black Summer bushfires. She was faced with the situation where small businesses were trying to get back on their feet. She desperately went to the government of the day and said, "I understand that you've allocated an enormous amount of money for bushfire recovery, which is a laudable purpose. Can we have some of that for our bushfire-affected community?" The answer was no, whether it was something as simple as bushfire grants or school renewable energy grants or the most obvious one, which was the repurposing of local government grants for communities that were meant to have merged councils but never got them. The theory here was to get \$400,000 into 93 electorates so that it couldn't be, effectively, funnelled into seats that the government or the opposition—we were in opposition at the time—had to win.

The Hon. SARAH MITCHELL: You just did that after the election. Chair, can we move on? I have given the Premier time.

Mr CHRIS MINNS: Ultimately, I think that the money going into those communities is a good thing. I don't think it should be ripped apart.

CORRECTED

The Hon. SARAH MITCHELL: Point of order: I gave the Premier quite a bit of latitude. We're ready to move on. He's answered a lot of things that are not relevant to this year's budget papers.

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

The Hon. SARAH MITCHELL: We have limited time, to be fair, Chair. I think we've been pretty generous.

The Hon. BOB NANVA: A series of assertions were made by Mrs Mitchell in her line of questioning. The Premier is rightly addressing each of those and providing some context to the program which Mrs Mitchell is being critical of.

The CHAIR: Yes, I don't uphold the point of order. The Premier is answering fully the series of assertions and questions asked. If the Premier has concluded, is there another question?

The Hon. SARAH MITCHELL: I will hand over to my colleague.

The Hon. DAMIEN TUDEHOPE: In that same line, Premier, did members of your staff get to receive ex gratia payments in relation to covering their legal costs for the purposes of appearing before the Dural caravan inquiry?

Mr CHRIS MINNS: I don't know if it was ex gratia payments, but I understand they got legal support. I don't know what form it took.

The Hon. DAMIEN TUDEHOPE: Ms Boyd, did they?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: It was an ex gratia payment?

KATE BOYD: Yes, they're entitled to that under the guidelines.

The Hon. DAMIEN TUDEHOPE: What was the criteria for the making of that ex gratia payment?

KATE BOYD: It's set out in a Premier's memorandum, which I can give you the details of on notice, if you like. But all public officials that are called to inquiries and other—

The Hon. DAMIEN TUDEHOPE: Inquiries or legal proceedings?

KATE BOYD: Both. In their capacity as officials, they are entitled to make an ex gratia request.

The Hon. DAMIEN TUDEHOPE: Isn't it the case that to be entitled you need to, in fact, be involved in legal proceedings or—

Mr CHRIS MINNS: Weren't you threatening to throw them in jail? Wasn't that the story? I would have thought a lawyer in those circumstances is reasonable.

The Hon. DAMIEN TUDEHOPE: The inquiry is not legal proceedings, Premier.

Mr CHRIS MINNS: I could have sworn that, at the time, you said you were going to throw them in jail if they don't attend.

The Hon. DAMIEN TUDEHOPE: An inquiry is not legal proceedings. It is an inquiry.

KATE BOYD: It covers inquiries as well.

Mr CHRIS MINNS: I think, in the circumstances—I don't have automatic recall, but I could have sworn that, at the time, you or your colleagues were saying they would go to jail unless they appeared at the inquiry. I would have thought that's a reasonable basis for a lawyer. Are you a lawyer?

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: Who signed off on those payments?

Mr CHRIS MINNS: Kate?

KATE BOYD: The Attorney has the function under the relevant Premier's memorandum, so the Department of Communities and Justice administer that ex gratia scheme.

The Hon. DAMIEN TUDEHOPE: In relation to that, the Government has access to the Crown Solicitor, do they not?

KATE BOYD: That's correct.

CORRECTED

The Hon. DAMIEN TUDEHOPE: They have access to the Solicitor General?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Why was it necessary to go to a private firm of solicitors to obtain that advice?

KATE BOYD: The Crown law officers are primarily there to act for the Crown. In this case, the individuals had individual rights and issues that may have conflicted with the Crown, so the decision was taken to obtain independent legal advice for those witnesses.

The Hon. DAMIEN TUDEHOPE: Had the Crown Solicitor provided any advice in relation to their obligation to attend before the inquiry?

KATE BOYD: I'm not at liberty to disclose that publicly. It's privileged.

Mr CHRIS MINNS: Bloody hell. At the time, in all fairness—

The Hon. DAMIEN TUDEHOPE: Premier—

Mr CHRIS MINNS: Just in relation to the last question—

The CHAIR: Order! Premier, you could be arrested for saying that.

Mr CHRIS MINNS: Can I just say in relation to that—

The Hon. DAMIEN TUDEHOPE: No, you can't.

The CHAIR: That is an offence under the Summary Offences Act. I remind you—

The Hon. ROBERT BORSAK: He's got privilege.

The CHAIR: You do have privilege, actually.

Mr CHRIS MINNS: Mr Chair, just in relation to that last line of questioning, because I think this is important—the context is important here. Regardless of whether people believe that staff should be pulled before this upper House inquiry or not—or that inquiry or not—it was unprecedented. There was a threat of throwing them in jail.

The Hon. DAMIEN TUDEHOPE: No, it wasn't.

Mr CHRIS MINNS: The circumstances were that my staff were grilled for hour upon hour, and now we're hearing they shouldn't have even got access to a lawyer. I think that's a bit over the top, Damien. If we want young people in particular to join ministerial staffing ranks—

The Hon. DAMIEN TUDEHOPE: Everyone has access to a lawyer.

Mr CHRIS MINNS: —or the public service, then the minimum should be applied, the minimum level of fairness. If you're going to press that point, I think it's a real mistake from you, Damien.

The Hon. DAMIEN TUDEHOPE: Thanks for your advice.

Mr CHRIS MINNS: Some unsolicited, but I think necessary, advice.

The Hon. DAMIEN TUDEHOPE: Premier, do you post on TikTok regularly?

Mr CHRIS MINNS: I understand that I do, yes, but I don't personally do it.

The Hon. DAMIEN TUDEHOPE: Do you have an app on your device?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: You don't have it on your device?

Mr CHRIS MINNS: No, I actually don't have any social media apps on my phone. I find it distracting.

The Hon. DAMIEN TUDEHOPE: Do you have messaging apps?

Mr CHRIS MINNS: Yes, I do.

The Hon. DAMIEN TUDEHOPE: Which ones?

Mr CHRIS MINNS: I'd have to take it on notice.

The Hon. DAMIEN TUDEHOPE: Do you have Signal?

CORRECTED

The Hon. SARAH MITCHELL: Just check your phone.

Mr CHRIS MINNS: I'm not going to check my phone now, but I think I've got all of them, yes.

The Hon. DAMIEN TUDEHOPE: You've got Signal? You've got WhatsApp?

Mr CHRIS MINNS: I'll take it on notice.

The Hon. DAMIEN TUDEHOPE: Telegram, of course, you wouldn't have, would you?

Mr CHRIS MINNS: No, I don't think I've got Telegram. What's Telegram?

The Hon. DAMIEN TUDEHOPE: It's another one of those—I don't have it either, but I understand it's one—

Mr CHRIS MINNS: Have you got Signal?

The Hon. DAMIEN TUDEHOPE: I've got Signal. In fact, you've sent me messages on Signal.

Mr CHRIS MINNS: There you go. Well, you know then.

The Hon. DAMIEN TUDEHOPE: Do your ministerial staff use Signal and WhatsApp?

Mr CHRIS MINNS: You'd have to ask them. I think so, but I'm not sure.

The Hon. DAMIEN TUDEHOPE: Do you ever send messages to Ministers or ministerial staff using Signal or WhatsApp?

Mr CHRIS MINNS: From time to time.

The Hon. DAMIEN TUDEHOPE: Do you retain records of those conversations with Ministers which are conducted over Signal or WhatsApp?

Mr CHRIS MINNS: Oftentimes, in relation to a chat, someone will put an expiry time on it, so sometimes yes, sometimes no. I don't know.

The Hon. DAMIEN TUDEHOPE: Have you ever taken a screenshot of a conversation which you've had with someone over WhatsApp or Signal?

Mr CHRIS MINNS: I might have. If my wife says, "Can you bring home the milk?"—

The Hon. DAMIEN TUDEHOPE: You take a screenshot of that?

Mr CHRIS MINNS: —and then I don't bring home the milk and then she says, "I asked you to do it", and then I say, "Well, I don't have any record of that", then I might screenshot it and then text it to her to prove there wasn't.

The Hon. DAMIEN TUDEHOPE: You might be trivialising it.

Mr CHRIS MINNS: Trivialising what? What questions are you asking?

The Hon. DAMIEN TUDEHOPE: Ms Boyd, what are the obligations of Ministers to retain records pursuant to the State Records Act in relation to their correspondence with each other?

KATE BOYD: Those obligations are set out in the State Records Act. You've obviously got an obligation to keep full and accurate records of the activities of the office, but you're not required to keep ephemeral messages.

The Hon. DAMIEN TUDEHOPE: And that includes messages over messaging apps, does it?

KATE BOYD: Yes, it includes messages that aren't of continuing public value, so if you—

The Hon. DAMIEN TUDEHOPE: How do Ministers decide that?

KATE BOYD: Our advice, which is on the record to Ministers, is that, when they make a decision or take any official action, they should be confident that there is a written record of the reasons for that decision or action or instruction or advice. But, if you're just having a chat with someone on Signal, there's no obligation not to dispose of those ephemeral records.

The Hon. DAMIEN TUDEHOPE: Have you ever had a conversation with a Minister over WhatsApp or Signal which in fact is a direction or a decision made between you and a Minister?

Mr CHRIS MINNS: Not to my recollection, no.

The Hon. DAMIEN TUDEHOPE: Do you have Ministers as part of WhatsApp or Signal chat groups?

CORRECTED

Mr CHRIS MINNS: Ministers?

The Hon. DAMIEN TUDEHOPE: Ministers or staff?

Mr CHRIS MINNS: Yes, perhaps.

The Hon. DAMIEN TUDEHOPE: Or bureaucrats?

Mr CHRIS MINNS: I don't know about bureaucrats. I'd have to check.

The Hon. DAMIEN TUDEHOPE: In respect of those apps, do you have disappearing messages activated in relation to that messaging content?

Mr CHRIS MINNS: In some instances, yes, because that is the terms in which the moderator might have set an app, but that would be the case for work colleagues, family, friends. I think everybody that's got a Signal app or a WhatsApp app or a text message app or a standard Samsung app—

The Hon. DAMIEN TUDEHOPE: Given that these are conversations between Ministers—

Mr CHRIS MINNS: But we're also cognisant of our responsibilities to hold onto information where decisions are made. Generally speaking—

The Hon. DAMIEN TUDEHOPE: Premier, would it surprise you to know—

Mr CHRIS MINNS: Sorry, Mr Chair, can I get an answer out?

The CHAIR: Yes.

Mr CHRIS MINNS: Generally speaking, those decisions are made in formal meetings in Cabinet. That's when we make those calls.

The Hon. DAMIEN TUDEHOPE: Premier, would it surprise you to know that, in respect of documents to be produced pursuant to Standing Order 52 for various issues which have arisen and been provided to the House, I have never, to the best of my knowledge, seen a shot of a conversation on WhatsApp or Signal as complying with that order to produce documents?

Mr CHRIS MINNS: That doesn't surprise me, because I remember SO 52s that applied to your time in office, and I never saw a Signal message from you either.

The Hon. DAMIEN TUDEHOPE: You probably never saw one from me ever because—

Mr CHRIS MINNS: Well, you disclosed earlier you were on Signal.

The Hon. DAMIEN TUDEHOPE: That was so I could get messages from you, Premier.

Mr CHRIS MINNS: Right, I see. There you go. So it doesn't surprise me, no.

The Hon. ROBERT BORSAK: I will go to something a bit more vexing, Premier, and that's housing. I'm sure you're all over this particular topic. You would note concerns from the NSW Productivity Commissioner, who has warned that, if we don't act, we could become a city with no grandchildren. In other words, between 2016 and 2021, Sydney lost twice as many people aged 30 to 40 as it gained. Some 35,000 came to Sydney and 70,000 left. What key measures are you implementing to try to fix this?

Mr CHRIS MINNS: I think it's the problem of our age. I think it's a massive challenge for Sydney in particular but not just Sydney—Kiama, the South Coast, the North Coast. If we can't provide housing for young people in particular, they will vote with their feet and they will leave. I've looked very closely at the statistics here. The Baird Government, for a period of two or three years, became nation leaders when it came to building. It was hugely important in the run-up to the COVID period that we met those targets. We were producing 65,000 to 72,000 houses a year—completions a year. We need to get back to that number.

The Hon. ROBERT BORSAK: Is it true to say that our current planning laws stand in the way of getting a lot of that stuff done?

Mr CHRIS MINNS: I really believe that they do, yes. I want to give a shout-out to Mark Speakman in particular. We've had constructive discussions with the Opposition about major changes to the planning Act in New South Wales. I think he deserves credit for engaging with us on those questions. The best thing to do, in addition to the Housing Delivery Authority, to the transport oriented developments, to the changes to R2 and R3 zoning, to patent book housing and all of the major reforms that the planning Minister has implemented over the last 18 months—to embed it and go even further in a bipartisan or multipartisan planning Act would be hugely beneficial for New South Wales.

CORRECTED

It would do a number of things. Firstly, it would give young people an opportunity to have a house, a place to live, in an expensive city like Sydney. Secondly, it would mean that you're bedding down into the foundations of the State the planning system, and that means more capital will come into the housing system and more capital will be deployed to build multi-unit units and apartments and more housing because everybody knows the rules of the road. You'll know that it's not going to change if it's a bipartisan effort. I'm really hopeful we can get a key breakthrough here, depoliticise it and actually give people an opportunity to live in Sydney.

The Hon. ROBERT BORSAK: Also, I noticed that Mr Speakman did offer support. Can you elucidate, in terms of the planning system, what you've got in mind?

Mr CHRIS MINNS: In short, yes. I think that we should permanently put into law the Housing Delivery Authority, particularly for volume builds, particularly along public transport lines and major heavy civil infrastructure. I think that we should have more deemed approved housing in Sydney. John has been a leading figure in relation to this; he's spoken about it passionately in the past. What happens is, when a builder goes to deploy capital to build a new apartment or a townhouse or a villa, they have to run through the gauntlet of local government, State government and about a billion different planning Acts to get an outcome. If we can move through that and get a commonsense approach, then I think that we'll build more for Sydney. The consequences of not doing it are terrible.

The Hon. ROBERT BORSAK: Premier, I'm quite aware, for example, of what Nathan Moran, the CEO of the Sydney local land council, is trying to do. He's got major developments he is trying to get across the line in the northern suburbs, and all over New South Wales really, and he's having major problems trying to get things done—and this is on Aboriginal land that they own. They simply cannot get these things through the planning process.

Mr CHRIS MINNS: Yes. I'm at a little bit of a disadvantage in relation to a couple, or one in particular, because it's right in the middle of assessment. Sorry, I'm getting ahead of myself. There is a major initiative that is being pursued by the Metropolitan Local Aboriginal Land Council on previously Crown land that is Aboriginal land, and there is a proposal for new housing on that site. It has been assessed for bushfire risk by the New South Wales Government and I don't have an announcement or a breakthrough in relation to that. We're looking at it incredibly closely. The Secretary of the Premier's Department has just indicated to me that he's meeting Nathan and I think the leadership of the Metropolitan Local Aboriginal Land Council. But we're at a pointy end of the decision there and I'd probably have to take it on notice.

The Hon. ROBERT BORSAK: I'm not asking you for a solution now; I'm just raising it as an example. That one has been around since 2022 and it doesn't seem to be moving anywhere, that's all.

Mr CHRIS MINNS: You're right. I don't have an excuse. It isn't moving. It's a problem.

The Hon. ROBERT BORSAK: What other initiatives have you announced in the recent budget that would cover the drive of increasing the supply of housing?

Mr CHRIS MINNS: Kate is helping me with this. In addition to rolling out the \$5 billion of social housing and the \$1.2 billion for maintenance and repair of the existing social housing stock, we anticipate that we'll build 8,400 new social housing dwellings in New South Wales—urgently needed—and probably we need to go even further and do more. You've got the second most expensive city on earth and your deployment of social housing has in fact dropped over the last decade. While the population has increased by, say, 30 per cent, our social housing stock has actually declined—not in real terms, in actual terms. We're doing two things at the same time: trying to make up for a decade's underinvestment in social housing and then add to the stock beyond that. We have allocated, say, \$6 billion or more than \$6 billion to that effort. But, Robert, I reckon we need to go even further.

There are other more bespoke initiatives. We've put a billion dollars aside for a Pre-sale Finance Guarantee where we would effectively step in if off-the-plan housing just doesn't get to the final number to allow the financing to roll to get the building constructed. That's in its early stages. The pattern book I think is an exciting initiative. If you are in a zoned area—and I think it covers 60 or 70 per cent of metropolitan Sydney—and you grab one of the pattern book designs, then you can get construction approval inside seven days. That's just getting off the ground. We've bought the designs—the Government has bought the designs—so an individual, a member of the public, can go and buy it for a dollar.

The Hon. ROBERT BORSAK: I was going to come to the scheme a bit later in the questioning. But why would the New South Wales taxpayer underwrite this sort of scheme, privately guaranteeing these developments?

Mr CHRIS MINNS: Because of a mixture of things: high interest rates, high inflation and the stack. What I mean by the "stack" is the financing that major builders need to press go on a development we're just

CORRECTED

falling the wrong side of. The billion dollars that the Government is allocating will be self-perpetuating. It's not going to come off the budget. We anticipate that we'll continue to reinvest it into new homes. And the Government owns an asset too. If we decide to go as the guarantor, effectively—not for the entire building but for one or two—that's enough to tip the developer into going ahead with construction. We anticipate more capital coming into the system. It's part of the innovation that we have to look at because I would argue that we have to pull every lever at the same time and that we're now in a situation where it's not just going to be local government, it's not just going to be the State Government, it's not just going to be State government planning decisions through our various agencies like the EPA, heritage, environment, the RFS, the SES, flooding. We have to do everything at once and we don't have a minute to lose.

The Hon. ROBERT BORSAK: I suppose you're saying that the market wasn't working?

Mr CHRIS MINNS: The market was shy about investing in New South Wales because the cost of time was so extreme. I mean you've got a situation where New South Wales, or Sydney in particular, has the highest house prices, the highest rents, the highest increase in rents, the highest increase to house prices, the largest number of young people fleeing the jurisdiction—

The Hon. ROBERT BORSAK: And the longest period for approval.

Mr CHRIS MINNS: The longest period for approval and yet we're producing six houses per 1,000 people every 12 months. In Victoria they produce eight and in Victoria it's nine houses per 1,000 people every 12 months. Notwithstanding the fact that we've got the steepest and most difficult housing challenges, we're also producing the lowest number of houses.

The CHAIR: We will now turn to questions from the crossbench. To remind crossbench members, I'm going to go through in series, one each, as you came. I'll start with Mr Ruddick.

The Hon. JOHN RUDDICK: Good morning, Mr Premier. I'd like to raise what I suspect is one of your least favourite subjects, which is compensation for the NuCoal shareholders. Before your time in Parliament, a mining licence was withdrawn from NuCoal and the Parliament then passed a law forbidding that the Government would ever pay them compensation. A couple of years after that, ICAC looked into it. Justice Rothman said:

Ultimately, the Commission came to the view that the plaintiff—

NuCoal—

as an entity, was not involved in any wrongdoing.

He said that they were wholly innocent. In 2019 the Legislative Council had an inquiry which came to the view that, yes, the NuCoal shareholders are innocent people who have had their property taken off them by this Parliament. What has recently come out—and I would like to table this—is the 2025 National Trade Estimate Report by a US trade representative, presented to the President of the United States, talking about investment barriers in Australia. The official report says:

To date the NSW government has not acted on the parliamentary committee's recommendation to provide shareholders, including U.S. investors, with recourse to seek compensation.

At some point, Mr Premier, you and I know that our Prime Minister—your friend, Mr Albanese—and President Trump are going to sit down and have a discussion about tariffs. Media reports suggest that this issue of NuCoal, which was blatant theft—I know it was not your fault, sir, but it is now your problem—is going to be a stumbling block. The Commonwealth has said that this is a New South Wales problem and New South Wales has got to fix it. We have, in the past, paid \$110 million and \$220 million to mining licences that were cancelled and they got compensation. I believe that compensation payment is inevitable. I believe it's going to harm Australia the longer that this drags out. My question is when will you pay fair compensation to the long-suffering shareholders of NuCoal?

Mr CHRIS MINNS: I take it as read—the evidence that you've indicated in your question. I don't have plans to do that. I realise that's disappointing to NuCoal investors and those who are interested in Justice Rothman's determination as well as the ICAC finding. There's a reason for it: The estimate in terms of the compensation is approaching half a billion dollars. That's the evidence that I've got.

The Hon. JOHN RUDDICK: Yes, I agree. But we can't deprive these people of fair compensation just because it's a high bill. It sends a very bad message to investing in New South Wales; we become a sovereign risk. It's going to cost us more money by not paying that.

Mr CHRIS MINNS: I think there's strong evidence to indicate that we're not a sovereign risk, if you look at our stable democracy, our property rights, our independent judiciary and the fact that, notwithstanding this

CORRECTED

environment, we've largely got a stable political environment. We're increasingly becoming an incredibly attractive place for foreign investment and capital deployment in Australia. I don't think, given the longevity of this issue and how often it has been prevalent in the media, it would indicate that it is a threat to the status of New South Wales as an investment location.

Speak to Damien and speak to the previous Government: People want to invest in this State. The circumstances relating to the original legislation that was passed—I wasn't a member of Parliament, John. I wasn't here at the time. I accept the evidence that you presented in relation to it. My problem today is finding half a billion dollars when I've got major challenges for Western Sydney health departments, I've got a police force that we need to fund and I've got a rail system that we need to upgrade and ensure works. It's an enormous amount of money.

Dr AMANDA COHN: Good morning, Premier. In response to a question from the Opposition this morning, you said that if we were going to have a parliamentary inquiry in health care, it should be into the privatisation of hospitals. Northern Beaches Hospital isn't the only public-private partnership in NSW Health. The Government is dealing with Northern Beaches Hospital. The Greens have strongly supported your action there. Does that mean you'll support a parliamentary inquiry into public-private partnerships at NSW Health other than the Northern Beaches Hospital? Because there are many.

Mr CHRIS MINNS: I wouldn't automatically support a parliamentary inquiry. Sometimes they've got value; sometimes they can be sidetracked by internal political divisions and grandstanding. I am interested in solutions, though. We have been heartened by The Greens' advocacy. I want to acknowledge your position in relation to Northern Beaches Hospital, as well as The Greens' position in relation to the privatisation of hospitals more generally over the previous decade. I'm not wiping that away.

In terms of parliamentary inquiries, you'd know they're not really up to me. Ultimately, they're usually established by the upper House, whether the Government wants it or not. My job, however, isn't to establish parliamentary committees; it's to get on and try to solve these issues. I just made the point earlier that we believe we're doing that. I think we've got support from The Greens in relation to this and investing in Western Sydney hospitals, particularly Rouse Hill; removing the wages cap—again, an issue that The Greens have been supportive of the removal of for a long time—and stopping privatising government hospitals.

Ms ABIGAIL BOYD: Good morning, Premier. New South Wales is still in a domestic violence crisis. Last year New South Wales recorded the highest number of gender-based murders in the country. BOCSAR statistics continue to show an alarming rise year after year in reported domestic and family violence related incidents. We know that victim-survivors are waiting an average of two months to receive support, with many across the State having waitlists much longer than that. As you know, the domestic and family violence sector has been calling for a 50 per cent uplift in the core baseline funding for specialised frontline domestic and family violence services, because they haven't seen an increase in their funding for many years. It would've equated to a mere \$163.1 million in your budget of \$127 billion, yet in the latest budget, this Government, once again, did not fund those services to the level required. They make the difference between life and death. Will you fund those services?

Mr CHRIS MINNS: We're looking at it very closely. I met with Domestic Violence NSW recently, in the last few weeks. I think you'd acknowledge that the Government has allocated nearly \$300 million extra in domestic violence prevention programs across New South Wales in the last two years, admittedly not to the NGOs and organisations that run those services. There's a big need for it; I don't dismiss that. We're actively engaged in talking with them now.

Ms SUE HIGGINSON: Premier, on 6 May you accepted the award from the President of Israel. On 20 September 2024 the UN made it very clear: The special committee found that Israel's warfare methods in Gaza are genocidal, including using starvation as a weapon. Can you see that your actions on 6 May, which then followed your own op-ed being published, was for many people a threat here to the social cohesion of our communities across New South Wales and Australia?

Mr CHRIS MINNS: I didn't accept any award. I don't know what you're talking about.

Ms SUE HIGGINSON: So no presentation that you're a great friend to Israel and—

Mr CHRIS MINNS: Did you say I accepted an award? I don't think I've got any awards—certainly not since I've become Premier.

Ms SUE HIGGINSON: An accolade—some kind of presentation to you as a friend of Israel—at that time on 6 May.

CORRECTED

Mr CHRIS MINNS: I'd have to take it on notice, but my understanding is that the President of Israel wrote to me and the New South Wales Government. I think, in fairness, Sue, that's very different to accepting an award, and presenting it like that is a bit of a misrepresentation.

Ms SUE HIGGINSON: So you think, then, the letter presented in a frame by the Israeli ambassador is—the question, Premier, is about whether you see that many people in New South Wales saw that as a threat to social cohesion here in New South Wales, given what had happened in relation to the UN's clear declaration that Israel's actions are genocidal actions, including using starvation.

Mr CHRIS MINNS: There are a few things I'd say. If there's an aspect of my speech to that forum that you disagree with, I think that would be reasonable. I don't know if you've got it on you.

Ms SUE HIGGINSON: I've got the speech. The question is, Premier, do you understand that many people—

Mr CHRIS MINNS: No, I think you're asking me to put myself in the body or the minds of other people. I can't do that. Ultimately, that's a decision or a judgement for them to make. Is there something in particular—

Ms SUE HIGGINSON: Do you regret doing that at this point?

Mr CHRIS MINNS: Mr Chair—

The CHAIR: Order!

Mr CHRIS MINNS: Is there something in the speech that you disagree with or was wrong or incorrect? I think that'd be reasonable criticism.

The Hon. DAMIEN TUDEHOPE: Premier, who did you consult before directing the Statutory and Other Offices Remuneration Tribunal to award a 10.2 per cent pay rise to six secretaries?

Mr CHRIS MINNS: Sorry, I can't hear; there's talking.

The CHAIR: Can we repeat the question, please.

The Hon. DAMIEN TUDEHOPE: Premier, who did you consult before you directed SOORT to award a 10.2 per cent pay rise to six secretaries?

Mr CHRIS MINNS: I think I had a conversation with Simon and senior public servants in New South Wales.

The Hon. DAMIEN TUDEHOPE: Did you have any discussion about KPIs or performance reviews relating to that increase?

Mr CHRIS MINNS: No—I mean, in terms of performance pay or a bonus or things like that, we didn't agree with any of those things. I think previously secretaries were given—we were talking about this the other day. Previous secretaries were given a bonus if they met certain thresholds or performed in a particular way, and I just think that's a silly way to run a public service. I think we had a discussion about that—that, no, we're not going down that road.

The CHAIR: Premier, as a self-confessed AC/DC fan, can you finish these lines? "It's a long way to the top if you want to"—

Mr CHRIS MINNS: Rock'n'roll.

The CHAIR: Correct. "For those about to rock"—

Mr CHRIS MINNS: We salute you.

The CHAIR: "Woah oh oh oh"—

The Hon. ROBERT BORSAK: That one, you got me.

The CHAIR: The answer is thunder.

The Hon. SARAH MITCHELL: You've got to sing it, Jez, or we miss the context.

The CHAIR: "See me ride out of the sunset"—

Mr CHRIS MINNS: That's a Bon Scott song.

The CHAIR: No, sorry—two out of four. Have you got your ticket to the AC/DC concerts?

Mr CHRIS MINNS: I don't, no.

CORRECTED

The CHAIR: Zero. Where is the public memorial that you've promised to the greatest rock and roll band in the history of the universe? Where is it? Where is the public recognition of AC/DC that you've promised?

Mr CHRIS MINNS: Did I promise it?

The CHAIR: I think you did.

Mr CHRIS MINNS: Right.

The CHAIR: You said, "Watch this space." And there's a lot of space, and there's a lot of watching.

Mr CHRIS MINNS: I don't have imminent plans for an AC/DC memorial, Mr Chair.

The Hon. ROBERT BORSAK: We've got a Fountain Court out there. We could stick it there.

Mr CHRIS MINNS: There's one in Burwood, isn't there?

The CHAIR: No.

Mr CHRIS MINNS: We've talked about it. Where is it? Ashfield?

SIMON DRAPER: Burwood has got a proposal for it.

Mr CHRIS MINNS: Burwood has got a proposal for it.

The Hon. SARAH MITCHELL: Simon is an AC/DC fan. He might know.

The CHAIR: Oh, Burwood has a proposal for it? Well, that's news. Thank you very much. In the absence of questions from the Government, we are going to have a 30-minute recess. We will be back at 11.15 a.m.

(Short adjournment)

The CHAIR: Welcome back, everyone. We'll now recommence the hearing with questions from the Opposition.

The Hon. SARAH MITCHELL: Premier, are you concerned that your Government's Regional Roads Fund is being investigated by the Auditor-General?

Mr CHRIS MINNS: It's the role of the Auditor-General. I think it's important that the Auditor-General is able to do that. There are periodic investigations—well, there's an annual investigation into all areas of government expenditure. When you consider how much money goes into the Roads budget, I think it's reasonable to believe that there would be an Auditor-General inquiry or investigation.

The Hon. SARAH MITCHELL: Successful projects weren't required to submit business cases to be eligible for funding. Is that a normal process for your Government?

Mr CHRIS MINNS: Can you repeat the question?

The Hon. SARAH MITCHELL: Successful projects weren't required to submit business cases to be eligible for funding. Is that a normal process for funding allocations under your Government?

Mr CHRIS MINNS: It depends. I've been concerned for a long time—and I know members of the previous Government were concerned about it too, because I spoke to them—about the huge costs associated with business cases. I was amazed that what would ordinarily be a rudimentary piece of civic infrastructure or social infrastructure would have to be accompanied by a six-month detailed investigation. I think the Auditor-General has spoken to the Government about ensuring that, if there's going to be a decision, or there is a policy decision of government, or there's a need for a particular road or project, does it really require a \$50 million or \$100 million business case, or even—in some cases—unnecessary engineering works to go ahead?

I'll give you an example. Some of the big rail projects are accompanied by—you'd remember this, Damien—\$50 million or \$75 million business cases. You think, "Geez, we could do a lot of good with that kind of money," when there are no appreciable outcomes associated with the kind of money that you spend. Sometimes governments, which they're entitled to do, discontinue the project but the cost for the business case is allocated to the Government. I think there needs to be a real look, particularly in relation to third-party contractors—often personal service firms—and their role in business cases, because it's a big, big spend on the budget.

The Hon. SARAH MITCHELL: I just want to take you to one specific project under that fund, which is allocated up to \$50 million—the Thornton road and rail bridge. There were questions put to the Minister about that yesterday. It's the single biggest funding allocation for any project in this fund. It is in her own electorate. It

CORRECTED

has not had a BCR completed. There was no business case and it's not due for completion until 2026. Do the optics of that concern you—looking like the Minister is spending this money for her own electoral advantage?

Mr CHRIS MINNS: No. I think it would be cynical to say that, particularly for a regional MP. A road project of that scale would be necessary, and that would be happening right across New South Wales.

The Hon. SARAH MITCHELL: But you're not concerned that it's in her own electorate? There were no disclosures of conflicts of interest. It's literally around the corner from her place, \$50 million worth of taxpayer money, no business case, no BCR; you're completely comfortable with that?

Mr CHRIS MINNS: Yes. I think, if you look at the scale of road spend across New South Wales, particularly for a regional electorate, that would be about right. I also think it would be a big call to say, "Geez, the member for Maitland," who's the Minister for Roads, "couldn't have that kind of spend."

The Hon. SARAH MITCHELL: I'm not saying that. But you would expect that there would be some probity—

Mr CHRIS MINNS: I'll just finish, Mr Chair.

The Hon. SARAH MITCHELL: —around that process, wouldn't you, Premier?

The CHAIR: Order!

Mr CHRIS MINNS: I'm here for three hours. I'm entitled to 20 seconds, surely. I think, in the circumstances, she's the member for Maitland. It's pretty obvious who the local MP is. That's the circumstance for road funding and projects right across New South Wales. Unless we allocate it to an upper House MP, there will always be that general conflict when you spend money in your own seat. I'm the member for Kogarah. My constituents deserve their fair share. It is understood that I live in that community and I'm also the local MP, but they shouldn't be denied it either.

The Hon. SARAH MITCHELL: But you would appreciate, Premier, given that there could be a perception of a conflict of interest—I appreciate what you're saying: a local member, who is a Minister, can still have oversight of funding in their areas. But wouldn't you think there should be, in that instance, for the abundance of caution, probity around that decision, a business case, or something that makes it clear that it has been allocated properly when you're talking about \$50 million worth of taxpayer money?

Mr CHRIS MINNS: Yes, but the Roads budget is billions. There are 93—

The Hon. SARAH MITCHELL: But, Premier, that doesn't mean you don't have probity.

Mr CHRIS MINNS: Sorry, Mr Chair, honestly.

The CHAIR: Order!

Mr CHRIS MINNS: I think it's a bit outrageous not to give me 10 seconds to answer. The Roads budget is billions. A lot of that is allocated in regional communities, so \$50 million for a road project in Cessnock—we've got 93 seats. Let's say a third of them are outside Sydney, so \$50 million in a billion-dollar project, yes, I'd say that's about right.

The Hon. SARAH MITCHELL: So just because the Roads budget is massive, it's fine to have a \$50 million project with no probity around it. That's the standard that you set?

Mr CHRIS MINNS: I'll use my own words. I think a reasonable person would say that if you're going to spend billions of dollars, \$50 million allocated to a regional community is about right.

The Hon. SARAH MITCHELL: Ms Boyd, what should be the process for a Minister disclosing a conflict of interest in that situation?

KATE BOYD: It's not a conflict. The ministerial code defines a conflict of interest as arising where there is a clash between a public duty and a private interest. You're taken to have a conflict if you make a decision that confers a private benefit on yourself or your family. "Private benefit" is defined to exclude projects that are really there for the whole community. Members of course live in their electorates; that's a fundamental part of our system. Where a member benefits from a decision as a member of the community, and they share that benefit equally with the community, that can never give rise to a conflict. The code recognises that this situation will happen and has made provision for that. No, I don't believe there is a conflict.

The Hon. SARAH MITCHELL: Even when there has been no business case—nothing—that still doesn't matter?

CORRECTED

KATE BOYD: I think that's a separate question. I'd just refer you to Minister Aitchison's evidence yesterday before her portfolio committee hearing.

Mr CHRIS MINNS: I have to say, it's pretty unprecedented, Mr Chair, to have a National Party MP complaining about spending on regional roads. I've never heard that before. This is the first time.

The Hon. SARAH MITCHELL: No, I am asking about probity around a specific project, Premier. I'm allowed to do that.

Mr CHRIS MINNS: Well, you haven't established that there's a lack of probity.

The Hon. SARAH MITCHELL: I am asking you about whether you were comfortable with no business case, and you said you were fine with that because the Roads budget has so much money in it. I'll move on to the Great Koala National Park. Premier, you were up on the Mid North Coast recently to meet with stakeholders in relation to that project. Is that correct?

Mr CHRIS MINNS: I was.

The Hon. SARAH MITCHELL: Who organised that visit?

Mr CHRIS MINNS: I think my staff, my office.

The Hon. SARAH MITCHELL: Was the Minister for Agriculture, and Minister for Regional New South involved with that trip at all?

Mr CHRIS MINNS: I think so.

The Hon. SARAH MITCHELL: Did she travel with you then?

Mr CHRIS MINNS: No, I think she had a conflict. She was otherwise disposed somewhere else.

The Hon. SARAH MITCHELL: But normally, on those sorts of matters, you would like her to be with you when it's to do with the Great Koala National Park?

Mr CHRIS MINNS: What do you mean?

The Hon. SARAH MITCHELL: Given the interest in that area particularly from the forestry industry—she's got responsibility in that space.

Mr CHRIS MINNS: She does have responsibility.

The Hon. SARAH MITCHELL: Is she involved in the work that's happening with the Great Koala National Park?

Mr CHRIS MINNS: Absolutely, as is her department.

The Hon. SARAH MITCHELL: Could you provide any guarantees around the size of the park?

Mr CHRIS MINNS: I'm not going to do that today, no.

The Hon. SARAH MITCHELL: When will you do that?

Mr CHRIS MINNS: Soon. It's an election commitment from the Government. We went to the 2023 election with a campaign promising a Great Koala National Park. We believe it's very important in terms of saving the koala population. I also note that a lot of the community up there—and in Sydney and other parts of New South Wales, but particularly up there—are supportive of a park as well. I also note that I saw in recent dispatches that the member for Manly and the member for Vaucluse were demanding it of the Government as well. It's an important one for us. We've got to make a decision about what it will look like and how it will operate. I'm not ready to announce it today.

The Hon. SARAH MITCHELL: No indication of time frame other than soon?

Mr CHRIS MINNS: But I just want to make the point that we did go to Coffs Harbour and other places in the Great Koala National Park catchment, and we did speak to First Nations groups and we did speak to National Parks senior officials. We also spoke to hardwood operators and small businesses, family firms, that had been there for generations. We spoke to union delegates from the forestry mills, and we spoke to Forestry Corp representatives. It was a comprehensive visit.

The Hon. SARAH MITCHELL: But we just have to wait a bit longer for the details?

Mr CHRIS MINNS: I'm not announcing it today.

CORRECTED

The Hon. SARAH MITCHELL: I want to take you to the issue of flood recovery now—staying with the Mid North Coast. Have you had any briefings recently or any updates in terms of the support and whether or not it's reaching people who need it?

Mr CHRIS MINNS: I do get regular updates, and the latest information I have was there'd been, certainly for category C numbers—actually, I have got the figures here. I saw it last night. Just give me a second. As of 31 July, 53,000 applications have been received for personal hardship. Of that, 44,560 have been paid, 112 have been approved but not yet paid, which totals a reasonably small amount of \$30,000, and 4,900 applications are progressing but haven't been completed, and 4,000 have been declined or not approved. So we've got about 5,000 where a decision hasn't been made, 45,000 where it's been approved and 4,000 that have been rejected.

The Hon. SARAH MITCHELL: That's for personal hardships. Do you have the figures for primary producers or small businesses? You can take it on notice if you don't have it here.

Mr CHRIS MINNS: I do. For category D, primary producer assistance, there's been 852 applications. I don't have a number on how many have been approved. But the number of applications—the cost is approaching \$10 million.

The Hon. SARAH MITCHELL: I just want to take you to that issue of them not being approved, because there's a number of primary producers who have been in touch with us. Some of the examples are Wade, who's a dairy farmer outside of Kempsey, is spending \$1,200 a day for hay. He's been waiting six weeks for a response. Jack, a beef farmer from Kempsey, has got about a thousand head of cattle. He applied for a grant as soon as they opened. He is still waiting. Matt from Brighton Oysters—I believe you visited his lease. Again, they're still waiting. It's been 13 weeks. Are you confident that people are getting the support that they need, given there are multiple examples of people who are still waiting weeks and weeks after the most devastating floods they've ever experienced?

Mr CHRIS MINNS: I was confident, based on the number of applications that have been progressed and the amount of money that the Government has allocated to the flood assistance package, but I also take it at face value if you're telling me that Wade and Matt and others haven't received assistance. I'm just going to see if I can get a breakdown on, out of the nearly 900 people who've applied, what percentage of them have been approved. I'd be interested to know, of the number approved, just in relation to Wade and Matt—and there was another farmer.

The Hon. SARAH MITCHELL: Jack.

Mr CHRIS MINNS: Jack. Was their application assessed and rejected?

The Hon. SARAH MITCHELL: No. They're still waiting. That's the point. But it's been weeks and weeks.

Mr CHRIS MINNS: No, I understand that. But in order to get you an accurate answer, I just want to—

The Hon. SARAH MITCHELL: I understand there's money available, but if it's not hitting the ground—

Mr CHRIS MINNS: I'm not trying to be tricky here.

The Hon. SARAH MITCHELL: Neither am I.

Mr CHRIS MINNS: I'm just genuinely trying to find out. These are applications that have been put in, but there hasn't been a determination?

The Hon. SARAH MITCHELL: That's right. Things are just taking a very long time within the RAA, and I think people on the ground are getting very frustrated because they're not getting that money flowing. You saw it for yourself, and I'll acknowledge that you were up there. But the concern comes when that money that's allocated doesn't end up flowing to these communities as quickly as they need it.

Mr CHRIS MINNS: I don't dismiss what you're saying.

The Hon. SARAH MITCHELL: If you can come back with some details, particularly around the numbers that have been approved, that would be great. I'm happy for you to do that on notice.

Mr CHRIS MINNS: I think it's important to note—and this isn't just an issue that's affected our Government since March of 2023. The New South Wales Government—and this spans the Perrottet administration and my administration—have allocated over \$5 billion in four years to flood recovery and emergency assistance. My understanding is that's a 1,000 per cent increase in the four years prior to that. It's the largest or the biggest spending item or the largest increase in spending item of any part of the New South Wales Government.

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The Hon. SARAH MITCHELL: Governments have to support communities when they go through disasters. You would appreciate that.

Mr CHRIS MINNS: I'm not—again, it's very strange. Mr Chair, the context is important, and I'm entitled, given that I'm responsible for the Government, to just put some statistics on the table. None of this money is being paid in umbrage. All of it is necessary. I'm not suggesting that the money shouldn't go out the door. What I'm saying is that we need better assistance and more integrated, faster approvals from the Commonwealth Government so that we can get money out the door as soon as possible. The second point I'd make is that Queensland, historically, because they have got a longer history of natural disasters—and we have had natural disasters here too. But, because of the tropical climate, they're more efficient at both assessing and distributing urgent financial hardship support and have been like that for decades. We have to, basically, get to the Queensland model, where it's quicker and we recoup that money from the Commonwealth faster. Part of the problem—

The Hon. SARAH MITCHELL: Premier, I'm reluctant, but you have had a few minutes. I would like to ask another question if I can, Chair.

Mr CHRIS MINNS: I'm sorry. I'm not mucking around with you guys.

The CHAIR: Order! The Premier's entitled to give a full answer. I don't think he's wasting time.

The Hon. SARAH MITCHELL: But I actually have more questions on behalf of the community.

Mr CHRIS MINNS: If I'm talking about flood assistance and inquiries, I'm going to take my time.

The CHAIR: Order! The Premier's being directly relevant to the questions you've asked. You've got to give him the opportunity to answer in full.

Mr CHRIS MINNS: If I'm here for three hours, a minute on flood recovery is reasonable, I think.

The CHAIR: Fair enough.

Mr CHRIS MINNS: The second point here is the remittance from the Commonwealth Government is slow. It's slow for government agencies in New South Wales. I think partly that's because we haven't had the experience, like the Queenslanders have, of distributing the funds, getting matching funds from the Commonwealth and effectively sending their half of the bill to Canberra. As a result, we're holding—this goes all the way back to the Lismore floods, and Damien would remember this from his time in the Cabinet. We're still waiting on money from the Commonwealth Government for urgent flood assistance from the Lismore floods. The short answer is I'll take it on notice, what you're saying. I appreciate that it's hugely important for Matt and Wade and other farmers in the Mid North Coast, and we want to make sure they get their funds and back on their feet as soon as possible.

The Hon. SARAH MITCHELL: Thank you. Just one more on this is in relation to other support for business owners. Obviously, they're only getting \$25,000, which is not enough. You would have to acknowledge that's not enough for some of these businesses who have, literally, lost hundreds of thousands in stock. But, when you were up there in the Pulteney Street arcade, you did speak to John, who is the owner, and said that you would look at things like rate reductions for those businesses. Is that happening?

Mr CHRIS MINNS: What are you referring to?

The Hon. SARAH MITCHELL: When you were in Taree and you visited—you might not remember—the Pulteney Street arcade and you spoke with John, who is the owner, you said to him that you might look at things like rate reductions or other short-term support. Is that happening?

Mr CHRIS MINNS: If that was the conversation between—were you in that meeting?

The Hon. SARAH MITCHELL: No, but I've been asked to ask you are you looking at things like rate reductions from those impacted businesses.

Mr CHRIS MINNS: Rate reductions from who? Local councils or what?

The Hon. SARAH MITCHELL: Giving them more support, yes, for their local rates. They're only getting \$25,000—

Mr CHRIS MINNS: I'm not responsible for—

The Hon. SARAH MITCHELL: So you stood there and looked that gentleman in the eye and said, "These are the sorts of things we can look at to help you", but that's now not going to be the case.

Mr CHRIS MINNS: I think you're repeating a third-party conversation that you weren't available for. I haven't approached any of the flood recovery and assistance in a cynical manner. We've tried, in line with what

CORRECTED

we would regard as best practice, in many cases established by the Perrottet Government, to get this assistance out the door as soon as possible. I am not making the claim that, if you're unable to get flood insurance and your supplies have been completely destroyed—as well as serious impacts on the physical structure—the \$25,000 will cover it. If this is all leading up to some kind of haranguing of the Government, I just think it's counterproductive. Of course, we want to be there for the local community. There's limits to what we can do in terms of flood assistance and recovery, and I wouldn't intentionally let anybody down.

The Hon. SARAH MITCHELL: Thanks, Premier. Just in relation to the Moree bail accommodation, you told this hearing earlier in the year that, hopefully, it's up and running by June. Is it?

Mr CHRIS MINNS: It's not.

The Hon. SARAH MITCHELL: Why not?

Mr CHRIS MINNS: We've found it hard to get a lease in Moree. I can report to the Committee that the local member has acknowledged that and has been very helpful in assisting us to try and get a location. But it's proven difficult. The primary reason for that is that the sites that the Government and JJs have identified as what we would regard as ideal—if I am going to be frank with you—have met with resistance in the local community. I am not criticising them for that. I can understand this is about, I guess, balancing what would be an important change with a town that's got to run like normal. I would have loved to have had a site. We have identified three or four, but the offer of a lease has been withdrawn, or it's not acceptable to the local council.

The Hon. SARAH MITCHELL: Okay. Thanks, Premier.

Mr CHRIS MINNS: I don't actually want to knock the council or the mayor. I think they've been excellent.

The Hon. SARAH MITCHELL: Thank you for the update.

Mr CHRIS MINNS: We've just got to try and find the right spot.

The Hon. SARAH MITCHELL: Just quickly, the Dubbo sports hub—we raised that last time and you said that you would commit to working with the mayor and local member about how you could get a facility like that up and running. Will you commit to meet with the member for Dubbo in relation to this project?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: Excellent. Can you do it in the next sitting week?

Mr CHRIS MINNS: Sure.

The Hon. SARAH MITCHELL: Fabulous. I will let him know.

Mr CHRIS MINNS: He can ask me, though. He's got my number.

The Hon. SARAH MITCHELL: I believe he has. He's still waiting, so it's great to have that confirmed.

The Hon. ROBERT BORSAK: Premier, I'm going to ask you some questions about Kathleen Folbigg. I'd like to address the compensation payment offered to Kathleen Folbigg—the \$2 million ex gratia payout has been blasted as a disgrace and national shame. Ms Folbigg herself called it insulting and a slap in the face, while her lawyer denounced it as woefully inadequate and ethically indefensible. Far from justice, many people see it as proof the State still refuses to own up to the full scale of its failure. Who actually made the decision to pay \$2 million?

Mr CHRIS MINNS: The Attorney General made the decision in relation to the ex gratia payment. I have read the commentary and heard Kathleen Folbigg's description of it. I understand there's criticism of it. But the Attorney General made the decision, and the decision was made in the context of the maximum amount that we believed we could allocate as part of an ex gratia payment without taking it from other government programs, which, on the basis of this hearing and others, there's a huge need for in every other part of government spending.

The Hon. ROBERT BORSAK: You say that the Attorney General went through that process and made the assessment, but how was it actually done? Did he tell you about it?

Mr CHRIS MINNS: We did have a conversation about it, yes.

The Hon. ROBERT BORSAK: So how did he actually do it?

Mr CHRIS MINNS: Again, made a decision about the maximum amount that could be paid without adversely affecting other government areas or spending areas, of which there are many, and continuing.

The Hon. ROBERT BORSAK: Do you agree that \$2 million is satisfactory?

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Mr CHRIS MINNS: I accept that if you look at some historical cases that maybe analogous to Kathleen Folbigg, the number's been far higher. I made the point previously that that's usually off the back of litigation or an out-of-court settlement between the government or the jurisdiction of the day, and the person involved. This wasn't that; this was an ex gratia payment. I just make the point, Robert, it's not my money and it's not the Attorney General's money. So if we're parsimonious with it, it's not us—it's taxpayers' money. We have a huge call on our spend. Every day we have to make difficult decisions, and this is one of them.

The Hon. ROBERT BORSAK: But, Premier, you gave her a \$2 million ex gratia payment. It's obviously open to her to sue the Government for that. It would probably cost you a lot more than the \$2-plus million to defend that action. Couldn't the Government come to a better arrangement in terms of the amount of money?

Mr CHRIS MINNS: I don't believe so. But you're right: As I said, in similar, analogous cases there has been civil litigation. I don't know whether there will be or not.

The Hon. ROBERT BORSAK: I don't know that either, but I believe she is saying that she can't afford to litigate. I think her lawyers are saying the same thing. The feedback coming from the public is that something like \$20 million for 20 years is a fairer figure. Would you agree with that?

Mr CHRIS MINNS: No. I don't have \$20 million.

The Hon. ROBERT BORSAK: But you gave six—

Mr CHRIS MINNS: You have to appreciate that the first three hours of this inquiry, Robert, were about hospitals in Western Sydney, about spending on domestic violence, flood recovery in communities and social housing. On each and every one of those issues there is an incredibly strong case to increase government funding on all of them. As a result of that, we have to make decisions. I accept the criticism that in these contexts it might be that we're being parsimonious, but only because it's not our money. It's taxpayers' money.

The Hon. ROBERT BORSAK: It's been said and put to me that the Government gave a \$16 million sponsorship to the UFC. Why couldn't it even provide a similar figure to Ms Folbigg?

Mr CHRIS MINNS: Well, that comes through Destination NSW. Like a lot of spending, in particular when it comes to economic development, when you have a situation where so much of Sydney's CBD and so many businesses and so much of the sporting infrastructure has suffered as a result of there being a lack of sport or a lack of opportunities, the Government had to identify areas to lift economic activity. I think that particular project has, if not a 20 to one—so for every dollar the Government puts in, \$20 of economic—the point I'm trying to make is it delivers a massive economic return for State. It's not just money that's being burned in a bonfire out the back of The Domain. It generates tens of millions of dollars worth of economic activity, which we need. We're desperate for it. We're desperate for content. We're desperate for new initiatives in Sydney.

The Hon. ROBERT BORSAK: I'll turn now to workers compensation reform, which is obviously an area that you're having some difficulty with at the moment.

Mr CHRIS MINNS: We are.

The Hon. ROBERT BORSAK: You warned that the current system's unsustainable, and that the private sector faces up to a 36 per cent increase in premiums over the next three years. The Treasury Managed Fund is deteriorating at the rate of \$6 million per day, and the Treasurer has spoken to me about that. How do these figures translate into economic pressure on small to medium enterprises?

Mr CHRIS MINNS: Massive. Six times as many businesses pay into the compulsory workers comp scheme in New South Wales compared to payroll tax, and a 36 per cent increase in the liabilities that they'll pay is more than any of them can meet, or most can meet. It's been identified that nearly all of them will pull back on economic activity, not take on staff or, even worse, cut staff or close their doors. The impact on small to medium-sized enterprises, particularly if you consider the interest rate rises and the inflation crisis that we've had in Australia over the last 18 months, and prior to that COVID, to be met with a 36 per cent liability increase would be astronomical for those firms.

I also make the point that that's if you don't have a workers comp liability on your books. It's 36 per cent if you've got a clean sheet. If there is a psychosocial injury for a business, you can expect it to be even greater than that. It's not just small business firms; it's also the Government. I can understand people are going to be less sympathetic to the Government, although I do have to worry about it. It's also NGOs, and basically every major NGO in New South Wales has said, "We do not know how to meet these liabilities." We've had a 90 per cent increase in our liability fees over a very short space of time. I'm worried about St Vincent de Paul, Mission Australia and Red Cross. It's a huge, huge problem.

CORRECTED

The Hon. ROBERT BORSAK: Your reform has gone to an upper House committee; we know that. But you reintroduced a new bill in the last sitting week. What are your prospects of getting this done, in the end?

Mr CHRIS MINNS: I should ask Damien. I think good in the Legislative Assembly. We were able to get the support of all crossbenchers and all parties other than the Coalition and The Greens. But we don't have the numbers in the lower House. We don't have the numbers in the upper House. This is a question for Parliament. The Government's presented its ideas and initiatives to try and reform the scheme, but this is a question for Parliament.

The Hon. ROBERT BORSAK: Have you raised it with the Commonwealth Government?

Mr CHRIS MINNS: Not directly, but I imagine that business groups and not-for-profits would be speaking to them about costs for businesses in the days ahead. There's a general acceptance that it's more than businesses and NGOs can cover, added to which the New South Wales Government has put \$6 billion over the last five years into our part of the workers comp fund in order to prop it up. This should be a self-sustaining scheme. That's \$6 billion we would have loved to have put into public transport, social housing, emergency departments in Western Sydney or any other number of important initiatives for the State, but we can't. We're supposed to be putting it back into a scheme that is on its last legs.

The Hon. ROBERT BORSAK: I see Treasurer Mookhey's been invited to the productivity summit. Have you had any discussions with him to raise it with the Federal Government?

Mr CHRIS MINNS: In all candour, I haven't. I think he's got a full book down there. I was a bit jealous that he got invited. How many people are at the summit? There's only 12, and he's one of them. You know what? You should get him for three or four hours.

The Hon. ROBERT BORSAK: We will; we get him on Friday.

Mr CHRIS MINNS: There you go. He's in the thick of it. I don't know what he's raising, but he's got a big responsibility as the chair of—what's he the chair of? Board of Treasurers or something?

The CHAIR: Just on that theme, Premier, the budget has a line item that says in the absence of any breakthroughs in technology, productivity in New South Wales is due to remain stagnant. Yet I've asked Grok, just in the break, how New South Wales can uplift productivity. It says there's a thing called AI coming and that a NSW Productivity Commission inquiry says that AI could uplift productivity by 11.8 per cent up to 2034, and lift it from 1.1 per cent to 2 per cent per annum and increase GSP by 3 per cent per annum and be worth over \$100 billion to the New South Wales economy by 2035. How is New South Wales ensuring that we get that uplift in productivity out of AI? Isn't it time that we had a joint standing committee on technology in this State and a specialist Minister for AI and technology to make sure that we get that uplift in productivity from AI? That was all written by Grok, by the way.

Mr CHRIS MINNS: Well, there's a bit in that. You would maybe argue that if you had a Minister for AI, you don't need a Minister for AI.

The CHAIR: We could have an AI as the Minister for AI.

Mr CHRIS MINNS: You could have AI as the Minister for AI.

The CHAIR: Very cheap.

Mr CHRIS MINNS: No offices, no staff.

The CHAIR: That's innovation.

Mr CHRIS MINNS: There you go.

The CHAIR: All right. Are you committing to that?

Mr CHRIS MINNS: No, but I do think there's great promise there. There's real challenges as well. I'd agree with you that I'm not sure the Parliament or the Government or the global economy has quite grappled with where we sit in a developed world economy like ours that's sophisticated with low barriers to entry that's integrated into the rest of the world and we export with the rest of the world. Where does AI fit in terms of productivity growth, job protection and also ensuring that we've got opportunities for people? There's the infrastructure question, whether it's data centres and whether we've got the ability to fund and run the escalating costs and infrastructure challenges associated with mass expansion into AI. But we do have to look at the human level and—

The CHAIR: Aren't they questions that would be best answered by a Minister for technology and artificial intelligence and a joint standing committee? That was a recommendation of the AI inquiry that I chaired—to make sure that we're cognisant of the issues, aware of the risks and achieving those opportunities.

CORRECTED

Mr CHRIS MINNS: Well, my colleague Jihad Dib as Minister is really focused on these major issues, so I don't want to leave the impression that no-one is looking at it; obviously we are. But in all candour, Mr Chair, I don't have great answers for it. I think that there's real opportunities in terms of economic growth and opportunity productivity, which seems to be the buzzword everyone's talking about at the moment. There's also massive challenges too. Yes, I'm not sure we're there yet. I guess the short answer is yes, I'd love to hear what the Parliament had to say about it.

The CHAIR: Great. Premier, the latest ACT Health review found that since the homegrown cannabis laws commenced in 2020, cannabis use remains stable across all cohorts, charges for offences of course fell markedly and there were no increases in related health presentations, with stakeholders describing the reforms as "positively received"—including by the AFP—and noting no substantial unintended consequences. Is it time for New South Wales to look at a similar reform here?

Mr CHRIS MINNS: Can you just explain to me—what did you call it? The grow it at home?

The CHAIR: The homegrown cannabis reforms. In the ACT each person can grow—

Mr CHRIS MINNS: I thought that was the case for decades in the ACT. Did you say it was from 2020?

The CHAIR: Yes, from 2020. I think people were just breaking the law. Barnaby Joyce and others, just a couple in the backyard. But, look, it was two per adult, four per household, and you can share it amongst your friends and carry 50 grams on your person. But it's been well received by the AFP. There's been no increase in use and no unintended consequences. It's essentially the model they've implemented in Germany. Is it time to look at that in New South Wales?

Mr CHRIS MINNS: I'm not committing to that, Jeremy. We wouldn't just dismiss other jurisdictions and we would try to learn from what's happened in their communities. We've moved, I think, a significant way on a range of drug law reform changes. We're open to further changes, we haven't responded to the conclusions from the drug summit yet and we're not shutting the door on what more reform looks like. We're happy to engage with the Parliament about what that looks like, but I can't commit to it today. We've got to approach this the right way. I've seen evidence from senior officials in some jurisdictions in America where they've been able to show persuasively that a liberal approach to particularly that class of drugs has had negative externalities and hasn't been well received. I have seen reports that the mass commercialisation of the cannabis industries in big metropolises like New York have been detrimental to business and commerce, causing not necessarily an increase in crime but just a general malaise in the city, so I just want to make sure we make the right call.

The CHAIR: Fair enough. Premier, a recent landmark decision in the New South Wales Court of Appeal overturned an approval to double the size of the Mount Pleasant coalmine and made it clear that the impacts of climate change on local communities need to be fully assessed for coal and gas project expansions. We've seen a lot of terrible climate-fuelled disasters and how they have impacted on local communities. You've spoken up for places like Lismore and vowed to stand with them. Can you assure us that this judgement will be followed by your departments and that all current proposals will now complete full assessments and consult with the community on them as required by the law?

Mr CHRIS MINNS: Well, obviously we'd comply with court judgements. I understand the proponent's seeking an appeal. It's difficult for me to comment about it, but I do understand the point. Obviously the judgement was received by the Government and we comply with it.

The CHAIR: Premier, since your Government came to office, Forestry Corporation, a State-owned company, has had cumulative losses from its native forest hardwood logging divisions of \$59 million. It has been prosecuted multiple times, including having a senior judge describe the corporation as having "a significant history of unlawfully carrying out operations". It's also been fined \$1 million for environmental breaches, and as of today the EPA has 10 open investigations into potential breaches of logging and environmental rules. Are these ongoing financial losses and the history of illegal logging operations acceptable to you?

Mr CHRIS MINNS: Well, no. Breaches of EPA guidelines or the laws are not acceptable, and we need to make sure that when it comes to government agencies in particular that they follow the law, and I accept those judgements.

The CHAIR: Who's accountable for those ultimately?

Mr CHRIS MINNS: Well, ultimately, I am; the Government is. A lot of the judgements and a lot of the activism involves places on the Mid North Coast and just higher than that. The Government is, in the not-too-distant future, about to make a major decision in relation to the Great Koala National Park, and we believe that will address in some respects the significant challenges associated with hardwood plantation production in the State.

CORRECTED

The CHAIR: Do you have another one, Rob?

Mr CHRIS MINNS: I'm prepared to hang around, but do you mind if we have a brief break?

The CHAIR: Sure. While the Premier is indisposed, colleagues, I'd like to table that picture of a homicidal maniac and Ivan Milat.

SIMON DRAPER: Just to respond to Mrs Mitchell's earlier question about the primary producer grants, as of Monday there were 1,036 applications. There were 333 still in assessment, 450 awaiting assessment and 239 approved. There's been—\$58,348,495 is the value of the applications. The value of the approvals is \$14,315,000. It's worth distinguishing between the grants to households and individuals that the Premier was referring to earlier, and the primary producers. As you know, with these grants the applicants are required to provide levels of evidence. They get incremental payments as they provide more and more evidence of their eligibility and the damage that they've incurred. I don't know the circumstances of those three individuals you mentioned. They may well have done everything that's necessary, but it usually takes a little bit longer with primary producers.

The Hon. SARAH MITCHELL: Thank you.

The Hon. DAMIEN TUDEHOPE: Premier, you've got a history as a firefighter.

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: Will you commit to working in a bipartisan way with the Opposition on my bill relating to the expansion of coverage for presumptive cancer of firefighters in New South Wales?

Mr CHRIS MINNS: I would commit to working in a bipartisan way with anyone in relation to emergency services. We've got to make sure that we can roll out the program and that it works, but I wouldn't dismiss your interest or any bipartisan initiative. I can't in a blithe way just endorse the bill that you've introduced. I'm aware of its contents, although not the details of it. Of course we'll enter into a discussion with you.

The Hon. DAMIEN TUDEHOPE: Can I now take you to the Harbour Bridge? I wasn't there, you'll be please to know. You made fairly strong observations in relation to your views in relation to the protest which was foreshadowed to take place. It was your view that it should not have taken place. Does that remain the case?

Mr CHRIS MINNS: Just for context—a few things I said. Firstly, I understand the very widespread community worry, concern and outrage about the circumstances in Gaza—the loss of innocent Palestinians, particularly children, and the takeover of aid and humanitarian assistance in recent months—and that a large number of Australians wanted to publicly demonstrate in opposition to that. I share many of those concerns. I'm worried about it, as are a lot of other people. I'm sure you are as well. You can't watch the images on television and feel anything other than that.

My concern wasn't that the protest take place. I appreciate that a big city like Sydney must protect and allow big demonstrations, particularly ones like this, to take place. The Government, the police and everybody in senior levels of the New South Wales Government were prepared to work with the organisers. My concern was on the five- or six-day turnaround. To have a critical piece of infrastructure knocked over—it was dangerous and hugely disruptive. That remains my concern. That's right. That is still my concern. But I just want to be clear, I'm not opposing the protest.

The Hon. DAMIEN TUDEHOPE: I was querying not the content of the protest but your concern relating to it taking place.

Mr CHRIS MINNS: It's still the case. I haven't changed my mind.

The Hon. DAMIEN TUDEHOPE: And it's still the case that you have reservations about it. You could in fact amend the protest laws to in fact specifically—I note Ms Higginson is shaking her head.

Ms SUE HIGGINSON: It was an involuntary motion; I apologise.

The Hon. DAMIEN TUDEHOPE: You could amend it to in fact include the Harbour Bridge as a prohibited place of where demonstrations could take place, could you not?

Mr CHRIS MINNS: The advice that's been given to me is that it does go close to breaching the implied freedom of political communication and association in the Australian Constitution. You'd be aware, Damien, that the changes that the Government's made—and I stand by all of them. We've got advice that they should succeed in a constitutional challenge, but every one of them is currently being litigated in the High Court as we speak. I didn't want to have the situation, given the volatility of the circumstances, where I committed to introducing legislation that then gets knocked over in the High Court and we're back to square one: There's another protest on

CORRECTED

the bridge. I'll make the point that I don't believe that therefore the Government is completely hamstrung. I think that the circumstances relating to the protest on the Harbour Bridge are still troubling.

There's been huge major civic and recognised protests that have taken place in Sydney that didn't happen on the Harbour Bridge. Probably the largest one, a million people, was in Australia's—sorry. The protest was in opposition to the Australian Government joining the Iraq War, and I was at that protest. But that didn't occur on the Harbour Bridge. So I reserve the right to, effectively, look at actions that balance competing rights—the right to protest, alongside the right to enjoy a big city like Sydney and not have it interrupted. I know everybody's got a different view here, but can I just make the point that everyone would have one group that they don't want protesting on the Harbour Bridge. It doesn't matter where you sit on the political spectrum. Whether it's Advance Australia, Critical Mass, Extinction Rebellion or the Palestinian groups, everyone would know one group that they don't want protesting on the bridge. That's the dilemma the Government's got.

The Hon. DAMIEN TUDEHOPE: Given that view and that you recognise that people do have competing views, it would have been your preference that Government Ministers did not take part in that protest. For example, the Leader of the Government in the Legislative Council took part in that protest, in circumstances where you had expressed a very strong view about whether that protest should take place at all.

The Hon. BOB NANVA: Point of order: Even allowing for wide latitude in budget estimates, I don't see how that question goes to the estimated expenditure of funds from the Consolidated Fund or related budget papers.

The CHAIR: Apologies, I was distracted. Could you repeat the question, Mr Tudehope?

The Hon. DAMIEN TUDEHOPE: In circumstances where you had expressed very strong views in relation to that protest taking place, it would have been your view, would it not, that Government Ministers should not have been taking part in that protest, notwithstanding you recognise that they may have legitimate views in relation to the subject matter?

The Hon. BOB NANVA: I take my point of order again, Chair.

The CHAIR: I won't uphold the point of order. I'll allow it.

The Hon. DAMIEN TUDEHOPE: I think you just got the nod from the Premier, Bob, so that's all right.

Mr CHRIS MINNS: Certainly if the protest was—let's use the vernacular, illegal. If the police, having refused the form 1, and the Supreme Court agreeing with the police's assessment—and it's not technically the case. If it was an illegal assembly or an illegal march, that couldn't have worked. But having it, effectively, approved and the Government's position being knocked over in the Supreme Court—and I just have to admit that; we lost in the court and the advocates won—I think the circumstances changed. I also have to acknowledge that I've got colleagues that have got very firm, deeply held views, and they wanted to be part of the demonstrations. I understood the circumstances and I had conversations with colleagues in relation to it, for some of them. I get the circumstances.

The Hon. DAMIEN TUDEHOPE: One of those colleagues was the Minister for Emergency Services. In the course of the application to the Supreme Court, his agency gave evidence about the dangers relating to the occurrence of that protest. Surely, it would have been inappropriate for the Minister whose own agency was giving evidence about the dangers associated with that protest to take part in that protest.

Mr CHRIS MINNS: Which of his departments gave evidence?

The Hon. DAMIEN TUDEHOPE: The department of emergency services.

Mr CHRIS MINNS: I don't think they did. The police did.

The Hon. DAMIEN TUDEHOPE: Police and emergency services.

Mr CHRIS MINNS: I'll take your word for it.

SIMON DRAPER: There is no Department of Emergency Services.

The Hon. SARAH MITCHELL: Fire and Rescue.

The Hon. DAMIEN TUDEHOPE: Yes, Fire and Rescue.

Mr CHRIS MINNS: I understand what you're saying. But, in the circumstances, I understand his view too. I accepted it. It is deeply held for him. We did have a conversation about it. I didn't regard it as a personal umbrage. Having had a clear judgement from the Supreme Court allowing the protest to go ahead, I didn't see it as a breach of Cabinet solidarity. I understood the human element and the human decision.

The Hon. DAMIEN TUDEHOPE: But it's not necessarily in solidarity.

CORRECTED

Mr CHRIS MINNS: I was surprised, I have to say—people know my point of view in relation to this. There is not unanimity inside the Government on it. There are widely held views. I have to respect that, as the political leader of the Labor Party. I also have to make decisions about how to run a big city like Sydney in difficult circumstances, when almost every other week we have one group or another who is protesting on public land. I understood the reasons for it and I didn't regard it as a breach of Cabinet or ministerial responsibility.

The Hon. DAMIEN TUDEHOPE: I will move on to Business Connect. In the Legislative Assembly on 7 August you defended the defunding of Business Connect on the basis that the workers compensation reforms had not passed. Is that correct?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: I'll put it this way: Is it your position that funding of Business Connect is contingent upon your getting away with workers compensation?

Mr CHRIS MINNS: No, it's not.

The Hon. DAMIEN TUDEHOPE: What is your position in relation to the funding of Business Connect?

Mr CHRIS MINNS: I think anyone who has been watching this Committee hearing for the last couple of hours and, presumably, for the next few weeks would anticipate that pretty much every question—and it's completely understandable. When the Labor Party was on the other side of the table, we had the same questions. Every question is "Will you commit extra funds? Will you commit more funding? Will you allocate more resources?" I understand that.

The Hon. DAMIEN TUDEHOPE: I am asking why you are taking it away.

Mr CHRIS MINNS: That's the reason why. You would appreciate that we were left with the largest debt ever handed from one government to another in the history of New South Wales and that we've got what we regard as urgent responsibilities for frontline healthcare workers and teachers and educators and police and public transport. I hate doing it, and it's a difficult part of the job, but we have to make a decision about priorities.

The Hon. DAMIEN TUDEHOPE: But you would have heard—and I get that entirely—that since the taking of that decision, there has been a significant amount of evidence being put before you and your colleagues relating to the tangible benefits that are provided to small businesses by Business Connect. Is it an opportunity, in those circumstances, to be able to say, on a cost-benefit basis, maybe it was a rushed decision and there is an opportunity to ensure that businesses are supported in the tangible way that they were supported by Business Connect?

Mr CHRIS MINNS: I'm not criticising the program. I think that there are a lot of good programs that the Government is responsible for or partly funds or is in some way connected with. The number of businesses that—do you have it off the top of your head how many businesses?

The Hon. DAMIEN TUDEHOPE: I think it was over 10,000 businesses. That's off the top of my head.

Mr CHRIS MINNS: My understanding is that it was about 10,000. That's a laudable goal. I'm not criticising the people that roll out the project. There are 900,000 businesses or thereabouts in New South Wales. I guess you are asking me in terms of competing Government priorities where we should be putting the money. We have decided to put the money into, when it comes to businesses, the enabling infrastructure to allow the economy to grow and to have people get to businesses quicker. I haven't met any medium- or small-sized business that hasn't spoken to me about labour supply challenges in the economy, particularly in relation to their business. Lastly, in relation to workers comp—Damien, I promise you, I don't want to litigate the ins and outs of workers comp. The upper House has gone through it backwards and forwards.

The Hon. DAMIEN TUDEHOPE: I have avoided doing it with you.

Mr CHRIS MINNS: Fair enough. You would appreciate that we are faced with this situation where we have a 36 per cent increase in liability for small-, medium- and big-sized firms. I've got 10,000 businesses that undoubtedly benefit from this program. I've got 900,000 businesses that are about to get whacked with the workers comp premium. Absent reform, we have to provide the funding for that scheme.

The Hon. DAMIEN TUDEHOPE: Just accept our amendments and you will get your reform.

Mr CHRIS MINNS: It won't deliver the savings we need. I'm not trying to be smart here, but didn't you say that you are not progressing them anymore and that the Latham-Tudehope amendments are off? I thought you said that they weren't part of the negotiation. We could have a live negotiation.

The CHAIR: Feel free.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Any time you like, Premier. While we are talking about workers compensation, because it is something which has been a live issue for you, currently a victim of workplace sexual assault where an employer has been negligent can see a work injury damages claim assess where the person has a 15 per cent whole-of-person impairment. They have the benefit of being able to bring a common law claim against the employer at a 15 per cent whole-of-person injury. Under the bill, that same person, in circumstances where there has been a negligent employer, will have the rights to pursue a common law negligence claim against the employer removed unless they have a whole-of-person impairment of 31 per cent. Do you accept that that is fair to people who are the subject of sexual assault?

Mr CHRIS MINNS: I think there are a couple of things that we need to work out here. I thought you said sexual harassment.

The Hon. DAMIEN TUDEHOPE: No, sexual assault.

Mr CHRIS MINNS: The rights for individuals in relation to sexual assault in common law or through the criminal justice system are unimpeded. In relation to compensation from the scheme, that continues.

The Hon. DAMIEN TUDEHOPE: No, it doesn't.

Mr CHRIS MINNS: It does.

The Hon. DAMIEN TUDEHOPE: The Act removes—

Mr CHRIS MINNS: Sorry, Mr Chair, I need to get an answer out. There are a couple of things that are really important here.

The CHAIR: Order! Please, Mr Tudehope, allow the Premier to answer in full.

Mr CHRIS MINNS: Firstly, there has been a canard that has been repeatedly expressed in the Legislative Assembly.

The CHAIR: I beg your pardon, a what?

Mr CHRIS MINNS: A canard. A lie.

The Hon. DAMIEN TUDEHOPE: Say that outside, Premier.

The CHAIR: You'll get arrested for saying that if you step outside.

Mr CHRIS MINNS: There has been a mistruth that funding will end in relation to psychosocial claims via icare. That's not the case. Both income support and medical support will continue for successful claims under the proposed changes. Our objection to the Coalition's amendments is that the individual who has been accused of those offences in the workplace would, effectively, have to say that he or she knew that that was the case, not that the individual has objectively been subject to it.

The Hon. DAMIEN TUDEHOPE: I think you are confusing the two things, Premier. The legislation is absolutely clear that common law damages are not able to be pursued unless there is a 31 per cent whole-of-person impairment. That is being removed for a victim of sexual assault. Is that your intention?

Mr CHRIS MINNS: No, it's not our intention and the bill does—

The Hon. DAMIEN TUDEHOPE: Well, if it isn't—

Mr CHRIS MINNS: Sorry, can I get an answer out? It's not our intention and the bill does not deprive victims of sexual assaults their rights. It's not the case.

The Hon. DAMIEN TUDEHOPE: Premier, I suggest you review the Act, because in fact it says exactly that.

Mr CHRIS MINNS: We've reviewed the Act and we've also reviewed the proposed amendments moved by the Opposition and they would effectively extinguish sexual harassment as a claimable payment in the workers comp scheme in New South Wales. I think that would be a huge mistake and one we would vigorously oppose.

The Hon. DAMIEN TUDEHOPE: The Bar Association doesn't agree with you on that, but that's fine. In relation to Moore Park Golf Course, have you been lobbied in relation to that by Bob Carr?

Mr CHRIS MINNS: Bob Carr's view is that it should be open space. But, in all candour, I can't remember whether I read that in the newspaper or he told me directly. I just don't want to—I think I might've read it. I can't remember whether he told me directly. But I'm not disputing it. That's his view.

The Hon. DAMIEN TUDEHOPE: Did you consult Lynda Voltz in relation to Carnarvon golf course?

CORRECTED

Mr CHRIS MINNS: No, I haven't, but there is a major consultation taking place at the moment in relation to Carnarvon. Judging by my trip to the Parliament this morning on Macquarie Street, she's active in that consultation. She had a T-shirt on this morning—

The Hon. DAMIEN TUDEHOPE: In relation to that, who did you consult with?

Mr CHRIS MINNS: The consultation is continuing. I presume it's still happening. There hasn't been a decision about it.

The Hon. DAMIEN TUDEHOPE: Can I ask you about cashless gaming trials. That's been a failure, hasn't it?

Mr CHRIS MINNS: It's a big challenge. I'm not sure the technology is there. If you look at the committee report back, rolling it out at scale would be—

The Hon. DAMIEN TUDEHOPE: Have you got any other proposals to address problem gambling?

Mr CHRIS MINNS: We do.

The Hon. DAMIEN TUDEHOPE: Tell us about them.

Mr CHRIS MINNS: I understand it's a major issue and of keen interest for the Parliament, but we're not ready to roll out our reform plans on that.

The Hon. DAMIEN TUDEHOPE: You've currently provided additional support for Star casino, have you not, in relation to continuing their gaming machines without limitation on the amount of cash that can be spent in those poker machines?

Mr CHRIS MINNS: My understanding is that, in part, the Opposition was demanding support for Star casino. Is that your recollection?

The Hon. DAMIEN TUDEHOPE: No.

Mr CHRIS MINNS: I think you'll find, if you speak to the shadow Minister, that he's got a different view.

The Hon. DAMIEN TUDEHOPE: But it is an opportunity to further launder cash, is it not, through poker machines at the casino?

Mr CHRIS MINNS: I don't believe so, no. I'm not saying that that doesn't happen—

The Hon. DAMIEN TUDEHOPE: The Crime Commission doesn't agree with you.

Mr CHRIS MINNS: Can I get an answer out? I'm not saying that that doesn't happen, but their licence conditions are in place and obviously there is an independent regulator that is monitoring that. Can I just make a point—which I want to come back to just in terms of fullness for the Committee. Damien, you were mentioning earlier the IRC decision in relation to Fire and Rescue, which I've got in front of me. If you don't mind, I wouldn't mind reading a part of the judgement.

The Hon. DAMIEN TUDEHOPE: No. I don't need you to elucidate.

Mr CHRIS MINNS: Would you mind if I just, for the sake of completeness—

The CHAIR: Please go ahead, Premier.

Mr CHRIS MINNS: The judgement says—and this speaks about the previous Government's decision to award a zero wage increase.

The Hon. DAMIEN TUDEHOPE: Point of order: This is not responsive to a question which was asked to him.

Mr CHRIS MINNS: Yes, it was. You asked me—

The Hon. DAMIEN TUDEHOPE: If you want to table the judgement, I'm happy for the judgement to be tabled.

The CHAIR: The Premier is not seeking to table it. He is seeking to give a response to a question you asked.

The Hon. DAMIEN TUDEHOPE: What was the question, Chair?

Mr CHRIS MINNS: It was in relation to the IRC decision for Fire and Rescue.

CORRECTED

The CHAIR: It was in relation to the IRC determination in terms of the FBEU.

Mr CHRIS MINNS: And I accused you, Damien, of selectively quoting.

The Hon. DAMIEN TUDEHOPE: Well, I think you are now answering your own question as opposed to my question.

Mr CHRIS MINNS: No, I'm not. I accused you of—

The CHAIR: I do not uphold the point of order. Please proceed—but quickly.

Mr CHRIS MINNS: Thank you, Mr Chair. Earlier today I accused—

The Hon. DAMIEN TUDEHOPE: You're just taking up time from everyone else here, Premier.

Mr CHRIS MINNS: Let me get through it.

The Hon. DAMIEN TUDEHOPE: If you want to refer to a paragraph—

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: Order! Mr Buttigieg has a point of order.

The Hon. MARK BUTTIGIEG: You've just made an explicit ruling on the ability of the Premier to clarify a question that was asked, and now Mr Tudehope is cavilling with your ruling.

The Hon. DAMIEN TUDEHOPE: But he's going to read selectively from a judgement.

The Hon. MARK BUTTIGIEG: I ask that you call him to order.

The CHAIR: I do call you to order, Mr Tudehope. Please proceed, Premier, but do so—

The Hon. ROBERT BORSAK: Quickly.

Mr CHRIS MINNS: Mr Chair, I accused Damien of selectively quoting from the IRC judgement of last week. And I just want to make it clear that—

The Hon. DAMIEN TUDEHOPE: I'd like to table the whole judgement.

Mr CHRIS MINNS: I'm happy to do that.

The Hon. DAMIEN TUDEHOPE: Table the whole judgement.

Mr CHRIS MINNS: Can I finish, Mr Chair?

The CHAIR: Please go ahead.

Mr CHRIS MINNS: It's important to note—and this is what the IRC president said. This is of the workers who were affected by the zero wage increase from the previous Government:

Those sacrifices from workers appear to have had the intended effect—

which is budget management or the position that has been put forward by Mr Tudehope. Then he goes on to say:

With the benefit of hindsight however, those wage increases were wholly inadequate to maintain the real value of wages.

The Hon. DAMIEN TUDEHOPE: That was the commission's decision.

Mr CHRIS MINNS: He then goes on to say:

... the Government agreed to a 4% increase in 2023, which resulted in a gain in real wages in that year. However, that change was not sufficient to offset the fall in real wages that occurred in 2021 and 2022.

That's the full statement. I'm happy to table it.

The Hon. DAMIEN TUDEHOPE: And the commission accepted responsibility—

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: —for making that decision, Premier. Clip that.

The CHAIR: Mr Tudehope, please come to order. Mr Borsak will ask his question.

The Hon. DAMIEN TUDEHOPE: That is ridiculous.

Mr CHRIS MINNS: This is what happens when you selectively quote, Damien. You get a pie in the face.

The Hon. DAMIEN TUDEHOPE: That was the commission's decision and you know it.

CORRECTED

Mr CHRIS MINNS: I was just reading from the document.

The CHAIR: Order! Mr Borsak?

The Hon. DAMIEN TUDEHOPE: Do you know it, Premier? Selectively quoting—

Mr CHRIS MINNS: You're the last person defending the wages cap in New South Wales, Damien.

The Hon. DAMIEN TUDEHOPE: I am not.

Mr CHRIS MINNS: You genuinely are.

The CHAIR: Just ask your question, please, Mr Borsak.

The Hon. ROBERT BORSAK: Premier—

The Hon. DAMIEN TUDEHOPE: I'm not defending it.

The Hon. BOB NANVA: Point of order: Again, for the sake of Hansard, there just needs to be decorum restored. I ask that you call—

The CHAIR: I uphold the point of order. Mr Tudehope and Mrs Mitchell, please desist from interjecting over me and the witness, the Premier, while he is giving an answer that I have ruled is relevant and appropriate to the hearing. Mr Borsak?

The Hon. ROBERT BORSAK: I'm just going to come back to housing, Premier, because it's really a vexed question but also very worrying. I'm thinking about my children's children—my grandchildren—for example. Where the hell are they going to live? Your plan A for housing was Rosehill racecourse. That didn't work out. And you talked about a plan B to deliver more housing. What is plan B?

Mr CHRIS MINNS: That's a very fair question. Firstly, in relation to Rosehill, I'm disappointed it didn't get up. I thought that that would have been—not the whole solution to Sydney's housing problems but a piece of the jigsaw puzzle. To put it in perspective, if we really get motoring in terms of capital investment and start hitting 50,000 completions a year in the years ahead, we'll still be 25,000 houses short in terms of New South Wales' aggregate responsibility for the National Housing Accord, which is 75,000. If we start beating Victoria, we're still, say, 20,000 short. The entire Rosehill proposal was for about 25,000 houses, Robert, so what I'm trying to say is we need a Rosehill every year.

The Hon. ROBERT BORSAK: That would have been a nice jump but of course it's not going to happen.

Mr CHRIS MINNS: It would have been a nice jump but nowhere near enough. When it comes to alternative plans, we were able to get a real breakthrough by working with—I've got to give credit to the Mayor of Burwood and the Mayor of Canada Bay, who I understand is a card-carrying member of the Liberal Party, both of whom worked together for State significant-led rezoning for the new Burwood North station.

The Hon. ROBERT BORSAK: Are you talking about Burwood North metro precinct?

Mr CHRIS MINNS: Yes, exactly. We anticipate thousands of new homes going into that community, but it's well located. It's eight minutes to the city, six or seven minutes out to Parramatta—the two biggest employment zones in the State. That community will be located directly between them, which means that there is less of an impact on cars, there's less of an impact on the surrounding streets, and you'll literally be able to get into an elevator, get down to the floor, get on a metro. That's how big cities around the world operate. They build with existing infrastructure. It means that you don't have to stretch social infrastructure over such a great plain. If we don't have that kind of urban consolidation—

The Hon. ROBERT BORSAK: Can't you do something with the planning laws in those special precincts to really shift this along?

Mr CHRIS MINNS: We are. We are doing that. What I'm also saying is that, in addition to major projects like Canada Bay and Burwood, there are discrete geographically specific projects that we are pursuing for extra housing, which we'll announce soon.

The Hon. ROBERT BORSAK: Glebe Island?

Mr CHRIS MINNS: The Bays precinct. It's not just Glebe Island. It's something we're looking at, but I don't have an announcement on that today. And I'm not trying to be glib with the Committee. It's highly commercially sensitive and it needs to be released at the same time because there's a lot of players involved.

The Hon. ROBERT BORSAK: What about the home of the Greenies, Woollahra?

Ms CATE FAEHRMANN: Is it?

CORRECTED

Ms SUE HIGGINSON: I don't think so.

Mr CHRIS MINNS: Again, I'm at a disadvantage. I'm just not in a position to announce it, but we'll have more to say very soon.

The Hon. ROBERT BORSAK: Are you going to put a train station into Woollahra on the existing tracks?

Mr CHRIS MINNS: Everything's on the table. I'm not going to rule anything out.

The Hon. ROBERT BORSAK: Come on, give us an answer. I live in Ashfield. I cop it all.

Mr CHRIS MINNS: We're looking at it. The problem is that the Government, when we make the announcement, because there's a lot of independent owners of property, we'd just have to do it at the one time on a particular date, if we were to make an announcement in relation to those sites. We'll have more to say soon.

The Hon. ROBERT BORSAK: Put some Opal machines in there to get started and give everybody a hint what's going to happen.

Mr CHRIS MINNS: Unfortunately, the train just flies past at the moment, so you'd really have to tap your Opal on and then try to grab a guardrail to get on the train.

The Hon. ROBERT BORSAK: The UDIA third progress report released in July notes Greater Sydney remains about 30,777 dwellings behind what it should have had by 30 June 2025 under the National Housing Accord, which is 322,000. How does the Government explain maintaining a substantial shortfall when the accord is well underway?

Mr CHRIS MINNS: The accord is important because, for the first time, it sets some maybe arbitrary but certainly stretch goals for not just us but the other States to meet. I think in some respects people have lost sight of what the accord was for. The accord is that, if you meet certain way stations along the way to producing new homes, the Federal Government will make available I think a billion dollars—is that right?

KATE BOYD: It's \$3 billion.

Mr CHRIS MINNS: So \$3 billion, but we get a pro rata bit of it, so let's just say roughly a billion dollars, but in five years time. The enabling costs that we need for new infrastructure are massive compared to a billion dollars from the Federal Government. It doesn't even come close to meeting the needs for social infrastructure and enabling infrastructure to build new homes in Sydney and in New South Wales. And, by the way, Robert, we get it at the end of the accord, not even at the beginning. It would be one thing if you got the money up-front, "Here's some money from the Commonwealth Government to get you going with housing." It's meant to be, "If you meet all these stations in a five-year period, we'll give you your share of \$3 billion." Frankly, that's nowhere near enough. I'm grateful that it's there, though, because it keeps everybody honest and it means that we've got to keep pushing on the housing idea, and the distribution—the 75,000, I think—is the right goal for New South Wales.

What I can also say is that housing approvals are up. I think that this is the beginning. This is the benefit of detailed reform in the New South Wales economy, which has been difficult and resisted by some people but accepted by others. In the 12 months to June 2025, 48,588 new homes were approved. That is about 14 per cent higher than at the same time in the previous year. Last month, for the first time in relation to completions, we beat Victoria for the first time. Those monthly numbers do bounce around a bit, and the cost of capital and the cost of labour is more expensive for Sydney than in Melbourne, but they're encouraging signs. I think it means that the focus of the Government, and in many ways the partnership that we've been able to strike up with a lot of local councils, is starting to work.

The Hon. ROBERT BORSAK: It's starting to work, but the same report also talks about basically the failure of your flagship reforms, with Transport Oriented Development, mid-rise housing, new development activity it described as minimal—only 3½ thousand dwellings so far.

Mr CHRIS MINNS: I like the UDIA. I think they've been a really important stakeholder in belling the cat about the need for housing. But they haven't included in that data SSD—State significant development—applications. Really, the HDA, which Simon is a member of, in its short period of time has been responsible for the approval of 70,000 new homes. The UDIA's numbers don't take that into consideration. Partly this is about the churn in local councils and partly this is about State significant development decisions from the State Government. Put it together and we believe we're making progress.

The Hon. ROBERT BORSAK: Just a bit further on the UDIA report and others, they suggest that record State taxes, charges and housing and productivity contributions are undermining project viability. What is your response to that?

CORRECTED

Mr CHRIS MINNS: I'm not surprised. If I was running an industry association for builders—and we need builders—I'd be saying the same thing. I appreciate that. You also have to appreciate, from our perspective, we need infrastructure for fast-growing suburbs. The worst thing we could do is pursue approvals, liberalise the planning system, grant State significant development for new homes and put bugger-all infrastructure into a community. That's been the pattern in the past and it's been horrific for those new communities. We still cover most of the enabling infrastructure and the social infrastructure, but there's got to be a contribution from them as well.

The Hon. ROBERT BORSAK: There's plenty of infrastructure in Woollahra.

Ms CATE FAEHRMANN: Premier, in June you said that the cashless gaming trial was ineffective and hadn't driven down problem gambling. What did you base that on?

Mr CHRIS MINNS: My recollection is that I based it on the report back from the independent committee.

Ms CATE FAEHRMANN: The report—the cashless gaming trial evaluation—specifically found that, because the cashless gaming trial wasn't mandatory and players could use both cash and card, not many people chose to use the card. That is what happened after the Newcastle Wests trial. In fact, it found that the digital technology worked well, as it was intuitive, simple, easy to use, with straightforward menu navigation, and industry personnel and gambling support stakeholders saw a lot of potential benefit for users, particularly in harm minimisation features, once the technology is normalised and users have more time to adopt. What was it about that report that, in your words, said that the cashless gaming trial was ineffective? Because that's what you told media.

Mr CHRIS MINNS: It didn't work.

Ms CATE FAEHRMANN: What do you mean "It didn't work"? It didn't work because it was set up to fail, wasn't it, Premier?

Mr CHRIS MINNS: That's your interpretation, but it's not as if I've got a report back—I accept that there may be—

Ms CATE FAEHRMANN: The whole point is that to be a mandatory cashless trial—

Mr CHRIS MINNS: Sorry, Mr Chair, I'm trying to get an answer out.

The CHAIR: Order!

Ms CATE FAEHRMANN: —if you have cash with it—

Mr CHRIS MINNS: But do you accept—

Ms CATE FAEHRMANN: —nobody is going to use the card.

Mr CHRIS MINNS: There's not much point in me being here.

Ms CATE FAEHRMANN: Nobody's going to use the card, are they, Premier?

Mr CHRIS MINNS: Can I just get an answer out?

Ms CATE FAEHRMANN: Sure.

Mr CHRIS MINNS: A mandatory cashless gaming environment in a trial form is not possible. How would I do that?

Ms CATE FAEHRMANN: But you kicked this off down the road for two years—

Mr CHRIS MINNS: But is that not an unreasonable question?

Ms CATE FAEHRMANN: —in terms of acting on this issue, saying you'd trial it, but the trial wasn't actually a trial.

Mr CHRIS MINNS: It was a trial and it didn't work.

Ms CATE FAEHRMANN: No, because it was set up to fail.

Mr CHRIS MINNS: That's your argument, but think about it from my perspective. The alternative in order to, in your words, prove the trial would require mandatory universal cashless gaming. How do I do that in the trial?

Ms CATE FAEHRMANN: Why did you do the trial then?

CORRECTED

Mr CHRIS MINNS: To understand whether the technology would work and it could be rolled out.

Ms CATE FAEHRMANN: The technology does work.

Mr CHRIS MINNS: I'm not so sure about that.

Ms CATE FAEHRMANN: That's what the trial found.

Mr CHRIS MINNS: It works in the context of ease of use, but one of the aspects that I don't think you're giving due credence to is the rollout of this technology in every gaming facility in New South Wales, which is billions of dollars that I'm not paying for.

Ms CATE FAEHRMANN: Speaking of billions of dollars, in the first quarter of this year the people of New South Wales lost \$2.17 billion to pokies. The people of New South Wales are gambling—losing—\$1 million every hour, \$24 million a day. AUSTRAC says that a quarter of the State's 65,000 poker machines in clubs could be vulnerable to money laundering and terrorism financing. What are you going to do to stand up to clubs and actually introduce cashless gambling? Have you just given up entirely on acting on gambling harm?

Mr CHRIS MINNS: No, we've pursued a whole bunch of changes in relation to New South Wales, whether it's signage out the front of venues, the reduction in the headcount of—

Ms CATE FAEHRMANN: People are gambling more. They're gambling more. It's not working.

The CHAIR: Order!

Mr CHRIS MINNS: You can speak for five seconds and then—it's ridiculous. I'll just take it on notice.

Dr AMANDA COHN: Premier, whenever you're asked about wages for healthcare workers, you talk about lifting the wages cap. You had the enthusiastic support of The Greens to do that. At the moment, midwives, nurses and doctors who work for NSW Health are having to make really tough decisions. We're in a cost-of-living crisis. These workers are making decisions about whether to stay in New South Wales or whether to leave to other States. Without a meaningful offer—and by a meaningful offer, the ANMF in Victoria won 28.4 per cent over four years. South Australian doctors have just won between 13.5 and 19 per cent over three years. What does lifting the wages cap tangibly mean for these people?

Mr CHRIS MINNS: That's an easy one. In the first year of the Labor Government, we lifted wages by 4 per cent, which was the largest increase in a decade. Just last week the Government initiated penalty rates from 15 per cent to 20 per cent for all nurses in the New South Wales hospital system. We're currently in the Industrial Relations Commission, where an independent judge will make a decision about wages, with the nurses presenting evidence in relation to gender pay disparity as well as the previous Government's devastating impact on zero wage increase during a period when inflation was running at 8 per cent. I urge you not to dismiss the independent Industrial Relations Commission as a key valve in determining wage determinations in this State. These guys oppose it. We're supportive of it. It has been in place in New South Wales for decades. It has resulted in real wage increases for public servants across the State, with a fair judiciary in the event that the two sides can't get agreement.

I'd reject that we've done nothing. If you look at the statistics in relation to the retaining of healthcare workers in New South Wales, we're at 93 per cent, which is the highest we've been since before COVID. The only reason that's happened is because we've agreed to employ the COVID nurses that were temporarily put on by the previous Government. We've lifted the wages cap, which meant 4 per cent in the first year, plus an interim 3 per cent while the remainder is arbitrated in the Industrial Relations Commission so that nurses aren't waiting. Lastly, there's an agreement between the nurses association and the Government to lift penalty rates to 20 per cent. I'm really sorry, but that is not nothing.

Dr AMANDA COHN: I'm certainly no defender of the previous Liberal-Nationals Government.

Mr CHRIS MINNS: You don't have to be. To dismiss the hundreds of millions of dollars that we've put into the healthcare workforce is silly. It gives credence to the Coalition, who say that nothing's changed.

Dr AMANDA COHN: I'm not dismissing any of that. Do you accept that even under your latest offer to nurses and midwives for their night-shift penalties, they will still earn substantially less than in any other State and Territory, including on that very issue of night duty?

Mr CHRIS MINNS: There are a couple of things that are important. There's a Coalition government in Queensland that's in dispute with the nurses association over a three-year deal today. That is happening right now. In New South Wales, we have made those decisions as an interim agreement with the nurses association while they pursue their claim in the Industrial Relations Commission. That seems to me to be not only a reasonable pathway through the impasse but a fair one, too.

CORRECTED

Ms SUE HIGGINSON: Premier, on the deadly serious issue of climate change and climate breakdown, the Chair earlier made reference to the very important Court of Appeal decision around Mount Pleasant and MACH Energy. It overturned the New South Wales Government approval for the extension of that mine on the basis that the local impacts of climate change must be considered based on the emissions generated from high-emitting developments. At a similar time, the International Court of Justice found that nations are responsible for reducing emissions and that neighbouring countries and other countries will be able to apportion liability for damage as a result of not reducing emissions and climate change.

Essentially, we have now hit the point of the acceptance of attribution science. Here, in New South Wales, we are in serious danger of not meeting our legislated 2030 target—your Minister has made that clear—but we absolutely could with more effort. You have got Ministers across your Cabinet trying really hard right now, but from where I sit—from where everyone sits—there is no harmony.

The CHAIR: Ms Higginson, could you ask a question, please?

Mr CHRIS MINNS: We're getting there.

Ms SUE HIGGINSON: We're there.

Mr CHRIS MINNS: Can you ask a question? I'm sorry, Sue.

Ms SUE HIGGINSON: There is no harmony. Would you consider issuing a Premier's directive that we go further and faster to achieve emissions reductions, in line with our 2030 target?

Mr CHRIS MINNS: It is legislated.

Ms SUE HIGGINSON: No, would you consider issuing a Premier's directive? It's an important thing. You have Ministers trying—

Mr CHRIS MINNS: I'm going to get an answer in shortly.

The CHAIR: Order!

Ms SUE HIGGINSON: We're fine.

The CHAIR: Ms Higginson, there was an enormous preamble there. You've got to give the Premier—

Ms SUE HIGGINSON: The Premier took every bit of it. I saw him.

The CHAIR: And then you interjected over the top of him—

Mr CHRIS MINNS: Sue, honestly, if you give me half a second to answer—

The CHAIR: —while he was answering.

Mr CHRIS MINNS: It doesn't seem reasonable.

The CHAIR: Premier, please continue.

Mr CHRIS MINNS: The legislated climate change targets are a hugely important step. A Premier's directive would seem almost a diminution from that. Nothing's more important than the law, and the Parliament has passed that.

Ms SUE HIGGINSON: Can I just point one thing out to you?

Mr CHRIS MINNS: Sure.

Ms SUE HIGGINSON: I worked very hard with your Government to get those targets in place. The 2030 target is not a binding target; the 2050 is. Would you please consider a directive to assist your Cabinet Ministers to meet the harmonisation to drive us to get to that 2030 target?

Mr CHRIS MINNS: I have to think about the context of the—let me take it on notice.

The Hon. DAMIEN TUDEHOPE: Premier, how do you respond to an allegation by your colleague Anthony D'Adam that he was bullied in caucus and bullied by you?

The Hon. BOB NANVA: Point of order: It goes to relevance. I don't know that the deliberations of the State parliamentary Labor Party are relevant to the estimates of expenditure from the Consolidated Fund and related budget papers. I ask that you rule the question out of order.

The Hon. DAMIEN TUDEHOPE: It's part of the administration of the State.

The Hon. ROBERT BORSAK: It goes to the administration of the budget.

CORRECTED

The CHAIR: I will uphold the point of order. I think you'd have to expand—

The Hon. DAMIEN TUDEHOPE: If the Premier doesn't want to answer it—do you want to answer it?

The CHAIR: No, I'm ruling on the point of order. There was nothing—

Mr CHRIS MINNS: I respect the upper House, I want you to know.

The Hon. DAMIEN TUDEHOPE: No, you don't.

The Hon. SARAH MITCHELL: All evidence to the contrary.

The CHAIR: Order! There was nothing in that question that was remotely relevant to the budget estimates of 2025-26. Maybe you would like to expand the question. I do agree with Mr Nanva that that was about internal deliberations of a political party and nothing other.

The Hon. SARAH MITCHELL: We're all paid by the taxpayer.

The Hon. DAMIEN TUDEHOPE: Then in relation to discussions in relation to potential protests in respect of the Harbour Bridge, you were asked previously—one of your caucus colleagues said that he was bullied in relation to his views in respect of those protests in caucus. How do you respond to an allegation that he was bullied by you in caucus?

Mr CHRIS MINNS: I reject it.

The Hon. DAMIEN TUDEHOPE: You say that he was wrong?

Mr CHRIS MINNS: If the allegation is directed at me, yes. I'm not going to tap-dance around it.

The Hon. SARAH MITCHELL: Just back to the Great Koala National Park, Premier, my understanding of the pre-election commitment is that the budget allocation was \$80 million. Is that intended to be the final budget allocation for that project?

Mr CHRIS MINNS: No.

The Hon. SARAH MITCHELL: So you will need to add more money to it? Is that what you're saying?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: Thank you. A very quick one in relation to whether or not you've received any correspondence from the Commonwealth about DCCEEW's operations at Toorale Station in relation to water flows. I realise it's quite a specific question, but have you had any correspondence in relation to that?

Mr CHRIS MINNS: Could I take it on notice?

The Hon. SARAH MITCHELL: Yes, that would be great.

The Hon. DAMIEN TUDEHOPE: In relation to Glebe Island port, Premier, have you made a decision in relation to the future of Glebe Island port?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: When will you make a decision?

Mr CHRIS MINNS: Soon.

The Hon. DAMIEN TUDEHOPE: Soon being—do you have a time frame?

Mr CHRIS MINNS: I don't know. There are a few questions that we haven't satisfied ourselves on. But I acknowledge that we've got to make a call one way or the other.

The Hon. DAMIEN TUDEHOPE: There is a review taking place at the moment. Where is that up to?

Mr CHRIS MINNS: I don't know, actually. It's a decision for Cabinet. It'll be a big one. We're building—I think the latest estimates are a \$1½ billion or \$2 billion metro station on the site. We've got to make a decision about the best use of the land.

The CHAIR: Premier, one of the greatest contributors in New South Wales to meeting our net zero targets is land use/land use change. How can we have confidence that those targets are being met in New South Wales when we don't currently map, record and report on revegetation in this State?

Mr CHRIS MINNS: Don't we?

The CHAIR: No.

CORRECTED

Mr CHRIS MINNS: I don't know. How do I have confidence that we don't report on revegetation?

The CHAIR: If land use/land use change is one of the most—if not the most—significant contributors to us meeting our net zero targets, how can we have confidence that we're meeting those targets if we're not mapping revegetation and reporting on revegetation in this State?

Mr CHRIS MINNS: Perhaps we should be. What's the best way of bringing that about?

The CHAIR: Using SLATS, which maps land clearing to map revegetation.

Ms SUE HIGGINSON: We do use it.

The CHAIR: No, we don't.

Mr CHRIS MINNS: I saw an episode of *Clarkson's Farm* recently, and he had rewilded several of his farms.

The CHAIR: Yes, he has.

Mr CHRIS MINNS: All he had to do was to mow it once a year.

The CHAIR: Well, that's true.

Ms SUE HIGGINSON: Come on, guys. Be careful.

Mr CHRIS MINNS: Be careful? It's not me; it's not my farm. I was just watching a television show.

The Hon. SARAH MITCHELL: It's a good show, but—

Ms SUE HIGGINSON: We're not going to mow ourselves out of the climate crisis.

The CHAIR: Order! Ms Higginson, you might not like my question, but it's a good one, and it was answered well by the Premier. The other question I have is—the largest land zoning class in the State is RU1, agricultural land. Farmers are allowed to put a second dwelling on their property but invariably don't because of minimum lot size requirements, which means that they cannot then subdivide. Is that something that we should look at to get more housing in regional, rural and remote New South Wales to make sure that we get more housing in those areas?

Mr CHRIS MINNS: It is something we should look at, provided it doesn't result in the net reduction of farmable, primary producing land. I've got to make sure that when we're looking at these questions—housing is obviously a major issue, particularly in regional communities. It's not just a Sydney thing anymore. If you go down the South Coast, particularly Kiama, they'll tell you. This is a major issue for those communities, and I think that is part of the answer. It just can't then become tract housing or a Trojan horse, because—as I mentioned earlier, this is going to have to be a big part of the mix of economic expansion and productivity for the State.

The CHAIR: Thank you, Premier. That concludes the questions. Thank you for attending this hearing. There were a few matters taken on notice. Thanks very much, everyone—I'm sorry. Does the Government have questions?

The Hon. BOB NANVA: Premier, is there anything further you'd like to add to your evidence today?

The CHAIR: Apologies. Is there anything further?

Mr CHRIS MINNS: The only thing I'd say is thank you, and I look forward to the next time. I have a deep respect for the upper House, and I appreciate the questions and the way in which the questions were asked.

The CHAIR: Thank you for the sincerity. Thank you, colleagues. We will return at 2.00 p.m.

(The Premier withdrew.)

(The witnesses withdrew.)

(Luncheon adjournment)

CORRECTED

Ms KATHRINA LO, Public Service Commissioner, Office of the Public Service Commission, affirmed and examined

Ms TIANNA JAESCHKE, Director, Policy and Programs, Office of the Public Service Commission, sworn and examined

Mr BOLA OYETUNJI, Auditor-General, Audit Office of NSW, sworn and examined

Ms CLAUDIA MIGOTTO, Deputy Auditor-General, Audit Office of NSW, affirmed and examined

Mr PETER COULOGEORGIOU, Executive Director, Quality, Improvement and Performance, Audit Office of NSW, affirmed and examined

The Hon. JOHN HATZISTERGOS, AM, Chief Commissioner, NSW Independent Commission Against Corruption, sworn and examined

Ms MICHELLE WARD, Chief Executive Officer, NSW Independent Commission Against Corruption, sworn and examined

Ms RACHEL McCALLUM, NSW Electoral Commissioner, NSW Electoral Commission, affirmed and examined

Mr HUGO BERGERON, Acting Executive Director, Funding Disclosure and Compliance, NSW Electoral Commission, affirmed and examined

Ms ANDREA SUMMERELL, Executive Director, Elections, NSW Electoral Commission, affirmed and examined

Mr DOUG CATCHPOLE, Chief Financial Officer, NSW Electoral Commission, sworn and examined

Mr CHRIS CLAYTON, Acting Ombudsman, NSW Ombudsman, affirmed and examined

The Hon. PETER JOHNSON, SC, Chief Commissioner, Law Enforcement Conduct Commission, sworn and examined

Ms CHRISTINA ANDERSON, Chief Executive Officer, Law Enforcement Conduct Commission, affirmed and examined

The CHAIR: Good afternoon, everyone. We will recommence the Portfolio Committee No. 1 - Premier and Finance inquiry into budget estimates for 2025-2026. Welcome and thank you for making the time to give evidence. We'll now begin with questions from the Opposition.

The Hon. CHRIS RATH: Thank you to each of you for appearing today and for the very important work that you all do for New South Wales. I might start with the Electoral Commission. The commission received an appropriation of around \$118 million in the 2025-26 budget. How does that compare to the total level of funding you sought?

RACHEL McCALLUM: It was slightly lower than what we did seek in the budget. The main difference was in relation to a bid that we made for a higher labour expense cap for ongoing staff. Our submission was for approximately 70 additional positions to be funded within the labour expense cap, and we were provided with sufficient additional funding for 53 more positions.

The Hon. CHRIS RATH: What impact would that have on, say, the 2027 State election? I know you use a lot of contractors as well, but what impact would that have on the next big upcoming election, our State election?

RACHEL McCALLUM: We do receive a separate appropriation for the event. Part of the reason that the commission has, for several years, sought a higher level of ongoing funding is so that we can retain expertise and retain knowledge in between elections to a greater extent than we've been able to in the past, and also hopefully to lessen our reliance on contractors. In our event budget, which is a temporary budget for a three-year program for each whole-of-State election, we are reliant on temporary contractors for the event to run smoothly. What we got is a welcome injection of funding which will help us to reduce, to some extent, that reliance on contractors, and also to retain knowledge and experience in staff that have only previously been able to be employed on a temporary basis, due to the temporary nature of the funding source.

I feel that we are in a slightly better position than we were before the budget in relation to the 2027 election. It is still not the case that our legacy IT systems are in any way assisted by the staffing injection that we have had. We were not successful, as you know, the year before in relation to a digital modernisation program. We have been given some additional funding, which was welcomed, towards some critical systems maintenance for the

CORRECTED

2027 election, to the tune of about \$8.4 million additional funding for IT systems, but that is funding that is more in the nature of bandaid solutions rather than longer term. We need to look ahead to not just the 2027 election but to the 2028 local government elections and the 2031 State election as well. Whilst we're in a slightly better position than we were before the budget, it is still likely that I will need to come back for next year's budget and the year after. There's always a big election only a couple of years ahead, and so we will probably be back, seeking more funding for ICT and staffing.

The Hon. CHRIS RATH: With the outdated legacy systems, is there still the possibility that, because of that, it could undermine the delivery of the 2027 State election? I think that was some of the evidence that your predecessor gave.

RACHEL McCALLUM: Yes. I think there is still a risk. With very old legacy systems, there is always a risk that, due to the evolving security environment, the evolving technology environment generally, our ability to maintain those systems running smoothly in a large election event is compromised. There is a risk. And, as we have said in previous submissions, it's a risk that's difficult to—you can't mitigate that risk by giving ourselves more time to fix it. The election date is fixed, almost. It's perhaps not for the next election, but generally there is a hard deadline. So it is the case that we perceive that we have a risk where we have some very significant reliance on some very valuable key staff who know about our old systems and can and are doing their very best to maintain them so they're in a workable way for that event.

The Hon. CHRIS RATH: Is the level of appropriation you're currently getting adequate to combat things like cybersecurity threats, misinformation, other logistical failures? Are they some of the risks that we could face at the 2027 election?

RACHEL McCALLUM: Yes. We did receive some additional funding for cybersecurity measures. And we are appreciative of receiving that additional funding. There is always a risk—and we're very mindful of that—about cybersecurity threats, especially in the electoral environment. And, in relation to non-cyber-related matters, such as—you mentioned disinformation, misinformation. Yes, there is more work that we could do and we would hope to be able to do to participate in, I guess, community education activities, about how our voters and our election participants can inform themselves about the information environment in which they must operate during an election. There's always more we could do.

We're cognisant of recommendations that the Parliament has made in relation to participation by the community, in relation to elections. We will probably need to come back to seek more funding for staff to be able to do that on an ongoing basis. We haven't traditionally had that. We don't traditionally fund out of those temporary election budgets that I mentioned an ongoing community education and civics function. That is something we are keen to enhance, and we may be coming back as part of the next budget to seek some of those types of additional funding for those types of activities.

The Hon. CHRIS RATH: Why did you put in a request for a much lower appropriation this year, compared to last year? I know last year was more ambitious in terms of the appropriation that you're seeking, and this year was pared back a bit, but a lot of the issues still remain, in terms of these legacy systems and temporary contracts.

RACHEL McCALLUM: They do.

The Hon. CHRIS RATH: What was the rationale behind that?

RACHEL McCALLUM: To some extent it was pragmatism.

The Hon. CHRIS RATH: I assumed.

RACHEL McCALLUM: I was appointed in December, and the general budget cycle requires bids to be ready by January. I was also aware that the financial environment which the Government is operating in is tight. So I determined that it was more pragmatic to seek a modest funding injection, to deal with the immediate issues that we faced, in relation to staffing, rather than a more ambitious re-baselining, where we could factor in the things that we can't do at all now because we're not funded to do it. We were informed, I suppose, by the impacts that had occurred by not being funded the year before.

There was significant loss of staffing in that last half of last year. So that is the reason for the more modest—I did not make an assessment, when I was appointed, that what was put in before was not what was required. This was more, "What is required right now to be able to have the best chances of success at the 2027 election and all of the by-elections that we must run in between?" That is the reason it was more modest. As I said at the start, we asked for more than we received, and we are in the middle of using that new funding. So we will be making some changes to our structures, to make the best use of that, in the lead-up to the election.

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The Hon. CHRIS RATH: I think you've said that the former funding allocation for the 2027 State general election was significantly lower than what is required.

RACHEL McCALLUM: Yes.

The Hon. CHRIS RATH: And you based your revised bid on more recent election costs. Could you outline how large that gap was and what drove that?

RACHEL McCALLUM: Yes. I think, probably, the gap was double. What generally happens with events—as I said, we know when they're on, fortunately, in New South Wales. So the Electoral Commission does receive amounts in its budget, foreshadowing those future events. And it isn't uncommon for the commission to come back to government close to the time and ask for supplementation. This time, it was a significant gap. So we did seek almost double. At the moment, we're estimating that the 2027 election will cost in the vicinity of about \$220 million to run. So we came back and asked for about half of that so that we had the full amount in our budget so that we could—as I said, we run these events as a three-year program so that—

The Hon. CHRIS RATH: So you'll be back asking for more next year?

RACHEL McCALLUM: Not in relation to that event budget, I should say. In fact, I've said—

The Hon. CHRIS RATH: But for the 2027 election you'll be—

RACHEL McCALLUM: No. For the 2027 election, that's the amount that we say it will cost in addition to what our ordinary funding is. I think it is—

The Hon. CHRIS RATH: So it's one-off funding?

RACHEL McCALLUM: I'm optimistic that we're not coming back for more funding for that election. I can't absolutely guarantee it—the environment may change dramatically, I suppose. But what I have actually said to our oversight committee is that we're going to work quite hard to see within that amount whether there is more efficiencies that we could find so that we're not spending that amount of money for the event. The additional funding appropriations that we received are outside of that three-year program event budget. So the staffing matter that I talked about, the cyber—that is outside and in addition to that amount of money.

The Hon. CHRIS RATH: I might come back later, but that's very helpful. Thank you for that evidence. I might go to you, Mr Hatzistergos, on a few matters. I wanted to ask some questions on Operation Aspen. It was brought to my attention that Mr Saravinovski's been served notices of court attendance and that the matter's listed in the Downing Centre Local Court on 25 September this year. Are you able to provide any information to us about why this matter didn't proceed to a public inquiry or public report?

JOHN HATZISTERGOS: We didn't conduct a public inquiry on it.

The Hon. CHRIS RATH: Yes. What were the reasons behind that or behind why it was sent to Office of Local Government and to the DPP, rather than going to a—

JOHN HATZISTERGOS: The Act requires us to focus our attention on serious and/or systemic corrupt conduct. And it requires us to focus on the public interest, as opposed to the private interest. The issues that were raised in this matter were largely conflict of interest matters which related to breaches of the code of conduct. I can't remember precisely. It was a long time ago since the decision was taken. But it sometimes is the case in these matters where the underlying conduct is more in relation to code of conduct matters that they go to the department, particularly in a local council case—not always the case. If it involves a potential for criminal conduct and a likelihood of a finding of serious corrupt conduct, that would be a different situation. But bearing in mind all factors in this case, the nature of the matter and the nature of the issues that were raised, the view was taken that it should be referred to the Office of Local Government, which did its own investigation.

The Hon. CHRIS RATH: Right. So it didn't meet the threshold of serious or systemic corruption?

JOHN HATZISTERGOS: In the view of the commissioners.

The Hon. CHRIS RATH: Did the commission outline any action that the Office of Local Government should undertake?

JOHN HATZISTERGOS: Look, I don't want to go into the details of this matter. I will give you some information, however, to assist you. I do understand your interest in it. There may be a time when we can provide you with more information, but at this point in time you'd be aware that there are criminal proceedings on foot, which the Director of Public Prosecutions has authorised, and I need to be circumspect about what I say. So let me just say this to you: First of all, can I thank you particularly, but also your colleagues from the Legislative Council, for the terms which you adopted on 7 May 2025—the resolution which exempted

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commission material from the call for papers that you made. That was following, as I understand it, a letter that was sent to you by the principal lawyer for the commission.

We were asked by the Cabinet Office to correspond directly with the Clerk, and that's what we did. Now, we have updated our website to indicate the prosecution proceedings. I refer you to what's on that website. It's not appropriate for me to disclose the nature of the commission's ongoing involvement concerning matters of this nature, beyond what's been placed on the website. I understand, however, that there was some evidence given by Mr Hoenig to the Portfolio Committee No. 8 on 28 February that there were some separate matters that the OLG was considering. There was some consultation with the commission about that. However, I want to make it quite clear that they're matters for the Office of Local Government. They're not matters for the commission.

It is not unusual for the commission to refer matters to agencies such as OLG for investigation or other action under section 53 of the ICAC Act. The commission, when doing so, can request a report under section 54 of the Act. The commission must consult with the agency under section 53 (5) when it makes referral, and it can recommend what action is to be taken and the time frame over which it is to occur. The commission can also communicate any information which the commission has obtained during its investigation of conduct connected with the matter. Such information would ordinarily be submitted subject to secrecy provisions of sections 111 and 112 of the ICAC Act. When a referral is ultimately made, the commission is ordinarily consulted about the investigation plan and who will conduct the investigation.

Under section 55 of the ICAC Act, it's a requirement that the relevant authority to which the matter has been referred comply with any requirement or direction of the commission, under part 5 of the Act. If the commission is not satisfied with the action taken by the relevant agency, it can, after informing the agency and considering its comments, submit a report to the Minister. If still not satisfied, it can report to the Parliament under section 77. The commission ordinarily, when making a referral, would not be involved in any disciplinary process that follows—that would be a matter for the agency—although it could recommend that consideration be given to any such action. The conduct of disciplinary proceedings that may be brought is a matter for the agency concerned. The circumstances in which a referral could be made are generally where it no longer requires the use of the commission's resources, and the matter could more appropriately be dealt with by the agents at an agency level, bearing in mind the specific provisions of section 12A of the ICAC Act.

The commission's referral in this case was first made on 14 December 2022. The information was supplied to the Office of Local Government following a section 112 variation on the same day. Following a further request, the commission made another variation on 24 January 2024 that enabled material supplied to the office to be annexed to the OLG's report to be used in disciplinary proceedings. Whilst material supplied by the commission may be the subject of the secrecy provisions, the fact is an investigation is a matter for the agency to disclose to its Minister, should it determine it is appropriate.

There are a number of issues that arise as to the process of using sections 53 and 54 of the ICAC Act in Office of Local Government matters, particularly in matters involving councillors. Although it wasn't an issue in this case, the OLG uses the provisions of chapter 14 of the Local Government Act—in particular, the powers that it has under section 440H (2)—to investigate. The interaction between these provisions is something that we have raised previously in the context of an ongoing review of what can be broadly described as councillor accountability.

The terms of section 440H (2) (a) refer to the commission referring a matter being satisfied that the councillor has or may have engaged in misconduct, which in the context of the ICAC Act is meaningless, because our findings are as to serious corrupt conduct, and at that point it is unlikely that we would be referring a matter to the OLG for investigation. The review process has had a lengthy history. For the provisions of council accountability, it commenced in 2021 under the previous Minister. It changed course with the change of the Government. We've made our submissions to various reviews. I understand the OLG intends to release these at some point. I've reported to the parliamentary joint committee on these matters. I'm just urging those responsible to finalise it, because it needs attention. The framework is just not functional.

The Hon. MARK LATHAM: To follow up with the commissioner, John Hatzistergos, you just said then that the matter changed course with the change of Government. How could that be?

JOHN HATZISTERGOS: Well, there was a review being done by Wendy Tuckerman, the previous Minister for Local Government. She did a number of reviews, including on the use of external consultants. I think there was a Mr Keller who did a review. In any event, there was a review done. We made submissions to that. The new Minister came in and he thought that the matter should be dealt with afresh. He put a new discussion paper out and he invited submissions. We made a submission. We've asked for our submission to be made public. I told the parliamentary committee that I'm going to take a different approach in future with these submissions that, if they're not going to be released in a timely manner, we may be inclined to just release them ourselves.

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I don't know where the matter is up to. It's been a long time. I know there were a large number of submissions, but the matter needs to be progressed. I'd encourage those of you who are in positions of responsibility to look at this issue. I know one of your colleagues in the Legislative Council, Ms Mihailuk, raised it following the PJC meeting where I addressed this issue.

The Hon. MARK LATHAM: Right. So you asked the Office of Local Government in your submission to the Hoenig discussion paper to make your material public, but they didn't they didn't do that? Did they tell you why?

JOHN HATZISTERGOS: Well, I understand there's been some parliamentary questions. The latest response has been that they intend to make them public, but there's a large number of them. If the PJC asks me for it, I'm going to provide it. I'm accountable to the parliamentary joint committee. If the parliamentary joint committee asks me to produce it, I will provide my submission, and I'll provide the previous one; I have nothing to hide about this. We've raised concerns about the process. We raised it with the previous Minister. We thought it was going in a direction. The new Government wanted to go in a different direction. That's fair enough; that's their prerogative. We put a submission into that process. I don't know where it's up to. I can't answer that question.

The Hon. MARK LATHAM: In terms of the new Government wanted a new direction, does it go any further than Minister Hoenig issuing a discussion paper and calling for submissions, like to start afresh from the Tuckerman era?

JOHN HATZISTERGOS: They got a large number of submissions. I know that much from the answer that we got to the parliamentary website. They put out a proposal.

The Hon. MARK LATHAM: This is just about Bill Saravinovski? They got a large number of submissions?

JOHN HATZISTERGOS: No, this is about the process for councillor misconduct. This is nothing to do with Mr Saravinovski.

The Hon. MARK LATHAM: Okay, sorry.

JOHN HATZISTERGOS: I raised this in the context of the relationship between us referring the matter to OLG, and OLG investigating. That's the issue that I'm raising.

The Hon. MARK LATHAM: Okay, so your reference to a change of direction is not in reference to the Saravinovski matter; it's more the public handling of these complaints about councillors.

JOHN HATZISTERGOS: It's the way these matters are processed through OLG.

The Hon. MARK LATHAM: You said earlier that it's not unusual for ICAC to refer matters that don't meet the criteria of serious corruption onto the agencies. We were told at budget estimates this is the first time ICAC has ever referred anything to the Office of Local Government. Is that right?

JOHN HATZISTERGOS: I'd be surprised if that was the case. It's certainly not the first time we've referred these kinds of matters to agencies. I'd have to take on notice whether it was to OLG. But I can tell you something: There's a number of them that have been referred to OLG. They may not involve councillors; they may involve other local government personnel.

The Hon. MARK LATHAM: That's what we were told by the Minister and—

JOHN HATZISTERGOS: I don't know the context in which it was raised, but I'll take that on notice.

The Hon. MARK LATHAM: Yes, if you could just check whether it was the first time a councillor has been referred back to OLG?

JOHN HATZISTERGOS: There's certainly action that's been taken by the Office of Local Government in relation to councillor misconduct in the past. They're on their website. What I think they might be referring to is a circumstance where we provided information to them of a nature that we provided in this instance to the Office of Local Government to progress their investigation. That may be what they're referring to. I don't know whether that's the first time or not, but we provided information to them—it's protected information, so I can't disclose it—so that they could proceed with their investigation.

The Hon. MARK LATHAM: This was on 19 January 2024?

JOHN HATZISTERGOS: It's the date I indicated.

The Hon. MARK LATHAM: Right, okay. You provided protected information at that stage?

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JOHN HATZISTERGOS: No, incorrect. The nineteenth of January 2023 was when they requested a variation, and that variation was made on 24 January 2024. There was a 112 direction made in relation to that material, which is our secrecy provision, so they couldn't use the information that was provided to them except in circumstances which the direction permitted. They sought a couple of variations of that to be able to use that information for limited purposes, and we granted those variations. One of those variation requests was on 19 January. Look, I need to be very careful. Apart from the criminal matters that are forward, there are other issues of some sensitivity that I don't want to go into. There may be an appropriate time where the situation may change, but I need to be very careful. I do understand your interest in this matter, but I think you need to take a pause on this and just let the process take its course.

The Hon. MARK LATHAM: We're all keen for letting the process take its course, but we've also established a parliamentary inquiry through the Public Accountability and Works Committee into matters relating to the interaction between the Minister and the head of the Office of Local Government, which is obviously within our remit, and we'll pursue those with the sensitivity that you've mentioned. But in terms of what the Office of Local Government did with the material you referred to them—and we go here on the evidence given at budget estimates by Minister Hoenig—there's an element of surprise that they were so minor.

By the time they got to NCAT, Saravinovski got a tap on the wrist with no action taken against him and no prohibition on running again for Bayside Council. There were two matters of knocking over a bottle of water and losing his temper with staff and a partial declaration of interest on a developer matter where he left the chamber and didn't vote or participate in the debate. In the end NCAT, with the Office of Local Government, sort of did a plea bargain about these things. Is that an accurate description of what was referred by ICAC to the Office of Local Government, or have they embellished that?

JOHN HATZISTERGOS: Look, I'm not going to go into that detail at the moment. The issues, as you'd be aware, have now progressed since then somewhat in the way that I've described—

The Hon. MARK LATHAM: Yes, on a couple of fronts.

JOHN HATZISTERGOS: —and I would prefer to be cautious and not go into that detail.

The Hon. MARK LATHAM: Was ICAC confident that the staff complaints had been made through the proper channels? Because the Local Government Act requires the staff to make their complaints about the mayor through the general manager, and there's one suggestion that didn't happen.

JOHN HATZISTERGOS: I'm not aware of that.

The Hon. MARK LATHAM: Could you take that on notice? Because it's important.

JOHN HATZISTERGOS: I don't know if I can answer that, but I'll certainly take it on notice.

The Hon. MARK LATHAM: If you can try, on notice, that'd be appreciated. To the commissioner of the LECC, if I could, thanks, what's the LECC policy on non-publication orders?

PETER JOHNSON: We have some guidelines which we use in that respect.

The Hon. MARK LATHAM: Are they published?

PETER JOHNSON: There are some published guidelines about the use of public and private hearings and also the use of pseudonyms. You'll find them on our website. Our Act, of course, involves broadly two types of reports. The first are public reports under sections 132 and 138 of the Act. The second is a report which goes to the Minister for Police and Counter-terrorism, the Commissioner of Police and the complainant, if known, under section 135 of the Act. Those reports do not become public unless some step is taken to make them public. I think the question can't be answered in the abstract because it's a question of a non-publication order in what context.

The Hon. MARK LATHAM: Well, in the context of the gin bottle scandal with Karen Webb, which in the material had no police surveillance or policing techniques that needed to remain secret and no national security. It's a simple matter of someone's relationship with the producers of the gin bottle—the Hopes up in Pokolbin. I've got two questions. Why was there a non-publication order on something that had no sensitive material to it when it was overwhelmingly in the public interest for people to know the truth about what the commissioner had done? And why didn't LECC provide any reasons for the non-publication order, just a stamp on the front of the report?

PETER JOHNSON: In answering that question, I should indicate that Operation Askern, which is the gin investigation, involved the section 135 report, and there is a second phase of that, which is ongoing. I'll answer that question by reference to the first phase. The commission undertook that investigation by exercising statutory powers. Notices were issued, documents were obtained and accounts were obtained from the Commissioner of

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Police. Having regard to the conclusions reached, which I should indicate are in a media release dated 7 August, which the commission put out, the commission took the view that a non-publication order was appropriate because there were persons named in it who hadn't been approached for information directly.

The Hon. MARK LATHAM: So what?

The CHAIR: Order!

PETER JOHNSON: Well, there are questions of privacy, which were considered relevant. Now, that was the foundation for the non-publication order, in effect. It stood, and there was no application to vary it. When the report was provided to Parliament under Standing Order 52, there was no application for it to be de-privileged. So that's where things stood.

The Hon. MARK LATHAM: But why no reason for giving the non-publication order? Why just the stamp? You're saying the privacy concerns of the people who benefited from the purchase of the gin bottles—

PETER JOHNSON: No, persons who are mentioned—

The Hon. MARK LATHAM: Why is that a consideration?

PETER JOHNSON: —public servants who wrote documents, other persons who were mentioned in passing and members of staff who were not the subject of questioning but who were mentioned in passing. The persons who were mentioned in the end, and certainly in our press release of 7 August, which was the day after the report was provided to the Minister and the Commissioner of Police, were Commissioner Webb—she was named in our press release, as was the substance of the matters which were considered in the report. But other persons were not named in our press release, and it noted that there was a non-publication order that was made. The commission takes the view—and you are wrong in asserting that non-publication orders would only arise if there was some operational information: police practice or matters of that sort. Non-publication orders can be made for a range of reasons. In this, because of the restricted nature of the investigation—effectively a paper investigation—the view was taken that the names of incidental persons should not be published. That's what was—

The Hon. MARK LATHAM: Can we get a copy of your policy on notice? Because it's very hard—I rang up LECC and no-one came back to me—to get a copy of your policy.

PETER JOHNSON: Certainly the guidelines which exist—

The Hon. MARK LATHAM: Where are they?

PETER JOHNSON: —we will provide.

Ms ABIGAIL BOYD: Mr Johnson, at the last estimates you gave us some information about the work that LECC is undertaking in relation to domestic violence and police perpetration and, in particular, coercive control, which was welcome news. Do you have any update on what that work is looking like?

PETER JOHNSON: I may have mentioned last time that we were introducing a strategic intelligence function and we have dedicated staff working in that area. They have undertaken work in this area which informs the work of the commission generally. That work is assisting in the approach which we take in looking out for complaints of that sort and matters which we need to consider by monitoring police investigations—if there are police investigations—and informing the work of the commission more generally. So the principal update, I suppose, is on the strategic intelligence side, which has developed.

Ms ABIGAIL BOYD: Last time the question I asked was based on some constituents who had been coming to my office asking for help because they were victims of perpetration of coercive control by police officers. They were saying that their request to the LECC had gone unanswered or unfulfilled and they were looking for a better understanding from the LECC as to what police perpetration, and systems abuse in particular, might look like. Has there been any change to the LECC's approach to complaints such as those? Is it worth me saying to these people who are still looking for help that they should perhaps try again with the LECC?

PETER JOHNSON: I would not discourage anyone from coming to the commission. There is a very significant number—in fact, an increasing number—of complaints that are coming to our commission. In fact, integrity commissions throughout Australia are experiencing the same phenomenon. That's certainly the case with us. If someone has raised a matter with the commission and they're dissatisfied in some way, we certainly want to hear about it. And, of course, there is a pathway to the inspector of the commission, which is available as well if people have issues they want to raise.

We are conscious that our primary statutory charter is that the principal investigators with respect to alleged misconduct issues are the police. Thus, referrals to the police are regular. But if that happens, we scrutinise what they do. We consider the triage at the end of the investigation. We can give certain directions of one sort or another

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if we do not share the view that the police took. That process is of particular interest to us in areas of alleged coercive control or domestic violence where the alleged perpetrator is a police officer. We are conscious of the sensitivities in that area. We are conscious of the reluctance of people to actually come forward, in particular in regional and country areas, and of other aspects which make it particularly sensitive.

We have had people approach the commission. We have, in circumstances where there is nervousness about what to do, taken steps to make sure that they speak to, for example, a female officer of the commission with some investigatory experience to assist them to understand the possible ways forward. There have been some examples of that type. So I would ask you to encourage people to come to the commission. We are of course a relatively small agency. There are only 120 or so people, and that covers a multitude of functions. But this is an area of great importance to the community, to our agency and to the Police Force, who I think have lifted their game in this area, but there are always areas for improvement.

Ms ABIGAIL BOYD: We will continue to send referrals to you, then. One of the disability royal commission recommendations identified that police did not necessarily have the skills required, sometimes, in dealing with people with disability and that was leading to obstacles to getting justice. One of the recommendations the police haven't taken on board is that they have specialist disability liaison officers. Given that this was identified as an area of concern, though, has the LECC been doing any work in relation to those issues? Are you seeing an increase in complaints from people with disability around treatment from police?

PETER JOHNSON: I'd have to take that on notice as a specific question, and I'll seek some more specific information to respond to it. Generally, we are very anxious to extend the capacity of the commission to receive complaints from people who do not have English as a first language or who have other disadvantages which affect them. I cannot at this stage indicate to you a particular aspect that affects persons with disability, but we are conscious of matters of this sort. I will seek to answer that in a fuller way on notice, if I can.

Ms ABIGAIL BOYD: I'll go to Ms Lo now. Another one that I ask about every time is in relation to the disability employment targets in the public sector. We are continuing to fail, if I may say so, in employing sufficient numbers of people with disability in the public sector. We spoke last time about getting disaggregated data so that we could look at what exactly was the percentage of people with a cognitive disability versus a physical disability in particular. My recollection is you said that work was being done on that. What is the progress of that?

KATHRINA LO: Thank you for your continued interest in this very important area of disability employment and inclusion. As you'd be aware, the disability royal commission did make a couple of recommendations around disaggregated employment targets, as well as employment targets for new public service hires. My office is progressing work in relation to a number of disability royal commission recommendations in collaboration with other areas of the sector, and with relevant people as well. For example, we are working with the workforce planning area in the Premier's Department. They are now responsible for data collection through the workforce profile and through the People Matter Employee Survey, so we're working with them to explore the options around data collection, measurement and definitions as well.

The graduate program also now sits with the Premier's Department, and we're engaging with them. There's always been a big focus in the graduate program on employing graduates with disability. We're also engaging with the disability steering committee, which has representatives from all of the departments, including people with disability, to understand what agencies will need to do to support the implementation of the recommendations—not only changes to their systems, but programs and initiatives to help achieve any targets that are set. Finally, we're engaging with employees with disability, which is really important. So the work is progressing. I can't provide you with specific time frames when we will land a target, but it's really important that we engage with the right people, including people with disability, before we set those targets.

Ms ABIGAIL BOYD: My next question was going to be when we will have that disaggregated data. I understand in terms of, yes, of course, we want a co-designed strategy for how we get more people into the public sector. But when we're talking about getting hold of that data, what is the time frame we're looking at?

KATHRINA LO: I'm not in a position to provide you with the time frame at this point in time. As I've said, we're working with the relevant area of the Premier's Department, which is now responsible for collecting data, whether that be through the workforce profile process, which is census data, and also through the People Matter Employee Survey.

The Hon. CHRIS RATH: I might go to you, Auditor-General, and to the Audit Office more generally, on the Local Small Commitments Allocation. The report that your office put out—and thank you for that very informative report—notes that key early steps of the grants process, mandated by the Grants Administration Guide, were overseen by New South Wales Labor while still in opposition, including project nomination and

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probity oversight for those nominations. How unusual is it for the administration of grants to be undertaken by a political party, rather than by the public service?

BOLA OYETUNJI: It's unique because it has not been done before, from my understanding. That's why our recommendation focuses on what is unique and is not captured by the Grants Administration Guide. What do we need to do to actually capture that? That's part of the recommendation we put out there. Outside that report, I don't have any further comments on that.

The Hon. CHRIS RATH: Did you seek to request any documents from New South Wales Labor about their grant administration before the election or was that out of your remit and you weren't able to do that even if you wanted to?

BOLA OYETUNJI: It was out of the remit. I don't have any mandates to do any work outside agencies under the GSF Act.

The Hon. CHRIS RATH: What risks are involved in the absence of documentation of these pre-election processes run by political parties in terms of accountability and transparency?

BOLA OYETUNJI: I will say limited, in the sense that—and this is where the focus of the audit went to—even regardless of what was done before, when the grant administration then is handled by a department of State, they have to actually make sure value for money and whatever is required by the guidelines has been complied with. The guideline is robust, but what has not been envisaged, and which we recommended, is when there's an election commitment. What do you do to make sure that's covered when it's not done, especially when the documentation sometimes will not be available, even if the department wanted to go and ask for the information? The reason why I decided to take on that audit was exactly that—if there's any opportunity to improve the guideline, we're able to put it out there to ensure that someone is walking through how best to deal with that.

The Hon. CHRIS RATH: In the end, only 17 electorates or Labor candidates that did give election commitments that went on to be funded went through a conflict of interest check out of the 93 candidates that stood for election. Wouldn't it have been better practice if all 93 candidates undertook that conflict of interest process, rather than just the 17 that ultimately did?

BOLA OYETUNJI: I would agree with that.

The Hon. CHRIS RATH: The probity surrounding the period prior to 25 July 2023—that's when the probity adviser was engaged—has been covered only by verbal assurances that New South Wales Labor had undertaken it. Is that correct?

BOLA OYETUNJI: That's correct.

The Hon. CHRIS RATH: You've also said in your report that in eight cases grants were executed before conflict of interest checks were completed. What risks does that create for the integrity of the program?

BOLA OYETUNJI: A huge risk because if you don't do the conflicts of interest prior and if you've given out the grants and then there's a conflict of interest issue, to recall the funding would be difficult, usually. That's why, for the integrity of the process, all those checks will be required to be done before the grants are released.

The Hon. CHRIS RATH: In your report you've also highlighted that, in some cases, only internal cost estimates were used rather than competitive quotes. How does this compare with standard procurement expectations in New South Wales?

BOLA OYETUNJI: It doesn't compare. But I also understand, for the size of the allocation, which is \$400,000—you can understand if you have the internal expertise to determine what the costing is. That is acceptable. However, for best practice in terms of procurement, you wouldn't be able to assess best value for money if you don't have other recipients or entities allowing you to actually come to that conclusion. The risk there is more than how do you, within the guideline, conclude it's value for money in the decision that is made.

The Hon. CHRIS RATH: What is the Audit Office's view when it comes to closed and non-competitive grants? There seem to be the ones generally that get the most interest when it comes to instances of pork-barrelling. Is it the Audit Office's view that a better way of doing it would be an open and competitive process and that governments should try to not use closed and non-competitive grants where possible?

BOLA OYETUNJI: Open and competitive tender is the only way to guarantee value for money, except, of course, in certain instances where you have specific specialist skills and the decision to do that and you can conclude on that. The reason in my audit work program for the next three years there's going to be a strong focus on procurement and major projects has to do with the fact that, even with good intentions, there are some wrong

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applications of what the expectation should be in a procurement process. We're going to focus on that. I'm going to finalise the audit work program in a couple of days. Again, I've shared the draft with the Government, the Opposition and the committees that are relevant in terms of integrity agencies. That focus will not only find what the problems are but you start developing better practices to start understanding why it is important to go for open tender and to start also documenting, if you don't go for open tender, the reasons why not. Because, again, there are reasons why not. That becomes quite important for the process to have the right accountability and transparency.

The Hon. CHRIS RATH: The only other thing I would ask is about the strengthening of the Grants Administration Guide, which I think you recommended, to explicitly address election commitments to improve transparency and accountability in the future. Should that be the case? Do you have any views on that?

BOLA OYETUNJI: The recommendation stands as it is. What we normally do then is we'll follow through, through the Public Accounts Committee, to ensure that, within the time frame we've given—that's usually within 12 months—that recommendation has been implemented. The reason why those things are quite important is that, for those who don't know, for those who are new to government—usually that's where you find some of the problems of not knowing. But now, if you have a guideline, you know what to do. Then we have a framework to hold you accountable for it.

The Hon. DAMIEN TUDEHOPE: Auditor-General, in relation to the review which you're doing in relation to regional roads funding—you're doing that review?

BOLA OYETUNJI: That's correct.

The Hon. DAMIEN TUDEHOPE: What's the time frame for the completion of that review?

BOLA OYETUNJI: Currently, it's scheduled to be tabled some time in December this year.

The Hon. DAMIEN TUDEHOPE: Was there any particular project or any particular issue which gave rise to you wanting to have a look at regional road funding?

BOLA OYETUNJI: No.

The Hon. DAMIEN TUDEHOPE: Is it just a normal course—

BOLA OYETUNJI: Yes, a normal course of the environment we scan. The focus that we have for the next three years is grant administration and effective use of public money. We're looking at procurement and major projects.

The Hon. DAMIEN TUDEHOPE: Would you normally expect to see a business case relating to regional road funding grants?

BOLA OYETUNJI: Yes, you would. Unless of course—again, this is what doesn't usually happen—there's a documented reason why not. Some of the things we don't like seeing—which, again, is about wasting taxpayers' money—is where you now want to tick a box and then you get a consultant to do a business case from the information that is known by the department. We will frown upon that because, again, that becomes part of wasting taxpayers' money. That would be a reason that you have to put the—

The Hon. DAMIEN TUDEHOPE: But for a \$50 million road funding program, you would generally expect to see a business case for that.

BOLA OYETUNJI: For that size, yes, you will expect to have a business case for that.

The Hon. CHRIS RATH: Just on the regional roads work that you're undertaking, I think you said that it's a routine review—or was this referred to you by a member of Parliament or a department or someone to undertake this inquiry?

BOLA OYETUNJI: It's a routine review.

The Hon. CHRIS RATH: I might go back to you now, Mr Hatzistergos, on a different matter—on Operation Eclipse. What reasons have been given to the commission on why the Government is still yet to implement—or at least announce—a timeline for implementation of the recommendations of Operation Eclipse?

JOHN HATZISTERGOS: I gave a comprehensive statement on this subject when I appeared to give evidence to Parliament's joint committee on electoral matters on 1 March 2025. Can I refer you to the evidence that I gave on that occasion? Also, on 8 April I forwarded responses to supplementary questions on notice raised by the committee. I understand that correspondence has also been published on the joint committee for electoral matters website. Beyond that, I wrote again to the Premier and the special Minister on 7 July 2025, following up from previous correspondence by me on 21 January 2025, 29 May 2025 and 30 October 2023—although the last

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letter was just to the Premier, not to the special Minister. Yesterday I received a response to my letter of 7 July 2025. Relevantly, the special Minister informed me that the recommendations of the commission's Operation Eclipse report raised complex issues requiring careful consideration; however, progressing the reform to the framework for lobbying in New South Wales was a high priority and the Government is aiming to implement reforms as soon as possible.

The Hon. CHRIS RATH: That just sounds like they're kicking it into the long grass. Obviously, I know you can't express your frustration, but this has been three-plus years now.

JOHN HATZISTERGOS: It's actually longer than that, but in any event—three years, I suppose, for this Government. But the matter was going on prior to them coming into office. It was going on since Eclipse, but even before that—it goes back to Operation Halifax.

The Hon. CHRIS RATH: And the previous Government did agree to all the recommendations.

JOHN HATZISTERGOS: Mr Rath, I periodically get asked the same question that you've just asked me. Other than doing what I'm doing—which is writing to the Government, offering assistance if they require assistance—I've sent them the reports of other States, although that may complicate the process when you send them studies that have been done in Queensland and Victoria and I think South Australia.

The Hon. CHRIS RATH: Has the Minister requested to meet with you regarding the recommendations?

JOHN HATZISTERGOS: He asked to meet with me last year, I think. Yes, I met with him and the CEO, I think, at the end of last year, and I raised the subject and I got a similar response at that time. He didn't ask me to meet just about this. It was about general commission matters, including our budget. I asked him the question and that's the response I got. So I need to leave it to you good people to follow it up.

The Hon. CHRIS RATH: I'm certain we will. It's bizarre that, the day before you're required to be here as part of budget estimates, you would receive a letter from the Minister finally responding to your letter of 7 July basically with a non-response. It's saying that it's complex issues and it's under active consideration. Apart from the meeting that you had with the Minister last year, where you proactively raised the matter with him as part of a routine meeting that you have with the Minister, has the Minister ever sought your advice or the advice of anyone from the ICAC about how implementing the recommendations from Operation Eclipse might be undertaken?

JOHN HATZISTERGOS: Not that I'm aware of. Each of the earlier letters that were sent were responded to, in fairness. But they didn't really supply me with any information as to matters that the Minister was concerned about. I do recall in an earlier letter he raised that he was also looking at the reports from the other States apart from the Operation Eclipse report. In fairness, I should highlight that because the other jurisdictions looked at our work but they also looked at their own jurisdictions and followed an analogous but not identical course.

The Hon. CHRIS RATH: The Government did make a submission to the Joint Standing Committee on Electoral Matters and the only concrete recommendation that they endorsed was to extend existing disclosure requirements to shadow Ministers. They weren't prepared to commit to any of the other recommendations from Operation Eclipse, even though the previous Government did. Does the ICAC endorse the view that the most important or pressing issue is that shadow Ministers disclose their diaries when the recommendations are that it should be extended to Parliamentary Secretaries, which—

JOHN HATZISTERGOS: Mr Rath, this issue is not going to go away. It needs attention. I know it's difficult and it's complicated, but I think it's better done sooner rather than later. I can only give support and encouragement to the Government to do it. I've corresponded with them on a number of occasions. If there are particular issues of complexity that they want to correspond with me about, I'm happy to look into those and provide them with assistance, but I've got a lot of work on at the moment in the commission. We have a record number of investigations. We have a real pressing workload. We've already devoted significant resources to this issue. I'm not in a position, without a Government response to the recommendations we've already made, to revisit the matters that we've discussed. To me, that's not a great use of our resources. If they don't want to do it, they need to say it.

The Hon. CHRIS RATH: The only reason they've given at the moment is complex issues.

JOHN HATZISTERGOS: I'm not disagreeing that the issues have some complexity to them. I accept that aspect of it. But it's also been some time since the recommendations came out and an opportunity, not only whilst people have been in government but also, of course, prior to that when the Eclipse report came out, acknowledging however that there have also been further reports that have been published in relation to the same subject, which I've provided to the Government.

CORRECTED

The CHAIR: Before I hand over to Mr Latham, I have a couple of questions for the chief commissioner, Mr Johnson. The predecessor of the LECC was the PIC?

PETER JOHNSON: Yes.

The CHAIR: And the predecessor of the PIC was the police board?

PETER JOHNSON: No. The police board was established in the 1980s. It sat as a limited board with the police commissioner exercising a function to do with senior appointments and such other functions as may have been given to it over the years. It was abolished as a result of a recommendation by the Wood royal commission. It was never a police oversight body in any real sense. It had limited staff. It sat within the police ministry. There was controversy about its role and ultimately Justice Wood took the view that it was not an option, that effectively you had to have the buck stopping with the police commissioner internally with the primary responsibility being with the police commissioner but with an independent oversight body sitting off it dealing with more serious matters—the Police Integrity Commission and the Ombudsman continuing to have a function which continued until LECC was established in 2016. The Ombudsman had a role as well with the less serious matters and some other areas until 2016. The police board was really exercising a different function. That's a rather long answer. I have to tell you I acted for the police board at the royal commission, so I know a bit about it.

The CHAIR: I'm asking the right person then.

PETER JOHNSON: It was the only time that I've had a client abolished, I have to say.

The CHAIR: Where would the police board's minutes, deliberations and reports sit in government now? Who would have responsibility for them? Would it be in Premier or would it be with the police?

PETER JOHNSON: I'm not really in a position to answer that. Insofar as the police royal commission records ended up with PIC and those records ended up with LECC, the police board records are not held by LECC. I would have thought that the police board records would lie historically with the records of the police ministry. The police ministry during the '80s and '90s would have been the first port of call, I would think, to find them—certainly not LECC, or PIC before it.

The CHAIR: Thank you, Chief Commissioner. I appreciate that.

The Hon. MARK LATHAM: Chief Commissioner Johnson, how come the second part of Operation Askern is taking so long, given that the first part was so extensive and all of this started nearly a year ago?

PETER JOHNSON: The first part was done effectively on the papers, as I said to you. The second part has involved evidence and hearings. It is in a report preparation phase. It's not appropriate that I comment more than that, except that they were two different types of investigations. The first one, the section 135 report, is of its nature a private report. But there has been a further investigation which has already been announced and has taken some time and is, as I say, at the report preparation phase.

The Hon. MARK LATHAM: Do you expect that report to be completed and published by the time that Karen Webb is leaving the NSW Police Force officially, having been parked over in domestic violence?

PETER JOHNSON: I don't think it's going to be completed by that time, Mr Latham. It takes some time and there is a process not only of preparation of the report but a procedural fairness process affecting a number of persons.

The Hon. MARK LATHAM: In terms of your comment that the first stage was a private report, what weight did you give to the public consequences, not just for citizens in New South Wales but morale in the NSW Police Force, and the right to know that the police commissioner is a fundamentally dishonest person?

PETER JOHNSON: That wasn't what the first report said. As the media release indicated, there were certain findings. There was no finding of serious misconduct. There was a finding that the purchase was in accordance with policies and procedures. There was a criticism because of an undeclared conflict of interest. I'm looking at the press release to draw those matters.

The Hon. MARK LATHAM: To my question about the public interest, I've had police officers, off duty, come up to me and say, "Thank goodness we found out that when Karen Webb said she barely knew the Hopes—Michael and Karen Hope—she'd in fact been on a holiday to Bali with them, had another holiday planned overseas cancelled by COVID, their husbands had been 10 years in business together, they'd been to parties together, and the two Hopes came to the swearing in of the police commissioner." Don't you hold the police commissioner to a higher standard of honesty? And this level of dishonesty drove down morale in the Police Force. They were massively relieved to hear that the truth had finally come out—no thanks to LECC.

CORRECTED

PETER JOHNSON: There is a further report in preparation, Mr Latham. I'd ask you to wait for that report.

The Hon. MARK LATHAM: I'd ask you to answer my question.

The CHAIR: Order!

PETER JOHNSON: I have, Mr Latham.

The Hon. MARK LATHAM: I've asked about the weight you give to the public interest and to police morale and holding the police commissioner to the highest possible standard of honesty, which she obviously breached. Why didn't you give weight to public interest?

PETER JOHNSON: For the purpose of the first report, the commission had regard to the material before it and reached the view as to the form of report that should issue and that's what issued. There is still on foot an investigation, which will lead to a report.

The Hon. MARK LATHAM: On the second matter of Karen Webb against police guidelines and what everyone believes is an established, decent moral standard in policing—that you can't disclose the death of a relative until the next of kin are notified. In the investigation of Webb telling Ray Hadley that Dawn Singleton was a victim of the tragic knifing at Bondi Westfields, why didn't you interview Hadley or Ash, the fiancé?

PETER JOHNSON: The commission formed the view it had sufficient material to deal with that upon the material which it had.

The Hon. MARK LATHAM: How could you have sufficient material unless you spoke to the next of kin and the person, Ray Hadley, who had enough information from Karen Webb and enough certainty to go and tell John Singleton, the father, that his daughter had been killed? How thorough should you be when clearly Hadley and Ash would have informed you of things that are integral to the investigation?

PETER JOHNSON: The commission had regard to the material which it obtained and was satisfied was sufficient to allow it to reach a view on that matter, Mr Latham.

The Hon. MARK LATHAM: What was your view—that she hadn't disclosed?

PETER JOHNSON: I won't go into the detail of what was actually found, Mr Latham.

The Hon. MARK LATHAM: That's private too?

PETER JOHNSON: This was not the subject of a report, as such.

The Hon. MARK LATHAM: When is that report coming out?

PETER JOHNSON: There isn't a report, as such; there was an outcome with respect to the complaint.

The Hon. MARK LATHAM: What action is the inspector of the LECC taking about it, given that the next of kin, the mother and the fiancé, are still in the dark about findings against Webb that, by common sense, should be made?

PETER JOHNSON: That's a matter for the inspector.

The Hon. MARK LATHAM: What then did you do about the situation whereby clearly Ray Hadley has got information off Karen Webb before Julie Singleton or the fiancé, Ash, know about confirmation of the death of Dawn Singleton and Hadley has conveyed that to John Singleton? What finding did you make against Karen Webb for her breach of police guidelines?

PETER JOHNSON: What I'll indicate in relation to this topic is that I'll take it on notice and consider giving you something further in writing dealing with this topic, which was not the subject of an investigation leading to a report.

The Hon. MARK LATHAM: What was it subject to? There was a complaint.

PETER JOHNSON: There was an investigation within the commission. Not every matter that's looked at within the commission ends up in a report. There are preliminary inquiries, preliminary investigations and matters of that sort that don't necessarily end up in an investigation report.

The Hon. MARK LATHAM: Do you feel the LECC's credibility has been damaged by this? With the gin bottles, the commissioner was telling lies publicly about her extensive—she said she hardly knew them; she knew them extensively. Clearly, she broke the guidelines regarding the death of Dawn Singleton. The LECC has seemingly run cover for an incompetent, lying police commissioner.

CORRECTED

PETER JOHNSON: I do not accept your characterisation of the matter, Mr Latham.

Ms SUE HIGGINSON: I'm also going to jump around. I'm going to start with the Acting Ombudsman, if I can. A little while ago, the Auditor-General referred a matter to you in relation to the Forestry Corporation and a potential allegation of maladministration. Some correspondence has flowed. I'm wondering if you are aware of that matter, if there is ongoing work and when we might expect some kind of outcome, if there's anything you can disclose.

CHRIS CLAYTON: Thanks for the question, Ms Higginson. We are conducting preliminary inquiries into that matter. As you can appreciate, we conduct our investigations in the absence of the public, so I probably can't speak too much whilst we're in that process. We've received a range of information, both from forestry and also the EPA. We're just working through that material now. I don't have a particular date as to when that matter will be finalised, but it's being actively worked on.

Ms SUE HIGGINSON: I know you do it in the absence of the public, but if there are members of the public who may have particular information, would they be people that you might consider contacting to assist you in your inquiries?

CHRIS CLAYTON: Absolutely. If people do have information that would be relevant, they're more than welcome to provide that to us in the course of our work.

Ms SUE HIGGINSON: Thank you very much. Now to the Auditor-General, back on the same State owned corporation: It has recently been reported that the Forestry Corporation has recorded half-yearly losses of \$14.9 million, which is double what was predicted in losses. They anticipated they would lose \$9 million. It's now around about \$90 million of public money that has been lost managing a really valuable public resource—namely, our public forest estate—since 2020. A bunch of members of Parliament have written to the Premier and written to the Treasurer, consistently raising concerns, but nothing seems to be happening. Is that something that you might consider looking into? I'm just very concerned. I can't recall ever seeing anything so wasteful, ludicrous, concerning and in the public interest in New South Wales with public money and, might I add, this public resource—this incredible asset that is our children's children's future—our native forest estate.

BOLA OYETUNJI: There are two parts to that. We are currently finalising the financial audit for June 2025. We will have a look at that process in terms of the losses. I also received the letter that you sent. In my forward program—I'll probably finalise that on Friday and publish it on Monday—we've included a performance audit in a draft program to then have more of a deep dive into the key drivers of some of the losses that you described. When we scope that, we'll scope that in terms of your letter and in terms of any new, emerging risks that we see in that environment.

Ms SUE HIGGINSON: Can I just put on the public record—I'm not sure whether this is in the scope of your work—that the reality is the Forestry Corporation is also facing significant liabilities in the context of justices of New South Wales and courts of superior record having described the organisation as having a "pattern of environmental offending, with poor prospects of rehabilitation". There is a real concern in terms of the public interest and the reputation and good governance of these State owned corporations that are managing public resources. I almost think it might be a matter for you, Mr Hatzistergos.

BOLA OYETUNJI: The process, just so you're aware, is that we include this in our forward program. When we scope it, we scope the expected outcome of the audit. Indeed, just like we refer to the Ombudsman because there's maladministration, if there's any tinge of corrupt conduct, we also refer it to the chief commissioner.

Ms SUE HIGGINSON: Thank you. Going to the Law Enforcement Conduct Commission, Commissioner Johnson, could I ask about the statutory criteria and definition of a critical incident? I know that you know your Act inside out and back to front. I'm going to refer to section 110 (b) (vi):

(b) the death or serious injury—

...

(vi) appears to be likely to have resulted from any police operation.

It is that broader head of consideration about a critical incident. I'm wondering if you can elaborate how broad that is. What does that involve, in terms of a critical incident? Is it limited? Do you define that as limited to an operation—as in it has to be an operation—or is the term "operation" broadly defined, but a defined concept?

PETER JOHNSON: There is a definition of police operation in section 108:

... means any activity engaged in by a police officer while exercising the functions of a police officer other than an activity for the purpose of a search and rescue operation.

CORRECTED

Beyond that, insofar as how one defines it, one has to start with this: that the police have the discretion about whether they declare a critical incident. If they decline to declare a critical incident, they decline to give us the reasons as to why they have declined to declare a critical incident. There can be at times—and coroners have pointed this out as well—oddities in the approach taken sometimes as to whether something is a police pursuit or not. There are other issues where there are apparently inconsistent practices, depending upon who the assistant commissioner was, who did or did not make the declaration.

But one would think that the term "police operation", assisted by the definition, is a pretty broad one. In particular, when it's following a section which talks about other things which involve the police using a firearm, using defensive equipment, using physical force, use of a police vehicle, where a person in custody, and then—so once you look at those specific ones, you've got the catch-all of what a police operation is. I would have thought, from a legal point of view, it's a pretty broad concept. There have, I think, been some examples of inconsistent application.

If there is a refusal to declare a critical incident, as I've said, we have gone to the police and asked them why and raised questions if there is an inconsistent approach that's apparent. But the response to that often is a senior police officer will say that they've examined the record for declining to declare a critical incident, and they're satisfied that it was appropriate. Now, it is a recommendation that we made in our five-year report in 2023 that we have access to the police document. The police have declined that, on the basis that they hold, effectively, an absolute discretion. Our effort to say that we're entitled, on behalf of the community, to consider the reason why a critical incident was not declared—to see if there is a reasonable explanation—is not accepted by the police. They take the view that it's their decision and their decision alone.

Ms SUE HIGGINSON: The police professional branch's guidelines about critical incidents, do you ever have input into that document?

PETER JOHNSON: There is certainly consultation with the commission—I'll try and keep that to a yes, but it's a yes with an asterisk in the sense that we are consulted, because we have a direct interest in the whole critical incident area, but at the same time it's the police who devise these things and ultimately settle them themselves.

JOHN HATZISTERGOS: Mr Chairman, can I just follow up a couple of matters?

The CHAIR: Certainly. Please do, Commissioner Hatzistergos.

JOHN HATZISTERGOS: Just a couple of things. The referral to the Office of Local Government in the Saravinovski matter was made on 14 December 2022, in the term of the previous Government. I just want to clarify that.

The Hon. MARK LATHAM: I think you said that.

JOHN HATZISTERGOS: I did? Okay. The second thing I should just indicate is that the parliamentary joint committee did raise with me this question of section 53 and 54 referrals at one of the meetings which I've attended, about the sorts of matters we'd refer under section 53 and 54. I followed up and reflected on that, and we will be publishing in our annual report this year the general nature of the section 53 and 54 referrals that the commission undertakes so that people have a better idea of the kinds of matters that are the subject of those two sections. The third thing is that I will be on leave from this Friday, but Commissioner Murrell, who'll be the acting chief commissioner, can respond to questions on notice.

The CHAIR: Thank you, Chief Commissioner. Thank you all for your attendance today. That concludes this section. The secretariat will be in contact regarding any questions or matters taken on notice or any supplementary questions. Everyone at the back got off scot-free. The Committee will now break for afternoon tea and return at 3.45 p.m.

(The witnesses withdrew.)

(Short adjournment)

CORRECTED

Mr SIMON DRAPER, PSM, Secretary, Premier's Department, on former affirmation

Ms KATE BOYD, PSM, Secretary, The Cabinet Office, on former affirmation

Ms SAMARA DOBBINS, Deputy Secretary, People and Workforce Group, Premier's Department, sworn and examined

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

Ms SIMONE WALKER, Acting Deputy Secretary, Social Policy and Intergovernmental Relations, The Cabinet Office, affirmed and examined

Mr MARCUS RAY, PSM, Deputy Secretary, Economic, Housing and Infrastructure Policy, The Cabinet Office, affirmed and examined

Ms LUCY HARTAS, Deputy Secretary, Energy, Environment and Evidence, The Cabinet Office, affirmed and examined

The CHAIR: Good afternoon, everyone. We will recommence the Portfolio Committee No. 1 - Premier and Finance inquiry into budget estimates for 2025-2026 with our new group of public officials. Before we resume the questioning, I would like to remind Mr Draper and Ms Boyd that you do not need to be sworn as you have already done so. We will now recommence the questions with 20 minutes from the Opposition.

The Hon. SUSAN CARTER: Thank you, all. It is nice to see you. I wonder if I could start with you, Ms Boyd. I have questions in relation to the appearance of witnesses before the select committee into the Dural caravan incident. I understand that a decision was made to provide ex gratia payments for legal assistance. Can you indicate under what criteria the witnesses were eligible for that ex gratia payment?

KATE BOYD: I can. There's a Premier's memo—it's 2022-11—that sets out the criteria for who is eligible for and how we assess ex gratia payments for legal assistance.

The Hon. SUSAN CARTER: Of those categories, which one applied to those witnesses?

KATE BOYD: I believe it was because they were called to attend an inquiry in their capacity as officials.

The Hon. SUSAN CARTER: If we look at the criteria and who is eligible to make an application, the only inquiries are appearing before ICAC, the LECC, a royal commission, a special commission of inquiry or a coronial inquest. None of those are relevant. The first category is where legal proceedings have commenced against them or are known to be imminent. That's not relevant either, is it?

KATE BOYD: No, I think those are examples. If memory serves me, the memo is not exhaustive. Ex gratia payments are very discretionary in nature, and those sorts of inquiries are listed as examples.

The Hon. SUSAN CARTER: Ms Boyd, the way it's phrased, it isn't as an open-ended list. It's not indicative examples. It says, "An application for ex gratia legal assistance may be made by", and the closed list followed. That is a closed list, is it not, Ms Boyd?

KATE BOYD: I think I'd just refer you to the first paragraph, which really does—

The Hon. SUSAN CARTER: How is the first paragraph satisfied by witnesses appearing at an upper House committee to give evidence?

KATE BOYD: They are required to appear before hearings conducted by the House, so an ex gratia payment is highly discretionary in nature and it is in the nature of an investigative inquiry.

The Hon. SUSAN CARTER: Sorry, the first criteria doesn't say that. It says, "Where legal proceedings have commenced against them or are known to be imminent." What were the legal proceedings?

KATE BOYD: I know you're familiar with the matter, but a bench warrant was about to be issued for their arrest by a judge.

The Hon. SUSAN CARTER: Is that a legal proceeding?

KATE BOYD: Yes.

The Hon. SUSAN CARTER: On what basis is it a legal proceeding?

KATE BOYD: "Legal proceedings" is not a narrow term. If you've got a judge issuing a bench warrant for your arrest, I think that would satisfy the definition of legal proceedings.

CORRECTED

The Hon. SUSAN CARTER: If they didn't turn up, there may have been a warrant issued—in the same way that if you steal a car, you may be arrested by the police and go to jail. But is stealing a car a legal proceeding?

KATE BOYD: I'm not sure I follow that analogy.

The Hon. SUSAN CARTER: The circumstances in which a warrant may have been issued is if they fail to attend on a lawful summons. You'll go to jail for stealing a car if you steal somebody else's property. But the failing to attend or the stealing of a car is not a legal proceeding.

KATE BOYD: I think, going back to the principles of ex gratia legal assistance for public officials, the principle really is that you shouldn't be personally disadvantaged financially because of formal proceedings that are brought because of your job and your work as a public official. This really fits that description, so I would just go back to the principles of that.

The Hon. SUSAN CARTER: Isn't the role of the Premier's memorandum to specify the criteria according to which that general proposition may be met? There would be no need for this memorandum, would there, if the general principle was just said to apply?

KATE BOYD: This doesn't in any way limit the common-law discretion of Ministers to make ex gratia payments. It really is just to provide guidance to officials.

The Hon. SUSAN CARTER: So your argument is that the ex gratia payment was not made under this memorandum; it was made according to a common-law right of Ministers to make ex gratia payments. Is that right?

KATE BOYD: That's the case in all ex gratia decisions. The memo just provides guidance to the sector—

The Hon. SUSAN CARTER: And which Minister—

The CHAIR: Order! Let's make sure that witnesses have the opportunity to answer in full, please.

The Hon. SUSAN CARTER: And which Minister exercised this common-law jurisdiction to make the ex gratia payments?

KATE BOYD: I believe the Secretary of the Department of Communities and Justice made the decision under delegation from the Attorney.

The Hon. SUSAN CARTER: So what's the point of this Premier's memorandum then?

KATE BOYD: It just provides guidelines, which is in the name of the document, for officials who are considering seeking ex gratia assistance.

The Hon. SUSAN CARTER: So your argument is that these are entirely discretionary guidelines which don't need to be met at all?

KATE BOYD: No, I think they're very useful for DCJ in assessing claims for ex gratia assistance.

The Hon. SUSAN CARTER: Except in this circumstance, where they clearly don't apply.

KATE BOYD: I have a different view about that, but I'll let you draw your own conclusions about that.

The Hon. SUSAN CARTER: Sorry, what is your different view, Ms Boyd?

KATE BOYD: I think this sort of situation is a novel one, but it certainly would appear to satisfy the policy intent of providing ex gratia legal assistance to public officials who, through no fault of their own—

The Hon. SUSAN CARTER: So we don't care about the detail of the policy; it's all a question of intent, is it? Is that how it works?

KATE BOYD: No, I think that, though we always try to achieve substance over form with these matters—and the administration of justice is a key part of the Attorney's portfolio—the power to give an ex gratia payment is highly discretionary for that reason.

The Hon. SUSAN CARTER: Who decided to seek external legal advice?

KATE BOYD: I think that decision was made—and I went into it earlier in the Premier's hearing, and the guidelines foreshadow this—that while it's often appropriate for the Crown Solicitor's Office to act for public officials, it is also open to people to have private representation where there might be a conflict of interest or where the Crown Solicitor doesn't have the necessary expertise depending on the subject matter.

The Hon. SUSAN CARTER: On how many occasions did the relevant staff members meet with the outside legal representation?

CORRECTED

KATE BOYD: I'm not at liberty to disclose that.

The Hon. SUSAN CARTER: Why not?

KATE BOYD: Well, (a) I don't know and (b) it's privileged.

The Hon. SUSAN CARTER: Why is the number of appointments with a legal professional privileged?

KATE BOYD: I think all communications between lawyers and their clients are generally subject—

The Hon. SUSAN CARTER: The content of that communication, Ms Boyd—not the fact of that communication, surely.

KATE BOYD: I won't get into a debate with you about legal professional privilege. I don't know how many times they met.

The Hon. SUSAN CARTER: Are you able to take that on notice?

KATE BOYD: I don't have that information available to me.

The Hon. SUSAN CARTER: Who would have that information?

KATE BOYD: The lawyer and their client.

The Hon. SUSAN CARTER: And what was the cost to the taxpayer, Ms Boyd?

KATE BOYD: I'd have to take that on notice.

The Hon. DAMIEN TUDEHOPE: I'm not picking on you, but what is a Cabinet document?

KATE BOYD: I'd just refer you to schedule 1 of the GIPA Act but, if you're asking in the context of Standing Order 52, I'd refer you to Egan and that line of cases.

The Hon. DAMIEN TUDEHOPE: The policy document which is referred to in a letter from SIRA, relating to Cabinet documents, which is contained in the manual at 2.3—they're not a schedule of Cabinet documents, are they; they're things that should go to Cabinet.

KATE BOYD: Yes. You're talking about the Cabinet Practice Manual?

The Hon. DAMIEN TUDEHOPE: Yes.

KATE BOYD: The manual just provides a list of matters that ought to go to Cabinet.

The Hon. DAMIEN TUDEHOPE: You would have been aware of the order for papers relating to the workers compensation inquiry and the amendments to the Act?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Part of that order related to presumptive cancers. You do recall that?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: That was in respect of firefighters. We received no documents relating to presumptive cancers. Can you shed some light on why that was the case?

KATE BOYD: I'm not familiar with the contents of all of the returns but, as you'll appreciate, significant policy reforms are required to go to Cabinet. So there would have been a range of materials that were not produced to the House, on the basis that they were Cabinet. But, beyond that, I couldn't go into detail.

The Hon. DAMIEN TUDEHOPE: But, within the Egan decisions, they hadn't been to Cabinet. So policy proposals wouldn't necessarily be caught by a Cabinet-in-confidence definition, would they?

KATE BOYD: Not always. It depends on the particular document and whether it tends to reveal the position that an individual Minister took on the matter in Cabinet. It can be difficult to make those assessments. The agencies that hold the documents are probably in the best position to—

The Hon. DAMIEN TUDEHOPE: No modelling, no policy variations, nothing produced in relation to presumptive cancers at all.

KATE BOYD: I can take that on notice and go back to the relevant agency and check whether they have supplementary or further documents. I appreciate there's been a further order that the House has made, and perhaps there'll be further materials produced in response to that.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Did you inquire as to why those documents hadn't been produced on the first occasion?

KATE BOYD: No. I'm not aware of any particular documents not being produced.

The Hon. DAMIEN TUDEHOPE: I just wonder what the process is. You probably think I should already know this, but is the process this: You would receive the list or at least an index of the list and provide some sort of advice or someone in your office, probably not you now, would provide some sort of advice about what is Cabinet in confidence and what is not?

KATE BOYD: We do if we're asked. But, as you will appreciate, we're talking about thousands and thousands of pages of material. We've already produced nearly 2,000 boxes to the House this year. It's not possible for my agency to audit or otherwise review all of that material. Usually, the way that it works is we perform a sort of function whereby the House only has to deal with one agency in government as to the status of returns. So really all we are is a sort of postbox for everyone to bring their returns back to us, and then we deliver them as a job lot to the House so that it eases the administrative burden for the Clerk and his team, he only has to deal with one agency to find out where things are at, but we don't take responsibility for the quality or content of those returns. Those are matters for the agencies and the Ministers that hold those documents, and they're really in the best position to assess the status of those documents as to their relevance or whether they're Cabinet. If they want to ask us for advice about whether a particular document is Cabinet, we can always provide that. But we don't assure every single document in relation to every return.

The Hon. DAMIEN TUDEHOPE: You will correct me if I'm wrong. It can't be the position that a document which is an advice for a decision of the Government is captured by a Cabinet-in-confidence definition.

KATE BOYD: No, it certainly can be the position if the document reveals the individual views of a Minister that were taken in Cabinet.

The Hon. DAMIEN TUDEHOPE: If it hasn't been to Cabinet, though—

KATE BOYD: It doesn't necessarily have to be an official record of Cabinet.

The Hon. DAMIEN TUDEHOPE: Government's considering a particular policy position about something which may never, ever reach the light of day. Because it is a policy position, it might fall within the 2.3 definition of documents that should go to Cabinet—those documents are not in their embryonic stages, are they, Cabinet documents?

KATE BOYD: It's a bit difficult to answer in the abstract, but perhaps, if you've got a question about a particular document, I'm more than happy to go back and have a look at that.

The Hon. DAMIEN TUDEHOPE: I'm putting to you a whole lacuna of documents, all missing—not a single email, not a single briefing note, nothing, no updates, no correspondence with anyone, nothing. Would you be surprised by that?

KATE BOYD: I think it depends. I'm not familiar with the terms of the order or the agency that you're talking about, so it's very difficult to answer that.

The Hon. DAMIEN TUDEHOPE: We're talking about SIRA.

KATE BOYD: I'm really not in a position to respond about that, but I'm more than happy to take it on notice and make inquiries as to whether or not there are more documents coming or whether there are plans to provide a supplementary return or whether there's been an oversight and something's been missed.

The Hon. DAMIEN TUDEHOPE: Let me frame it another way. If a document is provided for the purposes of informing policy—no decision yet—does that fall within Cabinet in confidence?

KATE BOYD: It's too hard to answer hypotheticals or in the abstract. I think a document is a Cabinet document for the purposes of a Standing Order 52 if it tends to reveal the position that a Minister took on the matter in Cabinet and therefore undermines collective ministerial responsibility. That's the principle.

The Hon. DAMIEN TUDEHOPE: I accept that. But, if it's merely working up a potential or variety of policy positions, potentially a policy position in relation to presumptive cancers, is that a Cabinet-in-confidence—if it is not for the purposes of providing advice for the taking of a decision in Cabinet?

KATE BOYD: I'm reluctant to answer hypotheticals, because I don't want to do that in this forum. But I think, if you have a specific query about—

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The Hon. DAMIEN TUDEHOPE: A witness to the workers compensation inquiry provided us with this advice: If it is provided for the purposes of policy, that is now a Cabinet document. That definition cannot possibly be right, can it?

KATE BOYD: I think, to be fair, it's very hard for public officials to grapple with the nuances of some of these legal principles. I think you would have to read that in the context of "policy that is discussed and decided by Cabinet". I think that's how I would interpret that statement.

The Hon. DAMIEN TUDEHOPE: So, to the best of your knowledge, there is no difference in approach in terms of treating what is a Cabinet document between this Government and the former Government.

KATE BOYD: No. That hasn't changed.

The Hon. DAMIEN TUDEHOPE: *Egan v Chadwick* hasn't changed.

KATE BOYD: No, it hasn't.

The Hon. DAMIEN TUDEHOPE: So the advice which you would be giving to agencies would be that *Egan v Chadwick* are the tests.

KATE BOYD: That's right.

The Hon. DAMIEN TUDEHOPE: In respect of the same sort of material, there is becoming a practice that documents are just never provided in accordance with the terms of their orders, in terms of timeliness.

KATE BOYD: I'm not sure I would agree with that. The sector takes serious effort to get as much returned as soon as we can. I would just say that the requests that the House makes are, in our view, quite extraordinary and unreasonable, and the demands on agencies to comply with these orders in the time that we are given, having regard to the very real risk of inadvertent disclosure of confidential information and the need to thoroughly review the documents to ensure that no personal information is produced, that other sensitive information is protected, is a huge burden. My observation is that all best efforts are taken to produce these documents in a timely way. I appreciate that they're not always done within the time that you would want them, but it is a significant effort, and a lot of time and cost goes into ensuring that we do a response.

The Hon. DAMIEN TUDEHOPE: Are steps taken to ensure that agencies comply with their obligations to comply with the order of the House, in relation to timeliness?

KATE BOYD: Absolutely. And where we have early advice back from agencies that they're going to struggle, we will always write to the House and try to exercise the mechanism for an amendment to vary the order, to delay or get a little bit more time. That's not always agreed to by members, and that's their prerogative. But, yes, it is really challenging. I would just say that the vast majority of people that deal with these orders are doing their very best to comply fully and within the time frame specified by the House.

The Hon. DAMIEN TUDEHOPE: Does the Premier's office comply with this in relation to timeliness?

KATE BOYD: That's a question for them, but all agencies take seriously their obligations to respond.

The Hon. DAMIEN TUDEHOPE: Consistently, Premiers have the fewest documents to produce. They are the worst in terms of producing their documents in a timely manner. Do you take responsibility for that?

KATE BOYD: I can't vouch for—I don't know whether that's true or not. I haven't done the analysis of who is late and who isn't. I would just say that responding to Standing Order 52s is not the only job of the Premier's office or the Premier's Department or The Cabinet Office. We have a lot on and the responsibilities of those entities are very broad, and so to the extent that that might explain some delay, I would just offer that. But I have not done that analysis as to whether they are late or not.

The Hon. DAMIEN TUDEHOPE: When did you decide the documents ordered by the Legislative Council from the Executive would become subject to the will of the Legislative Assembly?

KATE BOYD: No-one decided that. You're referring to the workers comp order, I assume?

The Hon. DAMIEN TUDEHOPE: Yes.

KATE BOYD: That is a really difficult situation for the public service to find themselves in. When you're in the middle of a dispute between the two Houses as to their exclusive cognisance, it's not a position that we want to be in.

The Hon. DAMIEN TUDEHOPE: Did you give that advice?

KATE BOYD: No, it was not—

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The Hon. DAMIEN TUDEHOPE: I don't remember you ever giving that advice to us.

KATE BOYD: I don't know that the issue arose, but it's a live issue. The Speaker made clear his concerns around the scope of that order. We, in an attempt to respond to it in a way that respects the powers of both Houses to govern their affairs and to be independent of each other, returned those documents to the Legislative Assembly.

The Hon. DAMIEN TUDEHOPE: Did the Speaker seek advice from you in relation to it?

KATE BOYD: No. It's not my role to advise the Speaker.

The Hon. DAMIEN TUDEHOPE: Where did he obtain his advice from? Are you aware?

KATE BOYD: No. You'd have to ask the Speaker that.

The Hon. DAMIEN TUDEHOPE: But in the history of SO 52, you'd be aware that, on numerous occasions, correspondence from Legislative Assembly members has been included in papers which are produced to the Legislative Council.

KATE BOYD: I can't recall if that's come up before.

The Hon. DAMIEN TUDEHOPE: It's been a regular event that correspondence between a Legislative Assembly member and a Minister relating to a particular matter—

KATE BOYD: I'd have to take that on notice and consider it, but certainly the Speaker's never raised the issue with us before. I think because there are a few of these types of issues arising, it's front of mind. In this case, it did come to a head. We did our best to comply.

The Hon. DAMIEN TUDEHOPE: I'll return to this in my next iteration.

The CHAIR: Earlier today you gave an answer in relation to the advice that was given from the Executive Council to the Governor not to agree to a request of the House to provide Ivan Milat's police and criminal records—you said because there were ongoing investigations.

KATE BOYD: I don't know—I may have misspoken. I think the reasons were that they related to criminal investigations. I'd have to go back and check whether the term "ongoing" was appropriate.

The CHAIR: Who did you consult with? Who does The Cabinet Office consult with? Do they consult with the police about that, or do they make a formal submission? How is that process?

KATE BOYD: I'll take it on notice, but my expectation would be that The Cabinet Office would consult with the New South Wales police as a whole, or the custodian of the records, as to the public interest in their disclosure.

The CHAIR: Sorry, could you say that again?

KATE BOYD: Yes. It would be my expectation that The Cabinet Office would consult with the police about that matter.

The CHAIR: Would they be required just to say, generally, there's an ongoing criminal investigation, or they relate to a criminal investigation, without describing what the criminal investigations were?

KATE BOYD: Yes, we would take their word for it. I don't think it would be our practice to delve too much into that, given the sensitive nature of the matters.

The CHAIR: How would his criminal record be caught by that? Just the statement of matters that were that he was charged with and convicted of, or charged with and not convicted—how would that be subject to criminal investigation?

KATE BOYD: I'm not sure whether that was part of the suite of documents that even fell within the order, and I am aware that the Department of Communities and Justice has made some documents available for inspection in relation to this matter.

The CHAIR: That was Corrective Services. I had to sign an NDA to seize prison records, but the SO 55 did seek his criminal records.

KATE BOYD: I can take that on notice and check.

The CHAIR: Why wouldn't those be provided to the House under privilege?

KATE BOYD: I think the view was taken that they fall within Standing Order 55. It's not a view that I— I haven't been involved in that decision-making, but the view was taken that the order itself relates to the

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administration of justice and therefore was done under Standing Order 55, not under Standing Order 52, which has the mechanism for personal information.

The CHAIR: So there's no mechanism under Standing Order 55 for us to receive privileged documents?

KATE BOYD: I don't think so.

The CHAIR: Who did do the decision-making?

KATE BOYD: The Governor obviously determined on the advice of the Minister not to provide the documents.

The CHAIR: Yes, but when you say "the Minister", like the police Minister on advice to the Executive Council, or is it someone within the Executive Council?

KATE BOYD: I think all matters are brought by the portfolio Minister to Executive Council, so I think in this case the responsible Minister was the Minister for Police and Counter-terrorism.

The Hon. MARK LATHAM: If I could come to Mr Draper in your capacity as one of the triumvirate on the Housing Delivery Authority. You attended that inaugural panel of the authority at its meeting on 7 February earlier this year. Is that right?

SIMON DRAPER: I believe I've attended all the meetings, except for one that took place in, I think, June.

The Hon. MARK LATHAM: That first meeting on 7 February, you reviewed 30 applications. Is that right?

SIMON DRAPER: I don't have the records in front of me, but that sounds about right.

The Hon. MARK LATHAM: And the biggest application you received at that very first meeting was Billbergia's expressions of interest 229650 for Leeds and Averill streets, Rhodes. Do you recall that one?

SIMON DRAPER: No. We've done over 200 that we've considered, or actually 200 that we've recommended. There are probably more than 400 that we've considered, so I don't remember that one in particular.

The Hon. MARK LATHAM: You don't remember approving that application?

SIMON DRAPER: I don't remember that individual application.

The Hon. MARK LATHAM: Were you aware at that meeting that the Billbergia expression of interest covered a block on Leeds Street and a block on Averill Street in Rhodes, including 15 Leeds Street, a privately owned block of land that was not a co-applicant with Billbergia and that Billbergia did not own or have an option over that land? Surely something as unusual as that would stick in your memory?

SIMON DRAPER: That doesn't stick in my memory but, as a general principle, where an applicant doesn't have tenure over the land, that would be a consideration we would obviously take into consideration.

The Hon. MARK LATHAM: Isn't there a guideline, that the Minister has confirmed to me, on the *Notice Paper* that requires a proponent to, "Demonstrate ownership or an option to purchase for all land to which the proposal applies before the Housing Delivery Authority"? You're aware of that guideline?

SIMON DRAPER: Yes, that's consistent with what I just said.

The Hon. MARK LATHAM: How did this one go through and how did you approve it, given that 15 Leeds Street was in private ownership, they had no idea Billbergia was making this application and, moreover, there are another two blocks of privately owned land that had nothing to do with Billbergia at 19 and 21 Leeds Street, again, where they were oblivious to this even happening.

SIMON DRAPER: I've already said to you that I don't remember this one out of over 400 that we've considered, but if you like I can take that on notice.

The Hon. MARK LATHAM: If you can, because it seems like it's starkly outside the guidelines for which you're responsible.

SIMON DRAPER: I don't know that what you're saying is right, but I'm more than happy to have a look at it.

The Hon. MARK LATHAM: You check it and you can come back, and you'll be assured that it is correct. I don't deal in falsehoods. What due diligence did the Housing Delivery Authority perform to verify each of the

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expression of interest claims about their hold over the ownership or an option over the land before you would proceed as an authority?

SIMON DRAPER: The way that we proceed is that the Department of Planning provides a service to the Housing Delivery Authority panel, which is two secretaries and the head of Infrastructure NSW. They undertake due diligence over the EOIs that come in and provide a report to the authority. The applicants are required to answer a number of questions about those types of matters. Where we have questions, they refer them back to the applicants to get greater clarity.

The Hon. MARK LATHAM: In the 400 you've dealt with, have you got any memory of ones where the applicant is acting on private land for which they've got no approval, ownership or option to include it in the development proposal?

SIMON DRAPER: Yes.

The Hon. MARK LATHAM: You have? And was Billbergia at Rhodes one of those?

SIMON DRAPER: There have been applicants who have made submissions—I remember this generally; I don't remember the specific applications. But there's certainly been applications I remember where the issue was raised that we couldn't be confident that the applicant had tenure over all the land that they were proposing to use for the application.

The Hon. MARK LATHAM: Can you go back and check what happened with Billbergia? And also the fact that one of the parcels of land they included in their application was owned by Canada Bay Council. Also another parcel of land was New South Wales Crown land at 2A Leeds Street.

SIMON DRAPER: Yes, we'll take that on notice.

The Hon. MARK LATHAM: How could you have approved an application that had five parcels of land for which the proponent had no ownership, no option and no consent?

SIMON DRAPER: I think I've responded to that already. I'll have to look at the details of that one. It's one of 400 that we've looked at. I don't know that what you're saying is right; you say it is. I'm happy to take that on its face value, but we'll answer the rest of it on notice.

The Hon. MARK LATHAM: But you're saying the department would have given you an assurance that Billbergia had some authority over the entire parcel of land for which they placed an application before your authority?

SIMON DRAPER: Generally speaking, the department provides a report on each application that refers to whether it meets the criteria of the HDA, and we operate off that information.

The Hon. MARK LATHAM: Mr Draper, are you aware that on 16 July this year two independent owners of 15, 19 and 21 Leeds Street wrote to the department after learning only from online media that five months earlier their land had been swept into a State significant development you'd recommended and the Minister had assented to? Are you aware of that correspondence where they're basically saying how could this have happened to them?

SIMON DRAPER: I don't know that I am familiar with that correspondence. What date was it, sorry?

The Hon. MARK LATHAM: 16 July this year.

SIMON DRAPER: 16 July? No, I don't recall it.

The Hon. MARK LATHAM: Some five months after you approved the—

SIMON DRAPER: Are you referring to the same blocks of land that you referred to—

The Hon. MARK LATHAM: Yes, this is all about Billbergia at Rhodes. What statutory or policy notification steps under the EP&A Act and your HDA guidelines or any ministerial direction were actually complied with before you advised the Minister to call it in a State significant development on 18 February?

SIMON DRAPER: I'm going to have to take that on notice as well. You've asked me for a lot of information about a very specific application. I don't recall the details of it.

The Hon. MARK LATHAM: Can you understand the distress that the owners of this land have? They believe they're at a disadvantage in any future negotiations since the planning outcome appeared to them predetermined? Effectively for them, they've got to sell or miss out on development as it's played out.

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SIMON DRAPER: Well, the planning outcome is not predetermined because what the HDA does is refer or recommend or not recommend to the Minister for Planning and Public Spaces that he declare a development State significant for assessment under that process. If we make that recommendation and he decides to make that declaration, it then goes through a whole merit assessment process, so all of that will be washed up in the merit assessment process for the application in any case.

The Hon. MARK LATHAM: That's not an excuse, is it?

SIMON DRAPER: Well, it's not an excuse. It's an answer to your question.

Dr AMANDA COHN: I think my question is for Mr Draper. I've got some questions about the interim offer for pay and conditions that's been made to nurses and midwives. First of all, what's your understanding of how that offer impacts the current claim that's before the Industrial Relations Commission?

SIMON DRAPER: I'll get Ms Dobbins to help me, but I don't believe it does impact that. It's an offer that's confined to a certain number of the claims made by the nurses and midwives. Is that correct?

SAMARA DOBBINS: It has a very limited impact on the arbitration. It does slightly narrow the arbitration because the commission will now not have to—well, it hasn't been accepted by the Nurses and Midwives' Association is my understanding. But if it were, the commission would not need to deal with that year of pay. Also it addresses the part of the case in relation to the penalty rates. But the balance of the case will be heard in arbitration later this year.

Dr AMANDA COHN: To clarify my understanding, if the association accepted the 20 per cent night duty, that would prevent them from pursuing a higher claim through the Industrial Relations Commission?

SAMARA DOBBINS: Yes, it's to settle that portion of the claim.

Dr AMANDA COHN: Did that interim offer originate from your office?

SAMARA DOBBINS: From the Premier's Department? No. We work with the Department of Health and we provide advice and support to them. But no, we don't negotiate on behalf of the employer.

Dr AMANDA COHN: Did the interim offer originate from NSW Health—from the Ministry of Health?

SAMARA DOBBINS: I wasn't involved in the inception of it, but I imagine so. You'd need to ask the Minister for Health.

Dr AMANDA COHN: That limitation created by the offer, in terms of the ability of the association to negotiate further through the IRC—in your view is that in keeping with the Fair Pay and Bargaining Policy that was released in March?

SAMARA DOBBINS: Yes, I believe so. Under the policy, it's an interest area that was identified. I believe it was subject to discussions between the association and Health. As we say, the association hasn't accepted the offer yet, but they would only accept it on the basis that it were in settlement of that part of the claim. Under the Fair Pay and Bargaining Policy, it has service improvements and productivity attached to it, so it would be a meeting in the middle, I guess, of what the nurses want and what the department's willing to offer, and that is completely compliant with the policy.

Ms ABIGAIL BOYD: Does that then create an interim award or is it effectively just a pay increase?

SAMARA DOBBINS: That's a very good question, Ms Boyd. I'm not sure how the increase would be passed on, whether it's a determination of the Secretary of Health or whether it would be an agreed update to the current award. I'd have to take that on notice.

Ms ABIGAIL BOYD: Presumably if it's requiring a vote, then it is an interim award.

SAMARA DOBBINS: An award, yes.

Ms ABIGAIL BOYD: So it creates a new instrument?

SAMARA DOBBINS: I imagine that they would agree to amend the award in that regard.

Ms ABIGAIL BOYD: Right, okay. Sorry, just one final question before we go to my colleague. Did that interim offer then require ERC approval?

SAMARA DOBBINS: Yes, it did.

Ms SUE HIGGINSON: Can I just ask—and I'm not sure who, perhaps you, Mr Draper—have you looked at the Jumbunna independent review of Closing the Gap? It was the independent Aboriginal and Torres Strait

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Islander-led review of the Closing the Gap target and the targets achieved. Has anyone in the Premier's Department had a look at that? It was released in June.

SIMON DRAPER: Jimbana or Jumbunna?

Ms SUE HIGGINSON: Jumbunna, the institution housed in the University of Sydney. Sorry, I just assumed that you would have—

SIMON DRAPER: It hasn't come across my desk—but I'm sure the Office of Aboriginal Affairs which sits within the Premier's Department may be able to help me provide you an answer on that.

Ms SUE HIGGINSON: If you could just take on—sorry, it's University of Technology Sydney, not University of Sydney. Apologies to the amazing people at Jumbunna. It's a really important review about how to actually do the work that's not being done to close the gap and the targets. One of the recommendations is that the Premier's Department and NSW CAPO members build the genuine partnerships by agreeing on shared decision-making methods such as governance, charter and collaboration tools, and developing evidence-based sustainable funding models and so on.

SIMON DRAPER: That's very similar to the Auditor-General's own recommendation, so, yes, we're certainly acting on that.

Ms SUE HIGGINSON: The reason I was raising it today is yesterday in budget estimates when I was questioning the secretary, Mr Tidball, and we were looking at some of the significant barriers to improving the out-of-home care system for First Nations children and young people, it was highlighted in big flashing lights that the biggest problem for being able to have proper co-design is the Cabinet process—co-design in systems, funding arrangements, resourcing and the operations of Aboriginal controlled organisations to deliver the out-of-home care services and systems, that we know what they look like and what they need. It was identified really clearly that the Cabinet process is the problem and the barrier.

SIMON DRAPER: Who identified that?

Ms SUE HIGGINSON: Mr O'Reilly, who is driving the reform. I don't want to put words in her mouth, but I think Ms Jarrett. There was kind of fierce agreement that this is just a given. I'm sure there's work happening in the Premier's Department, but is it work that is happening—it's clearly significant that's the barrier. The denial of self-determination of the Aboriginal peaks to drive one of the most important systems for the most vulnerable young people in New South Wales—this is the barrier. I just assumed that this work was happening.

SIMON DRAPER: No, it is. Ms Boyd might want to talk about this a bit more as well. It is definitely—what we're trying to do is mesh together a Westminster system of government, including the Cabinet process, with shared decision-making with Aboriginal people—in this case, the Coalition of Aboriginal Peak Organisations. Over the last year, and even before the Auditor-General's report came out, we grappled with that. The way that we've changed our arrangements is we've got some sector committees. We do that jointly with CAPO so we've got a more defined structure for how those different sectors, including Families and Communities, work.

When it comes to Closing the Gap—for example, funding arrangements—the proposals that we considered as part of the State budget this year, that was done jointly with the Coalition of Aboriginal Peak Organisations. The Government brought proposals to the floor, CAPO brought proposals to the floor and different organisations who are constituents of CAPO. It was jointly decided which of those should be prioritised and what the prioritisation criteria were for those funding arrangements. There's a joint council that oversees all of those arrangements, including Ministers and CAPO. I'd say that process has improved, even over the last eight or nine months. It was a much better process this year.

But I don't disagree that trying to mesh those—the Westminster system of government with a commitment to shared decision-making—takes a fair bit of work. From time to time, it's the case that, while we're trying to share information and share decision-making, some items that are going to Cabinet, for the reasons I'm sure Ms Boyd will talk about, we can't just hand over to anybody, because we've got to respect the role and the rights of Ministers to conduct themselves with their responsibilities.

KATE BOYD: We're always innovating and looking at new ways to, as Simon said, mesh the concepts of shared decision-making with Westminster principles of ministerial accountability. A good example of that was this year in the budget process, in terms of the work that was done across government with CAPO to bring a shared set of proposals to Government for consideration as part of the budget process. That decision around prioritisation will always have to happen as part of a Cabinet process. It's essential to our system of government that Ministers are accountable for the expenditure of public money and need to be responsible for those decisions. But there is a vast amount of work we can do in forming those proposals with our Aboriginal partners to ensure

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that there is autonomy, shared decision-making and self-determination around that. We're deeply committed to it and, I would say, always evolving and trying to innovate around those core Westminster principles.

Ms SUE HIGGINSON: And will you commit to looking at the Jumbunna report?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Within 30 seconds, I can bring up a SO 52 which disclosed—

KATE BOYD: Go for it.

The Hon. DAMIEN TUDEHOPE: —multiple amounts of correspondence between Ministers and ministerial officers relating to the subject matter of the SO 52; but let's just move on. Have you provided any advice in relation to the ministerial code of conduct and whether it would be appropriate for Ministers to use their ministerial entitlements to travel to the Kiama electorate for the purpose of electioneering?

KATE BOYD: No.

The Hon. DAMIEN TUDEHOPE: Would it be appropriate to use their ministerial drivers, for example, to take them down to Kiama for the purposes of electioneering?

KATE BOYD: It's hard to answer that question in the abstract, but what I would say is that there is an inevitable sort of fusion of ministerial and parliamentary duties. Ministers are always members. I think our system recognises that parliamentary and party duties are an inevitable part of being a Minister, so there is often overlap.

The Hon. DAMIEN TUDEHOPE: But where it's just blatant campaigning—handing out leaflets. If they travel down and use their ministerial driver to take them to Kiama—

KATE BOYD: I'd prefer not to express blanket opinions about hypothetical scenarios in this forum.

The Hon. DAMIEN TUDEHOPE: That's not hypothetical; that's real.

KATE BOYD: All I would say is that you would need to assess the specific situation and just be satisfied that the travel was part of the Minister's duties, I think. That can, of course—

The CHAIR: To be fair to Ms Boyd, Mr Tudehope, if it is real, what is the example?

The Hon. DAMIEN TUDEHOPE: If the Government is making announcements for the Kiama by-election in terms of policy proposals for Kiama, is it appropriate to use ministerial letterhead?

KATE BOYD: If they're Government announcements, I think that's well established that Ministers are able to make those announcements, even in the context of a by-election. It's Government policy. I'm not sure there's anything untoward about that.

The Hon. DAMIEN TUDEHOPE: If it hasn't been to Cabinet and is not a Cabinet decision, but it is merely for the purposes of electioneering—

KATE BOYD: I'm not sure I can speak to that.

The CHAIR: Mr Tudehope, we can't invite witnesses to give evidence on hypotheticals. We've got to have something substantive.

The Hon. DAMIEN TUDEHOPE: I can hand the witness three media releases. "Kiama deserves a strong local voice in government"—that's a ministerial release. Does that look like a ministerial responsibility?

KATE BOYD: If it refers to Government commitments and expenditure, I think that's a common—

The Hon. DAMIEN TUDEHOPE: "Kiama deserves a strong local voice in government."

KATE BOYD: I don't think it's my role to give advice to the Committee about specific media releases. But what I will say is that it's well established that Ministers are also members. They are members of political parties. Those political party activities are an inherent part of their role, so there is some overlap between them. Provided that the resources are used to fulfil the Minister's broad duties, then there can be no issue. I will just leave it at that, I think.

The Hon. DAMIEN TUDEHOPE: What about ministerial staffers being involved in campaigning in Kiama? Is that appropriate?

KATE BOYD: I don't know that that's occurred, and I would not want to make broad statements about that in this forum.

The Hon. DAMIEN TUDEHOPE: But as a matter of principle, is it something which is acceptable?

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KATE BOYD: Ministerial staff are employed to support the Minister with their functions. As I've said, their functions are very broad and involve travel, and the making of announcements in a broad range of contexts.

The Hon. DAMIEN TUDEHOPE: But they're not to be engaged in party political campaigning, are they?

KATE BOYD: No, they're not required to be politically neutral as the public service is. It's recognised that ministerial staff will be engaged in political advice and matters. I don't think I'd say that.

The Hon. DAMIEN TUDEHOPE: I must say that varies with my understanding of the ministerial code of conduct, Ms Boyd.

KATE BOYD: I'm happy to disagree.

The Hon. DAMIEN TUDEHOPE: But I'm sure that you're more versed in it than me. Mr Draper, you heard the evidence this morning about the Local Small Commitments Allocation, didn't you?

SIMON DRAPER: In the session that I was in?

The Hon. DAMIEN TUDEHOPE: Yes.

SIMON DRAPER: Yes.

The Hon. DAMIEN TUDEHOPE: There was a suggestion that there is now a document of all truth relating to what the actual commitments which were made by Labor candidates for the purposes of the Local Small Commitments Allocation. Did you hear that suggestion?

SIMON DRAPER: I heard that assertion, yes.

The Hon. DAMIEN TUDEHOPE: That the primary document, which outlined all the commitments which had been made by their Labor candidates, was available and that's now come to the attention of the Committee examining those. It appears that that document, in terms of what has subsequently been, for example, submitted to Ms Meagher in assessing those applications, was altered. Would you have approved of that alteration of the original document?

SIMON DRAPER: That's a pretty complicated question because it's not our document. It's not for the public service or myself or Ms Meagher or any of our staff to try and determine what the Labor Party election commitments were. That's a matter for the Labor Party and their candidates to provide to us.

The Hon. DAMIEN TUDEHOPE: Hang on, there is a set of guidelines in place for the approval of these grants.

SIMON DRAPER: Yes, that's a different question.

The Hon. DAMIEN TUDEHOPE: But there are a set of guidelines and you and Ms Meagher would have to satisfy yourselves that these grants were being made in accordance with those guidelines. Is that not the case?

SIMON DRAPER: We wrote the guidelines after the election, obviously, to administer those grants. I think the section of those guidelines you are referring to in the eligibility section refers to the fact that they should have been election commitments.

The Hon. DAMIEN TUDEHOPE: There is a document which sets out whether a particular election commitment had been made.

SIMON DRAPER: I haven't seen that document, but I did hear the evidence this morning—not the evidence, sorry, the comments that were made by the Opposition this morning, yes.

The Hon. DAMIEN TUDEHOPE: If that had been changed in circumstances where it appears that they weren't election commitments, that would be a breach of the guidelines. Would you accept that?

SIMON DRAPER: First of all, that's an assertion that you are making. That's not something that I can confirm. I haven't examined that question.

The Hon. DAMIEN TUDEHOPE: If it happened, would it be a breach of the guidelines?

SIMON DRAPER: The guidelines provide that one of the eligibility elements is that the—the guidelines provide for a whole lot of probity and integrity issues. One of the very many of those is that the project—I think it uses the term project—should have been an election commitment made before March 2023.

CORRECTED

The Hon. DAMIEN TUDEHOPE: If they were changed to reflect a commitment which was made after that date, that would be a breach of the guidelines.

SIMON DRAPER: That's a little bit hypothetical. I don't know that that was the case.

The Hon. MARK LATHAM: Point of order: The witness has been asked this three times. He is deliberately seeking to avoid a direct answer. It's not a hypothetical.

SIMON DRAPER: It is a hypothetical, Mr Latham.

The Hon. MARK LATHAM: It's a situation according to the guidelines.

The CHAIR: Order!

The Hon. EMILY SUVAAL: To the point of order—

SIMON DRAPER: The question was couched to me, "If this happened, what about"—

The Hon. MARK LATHAM: The witness is taking this Committee to be fools.

The CHAIR: Order! Ms Suvaal?

The Hon. MARK LATHAM: I didn't get to finish my point of order before the witness interrupted me. The witness three times now has refused to answer the direct question as to what he knows about the guidelines.

SIMON DRAPER: No, I didn't. That's not true.

The Hon. MARK LATHAM: No witness should be allowed to treat this Committee with such contempt.

The CHAIR: Order! That's not a point of order.

The Hon. MARK LATHAM: Yes, it is. He won't answer.

The CHAIR: No, it's not. It's not a point of order at all. The witness was being relevant.

The Hon. MARK LATHAM: He is politically prejudiced. He is a political agent.

The CHAIR: Order! The witness was being relevant. He was responding to a hypothetical because the question asked "if the". The witness was doing his best to respond and can respond the way he sees fit.

The Hon. EMILY SUVAAL: To the point of order: There have now been a series of hypothetical questions from the Hon. Damien Tudehope. I perhaps encourage him to deal in actual realities and examples and case studies that the witnesses might be better able to answer as opposed to hypothetical questions.

The Hon. DAMIEN TUDEHOPE: The witness was here this morning.

The CHAIR: I don't uphold the point of order.

SIMON DRAPER: I am trying to answer your question as directly as I can. Contrary to the assertions of Mr Latham, I am answering your question as honestly and directly as I can.

The Hon. DAMIEN TUDEHOPE: It is not one of the guidelines that the project finally approved is meritorious. It may be objectively meritorious. It may be a refurbishment of a war memorial and, on its face, objectively meritorious, but that's not the point.

SIMON DRAPER: That is one of the requirements. Certainly, there is a whole series of criteria that it's evaluated against: the merit of the program and whether it was something that was additional to what was already going to be planned to do. There is a number of criteria in the guidelines.

The Hon. DAMIEN TUDEHOPE: But the primary criteria is that it was an election commitment.

SIMON DRAPER: That's not the primary criteria; it's one of the eligibility criteria.

The Hon. DAMIEN TUDEHOPE: What were the other eligibility criteria?

SIMON DRAPER: I can grab the guidelines.

The Hon. MARK LATHAM: This will be good.

The Hon. DAMIEN TUDEHOPE: Do you want to take that on notice?

SIMON DRAPER: If it saves the Committee time. I do have the guidelines with me somewhere here.

The Hon. DAMIEN TUDEHOPE: Ms Meagher, when you actually were assessing these grants, you were assessing them on the basis that they were election commitments made before 23 March, were you not?

CORRECTED

KATE MEAGHER: That's correct.

The Hon. DAMIEN TUDEHOPE: If you had documents submitted to you which purported to be election commitments made before that date which weren't made before that date, you were being misled, were you not?

KATE MEAGHER: I couldn't comment. I haven't seen the documents you are referring to, so I can't comment.

The Hon. DAMIEN TUDEHOPE: Just answer my question. If you were asked to approve a project which was not an election commitment and which represented itself as having been an election commitment, you were being misled, weren't you?

The CHAIR: Order! That is, again—

The Hon. DAMIEN TUDEHOPE: That is not hypothetical.

The CHAIR: Yes, it is. You said, "If that happened". You are not giving the example of a particular case. You are saying generally "if this happened", which is a hypothetical and which is out of order.

The Hon. DAMIEN TUDEHOPE: Can you provide a hypothetical answer to that question?

KATE MEAGHER: I can't provide a hypothetical answer to that question, I'm afraid.

The Hon. DAMIEN TUDEHOPE: You weren't being misled?

SIMON DRAPER: Mr Tudehope, I've got the guidelines document in front of me. The eligibility criteria includes:

A nominated organisation invited to submit a project identified as an election commitment prior to the 25 March 2023 election.

A Not-for-profit organisation, agency or group including but not limited to:

I won't go through the full list, but they are basically not-for-profit organisations. It continues:

A government related organisation including:

- NSW Government Agency
- Local Council
- Joint Organisation ...

All projects must have been nominated, have commenced after the election and be delivered in an electorate from which the funding was allocated, and then there is all the standard criteria about the merit of the expenditure itself.

The Hon. DAMIEN TUDEHOPE: I am going to go back to Ms Meagher. In the Wollondilly electorate—and we heard this specific example in the evidence given this morning—there was a single commitment for \$400,000 for parks and playgrounds. If that was changed to a post-election series of commitments for different projects, you would have been misled, would you not?

KATE MEAGHER: It's really hard to judge without having seen the documentation. We don't know if individual projects were sitting with a campaign or a candidate prior—

The Hon. DAMIEN TUDEHOPE: But you would have had to assess that.

KATE MEAGHER: What I was about to say, sorry, is that the \$400,000 for the purposes of pulling together the spreadsheets was the election commitment per electorate. As I said, I have not seen the documents that you are referring to. The document I have seen is the master list from 28 July. It's difficult for me to be able to tell you whether that was just a lag in terms of filling in the detail or whether it was something else. I honestly cannot comment on that because I don't know if it was just, as I say, a lag gathering the information. I wasn't involved in those conversations.

The Hon. DAMIEN TUDEHOPE: The document provided to the inquiry is different than the one that you were working on provided by Alison Morgan in July.

KATE MEAGHER: I think Ms Morgan's evidence to previous inquiries has been that she was working with the Premier's office and waiting on details to confirm projects.

The Hon. DAMIEN TUDEHOPE: You just called it the master list.

KATE MEAGHER: The 28 July list. That's correct.

The Hon. DAMIEN TUDEHOPE: The 28 July list. If the one which is the true list of the election commitments was made, you were working on a wrong assumption.

CORRECTED

KATE MEAGHER: What I'm trying to say is that I don't know if there is an earlier true list. What I'm trying to say is that our understanding and the evidence I have heard that Ms Morgan has given—because she was intimately involved in this—was that she was waiting for details. For example, we didn't have contact details for the community organisations for whom we had to liaise to then commence the assessment. I'm not trying to overcomplicate things but, as I say, there was an iterative process in terms of providing that information back to the program office to allow us to start assessing. That's all the information I can provide the Committee because I haven't seen the list that you are calling—what did you call it?

The Hon. MARK LATHAM: The true list.

SIMON DRAPER: I think Ms Meagher used the phrase "iterative". I think, for our staff, including Ms Meagher and Ms Morgan and others, we're increasingly getting information we can rely on. It wasn't all available when the work started. We don't even know if it was all available to the Premier's Office, who was our source of information. They were collecting information after an election across the State. I don't think it's at all surprising that there would be a process of firming up what the contents of those election commitments that were eligible for the grants would be. That doesn't seem that surprising to me.

The Hon. DAMIEN TUDEHOPE: But if there were material differences in what was nominated as the Labor election commitments, wouldn't that give rise to a circumstance where you were being misled in respect of what were Labor election commitments in terms of approving those projects?

SIMON DRAPER: I hate to use this term but that's a bit hypothetical. "If this happened, would you have been misled?"

The CHAIR: While not covering this Committee completely, the rules for questions under Standing Order 65 from the House say that they should not deal with hypothetical matters and officers at these committees should only be giving evidence of a factual nature and any other matter should be referred to the Minister. That is the guidance I'm operating under—Standing Order 65, which guides us, and also the LC practice, page 805.

The Hon. SUSAN CARTER: To the point of order—

The CHAIR: It wasn't a point of order. I was just informing the Committee of how I'm proceeding.

The Hon. DAMIEN TUDEHOPE: Thanks very much. This wasn't a document which was just missing contact details. Different projects would indicate to you that there is a material difference between the first list and the second list.

KATE MEAGHER: What I'm saying is, whether it's contact details that are being updated or if it's projects—

The Hon. DAMIEN TUDEHOPE: It is not missing contact details. It is different projects.

KATE MEAGHER: I know. I understand that. But what I'm trying to say is I can't tell you whether that's the case—that they are being added later or if it's just being updated, because I haven't seen it. I wasn't involved in that process.

The Hon. DAMIEN TUDEHOPE: But on the face of it, if they're different projects, they've been altered.

KATE MEAGHER: I don't necessarily accept that. I mean, I can't necessarily comment on that.

The Hon. DAMIEN TUDEHOPE: Do you use communication applications like Signal or WhatsApp?

KATE MEAGHER: Yes.

The Hon. DAMIEN TUDEHOPE: With other people in your department?

KATE MEAGHER: I have for some time. We use them for things like trade missions. That's when we sort of started using channels like that. But, yes, we do. As an authorised—

The Hon. DAMIEN TUDEHOPE: Do you preserve the records relating to those WhatsApp messages?

KATE MEAGHER: Where I'm required to preserve a record, yes, I would.

The Hon. DAMIEN TUDEHOPE: How do you do that?

KATE MEAGHER: Generally speaking, if it's ephemeral, no, I wouldn't. As per Ms Boyd's evidence this morning, I wouldn't record it. But if a decision is taken over a channel like that, then it would be captured via email most likely. But, generally speaking, messaging apps like that aren't used in my experience.

The Hon. DAMIEN TUDEHOPE: Do you have disappearing messages on your—

CORRECTED

KATE MEAGHER: Yes, I do in some instances.

The Hon. DAMIEN TUDEHOPE: Are you able to provide a list of those groups that you have disappearing messages in relation to?

KATE MEAGHER: I can take it on notice.

The Hon. DAMIEN TUDEHOPE: Mr Draper, do you use the same sort of apps in communicating with your staff?

SIMON DRAPER: I'm not as versatile as many people in using the apps, but I do have WhatsApp and I use Signal as well, yes. And I use text messages.

The Hon. DAMIEN TUDEHOPE: Do you use disappearing messages?

SIMON DRAPER: I wouldn't even know how to set that up myself. But some people—they set up a group and they've set them up with disappearing messages.

The Hon. MARK LATHAM: Mr Draper, you said that you've dealt with and approved 400 of these applications through the Housing—

SIMON DRAPER: Not approved but I'm estimating—I think we've done over—

The Hon. MARK LATHAM: You've recommended them for State significant development, yes?

SIMON DRAPER: No, we've considered over 400. We haven't recommended all of those.

The Hon. MARK LATHAM: How many have you recommended?

SIMON DRAPER: The last number I was relying on was 187. But we've had a meeting since that number. So there are probably another 20 or 30, I suppose.

The Hon. MARK LATHAM: Over 200?

SIMON DRAPER: I think so.

The Hon. MARK LATHAM: How many of those over 200 have you found out retrospectively that the proponent didn't have authority over the land for which they were placing their application?

SIMON DRAPER: None.

The Hon. MARK LATHAM: You're not aware of this Billbergia example?

SIMON DRAPER: I'm taking your word for it and I've said I'll take that on notice and come back to you on that one.

The Hon. MARK LATHAM: Do you take the Minister's word for it—that he had to amend the State significant development declaration for this Billbergia project with Ministerial Order No. 11 of 2005 on 23 July this year, five months after the fact?

SIMON DRAPER: I can't take the Minister's word for it because he's not here to give me his word, but I'm sure he's done something and he's done it in the right way.

The Hon. MARK LATHAM: Was this notified back to your authority?

SIMON DRAPER: It doesn't need to be notified. We make recommendations to the Minister. The Minister then makes declarations. It's a matter for him then what declarations he makes. Once it leaves our consideration, it's entirely up to the Minister to make declarations.

The Hon. MARK LATHAM: So you're telling me the process here is that Billbergia put in an application, including five parcels of land for which they had no authority—three private, two public. Somehow the department of planning must have taken the say-so of the proponent that they did have authority, it's found out to be false, and the Minister has to retrospectively amend the State significant development declaration—obviously to the public embarrassment of your authority—but no-one comes back to tell you?

SIMON DRAPER: No, I'm not saying that.

The Hon. MARK LATHAM: What are you saying?

SIMON DRAPER: I'm not saying anything. I'm just listening to you ask questions and trying to answer them.

CORRECTED

The Hon. MARK LATHAM: Given that this State significant development declaration was amended based on false pretences and clearly some sort of error that was made in your authority passing it through, has anyone come back to you and told you this was a major error?

SIMON DRAPER: No, I don't believe so.

The Hon. MARK LATHAM: Do you think that's a problem in the process here?

SIMON DRAPER: No, because—I was away for quite an extended period around that time and it may have been discussed by those that were around at the time, but I wasn't there.

The Hon. MARK LATHAM: You're one of three on this housing development authority, you're the head of the Premier's Department, and you've got no knowledge of a circumstance where a major developer at Rhodes, Billbergia, has lodged an application falsely, through the process and without the authority, over five parcels of land, and the Minister has had to retrospectively amend the State significant development declaration. You've got no knowledge of that?

SIMON DRAPER: It hasn't come back through—

The Hon. MARK LATHAM: What sort of job do you do?

SIMON DRAPER: It hasn't come back for further consideration at the Housing Delivery Authority.

The Hon. MARK LATHAM: It's just unbelievable, isn't it?

The CHAIR: Order!

The Hon. MARK LATHAM: It's unbelievable.

The CHAIR: Mr Latham, I will call you to order for the first time. You are to treat the witnesses with respect and civility at all times. You're not doing that, so I'll call you to order for the first time. Secondly, you are making imputations against people, third parties, who aren't here.

The Hon. MARK LATHAM: Who?

The CHAIR: Mr Bergia. We don't know what—

The Hon. MARK LATHAM: It's not Mr Bergia; it's a development company called Billbergia, you clown.

The CHAIR: Well you haven't made that clear. Billbergia?

The Hon. MARK LATHAM: Yes, I have. It's their name.

The CHAIR: Billbergia sounds like a person.

The Hon. MARK LATHAM: Only for a fool.

The CHAIR: Order! I call the Hon. Mark Latham to order for the second time.

The Hon. MARK LATHAM: What a joke. Bill Bergia! Mr Draper, you've got no knowledge of this happening at all?

SIMON DRAPER: You keep asking the same question; I'm going to keep giving you the same answer.

The Hon. MARK LATHAM: You've got no knowledge of it?

SIMON DRAPER: It hasn't come back for reconsideration at the Housing Delivery Authority.

The Hon. MARK LATHAM: No, the Minister retrospectively had to amend the State significant development—

SIMON DRAPER: The Minister can act on the advice of his department separately. He doesn't rely on me or the Housing Delivery Authority to make such changes. He's got a department that advises him. There may be information that he's had available that wasn't available to us. I'm sure he's acted properly on that information.

The Hon. MARK LATHAM: Does this point to a faulty process that this could ever be allowed to happen?

SIMON DRAPER: No.

The Hon. MARK LATHAM: You're quite comfortable with this getting through the system?

CORRECTED

SIMON DRAPER: It hasn't got through the system by the sound of it. If I take everything you say as accurate then it hasn't got through the system

The Hon. MARK LATHAM: It got through your system. How could it be legal to retrospectively alter the State significant development declaration without starting the process again?

SIMON DRAPER: The Minister takes advice. He can make declarations on State significant developments.

The Hon. MARK LATHAM: You regard it as legal, do you?

SIMON DRAPER: I'm sure that the Minister acted with all good advice from the department, including legal advice on his powers under the Act.

The Hon. MARK LATHAM: Have you seen that legal advice?

SIMON DRAPER: I don't need to see it; I'm not the adviser to the planning Minister.

The Hon. MARK LATHAM: You just know nothing about it, do you?

The CHAIR: Order!

The Hon. MARK LATHAM: That's a question.

The Hon. EMILY SUVAAL: Point of order—

The Hon. MARK LATHAM: Why is that not a question?

The CHAIR: Because that is not the evidence we've heard and you're casting aspersions on Mr Draper.

The Hon. MARK LATHAM: He's saying he knows—

The CHAIR: Order!

The Hon. MARK LATHAM: He says he knows nothing about it.

The CHAIR: No, that's not what he said at all. What is the point of order, Ms Suvaal?

The Hon. EMILY SUVAAL: The Hon. Mark Latham has made a series of unsubstantiated claims that he has put towards Mr Draper and then basically tried to impugn his reputation. I'd ask you to call him to order again, for the third time, because he's just continuing to flout your previous rulings—

The Hon. MARK LATHAM: To the point of order—

The Hon. EMILY SUVAAL: —around adverse mention.

The CHAIR: Order!

The Hon. EMILY SUVAAL: Separately, I'd ask you to ask him to withdraw remarks that he made reflecting on a member of this Committee.

The Hon. MARK LATHAM: To the point of order: Emily Suvaal has no knowledge of whether this is substantiated or not.

The CHAIR: Order! It is the Hon. Emily Suvaal.

The Hon. MARK LATHAM: I am referring to a legal instrument of the State Government, State significant development declaration Ministerial Order No. 11 of 2025. There's nothing unsubstantiated about this. This is real.

The CHAIR: Order! That's irrelevant. The point of order is as to how you are conducting yourself and how you are treating the witnesses. It's already been a matter I've had to rule on and call you to order three times. I won't uphold the point of order but remind you that if you are called to order for a third time then we will move into a deliberative to consider ejecting you from this hearing. You are warned, Mr Latham.

The Hon. MARK LATHAM: Yes. Mr Draper, on 18 February, when you recommended Billbergia—that's a development company called Billbergia—to the Housing Development Authority in Leeds and Averill streets, were you aware of the official Rhodes Place Strategy, finalised by the department of planning in September 2021, that locked into law in October 2021 planning rules dividing Rhodes East into four sub-precinct characters separately under their own high-density and public benefit test? Was that placed before you?

SIMON DRAPER: I've already given you evidence that I can't remember the details of all 400 applications that we've considered. But I do recall having conversations. I'm not sure if it was on that date or

CORRECTED

in relation to another application, but I certainly had conversations about the instruments governing the Rhodes development.

The Hon. MARK LATHAM: Is it true that at your inaugural meeting you reviewed 30 applications in the space of two hours, giving four minutes to each, on average?

SIMON DRAPER: We don't just give them that. We spend a lot of time before those meetings reading all the details. It's like any meeting. You don't come into a meeting having never looked at it before. We probably spend at least two or three times that amount before we come to the meeting, reading through all the papers.

The Hon. MARK LATHAM: How many times have you asked the planning department, "Are we certain that the applicant has got authority over all the land which they're seeking to develop"?

SIMON DRAPER: We ask a lot of questions of the officials who prepare the recommendations. Sometimes we have to defer matters to ask them to go back to applicants and get more information. That happens quite frequently, probably almost every meeting. I can't remember the specific questions we've asked them, but we ask them a lot of questions.

The Hon. MARK LATHAM: Did you ask any questions about this Billbergia development?

SIMON DRAPER: I've told you the fact that I don't remember—going back over 400 applications considered in February, I don't remember the details of that one.

The Hon. MARK LATHAM: No-one has ever informed you of the problems I've identified today, other than hearing it from me?

SIMON DRAPER: No, and I think I told you, on the dates you were referring to earlier, that I wasn't even in Australia at the time when that came to light.

The Hon. MARK LATHAM: Would you expect, when you came back to Australia, they'd tell you that there had been a major problem with this huge development at Rhodes that effectively had to be retrospectively amended and restored by the Minister?

SIMON DRAPER: No, not necessarily, because it's not something that requires any administration or decisions by the Housing Delivery Authority.

The Hon. MARK LATHAM: Can you confirm that at that meeting you reviewed the 30 applications in the space of two hours?

SIMON DRAPER: No, I can't confirm that, but it's quite possible. We'd normally spend two hours to three hours in most meetings. We always make as much time as necessary to consider all applications.

The Hon. MARK LATHAM: What sort of review has there been so far of the processes of the Housing Delivery Authority and do you think we're running into the problem of a mad rush to approve anything that comes across your desk, even if the proponent hasn't got authority over the land?

SIMON DRAPER: In terms of review, Ms Boyd might remind me. Have we got a formal review process that we established in the terms of reference? I think there might be.

KATE BOYD: We can take that on notice and check.

SIMON DRAPER: I'll take that part on notice. But to the second part of your question, there's no mad rush to approve everything. I don't know the exact numbers, but I'd say probably about half of the matters that come before the Housing Delivery Authority get recommended for declaration by the Minister and about half do not.

The Hon. MARK LATHAM: Are you willing to meet with the three private landowners—

The CHAIR: Order! The time for questions from Mr Latham has concluded.

The Hon. MARK LATHAM: —to hear the nature of the problem—

The CHAIR: Order! You don't have to answer.

The Hon. MARK LATHAM: —and to apologise to them for the incompetence?

The CHAIR: Order!

Ms ABIGAIL BOYD: Mr Draper, I think this is a question to you. In October last year a new Treasury Policy and Guidelines document was released called TPG 23-27, Gender Impact Assessment Policy. In the

CORRECTED

10 months since that policy has come into place, how many new policy proposals have gone through that gender impact assessment process?

SIMON DRAPER: I'd have to take that on notice. I don't have that information with me.

Ms ABIGAIL BOYD: Are you aware whether the Government's workers compensation policy was subject to that process?

SIMON DRAPER: No, I'm not aware.

Ms ABIGAIL BOYD: If you could take it on notice and find out if it was, that would be very useful.

SIMON DRAPER: I'll take it on notice, yes.

Ms ABIGAIL BOYD: In November last year, Treasury released the new guideline TPG 24-30, which allowed "fast track business case and investment assurance for government capital commitments", which I think I described at the time as allowing things to be fast-tracked if they're subject to a media announcement. How many times has that fast track business case process been used?

SIMON DRAPER: Again, I don't know the number that it has been used, but I don't agree with your characterisation of it.

Ms ABIGAIL BOYD: I'm sure you don't.

SIMON DRAPER: Just for context, and I won't take up too much of your time, the reality is that business cases—and I think the Premier spoke about this this morning in response to another question—are a way of informing decision-making, but there are times when spending a lot of time and money on a business case isn't warranted by the decision that has to be made.

Ms ABIGAIL BOYD: No-one is disputing that, but part of that guideline actually says that one of the cases in which you can have a fast track business case is where there has been an announcement by media, by press release, so I don't think it's a stretch to say that this is fast-tracking—

SIMON DRAPER: I don't recall if it says that, but what I will say is, if there's been a decision—I've seen a lot of times when there's been a pretty clear decision of government to go ahead and do something, and then people go away and do a business case, which just costs a lot of money and takes up time, and it's inevitable that it's going to go ahead. It doesn't add a lot of value to the decision-making process.

Ms ABIGAIL BOYD: Again, no-one is disputing that. I think what we're disputing is the idea that you could just bypass that process for all proposals. It seems a little extreme.

SIMON DRAPER: We wouldn't do that for all proposals. There are lots of circumstances, I should say, where elaborate business cases are very warranted and have proven useful in filtering out projects which shouldn't proceed.

Ms ABIGAIL BOYD: Yes. If you could perhaps just take on notice how many have been shortcut through that new policy document and what they were, that would be very useful.

SIMON DRAPER: Sure.

Ms ABIGAIL BOYD: Finally, why is the Government refusing the community preschools supported bargaining case?

SIMON DRAPER: I might have to—are you familiar with that one?

SAMARA DOBBINS: No, I'm not, I'm sorry. I'll have to take that on notice.

SIMON DRAPER: We'll take that on notice. Just to check, that is a wage application, is it?

Ms ABIGAIL BOYD: Yes, looking for funding from the New South Wales Government.

Ms SUE HIGGINSON: Can I just ask about trauma-informed communications from within the Premier's Department? Has everybody undertaken training?

KATE BOYD: I have, yes.

Ms SUE HIGGINSON: You have?

KATE BOYD: And a number of members of my staff have, yes.

Ms SUE HIGGINSON: Has the Premier undertaken trauma-informed comms?

CORRECTED

KATE BOYD: I think you'd have to ask him that, but he has had a lot of discussions with people that are trauma-affected and he regularly meets with victims and their families and so is not a stranger to those kinds of interactions.

Ms SUE HIGGINSON: Do you think he was provided any advice on the way he was communicating about Kathleen Folbigg recently?

KATE BOYD: I'm not sure. You'd have to ask the Premier.

Ms SUE HIGGINSON: Were there any staff in the Premier's Department who provided him any advice before he went out and, on Monday 14 July, said about requests to meet with Kathleen Folbigg, "There's a lot of difficult calls for me to make as Premier. This isn't one of them"? Was there any advice given to him, do you know, before he went and said that?

KATE BOYD: We didn't advise on those specific comments, but we have provided him with advice around the general matter, yes.

Ms SUE HIGGINSON: In relation to that, I know that you have already provided advice today about how ex gratia payments are very discretionary. Today the Premier gave evidence and it was very clear that he said a determination had been made that that was the highest amount that ought to be made by the AG as an ex gratia payment. Can you provide any information/evidence to this inquiry to help us understand how a ceiling may have been determined?

KATE BOYD: I'd refer you to the hearing for the Attorney's portfolio. I think the Department of Communities and Justice would be in a far better position to take you through the variety of factors, analogies and other precedents that they considered in advising the Attorney. It's clearly a really extraordinary and exceptional case. There's a wide variety of criteria or factors that would influence that decision. It's a very complex one. I wouldn't do it justice here. I think you should speak to those officials directly.

Ms SUE HIGGINSON: I will, absolutely, in the AG's budget estimates be bringing it up. I've been raising it with the AG for some time. I'm very interested in your understanding about a ceiling on any ex gratia payment. Has that ever been contemplated, to your knowledge, for any form of ex gratia payment from the New South Wales Government—any department, any portfolio or any Minister?

KATE BOYD: I wouldn't say a ceiling but, of course, the other demands on the State budget are highly relevant to the quantum. It's not surprising to me that that was an important factor in the decision.

Ms SUE HIGGINSON: Do you have any understanding of why the Premier would have said, "This is not a difficult decision for me," in terms of not meeting with Kathleen Folbigg?

KATE BOYD: Perhaps because it wasn't his decision. I think his evidence this morning was that it was for somebody else—the Attorney—to make the decision. I don't know if that's the context in which he was saying that.

Ms SUE HIGGINSON: Do you know whether the Premier has ever met with other people whose matters or calls for justice might relate to a different Minister or portfolio? Has he done that before?

KATE BOYD: The Premier regularly meets with a range of people.

Ms SUE HIGGINSON: He does, doesn't he?

KATE BOYD: Yes.

Ms SUE HIGGINSON: If Ms Folbigg was to make an approach to you, as the Premier's staff in the department and the senior people, asking you if she could meet with the Premier, do you think you would advise the Premier that it might be good to meet with her?

KATE BOYD: I'd have to consider that. If it arose, we would consider that.

Ms SUE HIGGINSON: There has been a lot of discussion, including from the Premier in public, that she could sue the Government. I think it's reasonable for anybody who has any knowledge of legal proceedings that she is not with a cause of action. It's an incredibly difficult position she has been placed in, yet the Premier was standing and suggesting that she could sue the Government, which, in any reasonable context, is fairly outrageous. I accept that he said it. He has done it. Would it be prudent for you, as his senior staff, to advise him in some manner or form that he should reconsider his position at this point?

KATE BOYD: I wouldn't take the Premier's comments as recommending that she sue the State or advising her to do so. It's really just a statement that she has legal rights and those are always available to people. The

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decision has been made to provide her with \$2 million in the form of an ex gratia payment. That's the Government's position on the matter.

Ms SUE HIGGINSON: Is there anywhere that you're aware of within government that Ms Folbigg can go to make an appeal to explain how that is not remotely a just outcome for her and her representatives? Is there anywhere she can go?

KATE BOYD: It's open to anyone to correspond with government and the agencies of government if they feel aggrieved or if they have concerns that they feel can be addressed by government.

Ms SUE HIGGINSON: As somebody in your position, do you think that there is any level of a misogynist outcome for Ms Folbigg—considering that she was a woman wrongly convicted, lost four children and spent 20 years of her life in prison—that her life and all of that injustice has been valued at \$2 million? Do you think it might've been a different outcome if it was a male?

KATE BOYD: I honestly couldn't comment on that. So many things would be different. It's too difficult to say. What I would say is that, on behalf of all the public officials involved in this matter, a great deal of thought and analysis has gone into the matter. It's an incredibly difficult and discretionary decision. I acknowledge Ms Folbigg's plight. It's an incredibly difficult one. In the circumstances, the Attorney has balanced all of those factors and made a decision about quantum. I am very sorry that she is not happy with that, but that is the decision.

The Hon. SUSAN CARTER: Ms Boyd, I wonder if you could provide on notice the invoices in respect of the legal advice that was provided to those staff members.

KATE BOYD: I'm happy to take that on notice.

The Hon. SUSAN CARTER: As I understand it, you're arguing that if the memorandum wasn't followed, there was the Executive power at common law that had been delegated. What was the process for managing the conflict of interest between the decision-maker making the decision about an ex gratia payment essentially in respect of colleagues?

KATE BOYD: I can take that on notice and consider that. I'm not sure I'd call it a conflict of interest, given that there was no private interest of the Attorney or the Secretary of DCJ in relation to this matter. It's an official function, and that is their role as a decision-maker in relation to ex gratia legal assistance. It's not uncommon that they would know the parties that are making the requests for assistance.

The Hon. SUSAN CARTER: I think the issue, perhaps, is that part of the reason we have conflict-of-interest processes is to ensure the public that there has been no conflict, and that decisions have been made impartially and not swayed by professional or personal relationships. I think it's very important that that process be very clear to the public, how it may or may not have been followed. If you could take that on notice, I'd be very grateful.

KATE BOYD: Of course. As I said before, the Secretary of the Department of Communities and Justice was the decision-maker on the application, so it was at arm's length from the Minister.

The Hon. SUSAN CARTER: I'm not imputing anything to the decision-maker. I'm just curious as to how the conflict-of-interest process was managed.

KATE BOYD: Understood.

The Hon. DAMIEN TUDEHOPE: In respect of the documents which have been provided to the Speaker of the Legislative Assembly, the Leader of the Government said, in addressing the issue about whether they should be produced to the Legislative Council, that they were available for inspection by members of the Legislative Assembly—almost, I think, in a manner in which documents are available to be inspected by members of the Legislative Council when documents are produced in the Legislative Council. Is that your understanding of what the process is: that the documents, which have been produced purportedly in response to the order of the Legislative Council, are in the possession of the Speaker of the Legislative Assembly and available for inspection by members of that House?

KATE BOYD: I think you might want to direct that inquiry to the Clerk of the LA. I think they'll be able to give you more accurate advice about the procedure for inspection of those documents and who they're available to. I couldn't speak to that. It's up to the Speaker and the Clerk.

Ms ABIGAIL BOYD: Mr Draper, what is Project Onyx?

SIMON DRAPER: Project Onyx—I'm not sure if I can recall what that one is.

KATE BOYD: I don't think I know that one either.

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Ms ABIGAIL BOYD: You don't know what Project Onyx is?

SIMON DRAPER: It sounds like we'd better take that one on notice.

Ms ABIGAIL BOYD: The Premier's Department is paying Allens, I believe, for legal advice in relation to Project Onyx, according to eTender. "Project Onyx" has also been bandied about as the name of a social media surveillance artificial intelligence tool that the Police Force was going to use. Is it related to that?

SIMON DRAPER: I don't think so but, given I don't know what it is, I can't answer it certainly. I'm happy to take that on notice.

Ms ABIGAIL BOYD: If you could take that on notice, that would be very useful. Thank you.

The Hon. SUSAN CARTER: Ms Boyd, did you advise the staff not to attend the Dural caravan hearings?

KATE BOYD: Our role, when public official witnesses are called to committees, is to advise them about the procedure and about what they should expect when they come to give evidence. In this case, there were some issues that were specific to this case, which advice was provided, but that was not exclusively by The Cabinet Office.

The Hon. SUSAN CARTER: So, yes or no? Did you advise them yes, to attend, or no, not to attend?

KATE BOYD: It wouldn't be our role to tell them what to do. They've got to make a decision themselves. But we do provide them with advice about the powers of the House.

The Hon. SUSAN CARTER: You indicated this was a complex matter. Given the complexities that you saw in attending an upper House inquiry, did you give any advice that could be construed as "do not attend this hearing"?

KATE BOYD: Well, no, they attended, so I think I'll just let that speak for itself.

The Hon. SUSAN CARTER: They attended after a very long, drawn-out process, and they didn't attend on the first occasions. Did you give any advice on the earlier occasions that they did not need to attend or they could not attend?

KATE BOYD: They're grown-ups, and they make their own decisions in relation to these matters. Yes, we provide guidance and advice about the powers of the House from time to time.

The Hon. SUSAN CARTER: It's curious, though, that five grown-ups would all have unanimity of opinion about this matter, isn't it?

KATE BOYD: It's not uncommon that there is a collective position taken by Government on all sorts of matters.

The Hon. SUSAN CARTER: So individuals called as witnesses had a collective Government opinion? Who influenced that collective Government opinion?

KATE BOYD: You'd have to ask them—and I think you did at the time. I would just say that those are matters for them. Individual witnesses are open to—it's open to them to seek counsel from a range of people about those decisions as to whether to appear. And I note that they did appear.

Ms SUE HIGGINSON: Are you aware whether the Premier will rock up to the announcement of the Great Koala National Park, which is going to happen very soon?

KATE BOYD: You'd have to ask the Premier that.

The CHAIR: Thank you all for your attendance, for the questions and for your work for the people of New South Wales. The secretariat will be in contact in due course, seeking answers to those questions taken on notice or to any supplementary questions. Thank you very much again for your attendance.

(The witnesses withdrew.)

The Committee proceeded to deliberate.