

**16 ORDER FOR PAPERS—RECRUITMENT AND APPOINTMENT OF THE SECRETARY OF TRANSPORT FOR NSW - FURTHER ORDER**

Mrs Ward moved, according to notice:

- (1) That this House notes that:
  - (a) on 2 August 2023, the House ordered the production of documents relating to the recruitment and appointment of the Secretary of Transport for NSW,
  - (b) on 16 August 2023, the House received a return to order from The Cabinet Office providing documents from the Office of the Premier, the Office of the Minister for Transport, the Office of the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Transport for NSW, The Cabinet Office and the Premier's Department, and
  - (c) at page 8 of the return, Transport for NSW indicated the following in relation to its response to the order:
    - "(1) With respect to paragraph (h), text messages and instant messages of key senior personnel have been produced rather than those of more junior staff. Ephemeral text messages and instant messages between officers of Transport for NSW has been excluded. TfNSW has adopted this approach in order to respond to the Order within the time, and also considers that all relevant and significant information will be captured using this approach.
    - (2) References to a request for "documents" has been understood to be a request for papers or presentations, given other document types such as meeting minutes or communications are also referred to as required document types within various categories.
    - (3) To limit duplication, Transport has endeavoured to provide only the final versions of documents and final emails in a chain, rather than progressive working draft versions or multiple versions of an email chain."
- (2) That this House notes that:
  - (a) the definition of documents to be returned under an order for papers is that as defined in the Interpretation Act 1987:

"document means any record of information, and includes— (a) anything on which there is writing, or (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or (d) a map, plan, drawing or photograph", and
  - (b) it is well understood as practice of the House over many years that production of documents to the House incorporates drafts and working versions of documents, and all relevant text messages and other instant messages.
- (3) That this House asserts that in adopting the approach detailed in paragraph (1)(c), Transport for NSW did not comply with the resolution of the House.
- (4) That, under standing order 52, there be laid upon the table of the House within 7 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 28 March 2023 in the possession, custody or control of the Premier, Minister for Transport, Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Minister

for Regional Transport and Roads, Transport for NSW, Department of Transport, The Cabinet Office, or Premier's Department, relating to the recruitment and appointment of the Secretary of Transport for NSW:

- (a) all documents relating to the meeting held on 4 April 2023 between the Minister for Transport and Mr Josh Murray,
- (b) all documents relating to the NGS Global contract relating to the search and recruitment of the position of Secretary of Transport for NSW,
- (c) all documents relating to the remuneration packages, allowances, conflicts of interest, declarations and other governance arrangements for the position of Secretary of Transport for NSW,
- (d) all documents provided by NGS Global relating to the recruitment search, selection, application and appointment of Mr Josh Murray to the position of Secretary of Transport for NSW,
- (e) all documents relating to the public announcement of the appointment of the position of Secretary of Transport for NSW,
- (f) all minutes that discuss the appointment of the position Secretary of Transport for NSW,
- (g) all briefs or briefings, however described, including attachments sent to, signed by, drafted by, received by or approved by, the Premier, Minister for Transport, Minister for Roads, Minister for Regional Transport and Roads, or the Acting Secretary of the Premier's Department in relation to the recruitment process and selection of the Secretary of Transport for NSW,
- (h) all communications, including emails, text messages or instant message services, between any of the following persons or offices regarding the recruitment of the position of Secretary of Transport for NSW or the appointment of Mr Josh Murray as Secretary of Transport for NSW:
  - (i) the Minister for Transport,
  - (ii) the office of the Minister for Transport,
  - (iii) the Minister for Roads,
  - (iv) the office of the Minister for Roads,
  - (v) the Minister for Regional Transport and Roads,
  - (vi) the office of the Minister for Regional Transport and Roads,
  - (vii) the Premier,
  - (viii) the office of the Premier,
  - (ix) Mr Josh Murray,
  - (x) any person employed by Transport for NSW or the Department Transport, and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Mr Graham moved: That the question be amended in paragraph (4) by omitting "7 days" and inserting instead "14 days".

Debate continued.

Mr Buttigieg moved: That the question be amended as follows:

- (1) In paragraph (4) omit "created since 28 March 2023" and insert instead "created between 28 March 2023 and 2 August 2023 being the date of the original order".

- (2) In paragraph (4) omit "the Premier, Minister for Transport, Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Minister for Regional Transport and Roads."
- (3) In paragraph (4) omit "The Cabinet Office, or Premier's Department,".
- (4) In paragraph (4)(h) omit:  
 "(i) the Minister for Transport,  
 (ii) the office of the Minister for Transport,  
 (iii) the Minister for Roads,  
 (iv) the office of the Minister for Roads,  
 (v) the Minister for Regional Transport and Roads,  
 (vi) the office of the Minister for Regional Transport and Roads,  
 (vii) the Premier,  
 (viii) the office of the Premier,  
 (ix) Mr Josh Murray,".
- (5) In paragraph (4)(h)(x) omit "any person" and insert instead "any senior executive".

Debate continued.

Question put: That the amendment of Mr Graham be agreed to.

The House divided.

Ayes .....25  
 Noes ..... 16  
 Majority.....9

AYES

Banasiak	Graham	Mookhey
Borsak	Higginson	Moriarty
Boyd	Houssos	Murphy (teller)
Buckingham	Hurst	Nanva (teller)
Buttigieg	Jackson	Primrose
Cohn	Kaine	Roberts
D'Adam	Latham	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann		

NOES

Carter	Martin	Rath (teller)
Fang (teller)	Merton	Ruddick
Farlow	Mihailuk	Taylor
Farraway	Mitchell	Tudehope
MacDonald	Munro	Ward
Maclaren-Jones		

Question resolved in the affirmative.

Question put: That the amendments of Mr Buttigieg be agreed to.

The House divided.

Ayes .....21  
 Noes .....20  
 Majority..... 1

## AYES

Boyd	Graham	Mookhey
Buckingham	Higginson	Moriarty
Buttigieg	Houssos	Murphy (teller)
Cohn	Hurst	Nanva (teller)
D'Adam	Jackson	Primrose
Donnelly	Kaine	Sharpe
Faehrmann	Lawrence	Suvaal

## NOES

Banasiak	MacDonald	Rath (teller)
Borsak	Maclaren-Jones	Roberts
Carter	Martin	Ruddick
Fang (teller)	Merton	Taylor
Farlow	Mihailuk	Tudehope
Farraway	Mitchell	Ward
Latham	Munro	

Question resolved in the affirmative.

Original question, as amended:

- (1) That this House notes that:
  - (a) on 2 August 2023, the House ordered the production of documents relating to the recruitment and appointment of the Secretary of Transport for NSW,
  - (b) on 16 August 2023, the House received a return to order from The Cabinet Office providing documents from the Office of the Premier, the Office of the Minister for Transport, the Office of the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Transport for NSW, The Cabinet Office and the Premier's Department, and
  - (c) at page 8 of the return, Transport for NSW indicated the following in relation to its response to the order:
    - "(1) With respect to paragraph (h), text messages and instant messages of key senior personnel have been produced rather than those of more junior staff. Ephemeral text messages and instant messages between officers of Transport for NSW has been excluded. TfNSW has adopted this approach in order to respond to the Order within the time, and also considers that all relevant and significant information will be captured using this approach.
    - (2) References to a request for "documents" has been understood to be a request for papers or presentations, given other document types such as meeting minutes or communications are also referred to as required document types within various categories.
    - (3) To limit duplication, Transport has endeavoured to provide only the final versions of documents and final emails in a chain, rather than progressive working draft versions or multiple versions of an email chain."
- (2) That this House notes that:

- (a) the definition of documents to be returned under an order for papers is that as defined in the Interpretation Act 1987:  
"document means any record of information, and includes— (a) anything on which there is writing, or (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or (d) a map, plan, drawing or photograph", and
  - (b) it is well understood as practice of the House over many years that production of documents to the House incorporates drafts and working versions of documents, and all relevant text messages and other instant messages.
- (3) That this House asserts that in adopting the approach detailed in paragraph (1)(c), Transport for NSW did not comply with the resolution of the House.
- (4) That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created between 28 March 2023 and 2 August 2023 being the date of the original order in the possession, custody or control of Transport for NSW, and the Department of Transport, relating to the recruitment and appointment of the Secretary of Transport for NSW:
- (a) all documents relating to the meeting held on 4 April 2023 between the Minister for Transport and Mr Josh Murray,
  - (b) all documents relating to the NGS Global contract relating to the search and recruitment of the position of Secretary of Transport for NSW,
  - (c) all documents relating to the remuneration packages, allowances, conflicts of interest, declarations and other governance arrangements for the position of Secretary of Transport for NSW,
  - (d) all documents provided by NGS Global relating to the recruitment search, selection, application and appointment of Mr Josh Murray to the position of Secretary of Transport for NSW,
  - (e) all documents relating to the public announcement of the appointment of the position of Secretary of Transport for NSW,
  - (f) all minutes that discuss the appointment of the position Secretary of Transport for NSW,
  - (g) all briefs or briefings, however described, including attachments sent to, signed by, drafted by, received by or approved by, the Premier, Minister for Transport, Minister for Roads, Minister for Regional Transport and Roads, or the Acting Secretary of the Premier's Department in relation to the recruitment process and selection of the Secretary of Transport for NSW,
  - (h) all communications, including emails, text messages or instant message services, between any of the following persons or offices regarding the recruitment of the position of Secretary of Transport for NSW or the appointment of Mr Josh Murray as Secretary of Transport for NSW:
    - (i) any senior executive employed by Transport for NSW or the Department Transport, and
  - (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House—put and passed.