

Budget Estimates 2019
Transport and Roads Hearing
Questions on Notice

Question 1

The Hon. DANIEL MOOKHEY: Good to hear. When you say that it resolved the \$1.5 billion of outstanding claims made by the consortium, presumably that would cover the design and construction claims, the utility work claims and operational maintenance claims. Is that correct?

Mr ANDREW CONSTANCE: I am happy to take on notice the exact claims that were resolved but, as with any commercial negotiation, you reach a critical point in terms of a PPP. I am not sure, based on your previous questioning yesterday to the Treasurer and last year, that you quite understand the mechanics of a PPP.

ANSWER

I am advised:

On 7 June 2019, Transport for NSW entered into a revised Public Private Partnership with ALTRAC for the delivery and operation of the CBD and South East Light Rail project.

Under the agreement with ALTRAC, there is a cost to Government of up to \$576 million.

This included the resolution of over \$1.5 billion of legal claims under the PPP with ALTRAC.

As part of the settlement some 1900 claims, including claims made by the Design & Construct Contractor and the Operations & Maintenance Contractor for additional costs and extension of time, and some 70 modifications were resolved.

Question 2

The Hon. DANIEL MOOKHEY: That is a bit harsh. Since you entered the settlement circa 31 May this year, has Transport for NSW received any new claims from the consortium?

Mr ANDREW CONSTANCE: I can check and take that on notice but—

ANSWER

I am advised:

The Restructure and Settlement package included the resolution of over \$1.5 billion of legal claims under the PPP.

However, modifications and claims are normal on large infrastructure projects and whilst work continues they are expected.

Since the arrangement was agreed on 31 May 2019 (entered into on 7 June), there have been 23 notifications for potential claims (as at 30 August 2019). These are notifications of a potential future claim, as required in the contract.

These, and any future claims that are made, will be assessed in accordance with the SLR project deed and worked through with the contractor on a commercial basis.

Question 3

The Hon. DANIEL MOOKHEY: It is the case that Transport for NSW, since you entered into the settlement or the reset—whatever you wish you call it—has received at least four new D and C claims? I will be up front with you, four new utility works claims. Is that correct?

Mr ANDREW CONSTANCE: We are happy to take it on notice and come back to you. The point I would say—

The Hon. DANIEL MOOKHEY: In respect to those four new claims, was RMS the cause of one of them?

Mr ANDREW CONSTANCE: I just said I would take it on notice and come back to you in relation to those claims.

ANSWER

I am advised:

The Restructure and Settlement package included the resolution of over \$1.5 billion of legal claims under the PPP.

However, modifications and claims are normal business on large infrastructure projects and whilst work continues they are expected.

TfNSW received four notification for utility work event claims in June 2019 with a total value of \$18,960 from Acciona for allegedly unexpected utilities found during potholing for the Sydney Light Rail project.

These four utilities claims are not related to RMS.

The detection of the four metal pipes could not have been foreseen when the settlement was reached.

TfNSW also received on 6 August 2019 a notice of claim regarding allegedly unauthorised access to the SLR Site and damage caused to the SLR Works by RMS (or its contractor) working on WestConnex Stage 3B.

As with any other infrastructure project, these claims will be worked through with the contractor on a commercial basis.

Question 4 - 6

The Hon. DANIEL MOOKHEY: The acting CEO of RMS is here, as are the representatives of Sydney light rail, so feel free to add. On 29 July did RMS enter the Sydney light rail site without authorisation?

Mr ANDREW CONSTANCE: Is that your question?

The Hon. DANIEL MOOKHEY: Yes.

Mr ANDREW CONSTANCE: We are happy to take that on notice.

Question 5

The Hon. DANIEL MOOKHEY: Relevant two officials. On 29 July did RMS, your agency, enter the Sydney CBD light rail site, your project?

Mr ANDREW CONSTANCE: Hard-hitting news.

The Hon. DANIEL MOOKHEY: It is your project. It is a straightforward question. Did you have authorisation?

Ms TRUSSELL: I am happy to take that on notice.

The Hon. DANIEL MOOKHEY: I am sure you are. Without authorisation did RMS begin excavations at the CBD light rail site?

Mr ANDREW CONSTANCE: I think if the official says we will take it on notice, I would not ask the next question.

The Hon. DANIEL MOOKHEY: Well, I will. That is the question.

Mr ANDREW CONSTANCE: We will take that on notice, too.

The Hon. DANIEL MOOKHEY: Did RMS, your agency, enter the site without authorisation and begin excavations without permission?

Mr ANDREW CONSTANCE: Ditto to the last two questions. We will take it on notice, mate. We have got a lot of work on—\$93 billion of infrastructure—and here you are questioning me about RMS digging a hole somewhere.

The Hon. DANIEL MOOKHEY: Were these unauthorised diggings undertaken by your agency on your project? That was part of the WestConnex stage 3B, wasn't it?

Mr ANDREW CONSTANCE: First of all, you are making all sorts of weird and wonderful claims here. I said I would take it on notice; go and investigate your claims because I am sure there is some different answer to what you think, to what is going on inside your head.

Question 6

The Hon. DANIEL MOOKHEY: Has Transport for NSW said in any of its registers that RMS's unauthorised WestConnex excavations on the CBD light rail site—just to be clear, so you can relax—your agency, on your project, created significant damage? Has that been said?

Mr ANDREW CONSTANCE: I said I would take on notice this issue.

ANSWER

I am advised:

An interface agreement between RMS and Transport for NSW governs the access process.

Transport for NSW received notification of a potential claim on 6 August 2019

from ALTRAC, for works carried out on 29 July 2019 by the WestConnex contractor to an earth embankment and drainage pipe adjacent to the Lilyfield Depot Site for works associated with WestConnex 3B. This is outside the depot fence line and did not impact the safety or operation of the Lilyfield Depot Site.

The section of the Lilyfield Depot Site is intended to be handed over to the WestConnex contractor whom will bear the cost of rectification. It is expected that there will be no cost to the Sydney Light Rail project.

Question 7

The Hon. MARK BANASIAK: Would you go as far as to say that it is probably more fair and equitable to raise the available height, to be increased to 2.4, to cover four-wheel-drive vehicles that have a legal two inch lift and roof racks, which a lot of them do?

Mr ANDREW CONSTANCE: I am happy to take that away, to go and have a look at it. Again, I make the point, the operator should do the right thing too.

ANSWER

I am advised:

All toll roads in NSW have two vehicle classes, Class A and Class B, except for the Sydney Harbour Bridge and Sydney Harbour Tunnel, which charge all vehicles as Class A

In the case of the Eastern Distributor and the M5 West Motorway, Class A vehicles are a three-axle vehicle under two metres in height or a two-axle vehicle under 2.8 metres in height, not restricted in length

For all other private motorways, Class A vehicles are less than 2.8 metres in height and 12.5 metres in length. Class B is any vehicle that exceeds the dimension of Class A.

These descriptions have not changed.

Question 8

The Hon. MARK BANASIAK: How much money has actually been collected under this levy? Can you give us the dissection in terms of money collected from taxis versus money collected from rideshare services?

Mr ANDREW CONSTANCE: I am happy to take that on notice and come back with the most up-to-date number. We had an issue first up around, from memory, \$96 million to those plate owners and then we worked through a process of hardship. I must indicate to you—and this is important—that the Taxi Council, along with the Department of Premier and Cabinet, Treasury and Transport, worked through the issues at arm's length from me in terms of a hardship panel process to determine the criteria and assist in that process. That is important, but I will definitely come back to you with the latest number in that regard.

ANSWER

I am advised:

I refer you to the answer given at the Hearing.

Question 9

The Hon. PETER PRIMROSE: Yourself or whoever you consider appropriate. It is the case, is it not, that asbestos registers have existed at Sydney Trains for the period from July 2013 onwards?

Mr COLLINS: Yes, Sydney Trains abides by strict protocols regarding the management and handling of asbestos according to the Work Health and Safety Act. We do have a number of asbestos registers, management plans, safety management systems and all that goes with managing asbestos.

The Hon. PETER PRIMROSE: Will you make those available to the Committee?

Mr COLLINS: We will take that on notice and we will be able to provide what is publicly available, which is obviously those registers.

The Hon. PETER PRIMROSE: Your earlier advice that there are three plans is incorrect? There are more than three plans?

Mr COLLINS: As with the complexity of asbestos, there are a lot of different plans. It depends on what plans you want me to refer to, but there are a number of plans. Obviously it is driven by ensuring that each site and each location has a register. We manage those materials through the relevant SafeWork NSW codes of practice.

The Hon. PETER PRIMROSE: Will you be able to provide a list of those plans to the Committee?

Mr COLLINS: I will take on notice what detail is available, but certainly we ensure that for those people who are involved in the stations and occupations of the stations, any work, those plans are available.

The Hon. PETER PRIMROSE: Can you provide a list of those plans to the Committee?

Mr COLLINS: I will take that on notice and see what plans you are referring to and make available what we have.

Mr COLLINS: There are thousands of documents. If you clarify what you mean by plans it would certainly assist me in providing the accurate documents. Have you any particular site or location or the register itself? I certainly can provide that information to you on notice.

The Hon. PETER PRIMROSE: The reason I suggested there were three plans is because that was your advice, and that those management plans were last reviewed on 3 January 2018, 14 August 2018 and 17 August 2018. Could you make those plans available to the Committee?

Mr COLLINS: Now you have given me what the records are, obviously, we certainly can make those available.

ANSWER

I am advised:

Sydney Trains takes its obligations regarding the management of asbestos very seriously. Sydney Trains complies with all of its statutory obligations in relation to the management of asbestos, including those under the Work Health and Safety Act.

Question 10

The Hon. JOHN GRAHAM: Minister, why haven't these trials been cancelled? Other trials have been.

Mr ANDREW CONSTANCE: I will ask you to pose the question to the correct Minister.

The Hon. JOHN GRAHAM: I am asking you. You are responsible under the Act.

Mr ANDREW CONSTANCE: No, I am sorry, I am not the regional transport Minister and very deliberately I am at arm's length from this issue.

The Hon. JOHN GRAHAM: Minister, five people caught this bus in June 2019.

Mr ANDREW CONSTANCE: I know where you are going with this. It is grubby; it is typical of you lot. Quite frankly, I am happy to provide, through the regional transport Minister, an answer to your questions, but my observation is, as I understand it, as regional transport Minister, he has carriage of on-demand pilots. I can make the point—

ANSWER

I am advised:

This is a matter for the Regional Transport and Roads Minister.

Question 11

The Hon. DANIEL MOOKHEY: —was straightforward: Have you received advice that the construction of a stop at Rydalmere on the western metro would render the Parramatta Light Rail Stage 2 unviable?

Mr ANDREW CONSTANCE: No, I have not. I can go back and check.

ANSWER

I am advised:

I refer you to the answer given at the hearing.

Question 12

Ms CATE FAEHRMANN: How much of that is separated cycling infrastructure then?

Mr ANDREW CONSTANCE: I can take that on notice, but that is going into shared pathways and brand-new cycleways. We are at record levels here in terms of trying to achieve that. You know that.

ANSWER

I am advised:

I refer you the answer to Supplementary Questions 15 and 16.

Question 13

Ms CATE FAEHRMANN: Minister, I have been informed that as a result of close passes and the injuries and deaths we have talked about, and the failure of current education campaigns to change driver behaviour, that Bicycle NSW together with the New South Wales police developed an alternative road safety campaign but they have been refused requests for funding to complete its development and distribution. Do you know about that and do you know why that is?

Mr ANDREW CONSTANCE: I am not aware of that but I am happy to go away and have a look at it.

ANSWER

I am advised:

I refer you to the answer to Supplementary Question 109.

Question 14

Ms CATE FAEHRMANN: Would you agree that something between Bicycle NSW and the New South Wales police would be a good project for the Government to get behind?

Mr ANDREW CONSTANCE: Absolutely, but I have just recently been here with a bunch of kids who have designed posters around cycling and I went and put the posters up in trains.

Ms CATE FAEHRMANN: I was there, too.

Mr ANDREW CONSTANCE: Yes, I have gone and put them up in Sydney trains to try and drive the awareness but there is mutual obligation here. There is a requirement for cyclists to obey the road rules because let me tell you, some of the behaviours that I am seeing around the city are terrible. At the same time, I expect other road users to also be mindful of the dangers of cycling when passing and being around cyclists. We are investing in new pathways to separate them out, we have targeted campaigns. If you are saying that there is a program that has been developed somewhere that has not been accepted, I will go and have a look at that.

ANSWER

I am advised:

I refer you to the answer to Supplementary Question 109.

Question 15

Ms CATE FAEHRMANN: Can I just ask whether the safe rails technology is a part of investigating that? I understand some of the cyclist groups have looked into this technology, which is used overseas, which you can put into the tracks and it makes it impossible for tyres to be caught in that? And if not, would you commit to look having a look at it?

Mr STAPLES: I am happy to take on notice the specifics on that and see whether or not the review has examined that particular element?

ANSWER

I am advised:

TfNSW is supportive of the investigation of products to support their safe use around light rail.

Consideration must be given as part of a suite of tools and longevity of products which includes the investigation, and potentially trialling, of the safe rails product

Question 16

The Hon. MARK BANASIAK: My next question goes to an issue with Canowindra Public School and St Edward's Primary School. In response to representations by my colleague Phil Donato, you said that the RMS was looking into options regarding the construction of a student crossing for those two schools, which are situated on a State highway. Has RMS come to a conclusion as to what those options are considering, I imagine, the only two options are you either build it or you do not?

Mr ANDREW CONSTANCE: Okay. If we can get an answer for you today on that, we will, but I will have to take that on notice, first up. It is one of the great challenges of country New South Wales; there are a lot of schools on regional highways.

ANSWER

I am advised:

This is a matter for the Minister for Regional Transport and Roads.

Question 17

The Hon. MARK BANASIAK: My next question is regarding business cases again. Was there one done on the Bathurst Bullet 2 rail service, including the cost-benefit analysis? And was that done before this additional rail service was announced on 19 February this year?

Mr ANDREW CONSTANCE: I will have to ask you to put that question to the regional transport Minister. Again, I would have to take that on notice, but it is more appropriately asked of the appropriate Minister.

ANSWER

I am advised:

This is a matter for the Minister for Regional Transport and Roads.

Question 18

The CHAIR: Did you have the on-time running in that?

Mr ANDREW CONSTANCE: Let me look and see if I have it here in the note. I might have to take the on-time running on notice. But generally that gives you an indication. There has been changes to the network in terms of redesign. For instance, there has been the introduction of four high-frequency 15-minute routes on key corridors and we have seen the introduction of on-demand. And obviously, as part of it, the introduction of light rail, which has gone gangbusters, has been fantastic. I think the main thing is that we will continue to monitor that. I will get you the on-time running numbers if that is what you would like.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 17.

Question 19

The Hon. JOHN GRAHAM: Let me ask you this then, Minister, in relation to on-time running, also discussed, that was the key reason you advocated publicly in 2017 for privatising region six bus routes. In the 12 months since going to a private operator, region six bus routes have never met their on-time running target. How is that looking now?

Mr ANDREW CONSTANCE: You are talking about one of the most congested parts of the city. We have seen a 20 per cent increase in the number of people in that region. There is no doubt in terms of on-time running, I recall the STA having on-time running at around 83 per cent in months prior to doing this franchise.

The Hon. DANIEL MOOKHEY: Have you imposed any penalties?

Mr ANDREW CONSTANCE: Just let me finish.

The Hon. WES FANG: Point of order—

Mr ANDREW CONSTANCE: It is really important because you guys are going to go out there and run your silly little anti-community campaigns, and tell everyone that the sky is going to fall in when we go and franchise. Guess what? We have had some pretty successful franchises in our time in government, including ferries, buses, Newcastle and region six.

The Hon. JOHN GRAHAM: I am just giving you a chance to correct the record: Have they ever run on time? That is what we have been told. Have they ever run on time?

The Hon. CATHERINE CUSACK: He cannot do that if you talk over the top of him

Mr ANDREW CONSTANCE: If you are going to say these things—by whom? You just said that you had been told by someone—

The Hon. JOHN GRAHAM: In the 12 months—

Mr ANDREW CONSTANCE: No, I am entitled to ask you. Who has told you?

The Hon. JOHN GRAHAM: This is estimates. You are not in the Legislative Assembly now. You are not in the bear pit.

Mr ANDREW CONSTANCE: There you go, you have been caught out. You have been saying that you have been told something and you cannot tell me who told you.

The Hon. JOHN GRAHAM: In the 12 months, have they ever met the on-time running targets?

Mr ANDREW CONSTANCE: I am happy to take all those questions on notice.

ANSWER

I am advised:

I refer you to the answer to Questions on Notice 17 and 18.

Question 20

The Hon. PETER PRIMROSE: I appreciate that, Minister. On 9 April this year Bastian Wallace from Bicycle NSW wrote to Transport for NSW informing it about the safe rails technology, and you have alluded to that. Given that there were many concerns from bicyclists in Newcastle about the fact that they could not safely cross the light rail, can I ask you or your officers—and this was three months before that person died—what their response was to the concern raised by Bicycle NSW?

Mr ANDREW CONSTANCE: First point: I am happy to take that on notice and come back to you. Secondly, I want you to understand how seriously we are taking this issue and, thirdly, until we have the Coroner's recommendations in relation to that fatality, we just do not know. We need to have a look at everything in that regard. That is my expectation. There is no doubt, as you allude to, that when Bicycle NSW comes forward with concerns, I expect the agency to look at it. We had a group of really important stakeholders and they are without doubt—

ANSWER

I am advised:

Bicycle NSW approached Transport for NSW in May 2019 with a campaign idea.

Transport for NSW recommended Bicycle NSW apply for community Road Safety Grant.

Applications are being assessed.

Question 21

The Hon. PETER PRIMROSE: Here is a question for you and your officers: Given you have indicated that you do not have to be a genius to recognise this would be a problem for cyclists, why on earth did you and your department not consider it when this was under construction?

Mr ANDREW CONSTANCE: I am not so sure that the premise of your question is right. I am happy to take it on notice—

The Hon. PETER PRIMROSE: I will make it positive. What did you do to ensure that there would be no deaths as a consequence of bicyclists not being able to cross at 90 degrees on those tracks?

Mr ANDREW CONSTANCE: I will take your question on notice in relation to the design of the Newcastle Light Rail, specifically in relation to cyclists. This is getting a little bit ridiculous. The point out of it—

ANSWER

I am advised:

I refer you to the answer to Questions on Notice 20.

Question 22

The Hon. MARK BANASIAK: Mr Collins, Mr Primrose asked a question about asbestos—it seems so long ago. In the last 12 months, how many instances of asbestos discovery and removal have occurred in your operations?

Mr COLLINS: I would have to take that on notice. Obviously we have a huge infrastructure with a lot of activities going on. Certainly we will be able to provide whatever information is available.

The Hon. MARK BANASIAK: While you are taking that on notice, can you also include whether there was any instance where it was not handled properly according to your set policies?

Mr COLLINS: We will report the information that you have asked on notice.

ANSWER

I am advised:

I refer you to the answer to Question on Notice 9.

Question 23

The CHAIR: Following the closure of the West Balmain ferry in 2013 and the increase since then of developments in and around Elliott Street, is there any plan to reinstate the West Balmain ferry wharf?

Mr ANDREW CONSTANCE: I am not aware of any plan in this regard at this stage.

The CHAIR: Has that been looked at? Do you know?

Mr ANDREW CONSTANCE: I am sure it has, but I can take that on notice.

ANSWER

I am advised:

There are no plans to reinstate regular passenger ferry services to the wharf at Balmain West.

Existing frequent bus services provide regular transport options to a number of destinations in the area, including the Sydney CBD. The majority of residents in the vicinity of Elliot Street are within walking distance of bus services operating along Darling Street. Regular ferry services serving the Balmain Peninsula operate to wharves at Balmain (Thames Street) and Balmain East (Darling Street).

Question 24

The Hon. JOHN GRAHAM: When did the executive director get there?

Mr COLLINS: I do not know the actual time, but he was there fairly early because I was in communication with him straightaway.

The Hon. JOHN GRAHAM: Perhaps on notice.

ANSWER

I am advised:

The Executive Director, Engineering & Maintenance arrived at the site shortly before 8am on 23 August.

Question 25

The Hon. JOHN GRAHAM: What time was that train moved?

Mr COLLINS: It was eight something. I could take on notice the information; I have not got the detail.

The Hon. JOHN GRAHAM: I would be happy with that, if you could give us a rough idea and the details on notice.

Mr COLLINS: It was three hours or thereabouts in terms of moving the train.

ANSWER

I am advised:

The train involved in the Town Hall incident on 23 August 2019, was moved at 8.44am.

Question 26

The Hon. DANIEL MOOKHEY: I will ask one question that arises from that line of questioning as well. Have you ascertained yet, the last time maintenance was performed on this particular train, on this particular hatch?

Mr COLLINS: I will take that on notice. I know that from our initial preliminary inquiries the train left Mortdale and I know of no reason why there was any question about the maintenance of this train. This hatch is actually only opened and inspected twice a year.

ANSWER

I am advised:

The hatch was last visually inspected on 18/7/2019 while the train was undergoing its scheduled 120-day General Inspection (GI). The hatch itself was found to be in working order; a post-incident inspection has identified that the issue was with hinge which is very difficult to visualise when the hinge is open.

Sydney Trains has subsequently added an additional maintenance task which requires a more detailed inspection of hatches and hinges during scheduled 120-day General Inspections.

A complete inspection of all ceiling hatches/hinges in the Tangara fleet has also been completed following this incident.

Question 27

The Hon. DANIEL MOOKHEY: Can I just ask one very quick follow-up. Are you envisaging the use of the same interlocking technology on the new regional fleet? Is that a design requirement that you have put to the market for the procurement of that fleet?

Mr STAPLES: I would have to take that on notice in terms of the particular details of that. What I would say is that the operating procedure on the existing XPT fleet is very different to what we have on our existing—

The Hon. DANIEL MOOKHEY: I am asking you because there is concern that that will lead to the same displacement that there was concern about with the new intercity fleets.

ANSWER

I am advised:

This is a matter for the Minister for Regional Transport and Roads.

Question 28

The Hon. MARK BANASIAK: You mentioned that the switches were the issue, that they were the archaic part of the system. You said you are looking to upgrade them. What is the timeline for that upgrade?

Mr COLLINS: Let me again make it clear. Those switches are serviceable, they are safe, they are in good order. It is the methodology of getting to them, which were in the tunnel. It is certainly our plan, and trials have worked very successfully. We now have to prepare. Obviously this changes the standard of operation. This, in some ways, is a world first of converting this type of railway to remote switching and we have a pretty advanced program and we will be working with our colleagues in Transport for NSW. I cannot, and I will take on notice, the timescales, because it is early days yet. But I can assure you that we want to do this as quickly as possible, but in the meantime it is reviewing all those other things that went on the day. We are going through that now. We will come up with some findings and obviously understand what more we can do to mitigate against such incidents.

ANSWER

I am advised:

The program to enable remote switching will take 7 years to roll out across the network subject to provision of funding, procurement and development of the program structure. Critical operational areas will be the first priority of this program and the finalisation of concept designs.

Question 29

The CHAIR: Are there more staff now on the metro than you intend to be in six months? Is the plan to reduce staff numbers as people get more familiar with using the metro?

Mr STAPLES: Mr Lamonte is spending more time overseeing, so I may refer to him to give you some background on that. If we do not have the full detail, we can take that on notice.

The CHAIR: Is it information that you would have that you could take the question on notice and come back—to find out if there are any plans?

Mr LAMONTE: As I said, I am not aware of any plans. I am very happy to take on notice to see if there is anything else that we can provide but I am not aware of anything that is out there.

ANSWER

I am advised:

I refer you to the answer given at the hearing.

Question 30

The Hon. DANIEL MOOKHEY: Is he an executive with remuneration equal to or exceeding the equivalent of SES level one?

Mr GILFILLAN: I cannot confirm how that compares with SES. We operate as a State-owned corporation with a different structure, but I can take it on notice and advise whether that is so.

ANSWER

I am advised:

Port Authority publishes reportable salary bands in its publicly available annual report. It is the Port Authority policy and practice that individual contract and salary details remain private and confidential..

Question 31

The Hon. DANIEL MOOKHEY: What is her approximate salary range?

Mr GILFILLAN: She is working three days a week. I cannot give you what her salary range is, but it is appropriate for a general manager in our organisation.

The Hon. DANIEL MOOKHEY: Do you mind taking that on notice?

Mr GILFILLAN: I can, yes.

ANSWER

I am advised:

Port Authority publishes reportable salary bands in its publicly available annual report. It is the Port Authority policy and practice that individual contract and salary details remain private and confidential.

Question 32

The Hon. DANIEL MOOKHEY: When was Miss Bennett appointed?

Mr GILFILLAN: I do not know exactly but I think it might have been in June. I can take that on notice.

ANSWER

I am advised:

The General Manager, Strategic Projects Advisor was employed on 10 June 2019.

Question 33

The Hon. MARK BANASIAK: I draw your attention to taxis and ride shares, so some of these questions may fall on RMS and some may fall on the Point to Point Transport Commissioner, but I will let you decide. In the first instance, the first couple of questions will fall to RMS. In September 2015, some 16 months after Uber's illegal operation had commenced, RMS advised that, with some 57 inspectors, they had managed to prosecute only a handful of law-breakers, which is apparently less than 20. They also advised that, due to operational reasons, none had actually proceeded to court. What were the operational reasons that hindered those matters going to court?

Mr STAPLES: I would have to say, in terms of the people here, particularly myself and Ms Trussell, we probably do not have a lot of history on the background of that earlier activity. We certainly have the Point to Point Transport Commissioner Anthony Wing here, who is available to talk about the oversight and the way we are managing that industry now from a safety assurance point of view, and there is a very good regime going on which I think we can give explanation to, but the specifics of what you are talking about I think we would need to take on notice.

ANSWER

I am advised:

There were 14 authorised officers in the Public Vehicle Investigation Unit at the time referred to, not 57.

Roads and Maritime was in the process of prosecuting 24 drivers with a total of 98 offences, with 77 more drivers ready to be charged. Compliance action ceased when new regulations were implemented in December 2015, which provided drivers with an exemption from accreditation while the Point to Point Taskforce made subsequent recommendations. The new regulatory framework was developed over the next 18 months, coming into force from November 2017.

Question 34

The Hon. JOHN GRAHAM: It went to the Minister or the Minister's office?

Mr STAPLES: I would have to check exactly where it went. If it certainly went to a Minister my expectation would be it would have been Minister Toole. Most of this trial was intended to be done at a departmental level in terms of the decision-making around that. Ms Mildwater outlined this year is a learning exercise for us about how we can improve.

The Hon. JOHN GRAHAM: You can take that on notice. Do any of your other colleagues want to contribute briefly at this moment?

ANSWER

I am advised:

I was not not briefed. The trial was approved by the Agency.

Question 35

The Hon. DANIEL MOOKHEY: And the New South Wales Commissioning Contestability guide is a policy that Treasury says applies to all New South Wales Government agencies. I am wondering about whether that includes state-owned corporations or not?

Mr GILFILLAN: I cannot confirm it does.

The Hon. DANIEL MOOKHEY: Can you take that on notice?

Mr GILFILLAN: I will take that on notice. The process we are following is an informal process.

ANSWER

I am advised:

This is a matter for the Treasurer.

Question 36

The Hon. DANIEL MOOKHEY: Those discussions that you mentioned were had by three of your staff, were they with the Minister's chief of staff or with the Minister's policy advisers or with the Minister himself?

Mr GILFILLAN: I am not aware, but I can take that on notice.

ANSWER

I am advised:

Port Authority staff meet with the Minister's office regularly on a range of matters.

Question 37

The Hon. DANIEL MOOKHEY: Have you had discussions with Norwegian?

Mr GILFILLAN: Yes.

The Hon. DANIEL MOOKHEY: When did they take place?

Mr GILFILLAN: I do not know the dates. I can find out if you wish.

ANSWER

I am advised:

15 July 2019.

Question 38

The CHAIR: I like that answer. Moving on to buses, how many complaints has the department received from the public concerning inner west buses since Transit Systems has been operating the buses?

Mr STAPLES: I might pass to Ms Mildwater, who has oversight, as I indicated in my introduction, of all the transport modes across greater Sydney including the management of the bus contracts. She will have some high-level information and she may need to take the detail on notice.

Ms MILDWATER: I will have a look. I could get for you the exact number of complaints, but I will say they are trending downwards. Transit Systems customer satisfaction is holding quite steady and its other metrics are improving. Since it took over the contract in July last year, its patronage has grown by almost 20 per cent, which is a significant jump at the same time as holding its metrics. It has added 270 extra services so far with about 400 extra drivers and has decreased cancellations. I could get you the exact number of complaints, but I can tell you that they are trending downwards

The CHAIR: If you could take on notice to get the number of complaints for the last several months, whatever you think would be useful, that would be very good. What oversight does the department or the Government have of the number of complaints coming in and how do you respond when you see a spike in complaints?

Ms MILDWATER: The complaints for all of our services are managed centrally through Transport for NSW. We produce reports internally analysing if there are trends or whether there are specifics. This is part of the feedback that we use when we consider whether we need to introduce additional services on any particular routes, because they might give us insights into, for example, where we do need to increase services because of overcrowding due to increased patronage. In terms of specific complaints, I might throw the question to Mr Faurby

for STA, because sometimes if you receive a complaint and it is very specific, we will respond to that directly through the particular operator. But we do also, as Transport, analyse all complaints. Particularly what we are looking for are trends and issues we can address through changes to the services.

Mr STAPLES: Before we go to Mr Faurby I want to emphasise that, while we have a number of contracted services, the way we have set ourselves up is to make sure we get transparency on customer complaints using the 131 500 line and various channels to consolidate things so that we get very good visibility of the complaints that come in from our customers. We take all of those seriously and we engage with the operators around that. I know we have taken on notice the number of complaints in the region six area, but we must be careful not to associate that, because the service has changed, with who the operator is. As part of that contracting regime, we went through a significant change in the service offer as well and a substantial increase in the number of services in region six. It is fair to say, just like we said earlier, when we started changing services in the north-west of Sydney, some customers get significant benefit out of that and others not so much. It is some elements of the service change that will then be associated with the complaints.

The CHAIR: Before we move along, some of the most concerning aspects, other than customer services, in relation to which I am sure there are substantial complaints, are also complaints about buses speeding down

residential streets and poor driver performance. Do you have any statistics on the percentage of complaints along those lines?

Mr STAPLES: I will take on notice anything in relation to region six, but Mr Faurby, as the operator of bus services, can probably give you some insight on how they manage those things and how they get visibility of those overall.

ANSWER

I am advised:

State Transit bus drivers are expected to always maintain a high standard of safe driving and always comply with road rules.

Any employee found driving in an unsafe manner, contrary to work instructions and road rules, may be counselled in the first instance or be subject to disciplinary action including regression in grade, a final warning, or dismissal.

All State Transit bus drivers are subject to enforcement action if they breach road regulations and are personally liable for any monetary fines. State Transit does not pay any employee's traffic infringement fine.

It is mandatory for State Transit bus drivers to hold a valid NSW driver's licence. Any demerit points are deducted from their licence. Loss of licence means a driver cannot carry out their bus driving duties.

All State Transit bus drivers undertake a rigorous training program which includes educating and reminding them of the road rules and safe driving practices.

State Transit manages employee compliance with its Traffic Law Violation Procedure which includes requiring its bus drivers to maintain a high standard of safe driving and compliance with road rules, displaying information on speed zone changes, and identifying the individual employee operating a vehicle for which an infringement notice was issued. Identifying the employee enables managers to take appropriate action with the individual concerned.

Question 39

The Hon. JOHN GRAHAM: Thank you, I think you have answered the question, Mr Gilfillan. I wanted to let my colleague run through that, but returning to the advice you have given, I understand what you are saying, that the sign-off happened at executive director level for the bus trials, although it would not be unusual for an information briefing to go to the Minister's office or the Minister, or for someone to verbally brief the Minister. My question to you was slightly different from who signed it off; it was really this: Did anyone brief Minister Constance on the trials in his electorate?

Mr STAPLES: I certainly personally was not involved in any briefing in and around that. I have not had any conversation at all with the Minister in relation to that trial and I interact with him very regularly. He has never raised the matter with me personally at all. I am happy to take on notice whether there has been any discussion with his office that we have a formal record of.

The Hon. JOHN GRAHAM: That is very useful from your end.

Mr STAPLES: We can do that, but just be really clear that the decision was for Transport for NSW.

The Hon. JOHN GRAHAM: Yes, which is helpful and, by the way, is not contested, so if you would take that on notice for you and your team?

Mr STAPLES: Certainly.

ANSWER

I am advised:

No.

Question 40

The Hon. JOHN GRAHAM: The review of road safety found it is apparent that the M4 eastbound Church St off-ramp continues to have "a higher number of casualty crashes than all other off-ramps analysed." Is it fair to say this is the worst off-ramp in Sydney from a safety point of view?

Mr HARDWICK: I would have to do a confirmation with off-ramps and on-ramps for motorways, but we are doing a lot of work around improving that intersection. The works we have got in train will continue to reduce the number of incidents.

The Hon. JOHN GRAHAM: If you could take that on notice that would be helpful.

Mr STAPLES: I emphasise the point that one of the things the report did highlight was the particular geometry and sort of sightlines, which are a legacy of when the road was originally built, do offer some challenges there because you are coming around a curve on a slope.

ANSWER

I am advised:

It would be inappropriate to draw explicit conclusions about the relative safety of one off-ramp and surrounds compared to another, without concurrent consideration of traffic volumes and features of the local road network at those points.

Question 41

The Hon. JOHN GRAHAM: The Treasurer has told his electorate, "I've raised these issues with Transport for NSW." What representations has Transport for NSW received from the Treasurer?

Mr STAPLES: I might ask Ms Mildwater to comment in terms of where we are at on that.

The Hon. JOHN GRAHAM: I do not want to know where we are at. I want to know are there representations from the Treasurer?

Ms MILDWATER: I would have to take that on notice. I can tell you what we are doing.

The Hon. JOHN GRAHAM: I simply want to know what representations there have been from the Treasurer.

Mr STAPLES: We will take that on notice.

ANSWER

I am advised:

Transport for NSW has received representations from the Member for Epping.

The feedback includes requests to reconsider the changes made to local bus services, including routes 620X, 621, 625, 626, 632, 633 and 642X.

Transport for NSW has been monitoring customer feedback and changes in customer travel patterns since changes to bus routes were introduced on 28 July.

Transport for NSW will consider making adjustments to the bus network based on customer feedback received and changes in customer travel patterns.

Question 42

The Hon. JOHN GRAHAM: I am happy if you take that on notice. I want to ask a question about a contract that has been issued, a revenue contract with what was formerly Roads and Maritime Services—the Sydney Harbour Bridge Concession Agreement. It is a revenue contract for \$1, which relates to the contractor named Feliz Puente—I understand that means "happy bridge" in Spanish—that replaces the former operator BridgeClimb. It is the revenue contract in place for the new arrangement, which extends for some considerable period of time—I think through to 2039. I take it we have not signed up for \$1 of revenue on this contract?

Mr STAPLES: I do not have the specifics on hand of that particular contract. I can ask Mr Hardwick to comment. There is certainly a process that we went through.

The Hon. JOHN GRAHAM: Understood, and it was quite extensive.

Mr STAPLES: Yes, it was. The only comment I would make, which I am really excited about, is some of the opportunities to get people with disabilities and so forth onto the bridge is an outstanding change in the offer that we have got, which we are very excited about.

The Hon. JOHN GRAHAM: I accept that. Mr Hardwick?

Mr HARDWICK: The BridgeClimb contract, that whole process went for quite some time—it was nearly 18 months from start to finish. There were a number of bidders that were put through in that process.

The Hon. JOHN GRAHAM: I am familiar with that background. The Minister has not sold the bridge for \$1, has he?

Mr HARDWICK: No.

The Hon. JOHN GRAHAM: So why does the contract list it as \$1?

Mr HARDWICK: I would have to take that on notice why it is identified that way.

The Hon. JOHN GRAHAM: If you could take that on notice that would be helpful. The contract began on 15 June 2018 but it was not published until 12 April 2019. Why was that?

Mr HARDWICK: Why was what not published?

The Hon. JOHN GRAHAM: The contract began on 15 June 2018 but it was not published until 12 April 2019. Why the delay? Why was this not out in public?

Mr HARDWICK: I understand the premise of the question. We do not have the detail at hand so we will take it on notice and try and provide you with some clarity.

The Hon. JOHN GRAHAM: How much revenue will be coming in to the Government from this contract?

Mr STAPLES: We will take it on notice and see what we can provide in relation to that.

The Hon. JOHN GRAHAM: I just want an assurance though that you will not come back saying this is commercial in confidence. There is no reason why this information would not be able to be known to the public given the contract. You have gone through an extensive process. There were 13 bidders. I accept it was comprehensive; it is signed up until 2039. You are not going to come back and say the public cannot know how much money—

The Hon. WES FANG: Point of order: How can they give that guarantee?

The Hon. SHAYNE MALLARD: How can he know that?

The CHAIR: Can I hear the point of order? Is it a point of order or a complaint?

The Hon. WES FANG: It is a point of order. You are asking for a guarantee that is unable to be given.

The Hon. JOHN GRAHAM: I am happy for the secretary to answer in whatever way he chooses.

The Hon. SHAYNE MALLARD: To the point of order: Mr Staples said he will take it on notice. I think when someone says they will take it on notice you do not ask more questions about the question.

The CHAIR: If it is a separate question to the one that was going to be taken on notice he can continue.

The Hon. JOHN GRAHAM: I am happy for you to answer in whatever way, but that information is unlikely to be commercial in confidence.

Mr STAPLES: I have learnt over time not to second-guess exactly the circumstances. So absolutely I will take it on notice and we will disclose what we understand our obligations to be in terms of contract disclosure.

ANSWER

I am advised:

RMS has not signed up for \$1 revenue on this contract.. The Intellectual Property rights to brand, trademarks etc were then sold to RMS for \$1. This is the amount referred to.

The Concession Agreement was not disclosed within the standard timeframes because RMS had to wait until the eTendering website was modified so that it aligned with statutory reporting obligations.

Question 43

The Hon. DANIEL MOOKHEY: That is good but I did actually pursue this at some length with Treasury yesterday, and they did make it clear that a lot of these questions should be directed here. I do not want to get you caught in a shuffle but the questions are really straightforward. How much of that money that has been raised in the debt profile was to be remitted to the Newcastle Light Rail and Sydney Metro Northwest? Do you know or does anyone know?

Mr STAPLES: Both of those projects are obviously complete. I do not have specific knowledge around the contributions to that because our focus is on the delivery of the projects and getting them into service. It sounds to me, at face value, notwithstanding what you might have heard yesterday, that that is more about a financing issue and where the money comes from, which generally speaking is a matter for Treasury. But I am happy to take it on notice.

ANSWER

I am advised:

This is a matter for the Treasurer.

Question 44

The Hon. MARK BANASIAK: There was a recommendation that the ordinary taxi licences be converted to transferable annual licences that can only be renewed up to nine times. How does that guarantee security for those taxi workers who would possibly have loans that would exceed that nine-year period?

Mr STAPLES: I do not have the specifics on that one. I think that is one that we will have to take on notice, unless Mr Wing has something that he could add to that that could help clarify it?

ANSWER

I am advised:

In December 2015, the independent Point to Point Transport Taskforce made 57 recommendations, including the following (Rec 40):

‘Existing ordinary taxi licences be converted to transferable annual licences that are renewable up to nine times.’

The Government response was:

‘Not supported. The reforms do not change the legal rights of taxi licence owners. Only licensed taxis will be able to do rank and hail work, as now.’

Question 45

The Hon. MARK BANASIAK: What are the defining factors for hardship? Is there a test that these licensees must go through?

Mr STAPLES: I am just getting a little bit of extra information. I do have some on hand. I am just trying to find the specifics of it so I make sure I get your answer correct. The three main reasons—apologies, I have got a general understanding.

The Hon. MARK BANASIAK: Do you want to take it on notice and give it a more thorough answer? I am happy for that to occur.

Mr STAPLES: I am happy to provide you a written response on those. Some reasons why applications or applicants may not have received payments would have been where the application or the applicant did not provide a complete application and we did have a number of circumstances where that was the case and we did go back and seek additional information in requests and sometimes we did not receive that. That may be where some of your questions are coming from. Also, if there was some key information that was critical to understanding the applicant's financial circumstances because the hardship does relate to, as the word suggests, their financial situation. The third component is a bit more particular around the evidence regarding gross income and net wealth and the claim of the detriment that it is actually having. This is intended to focus on people who have suffered particular financial hardship and there are some elements there that people were not able to address, but there were certainly a number of cases where they were. I am happy to take on notice a little bit more of a response on that.

ANSWER

I am advised:

The Minister approved criteria as recommended by the Taxi and Hire Vehicles Industry Assistance Panel (the Panel) (which included the NSW Taxi Council). This included that the income and assets test for eligibility for the aged pension (as set by the Commonwealth Department of Social Services (DSS)) be used as a guide when assessing if a person was considered to be in financial hardship.

The criteria also provided that possible indicators of financial hardship include where a person may:

- have qualified for financial hardship with a financial institution or utility provider;
- be unable to raise \$1000 in a week for something important;
- not be able to afford to pay a gas, electricity or other utility bill on time;
- not be able to pay car registration or insurance on time;
- have pawned or sold something to raise cash to pay bills; or
- have sought help from a welfare/community organisation.

These criteria were used to guide assessment of all AAPS applications and a determination was made after careful consideration of the information provided in each application, the particular circumstances of the applicant.

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Question 46

The Hon. MARK BANASIAK: How often do they meet to hear those hardship cases?

Mr STAPLES: My expectation is that they would be meeting on a regular basis to manage the flow of the applications. I do not have any information on the specific timing of their meetings.

The Hon. MARK BANASIAK: No set number of meetings that they have to—

Mr STAPLES: I am not saying that there would not have been a set number of meetings but my expectation is it was probably built more around when we received applications, where the assessment was up with those and how they considered them. But if you want to look at specifically—

The Hon. MARK BANASIAK: Yes. If you could come back with even just an average of how often they meet, that would be great.

Mr STAPLES: I am happy to take it on notice.

ANSWER

I am advised:

The Panel met on 25 occasions since it was formed on 1 July 2016. In the 12 months from 1 July 2018 – 30 June 2019 the Panel met 12 times, or once a month on average.

Question 47

The CHAIR: That is fantastic. Apologies to Mr Faurby but I will move on in the interests of time. Touching on that electric vehicle infrastructure. I am not sure who to direct this question to. Secretary, could you respond first? What is the Government doing to upgrade and install electric vehicle charging stations in the State?

Mr STAPLES: We did release an electric and hybrid vehicle plan—I cannot remember the exact date; I will check that and give it to you—only fairly recent as a subset of Future Transport. We have the overarching objective of the New South Wales Government target of zero emissions by 2050. That was recognised in Future Transport 2056 as being something that we would work on in the transport network. Transport makes about an 18 per cent contribution to emissions. It is not the total, but we have an important role to play. In the strategy that we released—I think it was late last year or early this year, I will confirm the specifics of that—there is a whole host of things around suppliers as well as charge points. The NSW Electric and Hybrid Vehicle Plan was released on 21 January 2019. The plan has a number of actions to support the uptake of electric vehicles in NSW including availability of electric vehicle charging infrastructure.

ANSWER

I am advised:

Funding for the Plan includes \$5 million to support the expansion of fast electric vehicle chargers in NSW. This program will improve access to regional NSW for customers that own an EV and also benefit EV owners who lack access to home charging.

Transport for NSW is currently running a two-stage procurement process to partner with industry and local government to co-deliver the electric vehicle charging points.

Question 48

The Hon. PETER PRIMROSE: You may wish to take these on notice, Mr Staples. I want to talk about GIPAs for a moment, I am sure one of your favourite topics. If I go to other agencies, I can usually click on their disclosure log and obtain a copy of GIPAs that have been approved. I go to your agency and I cannot do that and I have to make an application. My simple question is: Can you tell us why you do not have the same provision as other agencies?

Mr STAPLES: To be honest, I do not have the answer to that. I am happy to take it on notice.

The Hon. DANIEL MOOKHEY: It was the case up till about 2018, I think, that it was possible to access Transport for NSW GIPAs on your website through your disclosure log and that has changed. The procedure now is that you have to email someone. When did it change and why did it change? Is that a decision that required your approval?

Mr STAPLES: I do not recall signing off on any such matter. I do not spend time, to be honest, going on the website.

The Hon. DANIEL MOOKHEY: We do.

Mr STAPLES: Yes, I know you do. I appreciate that.

The Hon. PETER PRIMROSE: There is an inconsistency within government. As I said, I do not expect someone at your level to have that knowledge, but if you could please come back to us with advice.

Mr STAPLES: I will endeavour to get an explanation. I will take that on notice and, as I said, get an explanation.

The Hon. PETER PRIMROSE: Sticking with GIPAs, I again ask that you have a look at this matter and again you may not have it at your fingertips. We looked at a GIPA with the agency reference 19T-0182, but when we went back to have a look at it subsequently it had been removed from the disclosure log. It had been given out, it had been on the disclosure log, but then it disappeared.

Over, say, the Past two years, how many GIPAs that have previously been made public have been removed from the Transport for NSW disclosure log as this one had? If the agency had already determined it had been appropriate for GIPAs such as this one to be on the disclosure log, what process was used to say that it now should be removed? Again, please take it on notice.

Mr STAPLES: I am happy to take it on notice in terms of both the number that may have been put up and are no longer there. We can look at that and, secondly, around the specific one that is in the Hansard. We will look at that particular item. I do not have knowledge of it.

ANSWER

I am advised:

TfNSW complies with the requirements of the Government Information (Public Access) Act (GIPA Act) to publish a disclosure log, and with the IPC's Guide – 'Good Practice for Disclosure Logs - December 2018', including in relation to the information required to be published in its Disclosure Log under section 26 of the GIPA Act.

Consistent with IPC Guidance Note ‘*Good Practice for Disclosure Logs - December 2018*’, Transport for NSW complies with its obligations under section 26(1)(c) of the GIPA Act by providing a statement explaining how information on its Disclosure Log can be accessed.

On two occasions Transport for NSW has subsequently removed items from its Disclosure Log. On both occasions the removal of these items was done in accordance with the GIPA Act. Specifically:

- 1. on one occasion the matter was erroneously included in the Disclosure Log as no information had been released in response to the application; and**
- 2. on another occasion, an authorised objector for the purposes of section 56 of the GIPA Act subsequently objected to the inclusion of the information on the Disclosure Log.**

Question 49

The Hon. DANIEL MOOKHEY: To follow up on that line of questioning, in addition to the questions you took on notice, is it possible for you to take on notice just what procedures are followed to ensure the GIPA office is complying with the requirements of the Act in terms of disclosure? In truth, there is no discretion available to government agencies—if they approve a GIPA, they have to put it on a log as well. On notice, it would be helpful if you could provide a bit of information as to the compliance procedures they must follow in terms of the Act. Incidentally, it would also be useful to know on notice why effectively there is a substantial lag between Transport for NSW making GIPA decisions and then listing them on the log. There is usually a couple of months' lag.

Mr STAPLES: The only thing I could say around that is that we do deal with a large volume. I know other clusters do also deal with a large volume, but there is a substantial workload around GIPAs in that area.

The Hon. DANIEL MOOKHEY: Thank you, we appreciate that.

ANSWER

I am advised:

The premise of your question is wrong. Transport for NSW complies with all of its obligations under the *Government Information (Public Access) Act* (GIPA Act) and the Information and Privacy Commission's Guidance Note '*Good Practice for Disclosure Logs - December 2018*', including in relation to its obligations to maintain a Disclosure Log under sections 25, 26 and 56 of the GIPA Act.

Question 50

The Hon. JOHN GRAHAM: I just want to ask: When was that business case completed?

Mr THOMAS: The business case is now in the process of being considered by Geotech.

The Hon. JOHN GRAHAM: I understand that. When was it completed, though?

Mr STAPLES: I do not think we have a specific date at hand, so we will have to take that on notice. To your question about resourcing, it is important because we do have cycles in projects. With a business case you go through a process to review it and it is not unusual to put a substantial team to deliver and prepare the business case and then to wind down a resource base until such time as investment decisions and so forth are made. One of the big advantages we have with stage two having been developed as part of the Parramatta light rail stage one team is that we can draw on the resources that are in that team. As we move into delivery, subject to a government decision on stage two, then those resources and the skills set available within that team—

ANSWER

I am advised:

A Final Business Case for the second stage of Parramatta Light Rail is being considered by the NSW Government, with an investment decision to follow.

Question 51

The Hon. DANIEL MOOKHEY: Have you identified how many acquisitions will be required—the number of residences and/or number of commercial properties?

Mr STAPLES: I do not have that knowledge. I think it would be best if we take that on notice.

The Hon. DANIEL MOOKHEY: I think the question I asked was: Has the process begun?

Mr STAPLES: No, not at this stage. We would be waiting for government investment decisions before proceeding with something like that and planning approval processes to get underway as well.

The Hon. DANIEL MOOKHEY: Have you taken or commissioned any advice as to when is the appropriate time for the market to commence that? To be fair, it is possible for agencies to engage in acquisitions before the final business case and investment decisions are made—and, in fact it was quite common, amongst the RMS base, that that would happen on road projects. Is Transport for NSW—

The Hon. JOHN GRAHAM: It is part of good planning.

The Hon. DANIEL MOOKHEY: It is part of good planning and it is quite reasonable. Is it the case that Transport for NSW will be waiting for the final investment decision for that to begin or is it the case that you are contemplating now doing it ahead of time as a prudent planning procedure?

Mr STAPLES: I would have to take the specifics of that on notice. It may depend on just how long it takes before an investment decision is made, but you are certainly right—there are times when we acquire properties in advance of business cases, depending on the nature and the status of a project.

The Hon. DANIEL MOOKHEY: On notice, could we also get how many properties were acquired in the last year for any project?

Mr STAPLES: For any project?

The Hon. DANIEL MOOKHEY: Any project. How many property acquisitions were undertaken by your agency in the last 12 months?

Mr STAPLES: Certainly.

ANSWER

I am advised:

The number of properties acquired for Stage 1 of the Parramatta Light Rail is publicly available.

No acquisitions have been commenced for Stage 2 and no commencement date has been set.

A Final Business Case for the second stage of Parramatta Light Rail is being considered by the NSW Government, with an investment decision to follow.

The NSW Government continues to invest record amounts in public transport infrastructure across Western Sydney, including the Parramatta Light Rail.

Question 52

The Hon. JOHN GRAHAM: While asking about property acquisitions, can I ask a similar set of questions about the Western Harbour Tunnel and Beaches Link? Have any property acquisitions taken place for that project?

Mr STAPLES: I am just looking to Mr Hardwick and Ms Trussell to see whether they actually have any knowledge on that one. I will see what I have got in the information at hand. Not to my knowledge, but it is possible that some may have been undertaken. Bear in mind that, as part of the delivery of WestConnex stage 3B, there are actually what we call enabling works embedded within that so there may well have been some acquisitions associated with that element that I am not familiar with. I might need to take that on notice in terms of the specifics.

ANSWER

I am advised:

Roads and Maritime Services and Transport for NSW complies with both its statutory obligations and all NSW Government policies in relation to the acquisition of properties required to deliver transport infrastructure.

Question 53

The Hon. JOHN GRAHAM: Can you give us any guidance on the timing that is anticipated?

Mr STAPLES: No. As we spoke about a bit earlier in terms of the reference design and scope and so forth, there are some considerations for government to make around some scope on that project which we would like to have resolved and have certainty on first before we start engaging with property owners.

The Hon. JOHN GRAHAM: You are coming back on notice about whether it has begun, but what you are really saying is in this case the investment decision will happen before property acquisitions?

Mr STAPLES: Potentially, yes.

The Hon. JOHN GRAHAM: Do you want to take that on notice, given you have taken the other one on notice?

Mr STAPLES: Yes, I am happy to.

ANSWER

I am advised:

I refer to you to the response to Question on Notice 51.

Question 54

The Hon. DANIEL MOOKHEY: Yes, I do. Ms Trussell, how long have you been the acting CEO of RMS?

Ms TRUSSELL: I was appointed the acting CEO of RMS in mid-April. I still am the acting CEO. It is important, though, to just clarify what the accountabilities of that role are currently and how they have changed over the last couple of months.

The Hon. DANIEL MOOKHEY: I would appreciate that, perhaps on notice, because I accept that this might be a transitional arrangement. In fact, my question then is to the Secretary. Is the role going to continue post the restructure and the amalgamation of RMS?

ANSWER

I am advised:

I refer you to the answer given at the Hearing.

Question 55

The Hon. DANIEL MOOKHEY: That means that he probably received a package—and this comes from Treasury yesterday as well in respect of some other positions that were similar to his—of circa 38 to 39 weeks. Is that correct?

Mr STAPLES: I understand the policy is in the order of that number of weeks. Yes, that is right.

The Hon. DANIEL MOOKHEY: On notice, can you come back to us and tell us precisely what his entitlement package was?

Mr STAPLES: I will certainly come back and provide what information I can around that, yes.

ANSWER

I am advised:

I refer you to the answer given at the Hearing.

Question 56

The Hon. JOHN GRAHAM: My question is: Are you aware of unlicensed electricians working in breach of New South Wales law on major projects such as WestConnex or NorthConnex?

Mr STAPLES: I am going to take a moment to read through. Could I clarify who is Mr Page, just to help me understand?

The Hon. JOHN GRAHAM: To make it easier for you, I am not seeking to press this in a particular amount of detail now. I want to know: Are you aware? I am happy for you to then take anything else on notice.

Mr STAPLES: I think the obvious answer is that if I was aware that a person was working unauthorised on a project then we would take action in relation to that. What I would encourage anyone to do that has got knowledge of that is to either report it to us, if it is us as a client, or to SafeWork NSW as an independent regulator.

We would take any matter in relation to that extremely seriously.

The Hon. JOHN GRAHAM: I am happy for you to take anything else on notice.

ANSWER

I am advised:

The safety of workers, the community and road users is our number one priority during design, construction and operation of WestConnex and NorthConnex. To enhance safety, Roads and Maritime Services and our contractors follow the latest industry engineering, work and safety practices, as well as the relevant work, health and safety (WHS) legislation, standards and codes of practice.

For WestConnex and NorthConnex projects, an Independent Certifier is engaged under the project contract. The Independent Certifier's role is to review and certify that the contractor's designs are in accordance with the design and construction deed and Conditions of Approval. During construction, the Independent Certifier is also responsible for certifying that the work as-built is in accordance with the certified design and the project deed.

Question 57

The CHAIR: Yes, but why does the shift change happen at peak times?

Mr FAURBY: I would like to provide a more comprehensive answer as to specific rosters, but what I will say is that we are always seeking to optimise the use of buses as well as our bus drivers to the point where we get the most possible time of drivers behind the wheel, servicing the community. Back in the day we used to take buses back to depots and have all the changes happen there, which would lead to an excessive amount of what we called debt running, where buses would run out of service between one point and another. It makes a lot more sense from an economical perspective, and certainly from a customer perspective, to make those changes en route so that buses serve as many in-service hours as they possibly can. I would like to think that that is the reason why we do it this way.

ANSWER

I am advised:

Shift change' or relief in-service is used to maximise bus in-service hours. This is to ensure customer inconvenience is minimised and timetable services are maintained. Driver relief essentially takes 2-3 minutes while the bus driver takes over the operation of the vehicle. State Transit has 3 reliefs in place at Edgecliffe Station during the afternoon peak hours of 4pm to 6pm Monday to Friday: 4.59pm, 5.09pm and 5.20pm

Question 58

The Hon. JOHN GRAHAM: I might leave that there. I do not want to put this to you suddenly, but on notice could you have a look at the suggestion about the 26 September 2016 memo entitled "Failure in Critical Options Analysis " and describe why, given what you have said, that memo makes a different claim?

Mr STAPLES: I am happy to, but I will also emphasise the date of 2016, given that we have released the Future Transport Strategy since then.

The Hon. JOHN GRAHAM: Yes, I presume that will be your answer.

Mr STAPLES: Yes. I am happy to take that on notice.

ANSWER

I am advised:

To receive funding, any major project – road and rail – is extensively assessed and a rigorous assurance process applied to ensure it is value for money and delivers benefits for the public.

The project is still in the design stage with extensive testing, design work and community consultation.

The community will be kept updated as the project progresses.

Question 59

The Hon. JOHN GRAHAM: Secondly—and rapidly—I am going to put to you another roads issue, this time relating to Myuna Bay. For background, the Myuna Bay Sport and Recreation Centre has been closed. The issue is a risk that was identified with the ash dam from Eraring Power Station in the event of a major earthquake. The centre closed and the locals are worried about it being closed and sold off. That is their concern. Wangi Road that runs through that area is still open, despite the fact that it is closer to the dam than the sports centre. Why is it the case that one is not safe and the other one is?

Mr STAPLES: I will look to my left to see whether Mr Hardwick has anything on that issue.

Mr HARDWICK: I do not have anything on that with me but I will take it on notice.

ANSWER

I am advised:

The closure of the Myuna Bay Sport and Recreation Centre was not a decision made by Transport for NSW but was made through the Office of Sport. Transport for NSW will work with Origin Energy to develop a management plan for Wangi Road should a one in 1,000 year earthquake event occur before the strengthening of the dam wall work is completed.

Question 60

The Hon. DANIEL MOOKHEY: Secretary, earlier today we established that the litigation with Alstom is completed and a settlement deed was entered into circa 31 May 2019. Can you confirm that those matters have been withdrawn from the Supreme Court?

Mr STAPLES: I have one point of clarity. The settlement was with the ALTRAC consortium—the PPP provider and supplier and D and C contractor as part of the joint venture. The misrepresentation claim has been withdrawn. That was part of the settlement.

The Hon. DANIEL MOOKHEY: In order for Transport for NSW to engage in that litigation process did you retain the services of an external law firm and, if so, which one was it?

Mr STAPLES: I cannot recall the name of the firm. I think you will notice that there was some material put forward to the House through the standing orders. Yes, we definitely had legal advice around that.

The Hon. DANIEL MOOKHEY: Do you have available to you all the costs that were incurred by Transport for NSW in participating in that court action—not just the legal costs but all costs? What was the bill?

Mr STAPLES: I certainly do not have a number at hand, but it would largely be the legal support, because the rest of the work done in-house was with the project team that would have been working on the overall project. It would be hard to put a number on it outside of the legal costs.

The Hon. DANIEL MOOKHEY: Is it possible for you to come back to us on notice and tell us the precise costs that were paid in all connections—

Mr STAPLES: Can I just clarify, are you talking specifically about the misrepresentation legal process?

The Hon. DANIEL MOOKHEY: Let's go with all the litigations around that particular project. It would be good if you could provide on notice an update as to precisely how much money was spent on all the litigations.

Mr STAPLES: I am happy to take that on notice.

ANSWER

I am advised:

Financial statements, including expenditure on consultants, are available in agency annual reports.

Question 61

The Hon. DANIEL MOOKHEY: It will take 38 minutes to 40 minutes to get from Circular Quay to Randwick?

Mr PASCALL: That is correct.

The Hon. DANIEL MOOKHEY: Have you got the number for the other leg?

Mr PASCALL: No, I do not have the number for that leg with me. But I can take that on notice.

The Hon. DANIEL MOOKHEY: Yes. The next question makes it clear. Is it the case that Transport for NSW has been advised this is one of the key risks that the project is facing and it has, in fact, received multiple notifications and that it is possible that there has been incorrect advice provided to the Auditor-General and such notification for Transport for NSW has been received in the past 12 months.

The Hon. CATHERINE CUSACK: Is that 2016 you are referring to or 2019?

The Hon. DANIEL MOOKHEY: The question is clear.

Mr STAPLES: I am not aware of that, but I am happy to take it on notice and see if there is any recording in the department about a notice of that kind. But I am not personally aware of anything around that.

Question 61.a

ANSWER

I am advised:

Traffic modelling is an iterative process, taking into consideration network demands across various transport modes to ensure we balance the needs of the new light rail and other road users, including bus customers.

Ongoing traffic modelling, following design completion, indicates the preliminary journey time from Circular Quay to Randwick is within the estimated times of 38-40 minutes. We consider this indicative of the journey time between Circular Quay to Kingsford. Further modelling in the Kensington and Kingsford section will be undertaken in October 2019.

Additionally, as is the case of the journey time between Circular Quay and Randwick, further validation of the journey time will occur once the traffic modelling is finalised and once end-to-end driver training commences.

Customers will be updated with a comprehensive communications campaign well in advance of services starting.

Question 61.a

The Hon. DANIEL MOOKHEY: Yes. The next question makes it clear. Is it the case that Transport for NSW has been advised this is one of the key risks that the project is facing and it has, in fact, received multiple notifications and that it is possible that there has been incorrect advice provided to the Auditor-General and such notification for Transport or NSW has been received in the past 12 months.

The Hon. CATHERINE CUSACK: Is that 2016 you are referring to or 2019?

The Hon. DANIEL MOOKHEY: The question is clear.

Mr Staples: I am not aware of that, but I am happy to take it on notice and see if there is any recording in the department about a notice of that kind. But I am not personally aware of anything around that.

In the past 12 months, Transport for NSW has not received a formal notification from the Auditor-General in relation to incorrect advice in relation to traffic modelling provided for the 2016 NSW Auditor-General's Performance Audit CBD and South East Light Rail.

ANSWER

I am advised:

Traffic modelling is an iterative process, taking into consideration network demands across various transport modes to ensure we balance the needs of the new light rail and other road users, including bus customers.

Ongoing traffic modelling is being undertaken following design completion and to ensure current network demands are considered.

Additionally, the end-to-end journey time will be further validated as the traffic model is optimised and we commence end-to-end driver training later this year.

Customers will be updated with a comprehensive communications campaign well in advance of services starting.

Question 62

The Hon. DANIEL MOOKHEY: In respect of the WestConnex project are there any claims against RMS of Transport for NSW under this security of payment legislation?

Mr STAPLES: I would have to take that on notice. That is a pretty specific question around contract management and I do not have that at hand.

ANSWER

I am advised:

No.

Question 63

The Hon. DANIEL MOOKHEY: Do any of them relate to the St Peter's interchange?

Mr STAPLES: I would not know the detail of that. I could ask Mr Hardwick whether he knows anything on that, otherwise we can take it on notice.

Mr HARDWICK: We will take that on notice.

ANSWER

I am advised:

The details of the executive negotiations are commercial in confidence.

Question 64

Mr STAPLES: I feel like we are going back over some ground previously on claims. We may get claims notifications from Sydney Motorway Corporation on things. That does not mean that it is a valid claim, but it will always seek to—

The Hon. DANIEL MOOKHEY: I accept that is a position of the Government and to be fair it has been a consistent position of the agencies for a while now, I am not quibbling with that, I am just really asking as a matter of fact, how many have been received the past 12 months?

Mr STAPLES: I will have to take that on notice and see what I can provide in relation to that.

The Hon. DANIEL MOOKHEY: I accept that, and that has been the case with every project—claims are made and claims are disputed and claims are resolved. I am not quibbling with that. I am just seeking, as a matter of fact, how many for the WestConnex project have been received in the last 12 months? That is all.

Mr STAPLES: I thought I took that question on notice.

ANSWER

I am advised:

Claims are received on infrastructure projects are submitted for a range of reasons. Details on claims are commercial in nature and releasing information on claims weakens the NSW Government's commercial position in relation to them.

Question 65

The CHAIR: Does that cover buses, ferries, trains and trams?

Mr STAPLES: My understanding is that is the intention for that audit to cover all of those, yes.

The CHAIR: Do you have any idea as to when that might be done?

Mr STAPLES: I will have to take on notice our specific target on that but it is some time into next year, at the very least, before we will have that done.

ANSWER

I am advised:

Transport for NSW is putting in place the necessary measures to finalise this audit by the June 2020 deadline set by the Auditor General.

Question 66

The CHAIR: Will those replacement buses for that period be accessible? Do you know at this point?

Mr LAMONTE: I will have to take that on notice.

ANSWER

I am advised:

Procurement for the temporary transport plan over the Christmas/New Year period is currently underway.

It is planned that low floor accessible buses will be provided on the majority of services. Bus marshals or station staff will also be available at most stations during the busiest parts of the day to provide assistance.

Question 67

The Hon. JOHN GRAHAM: The second question is in relation to Memorial Drive extension to Bulli Pass. When will the planning and design work be completed for this project?

Mr HARDWICK: I am not certain of the actual date of that. I will have to take it on notice.

ANSWER

I am advised:

There are no current plans to extend Bulli Pass to meet up with Memorial Drive. However, land has been reserved should the need for this extension be required in the future. Transport for NSW has completed an investigation of the road network between Thirroul and Unanderra. This study has identified potential improvements to address congestion issues along the Princes Highway through Bulli that could be developed in the future.

Question 68

The CHAIR: This is a very basic question for you—I just do not know the answer. Are the infrastructure assets insured? Is there any external agency that is overseeing that process to make sure that we are capturing risks?

Mr STAPLES: The New South Wales Government has an insurer. The exact status and nature of the insurance, particularly in relation to what you are asking, I would have to take on notice to be certain. Mr Collins might be able to answer specifically about some of the comments you had around the Central Coast.

ANSWER

I am advised:

NSW Government agencies take out insurance policies consistent with both its statutory obligations and the requirements of all relevant NSW Government policies.