

BUDGET ESTIMATES 2018-2019

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QUESTIONS TAKEN ON NOTICE

QUESTION – Acciona

The Hon. ADAM SEARLE: Premier, can you confirm that Mr Photios contacted your chief of staff, Sue Cruickshank, advancing the interests of Acciona, the company now suing your government in connection with your failed light rail project?

Ms GLADYS BEREJIKLIAN: I would have to take that on notice, I have no knowledge of that. But you also need to get the correct name of my chief of staff as well.

The Hon. ADAM SEARLE: You are not aware of any contact between Mr Photios and your office?

The Hon. SCOTT FARLOW: Point of order—

The CHAIR: The Premier is answering the question.

Ms GLADYS BEREJIKLIAN: I will have to take that on notice, but I will say this: Those legal matters are matters between the parties and the courts and are being dealt with in that process.

The Hon. ADAM SEARLE: I was asking about the contact between Mr Photios and your ministerial office or your Premier's office. You are unaware of any contact.

The Hon. SCOTT FARLOW: She has taken it on notice.

Ms GLADYS BEREJIKLIAN: I will have to take that on notice, yes.

The Hon. ADAM SEARLE: Could you also please take on notice when the contact between Mr Photios and your chief of staff occurred?

Ms GLADYS BEREJIKLIAN: You are making that assumption that that did occur.

The Hon. ADAM SEARLE: If it occurred.

Ms GLADYS BEREJIKLIAN: Yes. I am happy to take that series of questions on notice.

The Hon. ADAM SEARLE: Who do you understand that Mr Photios was representing when he made that contact. Was it Acciona?

Ms GLADYS BEREJIKLIAN: As I told you, I do not have any knowledge of that. I will have to take that on notice.

The Hon. ADAM SEARLE: Could you please tell the Committee on notice what passed between your chief of staff and Mr Photios?

Ms GLADYS BEREJIKLIAN: I am happy to take any of those questions on notice because we are a government that is open and transparent and supports the people of this great State in advancing our infrastructure and quality of life. I would be more than happy to take all of those questions on notice.

The Hon. ADAM SEARLE: When did Mr Photios declare Acciona to be a client of his?

Ms GLADYS BEREJIKLIAN: I will take that on notice unless my secretary has any information on those matters, but I would not know.

ANSWER:

I refer you to my answers to supplementary questions.

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QUESTION – Climate change risk assessment

Mr JUSTIN FIELD: Has there been a specific climate change risk assessment done to analyse the future impacts on the budget?

Ms GLADYS BEREJIKLIAN: Do you know what? I am happy to take that on notice because, as the secretary has already outlined, we do various assessments within agencies, including the impact of those issues in specific agencies. But I am happy to provide you with greater detail across whole of government and what we are doing on those issues.

ANSWER:

In 2016, the Government released an Intergenerational Report (IGR) to prepare NSW for major challenges to our economy over the next 40 years.

Additionally, the NSW State Infrastructure Strategy 2018-2038 provides recommendations to ensure existing and future infrastructure is resilient to challenges.

The Government is working on responding to recommendations around natural hazards and human-related threats.

The Office of Environment and Heritage is working with other agencies to gather data on the impact of different future climate and weather scenarios on NSW assets at the local level.

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QUESTION – Legal fees associated with challenges to council amalgamations

The CHAIR: Just following up that question, how much has New South Wales spent on legal fees associated with challenges to council amalgamations?

Ms GLADYS BEREJIKLIAN: I understand that issue is managed by the Crown Solicitor's Office, so I will ask my secretary to make any comment on that. I do not have that figure on me. I am happy to take it on notice, but if there is any further information the secretary can provide information on then I am happy for him to do so.

Mr REARDON: As the Premier said, it is managed by the New South Wales Crown Solicitor's Office, so we will take it on notice in terms of the actual cost.

ANSWER:

As a result of reforms undertaken by the NSW Government, 20 new and stronger councils have collectively achieved savings of more than \$50 million, which is being reinvested back into local communities.

The NSW Government has provided up to \$15 million for each new council to kick-start delivery of community infrastructure and services.

As you are aware, a number of local councils undertook legal challenges to proposed changes. As a result, total legal fees incurred by the Crown Solicitor's Office associated with challenges to council amalgamations is \$3,040,511.32.

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QUESTION – Religious freedom bill

The CHAIR: Is it possible that the change of Prime Minister might delay that panel reporting? I know Mr Turnbull was personally promoting it.

Ms GLADYS BEREJIKLIAN: I do not think that will cause any delay whatsoever. I am happy to pursue the timing for you, and I am happy to take on notice when we expect the timing to be and ask the relevant authorities when that is likely to occur.

ANSWER: The Commonwealth Government has received the report of the Religious Freedom Review Expert Panel. The report has not yet been publicly released. I understand the Commonwealth Government is still considering the report and its response.

The NSW Government will carefully consider the report and the Commonwealth Government's response once they are released.

QUESTION – WestConnex project

The CHAIR: Following up infrastructure matters, can you update the Committee on the progress of the WestConnex project and the costs incurred to date against what was originally projected in the budget?

Ms GLADYS BEREJIKLIAN: Do I still answer the question with the bell ringing?

The CHAIR: If it is a lengthy answer, you can take it on notice.

Ms GLADYS BEREJIKLIAN: I am happy to answer it. I am happy to provide you with a detailed response, but I do want to say on the record I was concerned to hear about incorrect reporting this week about the project not being delivered in 2023. I want to assure the Committee that the State Government is overseeing the construction of that project and it will be completed in 2023. Outside of that I am more than happy to provide detailed information on where we are up to, on the various progress we have made and I am personally pleased with the progress to date. Of course, as with all major infrastructure projects, there are challenges and we will take those challenges on board during the construction process. I am more than happy to provide you with that extra information.

ANSWER:

Please see the WestConnex website for further information about this transformative project.

I am disappointed the Labor Opposition recently voted against WestConnex in the Parliament.

This is a vital project to cut travel times for motorists in Western Sydney.

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QUESTION – lobbyists code and register

The Hon. ADAM SEARLE: Premier, I have an article to provide to you to jog your memory. The article suggests that Mr Photios, a lobbyist, was on the phone to your office in 2017 advancing the commercial interests of Acciona, a company now in significant legal conflict with your Government in connection with the light rail project. If that is correct, that contact with your office on behalf of Acciona occurred before he registered them as a client in March of this year. As the Minister responsible for the lobbyists code and register, what view do you take of that kind of conduct?

Ms GLADYS BEREJKLIAN: I am happy to take that matter on notice because I do not know the details of what you are asking. I am more than happy to take that on notice and, in fact, it is our Government that has strengthened the lobbyists register and it is our Government that has made sure that there is clear openness and transparency in relation to those matters. I cannot provide any further information on that because I do not know what that is.

The Hon. ADAM SEARLE: So you have not seen the article before?

Ms GLADYS BEREJKLIAN: I do not know if I have. You have just put it in front of me, so I do not know if I have read it.

The Hon. ADAM SEARLE: Do you want to have a look at it?

Ms GLADYS BEREJKLIAN: No, it is okay. I prefer to take it on notice, thank you.

ANSWER:

The NSW Government has established a robust regulatory framework for lobbyists under the *Lobbying of Government Officials Act 2011* and the Lobbyists Code of Conduct.

In 2014, the NSW Government introduced strengthened requirements on lobbyists, and the NSW Electoral Commission was appointed as the independent regulator with responsibility for enforcing compliance with the Act and the Code.

I expect all lobbyists to comply with the relevant Act and Code.

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QUESTION – ALTRAC consortium

The Hon. DANIEL MOOKHEY: Thank you, Premier, and thank you for that information. Of course, we did learn through estimates that the transport Minister and Treasurer agreed to pay back \$500 million to unknown banks—all banks—if ALTRAC, the consortium you chose to build the light rail, falls into insolvency. Sadly, they were not prepared to tell us which banks will be paying the \$500 million or whether or not ALTRAC is paying the New South Wales taxpayers anything for this secret guarantee or how long the guarantee lasts. You said this morning that you are very eager to take questions in respect to your record on infrastructure. My question is: In the absence of your transport Minister and Treasurer offering us an explanation, can you tell us which banks will pay \$500 million if ALTRAC falls into insolvency? Is ALTRAC paying New South Wales taxpayers anything for this guarantee? How long does the guarantee last for?

Ms GLADYS BEREJKLIAN: Given the detail of that question, I might refer it to the secretary to see whether he has any further detail. I refer you to the responses given by both the Treasurer and the Minister for Transport.

The Hon. DANIEL MOOKHEY: The non-responses.

Ms GLADYS BEREJKLIAN: I will refer to the secretary because I certainly do not have any additional information on that issue other than what is already on the public record. I ask the secretary if he has, to advise the Committee.

Mr REARDON: In relation to the issue of loan guarantee, I think that matter has been furnished in two previous estimates hearings, as the Premier just pointed out. In terms of the nature of it, it is a public-private partnership, as you would be aware. In relation to how the arrangements work within a consortium, we deal with an ALTRAC consortium. The arrangements that it puts in place within that consortium is a matter for them, and any matters you might raise in relation to consortium members and the relationship between them I would happily take on notice for you.

The Hon. DANIEL MOOKHEY: Thank you. Premier, when were you actually informed that your Treasurer and your transport Minister had agreed to a secret \$500 million liquidity funding facility?

Ms GLADYS BEREJKLIAN: Obviously I do not agree with the words you are using in your question. But in relation to that, I will have to take that on notice because I cannot exactly remember when.

The Hon. DANIEL MOOKHEY: You would know, as well as I do, that under the Infrastructure Investor Assurance Framework the threshold for the application of the gates that you just described is generally \$100 million. A \$500 million facility is massive in the infrastructure spend. It defies common sense, Premier, that your transport Minister and Treasurer would agree to this without telling you. I just go back to the very first question. Notwithstanding what we just went through, did it go to Cabinet? Were you told? When?

Ms GLADYS BEREJKLIAN: I will make this generic statement and then take the question on notice, and that is: During government decision-making processes, from time to time, there are delegations provided to relevant Ministers on certain matters. I will take that question on notice and provide you with my best response

ANSWER:

I refer you to my supplementary answer in relation to this topic.

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QUESTION –

Mr JUSTIN FIELD: If that is the case, I think it would be fair to assume—and correct me if I am wrong—that you would not be spending money from the Climate Change Fund on any further development of the Warragamba Dam wall increase? That would not be coming from the Climate Change Fund?

Ms GLADYS BEREJKLIAN: I would have to take that question on notice unless I can ask the secretary to respond to that.

ANSWER:

I refer you to previous answers provided to Parliament on this matter.

QUESTION – Spit Bridge

The CHAIR: Following up on another question relating to infrastructure, there have been a lot of announcements about replacing the Spit Bridge with a tunnel.

The Hon. NATALIE WARD: Hear, hear!

The CHAIR: But the Government has gone quiet on any timetable. I was wondering whether you had any information.

The Hon. ADAM SEARLE: There is nothing in the budget.

Ms GLADYS BEREJKLIAN: I am pleased to say that we made an announcement about that project recently and when I say "we", I mean the Minister for Roads and me. I am happy to provide you with that information. We have entered the next stage—the Western Harbour Tunnel Project and the Northern Beaches project. But I am sure you would be concerned to learn that it is one of the many projects that Opposition members want to cancel. They do not support that project but I am very pleased that you are interested in that project.

The CHAIR: I have to admit an interest: I live at Dee Why and have to drive over it every day.

Ms GLADYS BEREJKLIAN: That is okay. We appreciate your declaration of that interest. Given that you are a member of a large class of people there should not be a problem with you asking me that question. We are pleased to be getting on with all of our projects and I am happy to provide extra information. The roads Minister and I made a further announcement about that. What we are keen to do with that project as with others—and every project gives us learnings as we move into the next phase—is to make sure that we reduce the impact on communities. Obviously, when you are undertaking a major construction like that there are a number of what we call dive sites for the tunnelling and construction sites. We presented the most recent round of proposals to the community. We expect that consultation to finish by the end of October to November, in which case we will then move forward. But we have already commenced early works on that project. I would be more than happy to provide you with extra detail to give you confidence that we are making positive progress.

The CHAIR: I will follow up on the earlier discussion about increasing the height of Warragamba Dam, which I fully support. I obviously support increasing water storage to make New South Wales drought proof. Aboriginal communities have reported that there are some Aboriginal paintings or artefacts in caves that may be flooded when that wall is increased by 24 feet. Is there

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any way that the Government can protect those Aboriginal sites with a diverting wall around that section?

Ms GLADYS BEREJKLIAN: I am certainly happy to take that on board. I am sure the Committee is clear that the main reason for our proposal to increase the height of the wall is around flood mitigation. We want to protect Western Sydney in particular from that. The relevant Ministers are far more across the detail than I am but I am happy to take on notice your specific concerns about potential Indigenous artefacts or artwork which could be jeopardised. I am happy to take that on board.

ANSWER:

Spit Bridge

On 26 July 2018, the NSW Government announced the release of a detailed design for the Western Harbour Tunnel and Beaches Link.

Early works on the projects, expected to start later this year, include initial work around the Warringah Freeway and initial work to allow the Western Harbour Tunnel to connect to the Rozelle Interchange.

Subject to planning approvals and finalised financing and procurement, major construction is due to begin in 2020 with the tunnels expected to open to traffic by 2026.

In the 2018/19 Budget, the Government provisioned \$556 million for early works and planning of the Western Harbour Tunnel and Beaches Link projects.

Warragamba Dam

The investigation and assessment of Aboriginal cultural heritage will be undertaken during the development of the Environmental Impact Statement (EIS), which will be prepared by WaterNSW. WaterNSW will continue to work closely with key stakeholders and proceed in accordance with the methodologies and guidelines required under the *Environmental Planning and Assessment Act 1979*.

Once the EIS is publicly exhibited, feedback on the proposed actions to accommodate Aboriginal cultural heritage sites can be provided by the community.

QUESTION – Mr Photios

The Hon. ADAM SEARLE: I am happy for you to take this question on notice. Can you tell the Committee about what contact Mr Photios has had with your chief of staff or ministerial office over the last couple of years?

Ms GLADYS BEREJKLIAN: I am happy to take that on notice.

ANSWER:

I refer you to my supplementary answers in relation to this topic.

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QUESTION – Sydney Football Stadium

The Hon. ADAM SEARLE: Premier, can you confirm that the planning determination for the demolition of the Sydney Football Stadium has not yet been made?

Ms GLADYS BEREJIKLIAN: I do not know the answer to that question so I will have to take that on notice.

ANSWER:

I am advised the Planning Determination for the demolition of the Sydney Football Stadium has not yet been made.

QUESTION – Sitting date for the Legislative Assembly

The Hon. ADAM SEARLE: In every previous election the date nominated is the last scheduled sitting date for the Legislative Assembly; it does not usually nominate at the end of the reserve week. The guidance that has been issued by you just talks about when the Legislative Assembly ceases to sit. What is the purpose of that change or failure to nominate a specific date?

Mr REARDON: I would not characterise it as a failure to nominate. I will simply take your point on notice but it is basically about—

The Hon. ADAM SEARLE: Are you the author of the guidance?

Mr REARDON: No. My Deputy Secretary of Cabinet and Legal is the author and I will take it on notice.

The Hon. ADAM SEARLE: I think about three months earlier and there is that change. Usually you do not change things unless there is a purpose behind it. So along with your answer on notice I would like for there to be an explanation as to the reason for the change.

Mr REARDON: On notice about the wording change, absolutely.

Guidance on the caretaker conventions and practices for the 2019 State general election was published on the DPC website on 17 August 2018.

Guidance for the 2015 State general election was issued on 20 November 2014, and for the 2011 State general election on 14 October 2010.

The guidance for the 2019 State general election states that the “pre-election period” commences after the Legislative Assembly ceases to sit. This is the same definition used in the guidance issued prior to the 2015 and 2011 State general elections. The date the Legislative Assembly ceases to sit is published on the Parliament’s website.

The guidance for the 2019 State general election does not specify the date the Legislative Assembly will cease to sit in 2018. This is because that date is not currently known and reserve sitting days have been scheduled for the Legislative Assembly (27, 28 and 29 November 2018). The reserve sitting days are published on Parliament’s website.

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In 2010 and 2014, no reserve sitting days were scheduled at the time the caretaker guidance was issued. This meant it was possible to specify the date of the last sitting day of the Legislative Assembly in the published caretaker guidance.

QUESTION – the GO NSW Equity Fund

The Hon. ADAM SEARLE: Your Government's investment of \$20 million in two businesses through the GO NSW Equity Fund in a South Coast oyster business, Australia's Oyster Coast, and a Wagyu beef enterprise at Ebor, Stone Axe Pastoral, is just crony capitalism at work, is it not?

The Hon. NATALIE WARD: You asked this question of the Deputy Premier.

Ms GLADYS BEREJIKLIAN: I understand you asked those questions of the Deputy Premier—

The Hon. ADAM SEARLE: I have not asked any questions about this matter.

The Hon. NATALIE WARD: Those exact questions have been asked.

The Hon. ADAM SEARLE: That is not a point of order.

Ms GLADYS BEREJIKLIAN: I will ask my secretary to elaborate on my response but my response is this: We have set up various processes to encourage jobs and investment, especially in rural and regional New South Wales. There are independent assessment processes for all those things. There are strict probity requirements around all those issues. I will ask my secretary to elaborate if he has any further details.

Mr REARDON: The questions were asked of the Deputy Premier at estimates just a couple of days ago. We indicated that Jobs for NSW is a \$190 million fund which looks at providing grant and loan products to various organisations. It puts all that information on its website to invite businesses to come forward for those funds. As a member of the Jobs for NSW board, I made the comment that probity and other guidance is given to the board to make decisions on where to invest. Beyond that, any specifics around individual organisations that have been engaged in that process we said we would take on notice.

The Hon. ADAM SEARLE: In his estimates hearing, Minister Blair said that the process by which the application of taxpayer moneys in these investments, which also saw the investment of public servants superannuation money, was not one that was generally open to businesses who were interested in gaining access to capital investment. Minister Blair said, "It was not an open tender process." According to the Deputy Premier, the investment adviser, ROC Partners, apparently scoured the whole of New South Wales looking for opportunities to park government money and just magically found and recommended two businesses—one in which the adviser had a majority financial interest and the other which is chaired by Mr David Trebeck, a former policy director of the Federal Liberal Party, an alumnus of the H.R. Nicholls Society and a person involved in the 1998 waterfront dispute who has previously attacked regional and rural Australia for seeking and gaining business investment. These two investments by the Jobs for NSW board, through the Go NSW Equity Fund, just does not pass the believability test, does it, Premier?

Ms GLADYS BEREJIKLIAN: I am not across the detail of the matters that you raise, I am afraid. I will ask my secretary whether he has anything further to add about the process and the independent assessments that occur in relation to those matters.

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Mr REARDON: I think I have gone through the process that does occur. You have either asked a question or made a statement about one or two specific items. As we said the other day, we will take it on notice.

The Hon. JOHN GRAHAM: Premier, was the establishment and structure of this fund approved by Cabinet?

Ms GLADYS BEREJKLIAN: I am not sure when the fund was established. I am happy to take that on notice. It has been around, I think, for a while.

The Hon. JOHN GRAHAM: But you would agree on the face of it that a fund manager scouring the State, looking at the State's 680,000 small businesses and choosing one in which it had acquired a majority shareholding 10 months earlier, does not look good, does it? Is that of concern to you on the face of it?

Ms GLADYS BEREJKLIAN: As the secretary said, he has taken those matters on notice. If I could also refer you to what information I understand has already been provided. There are independent panels, robust processes which provide advice to government. As the secretary said, we are happy to take that on notice.

The Hon. JOHN GRAHAM: Can you rule out ROC Partners or its principals will not receive some material financial benefit as a result of this investment in Stone Axe Pastoral Company?

Ms GLADYS BEREJKLIAN: I am sorry; I do not know any of the parties to which you are referring.

The Hon. JOHN GRAHAM: Will you investigate the extent of any financial gain they may have made?

Ms GLADYS BEREJKLIAN: I am happy to take that question on notice.

The Hon. JOHN GRAHAM: I want to ask you a question about competitive neutrality as a Premier and as a former Treasurer [*Time expired.*].

The CHAIR: The member can put that question on notice if he wants to.

ANSWER:

This question would be more appropriately addressed to the Deputy Premier.

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QUESTION – Gambling

Mr JUSTIN FIELD: Based on the concern that you mention about persons suffering harm from gambling addiction, would it surprise you to know that New South Wales has received an application for a new style of gaming machine to be allowed in that is marketed as skill-based or gaming style gaming machines? They are designed specifically to attract new and younger users to use gaming machines—something that has been mentioned specifically in the memorandum of understanding between the Liberal Party and The Nationals and ClubsNSW. Do you think this is an appropriate machine to be rolled out across this State?

Ms GLADYS BEREJKLIAN: I am sorry—I do not know anything about that machine. I will have to take that on notice as well. You are obviously much more up to date with those availabilities than I am.

ANSWER:

This question would be more appropriately referred to the Minister for Lands and Forestry, and Minister for Racing

QUESTION – Barangaroo

Mr JUSTIN FIELD: When does the Government expect to announce the winning tender to develop Barangaroo Central? Is it still on track for late this year before the election?

Ms GLADYS BEREJKLIAN: I might allow the secretary to deal with that issue.

Mr REARDON: The Barangaroo Delivery Authority is managing the development of Barangaroo Central between Barangaroo south and Barangaroo north. You may be aware that there is court action underway on Barangaroo Central at this point in time by some of the parties in that vicinity and it would not be appropriate to comment further on it at this point in time.

Mr JUSTIN FIELD: That was my next question. Have legal proceedings been commenced by Crown against the Government in relation to the alleged promised sightlines to the harbour?

Mr REARDON: Those matters are being publicly made.

Mr JUSTIN FIELD: So action has been commenced?

Mr REARDON: The nature of commencement—there has been representation that is public that legal proceedings are underway. I do not think we should comment on it further.

Mr JUSTIN FIELD: I think it is different to go out in public and say, "We are going to take legal action" compared with receiving notice of that. I am trying to get a sense of where it is at.

Ms GLADYS BEREJKLIAN: I only know what is on the public record.

Mr REARDON: And I will only comment on what is on the public record because if there are legal proceedings I would not want to prejudice them and it would not be appropriate to comment on them.

Mr JUSTIN FIELD: I do not think it is unreasonable to be able to say whether or not you have seen formal notice that proceedings or actions are being commenced. It is quite a different thing to make a public threat. I am trying to get to the bottom of where that is at.

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Ms GLADYS BEREJIKLIAN: We are happy to take that on notice.

Mr JUSTIN FIELD: I appreciate that it is subject to legal action potentially in the future, but this has been a pretty significant change to the cityscape. What has happened down in Barangaroo public space and private space has been a hotly contested development. Is it your intention to give in to James Packer's demands about his casino's proposed sightlines to the harbour?

Ms GLADYS BEREJIKLIAN: I think what is important to mention about Barangaroo is that we returned foreshore land to the community that had been locked up for about 100 years. I think the many people who visit our beautiful city from across the State and international visitors appreciate the ability to access the foreshore in a way that it has never been accessed before and I am incredibly proud of that, and I have to pay due credit to my predecessor for making that possible, and to a former colleague of the Labor Opposition as well. But, in any event, I appreciate you wanting an update on what is happening in terms of the next stage of that development and I am happy to provide that.

Mr JUSTIN FIELD: I guess I am asking if you are going to hold firm or back down. James Packer got a chunk of that land as well—Crown did.

Ms GLADYS BEREJIKLIAN: You might know that the Barangaroo Delivery Authority has those negotiations on behalf of the Government, so they have a certain scope within which they have got to operate. They handle those negotiations on behalf of the Government; we leave them to do that. I am happy to provide any update if there is anything else to put on the public record.

Mr JUSTIN FIELD: In 2008, while in opposition, I think you criticised the then Labor Government for not having filters on smokestacks and you made a range of claims about how there should be world's best practice for filtering tunnels. You now have plans for at least eight unfiltered smokestacks around proposed projects like the Iron Cove link in Rozelle, the Western Harbour Tunnel et cetera. What do you say to communities who heard you say one thing but now see you doing another?

Ms GLADYS BEREJIKLIAN: I am very pleased to say that since we have been in government we have made sure that our monitoring of air quality is world's best practice. The Chief Scientist used to never be involved in that process before, now they are. The Environment Protection Authority [EPA] was never involved in the way it is now; the EPA now has to issue licences for people monitoring air quality. We have made a number of significant decisions in relation to not only providing confidence to the community about air quality but improving air quality in relation to those issues. I am more than happy to provide you with detailed information

ANSWER:

Given that legal proceedings have commenced, it would be inappropriate to comment at this time.

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QUESTION –

The Hon. JOHN GRAHAM: I want to ask you this question as a former Treasurer, and this is about the second investment made by the Jobs for NSW equity fund: The Jobs for NSW program says it will abide by the New South Wales Government's competitive neutrality policy, but this is what oyster farmers on the South Coast are saying. One says, "Our tax dollars are now being used against us. Basically we are funding a big corporation to take business away from us." A second one says, "One potential conflict arises from the fact the Department of Industry runs the tender process for oyster leases. The tender will go to the person who puts up the most money. You now have a company that has millions behind it that can outprice everybody." Do you have concerns that these equity investments might be a breach of the Government's competitive neutrality policy?

Ms GLADYS BEREJKLIAN: I am happy to take on any issue where community or people have raised concerns. We are very careful as a Government to have robust processes in place to protect not just the use of taxpayer dollars, but the integrity of taxpayer dollars, and I appreciate that is a very important issue. All the advice I have is decisions made, and that advice has come about by recent media interest in this issue. Obviously if there are concerns we will address them. But I also have confidence that every departmental agency or every person who is responsible for providing independent robust advice to Government does so. But if there are concerns I am more than happy to take those on notice and provide the Committee with further information because—

The Hon. JOHN GRAHAM: I appreciate, and certainly that was the view of your Treasurer as well, saying he would look at the issue as well.

ANSWER:

This question would be more appropriately addressed to the Deputy Premier.

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QUESTION – Farmers on the South Coast/ IPART

The Hon. JOHN GRAHAM: Let me ask you this. I have raised concerns about oyster farmers, and small oyster farmers on the South Coast have raised concerns. They have lodged an appeal about this issue. That appeal may well go to the Independent Pricing and Regulatory Tribunal [IPART], the agency that reports to you. Would you be happy to have the IPART run the ruler over this to ensure that it does—

Ms GLADYS BEREJIKLIAN: Absolutely.

The Hon. JOHN GRAHAM: Thank you.

Ms GLADYS BEREJIKLIAN: The IPART is there for a reason. I made this comment earlier in the hearing. We have in place a number of government agencies to protect the integrity of our government processes. If anybody feels aggrieved, if anybody raises concerns, I welcome those bodies running a fine-toothed comb over those concerns. If those bodies make recommendations which would be in the Government's interest to adopt, I am also open to that process.

The Hon. JOHN GRAHAM: I welcome that commitment.

Ms GLADYS BEREJIKLIAN: I say that without casting any doubt or aspersions on what has happened because I do not know the details.

The Hon. JOHN GRAHAM: I understand the point you are making.

Ms GLADYS BEREJIKLIAN: I do not know the details, but I will say, given that concerns that have been raised, I would be more than happy to take that on notice.

ANSWER:

I refer to the NSW Government's policy on competitive neutrality, which provides a process for review of competitive neutrality. This information is publicly available.

QUESTION –

The Hon. JOHN GRAHAM: He will be upset to hear that, Premier. Are you aware—

Ms GLADYS BEREJIKLIAN: Can I just finish the answer?

The Hon. JOHN GRAHAM: —that the firm, Australia's Oyster Coast, which was the recipient of tens of millions of dollars—

The Hon. NATALIE WARD: You have asked this.

Ms GLADYS BEREJIKLIAN: That is okay. He can ask again.

The Hon. JOHN GRAHAM: —from the public superannuation and private equity funding, has now taken down all its key information from its website, which reads "File not found"?

Ms GLADYS BEREJIKLIAN: I do not know any details of this issue. As I said to you in a previous similar question, I am more than happy to take it on notice because I always ensure, as all in my team do, that there is utmost integrity in all of our government processes—again, without casting aspersion on anybody because I do not know the facts around these matters you have raised.

The Hon. JOHN GRAHAM: Understood. Let me put to you the real concern that is driving this. As I said before, there are 680,000 small businesses in this State. Many of them are struggling with the issues that this fund attempts to address—access to finance. Many of them would love to get tens of millions of dollars of public superannuation and private equity funding tipped into their business. Of the two companies that the Government equity firm has now invested in, one is chaired by the managing partner of the fund advising the investment and the other is chaired by

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this Liberal operative and member of the HR Nicholls Society. Is that not sending a terrible message to these other small businesses?

Ms GLADYS BEREJKLIAN: Mr Graham, you have asked me this question a number of times.

The Hon. NATALIE WARD: Turn the page.

Ms GLADYS BEREJKLIAN: I have taken on board that I will take it on notice. I am not aware of the detail that you raise or mention, but I am more than happy to provide the Committee with any information that responds to the issues you have raised.

ANSWER:

I refer to the NSW Government's policy on competitive neutrality, which provides a process for review of competitive neutrality. This information is publicly available.

QUESTION – Lobbyists register

Mr JUSTIN FIELD: Premier, my questions might be more appropriately answered by Mr Schmidt. I have been looking at recent changes that have been made to the lobbyists register. It seems to have moved from a spreadsheet to a more interactive tool for looking at what is going on. A number of lobbying companies are listed on the register as being on the watchlist at the moment, and two of those are listed as suspended. As I understand it, you are required to maintain a Lobbyists Watch List that contains names and other identifying details of any lobbyist whom the Electoral Commission determines should be placed on the Lobbyists Watch List because of contraventions of the Act or of the lobbyists code, but there is no information on there about what contraventions have occurred. What is the reason that these eight lobbying businesses are on the watchlist?

Mr SCHMIDT: I will not talk to the individual matters—perhaps that might be better addressed on notice. In broad terms, lobbyists are required on a regular basis throughout the course of the year to update their particulars. One of the most common difficulties we have, particularly with some lobbyists who may not be particularly active, is their failure to comply with that requirement to actually return the information which we require on a regular basis. I could not go to the individual cases, of course, but I am happy to take an on-notice question.

Mr JUSTIN FIELD: Some of these companies have a lot of business. They are companies that are quite active in New South Wales, so I cannot imagine that they are inactive. Of the eight, a number are described as "inactive" which might be an indicator that they have not provided updated details, but two are listed as "suspended": Asset Public Relations and Wise McBaron Communication. Without going into the specifics, how is a company that is suspended from lobbying for a period of time informed about that? How do you make decisions to conclude the suspension?

Mr SCHMIDT: I will come back to you with an answer on notice about the process. We do not do it unilaterally without advising the company or endeavouring to contact them to advise them of that action having been taken.

Mr JUSTIN FIELD: Will that be searchable to the extent that you could name a party, or a candidate or a donor and you could get a historical record, or will it just be a going-forward record of political donations made or received?

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Mr SCHMIDT: I must confess, I cannot tell you off the cuff the full functionality of the register. But if you want to ask me a question on notice I will happily give you the answer.

ANSWER:

The NSW Electoral Commissioner has advised third-party lobbyists are notified in writing by the NSWEC of enforcement action, in addition to the reason or reasons for taking such action.

The reasons for an enforcement decision were not published by the NSWEC prior to 1 July 2018. From 1 July 2018, the *Lobbying of Government Officials Act 2011* requires the NSWEC to publish notice in writing of an enforcement decision and the reasons for the decision on its website, unless there is an overriding public interest against disclosure (within the meaning of the [Government Information \(Public Access\) Act 2009](#)).

Section 19A of the *Lobbying of Government Officials Act 2011* now provides that:

(1) Where the Electoral Commission makes any of the following decisions, it must give the person who is the subject of the decision notice in writing of the decision and reasons for the decision:

(a) a decision to refuse to register a third-party lobbyist (or an individual engaged to undertake lobbying for a third-party lobbyist) under section 9 (6),

(b) a decision to cancel or suspend the registration of a third-party lobbyist (or an individual engaged to undertake lobbying for a third-party lobbyist) under section 9 (7),

(c) a determination that a third-party lobbyist who has carried on the business of lobbying while not registered is ineligible to be registered for the period specified by the Electoral Commission under section 9 (8),

(d) a decision to place the name of a third-party or other lobbyist on the Lobbyists Watch List under section 12.

(2) The Electoral Commission is also to publish notice of, and the reasons for, the decision on its website, unless the Electoral Commission is satisfied that there is an overriding public interest against the disclosure of the information (within the meaning of the [Government Information \(Public Access\) Act 2009](#)).

The duration of the suspension can be set at the time of the suspension, or the Commission can make a separate decision to end the suspension when it forms the view the contravention that led to the suspension has been remediated.

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QUESTION – Voluntary disclosures to the ICAC

Mr JUSTIN FIELD: Premier, the Committee on the Independent Commission against Corruption [ICAC] reported in November 2017. I think the Government responded in April to say that it will introduce a bill in relation to voluntary disclosures to the ICAC, taking into consideration the Government's review of the public interest disclosures regime. I was wondering where that is up to.

Ms GLADYS BEREJIKLIAN: I might take that on notice, but from memory, we referred the relevant matter to the committee. To my mind, we have made various reforms in relation to some of the recommendations in that regard. But I will endeavour to get you a fulsome response. I will take that on notice and make sure I give you a fulsome response. I just cannot remember exactly which bit of reform you are referring to.

Mr JUSTIN FIELD: I understand. When will the Wilcannia weir be built?

Ms GLADYS BEREJIKLIAN: Is this a question you asked the last time? No, this is Mr Blair. Is it Mr Blair?

Mr JUSTIN FIELD: Mr Buckingham's favourite.

Ms GLADYS BEREJIKLIAN: Yes.

Mr JUSTIN FIELD: And the people of Wilcannia are pretty keen on the idea of having water as well.

Ms GLADYS BEREJIKLIAN: I thought there was something missing from this hearing: It was his presence from last year.

The Hon. SCOTT FARLOW: Lucky us.

Ms GLADYS BEREJIKLIAN: Can I take that on notice, because I do not know the answer?

ANSWER:

The Department of Premier and Cabinet is working closely with the Public Interest Disclosures Steering Committee, chaired by the NSW Ombudsman, to develop a Bill for introduction to Parliament that will be informed by the following guiding principles:

- Make it simpler for public officials to make public interest disclosures
- Improve protections and remedies for those who suffer detrimental action
- Protect the reputation of individuals against defamation
- Discourage the public disclosure of confidential information.

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QUESTION – Electoral Commission

The CHAIR: Just following up on a question for the New South Wales Electoral Commission. Mr Schmidt, we have passed the date by which parties had to register for the New South Wales State election 2019. Could you table a list of the registered parties that are now approved?

Mr SCHMIDT: Certainly. I can also direct anybody who wants to do it to have a look at our website. You will find a list of both parties registered for State elections and for local government elections. But I will certainly table the list as part of the questions on notice.

ANSWER:

The list of registered political parties can be found on the NSW Electoral Commission's website:

http://www.elections.nsw.gov.au/candidates_and_parties/registered_political_parties/information_about_registered_parties

QUESTION – Political donations

Mr JUSTIN FIELD: Will that be searchable to the extent that you could name a party, or a candidate or a donor and you could get a historical record, or will it just be a going-forward record of political donations made or received?

Mr SCHMIDT: I must confess, I cannot tell you off the cuff the full functionality of the register. But if you want to ask me a question on notice I will happily give you the answer.

ANSWER: The NSW Electoral Commission has advised:

- (a) A new searchable disclosure publication website is being developed for the disclosures under the new *Electoral Funding Act 2018*, including the pre-election period disclosures.
- (b) It is expected to go live in October 2018.
- (c) The disclosures will be searchable, including by name, type of electoral participant (party, elected member, group, candidate, third-party campaigner and associated entity) and electoral district where applicable.

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QUESTION – Wilcannia weir

Mr JUSTIN FIELD: I understand. When will the Wilcannia weir be built?

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The Hon. SCOTT FARLOW: Lucky us.

Ms GLADYS BEREJIKLIAN: Can I take that on notice, because I do not know the answer?

ANSWER: The NSW Government is working closely with the Commonwealth Government to find a solution that will benefit the local community of Wilcannia.