

**QUESTION**

Mr DOMINIC PERROTTET: That would depend on the circumstances.

The Hon. PENNY SHARPE: Premier, you are aware that MPs are required to provide their pecuniary interest disclosures as part of their ministerial declaration?

Mr DOMINIC PERROTTET: Sorry, say that again?

The Hon. PENNY SHARPE: You are aware that MPs are required to provide their pecuniary interest disclosures as part of their ministerial declaration?

Mr DOMINIC PERROTTET: Yes.

The Hon. PENNY SHARPE: This includes that any income greater than \$500 in any reporting period has to be provided?

Mr DOMINIC PERROTTET: Any additional income?

The Hon. PENNY SHARPE: Yes.

Mr DOMINIC PERROTTET: Yes, I think in relation to gifts or the like.

The Hon. PENNY SHARPE: There is a section, "Other income".

Mr DOMINIC PERROTTET: Other income, okay.

The Hon. PENNY SHARPE: So anything over \$500 is separate to that. The Deputy Premier has three current properties that are not his principal place of residence and it appears that he is receiving rent for some or all of those properties. He has never declared this. Are you concerned about that?

Mr DOMINIC PERROTTET: I will obviously take that on notice and check if that were to be true, and if it were to be true and it needed to be declared then I would raise that with the Deputy Premier and raise it with the head of DPC Legal.

The Hon. PENNY SHARPE: That is a breach of the code of conduct for MPs, is it not?

Mr DOMINIC PERROTTET: I will have to seek legal advice on that from DPC and I am taking your question on face value without understanding the circumstances of those matters.

The Hon. PENNY SHARPE: Sure. What I am saying to you is that the Deputy Premier has had a range of different investment properties over a period of time, including ones currently, and he has never declared any other income on his pecuniary interest forms.

Mr DOMINIC PERROTTET: In light of that, I will take that on notice, and I will raise that directly with the Deputy Premier and determine his obligations in relation to the declaration of those properties with DPC Legal.

**ANSWER:**

The *Constitution (Disclosures by Members) Regulation 1983* (Constitution Regulation) requires that Members lodge regular returns with the Clerk disclosing certain interests such as real property, interests and positions in corporations, income, debts and gifts.

The Code of Conduct for Members of the Legislative Assembly (adopted 5 March 2020) requires Members to fulfil conscientiously the requirements of the House in respect of the Register of Disclosures by Members.

Under the Constitution Regulation, if a Member considers it appropriate to do so, the Member may lodge a discretionary return with the Clerk at any time before the date on which the Member is next required to lodge an ordinary return or supplementary ordinary return.

**QUESTION**

Mr JUSTIN FIELD: If you change the Warragamba Dam to be a flood mitigation dam, there is a change to the legal liability it seems that the Government might be exposed to should management of that type of dam fail. Leaked reports show that WaterNSW requested from the Government amendment to enabling legislation to provide a complete statutory limitation of liability to the operator. That was because it cited increased risks of negligence, duty to warn, trespass and nuisance. Basically, if you get the management of a flood mitigation dam wrong, you end up flooding downstream properties and there could be a huge liability on the State. It wants the State to be indemnified from that, essentially passing that risk onto downstream residents. Do you support that sort of legislative change, to give the State that immunity?

Mr DOMINIC PERROTTET: Can I take that on notice because I am not aware of that leaked report, but I am happy to take that on notice and get back to you.

**ANSWER:**

This question should be directed to the Minister for Western Sydney.

**QUESTION**

The Hon. DANIEL MOOKHEY: On that, Premier, I was going to ask you about the status of the McDougall review, which, you would recall, is what you commissioned in the wake of the revelations of wrongdoing at icare last year. You, of course, recall commissioning that review, I presume?

Mr DOMINIC PERROTTET: Certainly. How could I forget?

The Hon. DANIEL MOOKHEY: You recall that on 26 August or thereabouts you put out a press release that said that legislation to implement its recommendations was coming into the Parliament? Yet the Minister for Customer Service tells us last week that it is actually not coming into the Parliament until at least some time next year on a date yet fixed. Given that you made a commitment to bring in this legislation that would actually give the regulator power to do something, why is your Government delaying the key piece of legislation required to clean up the mess that was created under your watch?

Mr DOMINIC PERROTTET: I reject the premise of the question. If the Government is delaying, obviously some of the more complex areas that would require a legislative change would need to occur through both the State Insurance Regulatory Authority [SIRA] and icare, and my understanding is that both—well, I certainly know this to be true because, as the former Treasurer, there were discussions in relation to progressing those elements of legislative change. What is important is that icare continue to progress those areas that are within their responsibility.

The Hon. DANIEL MOOKHEY: But, Premier, as Treasurer you were the person who put the press release out that said the legislation had gone through Cabinet and was ready to go. That was the view that you put.

Unless this is another example of you being slightly tricky in your press releases, where is the legislation?

Mr DOMINIC PERROTTET: What does that mean?

The Hon. DANIEL MOOKHEY: Well, it means that you have a habit of being tricky in your press releases. Where is the legislation?

Mr DOMINIC PERROTTET: Like when?

The Hon. DANIEL MOOKHEY: Perhaps 26 August, when you said that this legislation was coming in. Can you give us some assurance that we are going to be seeing the legislation sometime in the next two years?

Mr DOMINIC PERROTTET: I will follow that up for you.

The Hon. DANIEL MOOKHEY: When were you first advised that the legislation you promised in August is not coming until next year?

Mr DOMINIC PERROTTET: You have just advised me, Mr Mookhey. I will chase that up for you. Obviously they are important legislative changes. In fact, when the Government received the statutory review and worked through the recommendations, we committed to ensuring that those that did not require legislation were implemented immediately. My understanding is that icare is working through that and SIRA is working through those changes. Then in relation to the legislation, I will chase that up. Obviously I want that legislation passed as expeditiously as possible.

The Hon. DANIEL MOOKHEY: Icare said to us yesterday that, as Treasurer, they were providing you with monthly updates on the scheme's finances. Do you recall, as Treasurer, getting those monthly updates?

Mr DOMINIC PERROTTET: Yes.

The Hon. DANIEL MOOKHEY: When were you first advised that icare had suffered another \$1.4 billion underwriting loss in the last financial year?

Mr DOMINIC PERROTTET: I will take that on notice.

**ANSWER:**

A Bill will be introduced into Parliament when the Government is in a position to do so.

Updates on icare's finances are provided on a monthly basis.

The underwriting result reflects the premiums received less the claims and expenses paid by the Nominal Insurer. It does not take into account the investment income earned, which is a critical source of income to support the Nominal Insurer to pay its claims and expenses, and in ensuring premium affordability for employers. The Nominal Insurer continues to be in a financially sustainable position, with a positive net result of \$63.3 million in the 2020-21 financial year.

**QUESTION**

The Hon. DANIEL MOOKHEY: Premier, were you aware—either as Treasurer or as Premier—that the former Minister for Transport asked the Office of Transport Safety Investigations to launch an inquiry into the Transport Asset Holding Entity?

Mr DOMINIC PERROTTET: Not that I am aware of.

The Hon. DANIEL MOOKHEY: As the shareholding Minister in August, which you were—

Mr DOMINIC PERROTTET: Not that I am aware of, by the way. I would have to check and take that on notice.

The Hon. DANIEL MOOKHEY: Would you like to take it on notice?

Mr DOMINIC PERROTTET: I will take that on notice.

**ANSWER:**

The Office of the Premier received a copy of the report later in November.

**QUESTION**

Ms ABIGAIL BOYD: Since 2007 when Australia first signed on the United Nations Convention on the Rights of Persons with Disabilities, we have been in breach of our international obligations. Is your Government going to do things better? Are you going to change your policy so that you will actually have Auslan interpreters available at all of your press conferences?

Mr DOMINIC PERROTTET: I will take that on notice.

**ANSWER:**

I refer to you my answer to Ms Boyd's question, taken on notice by the Hon. Don Harwin MLC, in the Legislative Council's Question Time on 14 October 2021.

**QUESTION**

Ms ABIGAIL BOYD: Okay. Just to clarify, what you are saying is there has been no change of policy because the policy stayed the same, it is just that during COVID it was deemed that those press conferences were important enough to have an Auslan interpreter at?

Mr DOMINIC PERROTTET: I will take that on notice.

**ANSWER:**

See answer above.

**QUESTION**

Ms ABIGAIL BOYD: Okay, that is good. Are you aware that the Andrews Government makes every press conference accessible for people who are deaf or hard of hearing with Auslan interpreters?

Mr DOMINIC PERROTTET: Every single press conference?

Ms ABIGAIL BOYD: That is right, and if they cannot get one for some reason they give an express apology for their failure to do it on that occasion.

Mr DOMINIC PERROTTET: Every press conference?

Ms ABIGAIL BOYD: Every press conference.

Mr DOMINIC PERROTTET: Even from like a Parliamentary Secretary for sport?

Ms ABIGAIL BOYD: I am not aware of whether a Parliamentary Secretary for sport is covered, but I understand—

Mr DOMINIC PERROTTET: But the Minister for sport?

Ms ABIGAIL BOYD: I do not know.

Mr DOMINIC PERROTTET: But you just said "every press conference".

Ms ABIGAIL BOYD: Let me have a look. In Victoria all press conferences with the Premier have an Auslan interpreter present.

Mr DOMINIC PERROTTET: Okay.

Ms ABIGAIL BOYD: Could you do as well—

Mr DOMINIC PERROTTET: I will certainly look at that.

Ms ABIGAIL BOYD: —as the Andrews Government?

Mr DOMINIC PERROTTET: I will certainly look at that.

Ms ABIGAIL BOYD: Thank you. Just sticking with the topic of accessibility for people with disability, are you aware that your Government is an outlier in not signing up to the minimum accessibility standards under the National Construction Code?

Mr DOMINIC PERROTTET: No.

Ms ABIGAIL BOYD: You are not aware of that?

Mr DOMINIC PERROTTET: No, I am not.

Ms ABIGAIL BOYD: Is this another thing that you could perhaps look into?

Mr DOMINIC PERROTTET: What was it again?

Ms ABIGAIL BOYD: This is the National Construction Code minimum accessibility standards, and these are really simple things. This is like all new builds having, for example, a toilet on the lowest floor; all new buildings having accessible entryways for somebody who is having mobility needs—they are really basic.

Mr DOMINIC PERROTTET: So you are saying that every other State and Territory in the country has signed up to that code?

Ms ABIGAIL BOYD: Not every. But the ACT—

Mr DOMINIC PERROTTET: They do not count.

Ms ABIGAIL BOYD: —Queensland, Victoria. I think the ACT is a particular—given that they are going to have it—

The Hon. PENNY SHARPE: We will send the tape to Andrew.

Mr DOMINIC PERROTTET: Come on, it is the ACT.

Mr DAVID SHOEBRIDGE: It is also Victoria.

Ms ABIGAIL BOYD: But it is the same builders, it is the same construction companies.

Mr DOMINIC PERROTTET: Okay, Victoria and Queensland. I will look at it. I was unaware of that.

Ms ABIGAIL BOYD: Could you look at that?

Mr DOMINIC PERROTTET: Ms Boyd, I will take that on notice and I will look at it and I will come back to you.

**ANSWER:**

See answer above.

Questions in relation to the National Construction Code should be directed to the Minister for Innovation and Better Regulation.

**QUESTION**

Mr DAVID SHOEBRIDGE: Premier, on a different point, do you recall having a meeting on 4 July 2017, when you were Treasurer, when you were briefed by a consortium led by the Catholic Archdiocese on a proposal to privatise part of the Crown cemetery sector in return for a billion dollars?

Mr DOMINIC PERROTTET: No.

Mr DAVID SHOEBRIDGE: Will you check your records and see if you had that meeting on 4 July?

Mr DOMINIC PERROTTET: Yes.

**ANSWER:**

Summaries of scheduled meetings are published quarterly on the Department of Premier and Cabinet's website in accordance with Premier's Memorandum M2015-05.

**QUESTION**

Mr DAVID SHOEBRIDGE: Last year, did two members of your office, Mr Kerser and Ms Joseph, sit on a departmental working group comprising Treasury; Department of Planning, Industry and Environment [DPIE]; and the NSW Audit Office, to look at and assess a proposal that came from the archdiocese?

Mr DOMINIC PERROTTET: Not that I am aware of.

Mr DAVID SHOEBRIDGE: Will you check that?

Mr DOMINIC PERROTTET: Yes, I will check that. Who is the first person?

Mr DAVID SHOEBRIDGE: The name I have here is—I can give it to you on transcript if you want, or I could provide it to you afterwards.

Mr DOMINIC PERROTTET: But I am not aware of that.

**ANSWER:**

I understand Ms Joseph and Mr Kursar (correct spelling) attended meetings of the working group.

**QUESTION**

The Hon. JOHN GRAHAM: I wanted to ask about the grants review that the Premier was answering questions about this morning. The terms of reference for that are now public.

Mr COUTTS-TROTTER: Yes.

The Hon. JOHN GRAHAM: And we asked some questions of the Productivity Commissioner yesterday. It will involve consultation across the public sector, including a working group of representatives of key agencies that administer grants. Do you know at the moment who those agencies are?

Mr COUTTS-TROTTER: I do not. My colleague Kate Boyd might know that.

Ms BOYD: Certainly. There are a range of agencies that undertake a lot of grants activity across government. The Department of Regional NSW is very active in this space, and we will have representatives from that agency. But we will seek to consult very broadly to ensure that whatever guidelines are recommended are flexible and—

The Hon. JOHN GRAHAM: But have those agencies actually been set yet or not?

Ms BOYD: There has been work previously on this. The circular under which these guidelines are issued is from 2010.

The Hon. JOHN GRAHAM: I might ask you to take on notice—

Mr COUTTS-TROTTER: We are happy to.

The Hon. JOHN GRAHAM: —who those agencies are. That is probably the best way to deal with that.

Ms BOYD: Sure.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

A whole of Government working group relating to grants has previously been established. That group comprises officers from the Department of Premier and Cabinet, Treasury, the Department of Regional NSW, the Department of Education, the Ministry of Health, the Department of Planning, Industry and Environment, the Department of Customer Service, the Department of Communities and Justice, the Office of Sport, Resilience NSW, Infrastructure NSW, Investment NSW, the Transport cluster and the Office of Local Government.

**QUESTION**

The Hon. JOHN GRAHAM: That is useful guidance. I might proceed by way of example, though. So that clearly would capture the Stronger Communities grants—

Mr COUTTS-TROTTER: Yes.

The Hon. JOHN GRAHAM: —of which the concern was 95 per cent of those grants ended up in—I am not asking you to comment on these numbers—

Mr COUTTS-TROTTER: No, I recall.

The Hon. JOHN GRAHAM: Don't comment on the numbers, though. But 95 per cent of those grants ended up in Coalition or marginal seats.

Mr COUTTS-TROTTER: Yes.

The Hon. JOHN GRAHAM: Would it capture, though, for example, the Schools Renewable Energy—

Mr COUTTS-TROTTER: That is a good question.

The Hon. JOHN GRAHAM: —Infrastructure Pilot Project, where the public concern was 92 per cent of these ended up in Coalition seats.

Mr COUTTS-TROTTER: I understand that. I should refer you to the Premier's testimony on that this morning as well. Can I take that one on notice and come back to you?

The Hon. JOHN GRAHAM: Sure.

Mr COUTTS-TROTTER: I think that inevitably there needs to be some refinement of the scope in conjunction with the Productivity Commissioner.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

As set out in the Terms of Reference, the purpose of the Review of Grants Administration in NSW is to deliver value for money for the NSW taxpayer by ensuring that the administration, assessment and assurance of grants programs in NSW is in line with best practice. The review is not confined by reference to any particular grants program – it is to examine grants administration more generally with a view to improving practice into the future.

An objective of the review of grants administration in NSW is to produce an updated Good Practice Guide to Grants Administration. One aspect of that review will be to clarify the definition of a grant

and therefore what falls within scope of the Guide. This will be determined by reference to guidelines from other jurisdictions that have been identified as best practice and recommendations made by NSW parliamentary, integrity and oversight bodies, among other things.

**QUESTION**

The Hon. JOHN GRAHAM: One of your other responsibilities is the function of enforcing compliance with the Lobbyists Code of Conduct in New South Wales. Has anyone ever been watchlisted or suspended under those provisions?

Mr SCHMIDT: Yes. I would have to take on notice the details, particularly suspension. As you will have noticed, the ICAC report is out there. It is a very light-handed regulatory regime. When you say "in force", there is a limited range of enforcement powers.

The Hon. JOHN GRAHAM: If you could take on notice the number of people who have been both on the watchlist and suspended.

Mr SCHMIDT: Yes, absolutely.

**ANSWER:**

I understand the Electoral Commissioner has provided his answers directly to Budget Estimates Secretariat.

**QUESTION**

The Hon. JOHN GRAHAM: One of the concerns that has developed in the most recent week is that in the course of the ICAC hearings it has been revealed that Daryl Maguire, with assistance from a former MP, was seeking to determine the route of the M9 and then pass that information on to a developer for their commercial benefit and potentially for his commercial benefit. Transport has given a short list of MPs who were briefed on that route. There are only two former MPs who are on that list. Is collaborating with an MP to pass on confidential information to a developer for their commercial benefit the sort of activity which could see someone removed from the lobbyist register or not?

Mr SCHMIDT: I would take it on notice and come back to you, but I do not believe it is. I think we are very constrained. There are only certain technical requirements about reporting to us and some of the other administrative arrangements captured by the legislation. Information or requirements under the code do not trigger an enforcement capability within the commission.

**ANSWER:**

I understand the Electoral Commissioner has provided his answers directly to Budget Estimates Secretariat.

**QUESTION**

Mr DAVID SHOEBRIDGE: Would it be permissible under this regime for volunteers at polling booths to have a QR code like a printed out A4 version of a QR code that people could scan? Is that considered to be permissible?



Mr SCHMIDT: I do not believe that will be permissible because it is now—if they put it on their posters, that is fine.

Mr DAVID SHOEBRIDGE: Yes, and they could point to it—

Mr SCHMIDT: Yes.

Mr DAVID SHOEBRIDGE: —but they could not show it to people.

Mr SCHMIDT: No, because that is a form of how to vote. Just quickly, Mr Graham, 9 July 2000 and—hang on, I will give you the date, sorry.

The Hon. JOHN GRAHAM: Two thousand and twenty-one.

Mr SCHMIDT: Ninth of July this year that regulation came into force. Sorry, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: No, that is okay. That was the regulation under which you made those two orders. That is my understanding.

Mr SCHMIDT: Yes.

Mr DAVID SHOEBRIDGE: They would not be able to hold a picture of a QR code for people to scan—not to hand over but for people to scan. That would not be permissible?

Mr SCHMIDT: Because they would have to come into contact with them to scan it.

Mr DAVID SHOEBRIDGE: They would not.

Mr SCHMIDT: From a distance?

Mr DAVID SHOEBRIDGE: It could go on a piece of paper and they could say, "Scan it."

Mr SCHMIDT: I will take that on notice and have a look at it. No-one has raised that with me as a possibility before, only putting QR codes on the posters.

**ANSWER:**

I understand the Electoral Commissioner has provided his answers directly to Budget Estimates Secretariat.

**QUESTION**

I did get some feedback on the question about the QR code on a board. I have got my staff obviously watching this intently. That would constitute a poster, in which case it should be affixed to the—

Mr DAVID SHOEBRIDGE: No worries. What if it was on a t-shirt?

Mr SCHMIDT: I do not know; I will have to take that on notice.

**ANSWER:**

I understand the Electoral Commissioner has provided his answers directly to Budget Estimates Secretariat.

**QUESTION**

Mr DAVID SHOEBRIDGE: Secretary, do you know if there is any contingency planning about what to do if a State election falls over because of a cyber attack?

Mr COUTTS-TROTTER: No, I do not but there is a range of cyber contingency plans. I do not know if that is one of them. Unfortunately, in Western democracies that is a plausible scenario. I think if there is not planning, I will take that on board.

Mr DAVID SHOEBRIDGE: Will you provide on notice whether there is any planning?

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: I assume it is the same answer about local government elections?

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: Will you take that on notice?

Mr COUTTS-TROTTER: Yes.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

If a State general election were to be declared void by the Court of Disputed Returns, a new election must be held. In those circumstances the Government would continue to operate in a 'caretaker' role until the results of the new election were known.

The NSW Cyber Security Incident Emergency Sub Plan is the whole-of-government plan for significant cyber security incidents or crises affecting NSW Government organisations. The plan aims to protect the NSW community from potential consequences of a significant cyber security incident or crisis. The NSW Cyber Security Incident Emergency Sub Plan describes the interaction between the cyber security community, business continuity personnel and the emergency management sector to reduce impacts to NSW Government services, assets and infrastructure, coordinate information flow between agencies, and communicate to the public in relation to these events. It is endorsed by the State Emergency Management Committee in accordance with the provisions of the *State Emergency and Rescue Management Act 1989*.

Any questions regarding contingency planning undertaken by the NSW Electoral Commission in relation to cyber security incidents affecting the delivery of a State general election or local government elections should be directed to the NSW Electoral Commission.

**QUESTION**

The Hon. DANIEL MOOKHEY: Yes, indeed. As part of the infrastructure investor assurance framework, it is the case, is it not, that all capital projects over \$10 million have to be registered with you?

Mr DRAPER: That is correct, yes.

The Hon. DANIEL MOOKHEY: How many projects are currently registered with you?

Mr DRAPER: I will give you a number but I can give you a precise number on notice. I think it would be about 900 in total.

The Hon. DANIEL MOOKHEY: After people or agencies register that through your website, or a website, or insurance portal I think is what it is called, you then risk tier and rate them, correct?

Mr DRAPER: Yes. There is a group of public servants on a committee and they try to allocate those projects between different tiers.

The Hon. DANIEL MOOKHEY: Do you do that at the point of registration?

Mr DRAPER: Yes. Well, again, I will get the precise detail of that process on notice for you but they are registered and then there is a sort of regular process where they are allocated to different tiers. So it would not happen at the precise time they are registered; it would happen at the next time that they process it up.

**ANSWER:**

Answer provided by Mr Draper:

As at 15 November 2021 there are 902 projects registered with Infrastructure NSW.

The Infrastructure Investor Assurance Framework (IIAF) applies external independent assurance through the NSW Gateway Review System based on risk.

Delivery agencies must register all capital projects with an estimated total cost of \$10 million and above with Infrastructure NSW via the NSW Assurance Portal.

Using the assessment tool in the portal, delivery agencies determine the preliminary project tier based on the estimated total cost and the evaluation of the 4 criteria: level of government priority, interface complexity, procurement complexity, agency capability and whether it is deemed as an essential service. An IIAF Project Registration report can then be generated.

Infrastructure NSW reviews the report and confirms that the project is 'ready for risk review' by the Risk Review Advisory Group (RRAG), comprising officers from delivery agencies, the Department of Premier and Cabinet, NSW Treasury and Infrastructure NSW.

The RRAG considers the preliminary project tier and IIAF Projects Registration report at its monthly meeting, and either supports the preliminary tier or recommends another tier.

Infrastructure NSW provides agencies a 'right of reply' when the RRAG recommends a project tier that differs from that provided by the agency. Where the agency disagrees with the assessment and agreement cannot be reached through the RRAG, the decision is referred to IIAF for final determination.

Infrastructure NSW submits the project tier recommended by RRAG to the IIAF for endorsement. Once endorsed by the IIAF, the project tier is included in submissions to Cabinet. The delivery agency is advised of the endorsed project tier.

Further detail can be found in the Infrastructure Investor Assurance Framework available on the Infrastructure NSW website.

**QUESTION**

The Hon. DANIEL MOOKHEY: I just want to press you there, Mr Draper. There are multiple courts' authority on this that the business case process is not solely for the purposes of Cabinet. In fact, I am fairly positive I am responsible for establishing some of those precedents. So I will press you for an answer on that. The strategic business cases are ordinarily published; there are some haphazard methods about whether or not they are and when, depending on what, but it is not that difficult a question. We were asking Transport about this. There was a lot of confusion about whether they had to complete a strategic business case or a final business case. But the strategic business case, which is an options analysis, has one been completed for the Parramatta Light Rail Stage 2?

Mr DRAPER: It is quite open to a Minister—and I am happy to answer your question—or an agency that is in charge of a project to advise on that to the committee or to another committee. In our case, we only have access to information and produce information for the purpose of reporting to Cabinet. It is a very different purpose on our part. So in a lot of cases they can speak more openly about the status of those projects than we can. But I will take your substantive question on notice and if there is no reason for me to not provide that for the reasons that I describe then I am happy to provide an answer.

**ANSWER:**

Answer provided by Mr Draper:

Infrastructure NSW does not generally produce business cases for projects and did not do so for the Parramatta Light Rail Project Stage 2. Infrastructure NSW's functions in relation to the assurance of capital projects are undertaken for the purposes of reporting to Cabinet, and information it receives or produces is only for that purpose. Such information is Cabinet in Confidence and not lawfully required to be produced. This includes assurance of business cases. As the gateway coordination agency responsible for the assurance of infrastructure projects, Infrastructure NSW independently assures final business cases for Tier 1 (High Profile High Risk) and Tier 2 projects through a Gate 2 Business Case Gateway Review.

Separate to its assurance role for Cabinet, Infrastructure NSW does, with the approval of the Premier, prepare summaries of final business cases for eligible projects after they are approved, which are published on the Infrastructure NSW website.

**QUESTION**

The Hon. DANIEL MOOKHEY: Has anyone sought funding for the Parramatta Light Rail Stage 2 from the Restart Fund Act?

Mr DRAPER: I am going to have to take that one on notice too simply because I do not have the answer in front of me.

**ANSWER:**

Answer provided by Mr Draper:

Infrastructure NSW has not made any Restart NSW funding recommendations for the Parramatta Light Rail – Stage 2.

**QUESTION**

The Hon. DANIEL MOOKHEY: When was the last time you did a peer review of the Northern Beaches Link business case?

Mr DRAPER: You are referring to an assurance review?

The Hon. DANIEL MOOKHEY: Whichever form of peer review you have undertaken in respect to the Northern Beaches Link business case, I am happy to hear when you last did it.

Mr DRAPER: Again, I will take that on notice. If you are referring to a Gateway review undertaken for the purposes of reporting to Cabinet, I have concerns about answering that one. If there is a

Restart element to this one then I am quite happy to take that on notice to check the details and come back to you.

**ANSWER:**

Answer provided by Mr Draper:

Assurance reviews are prepared for and reported to Cabinet. Accordingly, the timing of an assurance review remains Cabinet in Confidence.

With regard to Restart NSW funding, \$9.8 million was allocated to the Northern Beaches Link and Western Harbour Tunnel for planning in 2017.

**QUESTION**

The Hon. DANIEL MOOKHEY: For what it is worth, Mr Draper, that does not necessarily comfort me. My final question on notice is: Has a business case been completed that would trigger a Restart commitment?

Is the BCR more than one, and what is the estimated I think it is called outturn cost for the Sydney Metro West?

To the extent to which you are able to provide that to me on notice, Mr Draper, I would appreciate that.

Mr DRAPER: I will take it on notice, yes.

**ANSWER:**

Answer provided by Mr Draper:

Infrastructure NSW has recommended Restart NSW funding for the Sydney Metro West project, which has met Restart NSW funding criteria. Questions relating to outturn costs and BCR calculations for this project should be directed to Transport for NSW.

**QUESTION**

The Hon. JOHN GRAHAM: Mr Draper, could you take on notice for each financial year since 2017-18 whether the amended five-year plan was considered by the Premier, adopted or amended by the Premier, notified to you and published? Did each of those four steps occur in each of those financial years and when did they occur?

Mr DRAPER: Yes, I will take it on notice.

The Hon. DANIEL MOOKHEY: Mr Draper, just in respect to your assurance function, does that apply simply to the agencies within the general government sector or does it apply to the total State sector?

Mr DRAPER: I will double-check for you, Mr Mookhey. I believe it applies mainly to the general government sector. From time to time there are projects that are put forward by State-owned corporations that we see. For example, some of those dam projects you referred to earlier are owned by WaterNSW, so there are circumstances where projects have been brought forward by State-owned corporations and go through that process. I think that may be in part triggered by the fact that it has been publicly funded.

**ANSWER:**

Answer provided by Mr Draper:

Infrastructure NSW submitted the 5-year Infrastructure Plans for 2017-18 and 2018-19 to the NSW Premier in May 2017 and April 2018 respectively. Following confirmation, the plans were published as part of the Infrastructure Statement in the NSW Budget Papers for 2017-18 and 2018-19.

In the 2019-20 and 2020-21 financial years, the 5-year Infrastructure Plan was published online in the form of the NSW Infrastructure Pipeline. The 2019-20 NSW Infrastructure Pipeline was submitted to the Premier's office in December 2019 and published online by Infrastructure NSW in April 2020 following confirmation from the Premier's office. This was updated in September 2020 following the release of the NSW State Budget.

The 2020-21 NSW Infrastructure Pipeline was submitted to the Premier's office in July 2021 and published online by Infrastructure NSW in August 2021 following confirmation from the Premier's office.

The Infrastructure Investor Assurance Framework (IIAF) applies to all capital projects being developed and/or delivered by General Government agencies and Government Businesses as well as capital projects being developed or delivered by State Owned Corporations as required by NSW Treasury.

Treasury's Policy, '*TPP18-05 Major Projects Policy for Government Businesses*' states 'The Policy also outlines where the NSW Gateway Policy applies to SOCs (State Owned Corporations), including the criteria determining whether or not a project must undergo independent peer review under the Infrastructure Investor Assurance Framework (IIAF) or the ICT Assurance Framework (IAF).

**QUESTION**

The Hon. PENNY SHARPE: Mr Coutts-Trotter, obviously we have a new Premier. Are you able to let the Committee know whether the Premier's Priorities will be redone or what the process is and, I suppose, give a general update with the change? What is likely to happen?

Mr COUTTS-TROTTER: I have not been told by the Premier the process by which he intends to tackle that decision or the time frame. But I guess there is a new Premier. We have been through the depths of a pandemic; we are coming out the other side. There are different challenges and different opportunities facing the community, and so it is perfectly reasonable, I think, to ask the question. But to your question, no, I do not know the time frame, but I am happy to ask and see if I can respond on notice.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

The Premier is currently working with Cabinet to set the forward policy agenda. Once this is complete, the Premier will consider the Premier's Priorities. In the meantime, government continues work on the current set of 14 Priorities.

**QUESTION**

The Hon. PENNY SHARPE: Given we have currently got these Premier's Priorities—let's just assume that they continue for the moment—what is happening with those priorities that are not on track? Some of them are significantly behind.

Mr COUTTS-TROTTER: Yes. Some I am more familiar with than others, obviously, so I would take on notice some of the response to your question, Ms Sharpe.

Mr COUTTS-TROTTER: There has been a massive amount of work to try and understand what explains the lack of performance towards the target. Of course, it is different from place to place, district to district, and so it has been about trying to understand those districts that are doing well, what is working there and trying to feed that back into districts where performance is less good. There has been work done to improve the quality of the decisions made when the agency stops working with children—a decision to close the case. What they learned from south-west Sydney was that where you put a network of support in place and you really well explained to schools, to police, to non-government support services and the like where things are up to and why you were closing the case, those agencies and community organisations were better placed to continue to help the family and keep a child safe. That is one example of something that is picked up and implemented across the State. Stronger and more effective referrals to funded family support services through non-government organisations—the referral process was not consistently good across the State. Training for child protection—

The Hon. PENNY SHARPE: Sorry, can I just stop you there. Is it not also the case, particularly in some areas, that there just is not the network of non-government organisations to actually refer?

Mr COUTTS-TROTTER: That is true.

The Hon. PENNY SHARPE: In some places it is quite well established and they work quite well together, but it is a pretty mixed situation across the State. There would be some areas where there just are not services.

Mr COUTTS-TROTTER: It is a mixed situation across the State, and there are some areas where there are few services and very few services that work effectively with Aboriginal children and families as well. The results for Aboriginal children are worse than the results for non-Aboriginal children, and that is marked across the State. That is an area of focus. I do not know whether I am just talking too long on this for you.

The Hon. PENNY SHARPE: No, it is okay.

Mr COUTTS-TROTTER: Perhaps we will take it on notice and could give you an update on the strategies that are being deployed in relation to each of them.

The Hon. PENNY SHARPE: I do not really have questions for you. The point that I would just continue to make is that we know that the numbers keep rising in terms of reports. It is still stubbornly at around 30 per cent of kids who actually get a face-to-face. I think that you have talked about the good things, but there are others. We can move on and I would really appreciate an update on that.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

The Premier's Priorities set ambitious targets for complex and challenging issues. Covid-19 has created additional challenges for the Priorities, disrupting delivery of planned initiatives and exacerbating underlying risk factors for many priorities.

Strategies being deployed to support some of the most challenged priorities include:

*Increasing the number of Aboriginal young people reaching their learning potential*

The NSW Coalition of Aboriginal Peak Organisations (CAPO), the NSW Department of Education and the Premier's Implementation Unit are working together to support students to reach their learning potential and strengthen connectedness to culture and community. Some of the ways we are working towards this goal include:

- The NSW Aboriginal Education Consultative Group's Pirru Thangkuray Cultural Engagement and Goal Setting Program

This program is designed to be engaging and fun. It supports Aboriginal and other school students to build their self-esteem, self-confidence, cultural identity, sense of wellbeing and to realise their academic potential. Coaches from the local community support students to set cultural, pathway and academic goals. Pirru Thangkuray also provides support in sustaining educational outcomes for students through the delivery of Aboriginal perspectives and culturally appropriate and authentic content. Learn more about the NSW Aboriginal Education Consultative Group Inc.

- Aboriginal Learning and Engagement Centres

Aboriginal Learning and Engagement Centres were initially established in 17 schools across NSW. As of October 2021, there are now a total of 30 Centres. These Centres focus on providing students with individualised academic, wellbeing and cultural support, especially at key transition points, in order to improve school engagement, attendance, retention and HSC attainment.

- Locally-tailored Cultural Immersion and Policy Engagement for Schools

The Aboriginal Education Policy commits to improving outcomes for Aboriginal students, and increasing knowledge and understanding of the histories, cultures and experiences of Aboriginal and Torres Strait Islander people as the First Peoples of Australia. The NSW Department of Education is committed to strengthening the application of the Policy across all public schools. This is further supported by the NSW Aboriginal Education Consultative Group, who deliver cultural immersion training to participating teachers and school staff, so they develop a richer understanding and connection to local Aboriginal cultures, histories, languages, stories and social experiences.

- Integrating Aboriginal Culture into Teaching and Learning

The NSW Department of Education is committed to supporting schools to build the capability of staff so they teach and engage in ways that enable Aboriginal students to see themselves and their culture reflected across the curriculum. This means supporting staff to engage with content that lifts their cultural knowledge and understanding of Aboriginal histories and cultures, and equipping staff with teaching strategies so they can confidently embed Aboriginal perspectives in their teaching.

- Aboriginal History and Culture at the Centre of Curriculum Delivery

The NSW Aboriginal Education Consultative Group and the NSW Department of Education have co-designed a pilot Aboriginal-Centred Curriculum Program at Gorokan High School. The Program, supported by Dr Shayne William's cultural framework, recognises and incorporates Aboriginal cultural values and knowledge as the basis for the Year 7 curriculum. Ongoing work is underway to understand how Program implementation is informing teaching and learning outcomes.



- Aboriginal Community Connectors

The Aboriginal Community Connectors pilot, led by NSW Coalition of Aboriginal Peak Organisations, is an ‘outside the school gate’ initiative. It is premised on clearing barriers in students’ lives that hold them back from engaging at school and realising their educational aspirations. Embedded within community-controlled organisations in Orange and Tamworth, Aboriginal-identified Connectors support students and their families to better access, coordinate and engage with culturally appropriate services in their community.

*Bumping up education results for children*

The School Success Model is an evidence-led approach to improving the outcomes of students every year in our schools. The School Success Model is made up of policies and programs that together seek to improve the performance of every student, teacher, leader and school - every year. The Model is focused on two central objectives: getting higher quality support to schools based on students' needs; and sharing accountability for lifting student success across everyone in the Department of Education while improving our capability and capacity to do so.

- Reforming what students learn - Curriculum changes to declutter content and focus teaching time on core concepts and skills.
- Improving how teachers teach
- Assessments have been developed to support teachers in identifying student learning needs including the mandatory Year 1 Phonics
- Directly supporting school leaders from more than 450 schools in data analysis and effective teaching practice.
- All public schools have set targets aligned to the Premier’s Priorities and are supported with School Excellence in Action resources to put in place focused improvement plans to lift outcomes.
- Screening Check, the on-demand Phonics diagnostic assessment and the Interview for Student Reasoning.
- Reading and numeracy guides are available to support conversations about reading and numeracy improvement in the context of school strategic planning. The guides support evidence-based practice in reading and numeracy.
- The Centre for Education Statistics & Evaluation has updated its ‘What Works Best’ evidence guides identifying the highest impact teaching practices. An integrated suite of tools and resources is being rolled out to schools to help teachers embed these practices in every classroom.
- Supporting school leaders - Schools are systematically assessing their teaching practice against best practice to identify areas for improvement through the Strategic Improvement Planning cycle.

*Increasing permanency for children in out of home care*

We are currently rolling out new strategies, and reforming existing practices, to ensure we are providing children and young people with a safe place to call home. Some of the ways we are doing this include:

- Implementing a Permanency Taskforce

The 2021-22 NSW Budget included \$12 million to scale up initiatives aimed at increasing the number of permanency orders made, including through the establishment of a Permanency Taskforce. The taskforce will be established to work with casework practitioners to progress guardianship orders. Additional legal officers will fast-track guardianship and adoption matters waiting to be progressed through the Children's Court and Supreme Court.

- Supporting children to remain safely at home

Improved practice and investment in evidence-based preservation programs has kept more children safely at home with their families, contributing to low entries of children into out-of-home care. We are evaluating existing preservation services with recontracting of services to follow.

- Making timely permanency decisions

We are improving permanency planning for children entering care through early decision-making, prioritised casework, reviewing legal processes and using data to drive greater accountability and performance. We are intensifying efforts to achieve guardianship and adoption for children already in long-term care through permanency goal reviews where appropriate. Each year, every child in care has a review to determine whether permanency can be pursued if that is in their best interests.

- Implementing the Permanency Support Program

Under the Permanency Support Program, introduced in 2018, the government is working in partnership with the non-government sector to identify the best permanency goal for children in out-of-home care, and to attain that goal within 2 years. This program is one of the most significant changes made to the NSW child protection and out-of-home care systems in decades. The program brings together government and non-government partners as part of a new vision in child protection and out-of-home care.

- Delivering culturally appropriate permanency outcomes for Aboriginal communities

Aboriginal children are over-represented in the out-of-home-care system. For the first time, operational guidelines for Aboriginal case management have been developed by Aboriginal communities, which helps drive culturally appropriate preservation and restoration for more children. We have set up improved mechanisms for family and community involvement in decision making for Aboriginal children. An Aboriginal Guardianship Support Model has been developed by way of co-design with Aboriginal children, young people and community. A two-year trial of the model will be implemented in two geographical areas of NSW from 2021 through to June 2023 with an independent evaluation. The model aims to assist children and young people on guardianship orders with support and services they need to thrive in their families and community.

- Enhancing sector uplift

To better support the sector, the government has invested in the Permanency Support Learning Hub which was launched in November 2019. Through practice resources and training, the hub is helping to build the capacity of the sector to promote permanency.

#### Protecting our most vulnerable children

While maintaining a focus on high quality casework practice, our approach for meeting this Priority has broadened to include optimisation across the whole-of-system. This means we are

working more collaboratively with our service sector and all parts of the child protection system - reporting and triage, casework and case closure - to ensure better outcomes for our most vulnerable children.

There are three new areas of focus to ensure better outcomes for our most vulnerable children:

- Improving assessment of risk of significant harm (ROSH) reports

Improvements to the information captured at the Child Protection Helpline means that risk assessments will be more accurate, reports will be prioritised more effectively, and more time can be spent providing services and support to the families with the highest needs.

- Improving specific casework practices

We are engaging more with our service sector to provide the best opportunity for vulnerable children and their families to receive targeted and ongoing support. More effective referrals means that families have a better chance of engaging with, and benefiting from, the support service that is most appropriate to their needs. We are also implementing ways to measure, assess and improve the quality of casework and ensure continuous improvement, to get better long-term outcomes for vulnerable children.

- Enhancing Future Safety

We are ensuring that the right services and supports are in place before we end our engagement with a family to safeguard the future safety for children and young people. We are also strengthening our relationship with local service providers to support earlier interventions before the risk escalates to risk of significant harm.

#### Reducing Domestic Violence Reoffending

Our focus is on holding domestic violence offenders to account and changing their offending behaviour through a range of targeted initiatives.

Initiatives include:

- Enhancing the supervision of offenders managed by Community Corrections to ensure offenders are receiving the right intervention
- Increasing access to behaviour change programs in both the custodial and community settings to reduce the risk of future abusive behaviour
- Having strengthened sentencing laws so that more domestic violence offenders will be referred to Community Corrections for assessment and then supervised at a level appropriate to their risk
- Strengthening police capacity to identify and target serious repeat offenders
- Introducing new strategies to ensure people comply with Apprehended Domestic Violence Orders.

#### Improving service levels in hospitals

To ensure timely access to emergency treatment a number of initiatives are being implemented by NSW hospitals. These initiatives include:

- streaming patients through clinical pathways relating to their condition,

- expanding virtual models of care to support people with mild to moderate symptoms in their homes, which allows hospital emergency departments to focus on patients who require emergency care,
- supporting staff to develop strong leadership, culture and collaborative partnerships as a way of enhancing performance,
- standardising nurse-initiated protocols to enable early commencement of treatment for patients following triage.

**QUESTION**

The Hon. DANIEL MOOKHEY: Yes. You apparently met on 23 September, which, to be fair, was a meeting when the secretary of DPC at the time was Mr Reardon, not you. But you are listed as having attended.

Mr COUTTS-TROTTER: Yes.

The Hon. DANIEL MOOKHEY: Do you recall that there was a meeting thereabouts?

Mr COUTTS-TROTTER: Yes. Well, it is embarrassing to confess it, but every day blurs into every other day.

The Hon. DANIEL MOOKHEY: I am sure. At that meeting, was the WestInvest Fund discussed?

Mr COUTTS-TROTTER: I would need to take that on notice because, from memory, WestInvest has been discussed by the secretaries board; whether it was 23 September, I cannot recall. I will take that on notice for you.

The Hon. DANIEL MOOKHEY: The minutes note the announcement of the WestInvest Fund and that Treasury is working to establish a governance group to oversee administration and dispersal of the fund. Does that prompt a recollection?

Mr COUTTS-TROTTER: I will take that on notice.

The Hon. DANIEL MOOKHEY: Was that the first time DPC was aware of the establishment of the WestInvest Fund?

Mr COUTTS-TROTTER: I do not think so, but I will take that on notice.

The Hon. DANIEL MOOKHEY: Do you recall any specific action that was resolved at that time that DPC had to take? To be fair to you, you were not at DPC at the time, but I do believe there were other DPC representatives present. Do you recall?

Mr COUTTS-TROTTER: No, I do not, but I will take that on notice.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

The Secretaries Board noted the announcement of the WestInvest Fund and the status of work on governance arrangements for the Fund at its meeting of 23 September 2021.

The Secretary of the Department of Premier and Cabinet took an action to further discuss proposed governance arrangements for the WestInvest Fund with the Treasury Secretary and the Planning, Industry and Environment Secretary. This meeting took place between Mr Tim Reardon, Mr Mike Pratt, and Mr Jim Betts on 30 September 2021.

The Secretary is unable to advise at what point the Department first became aware of the establishment of the WestInvest Fund.

**QUESTION**

The Hon. DANIEL MOOKHEY: Was DPC asked to provide any advice in respect to any process that would lead to a Cabinet submission around the establishment of WestInvest?

Mr COUTTS-TROTTER: Any advice in relation to—

The Hon. DANIEL MOOKHEY: Was it asked to provide any advice or feedback in respect to any process involving a Cabinet submission about WestInvest?

Mr COUTTS-TROTTER: I would have to take that on notice, I am afraid.

The Hon. DANIEL MOOKHEY: I am not really sure whether this is a Cabinet-in-confidence matter, because I am not sure whether WestInvest went to Cabinet. Certainly, there seems to be no reference whatsoever in a production in response to an order of the House. To the best of your knowledge, is WestInvest covered by Cabinet confidentiality because there was a Cabinet submission that did go to Cabinet?

Mr COUTTS-TROTTER: I will take that on notice and respond to you.

The Hon. DANIEL MOOKHEY: Does Ms Boyd have any views?

Ms BOYD: No, I would have to take that on notice. I am sorry.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

Under Premier's Memorandum 2006-08, *Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions*, public officials are not authorised to publicly disclose Cabinet information.

**QUESTION**

The Hon. DANIEL MOOKHEY: Some of the secretaries went through a performance review with the previous Premier. Is that correct?

Mr COUTTS-TROTTER: It is my understanding, yes.

The Hon. DANIEL MOOKHEY: On notice, can we see which secretaries went through that process—not by name, obviously, but perhaps department?

Mr COUTTS-TROTTER: By job title? Yes, sure.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

The Premier, as the Minister responsible for the *Government Sector Employment Act 2013* ('GSE Act'), exercises the employer functions in relation to each Secretary of a Department. The contract of employment for Secretaries provides for an annual Performance Agreement with their Employer setting out the performance obligations of the Secretary, and reviews of performance, for the year.

All Cluster Secretaries submitted annual performance review self-assessments for the 2020-2021 Financial Year for the former Premier's consideration in July 2021. The following Secretaries completed performance reviews with the former Premier in September 2021.

- Secretary, Department of Planning, Industry and Environment
- Secretary, Transport for NSW
- Secretary, Department of Customer Service

- Secretary, Department of Education
- Secretary, NSW Health

**QUESTION**

Mr COUTTS-TROTTER: The component of the contract that contained an incentive payment was removed.

The Hon. DANIEL MOOKHEY: When was that removed?

Mr COUTTS-TROTTER: I think at least a year ago, but I will confirm that for you.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

The Statutory and Other Offices Remuneration Tribunal determined that discretionary remuneration payments to Public Service senior executives would cease from 1 July 2019.

**QUESTION**

The Hon. DANIEL MOOKHEY: But if you are possibly able to provide this on notice to this Committee, could you? How many public servants or agency heads are entitled? That is the question. I am sorry, I was unaware that there has been a change to that part of the policy.

Mr COUTTS-TROTTER: No. I will take that on notice, Mr Mookhey.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

Public Service senior executives are not entitled to receive discretionary remuneration payments. Discretionary remuneration payments ceased from 1 July 2019. There are no Public Service senior executives in receipt of such payments.

**QUESTION**

The Hon. DANIEL MOOKHEY: I appreciate that every time there is an event that leads to the damage and destruction of buildings, particularly historic or older ones, asbestos is a key risk that needs to be managed. Were you coordinating with the Commonwealth asbestos removal agency or seeking advice from it?

Mr FITZSIMMONS: We would certainly do that through the State agencies that have responsibility for asbestos management.

The Hon. DANIEL MOOKHEY: That is the EPA?

Mr FITZSIMMONS: The EPA, Public Works, Fire and Rescue NSW—the collection of organisations that work together. I would have to confirm on notice the level of involvement from the Commonwealth specifically in relation to asbestos, but I can assure you that the Commonwealth has been in very strong partnership with us through the recovery effort right from the outset. As a matter of fact, one of my team just gave me a figure to give you an indication. Of

the 350,000 tonnes of debris cleared from the bushfires, 215,000 tonnes were contaminated with asbestos.

**ANSWER:**

Answer provided by Commissioner Fitzsimmons:

I am advised the Commonwealth Asbestos Safety and Eradication Agency are regular attendees at meetings of the New South Wales Asbestos Co-ordination Committee (NACC). The NACC is the central NSW government committee for management of asbestos in New South Wales.

I am further advised that the NSW Environment Protection Authority (EPA) worked closely with the Commonwealth Asbestos Safety and Eradication Agency (ASEA) to ensure that consistent messages were given to community members during the bushfire recovery, and that ASEA was aware of how and where to refer enquiries from members of the public for advice.

**QUESTION**

The Hon. DANIEL MOOKHEY: On notice or now, depending on how accessible this information is, are you able to tell us where the 215,000 tonnes of debris that had asbestos in it was either destroyed or deposited?

Mr FITZSIMMONS: I will certainly have to take that on notice, but I know it was all professionally managed and coordinated through that coordinated arrangement I described. But I will be happy to talk to my team at Public Works and the EPA and get something back to you on notice.

The Hon. DANIEL MOOKHEY: Commissioner, the only reason I ask is because I think in some other inquiries we have done elsewhere it is a known problem that there is a shortage of policies of how to get rid of this and where to store it. It is a national problem as to how to do this properly, so if we could find out. Can we also find out on notice what policies applied to the monitoring of risk to clean-up staff and crews arising from asbestos, and what sort of long-tail steps are in place to check the health of the people who were involved in this particular clean-up, if that is possible?

Mr FITZSIMMONS: If it is possible, I would be happy to do that for you.

**ANSWER:**

Answer provided by Commissioner Fitzsimmons:

I am advised that the Bush Fire Clean-up program required all asbestos waste to be disposed into EPA Licensed Landfills. This work has been undertaken in accordance with the Emergency Asbestos Management Plan.

Asbestos waste was placed into an existing waste disposal pit with NSW Environment Protection Authority (EPA) and council agreement in one instance. This was also part of a full remediation of that site.

I am further advised that all Asbestos Clean-Up contractors used by the NSW Government in the bush fires clean-up are licensed under NSW Safework. This licence requires contractors to meet mandatory Work Health Safety Regulations for asbestos workers including regular health monitoring and a health monitoring report that is kept for 40 years.

**QUESTION**

The Hon. DANIEL MOOKHEY: Commissioner, is it possible on notice to get broken down by LGA the quantity of food distributed over what period of time in the Delta outbreak?

Mr FITZSIMMONS: That is going to be bit tricky because sometimes, for example—the simple answer is I would be happy to give you a breakdown as best as possible.

The Hon. DANIEL MOOKHEY: Yes, that is fine.

Mr FITZSIMMONS: But places like Dubbo—we work through emergency management [EM] committees, so we had regional committees and we had local emergency management committees. Local emergency management committees are typically LGA based, but often at the distribution level, like Dubbo, for example, that might become a cache hub that can then service out to multiple—

The Hon. DANIEL MOOKHEY: Commissioner, I accept whatever unit of geography by which you can provide any analysis of distribution. That would be really helpful if possible.

Mr FITZSIMMONS: Sure.

**ANSWER:**

Answer provided by Commissioner Fitzsimmons:

I am advised that Resilience NSW with local and charity partners have delivered 32,050 hampers between 01 July to 31 October 2021, including 24,605 food hampers and 7,445 personal care hampers.

An analysis of distribution by Local Government Area is in the table below.

LGA	Sum of Food Hamper	Sum of Personal Care
Albury (City)	85	31
Armidale Regional (Area)	11	3
Ballina (Area)	7	3
Bathurst Regional (Area)	17	5
Bayside (Area)	199	38
Bega Valley (Area)	8	3
Blacktown (City)	2710	761
Blue Mountains (City)	19	10
Bourke (Area)	828	74
Brewarrina	120	0
Broken Hill (City)	294	143
Burwood (Area)	54	18
Byron (Area)	1	0
Cabonne (Area)	26	9
Camden (Area)	96	21
Campbelltown (City)	1707	391
Canada Bay (Area)	37	12
Canterbury-Bankstown (Area)	2952	931
Central Coast (City)	134	46
Central Darling (Area)	43	17
Cessnock (City)	90	30



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Coffs Harbour (City)	19	6
Coonamble (Area)	242	61
Cumberland (Area)	2971	909
Dubbo Regional (Area)	2563	737
Edward River (Area)	2	0
Eurobodalla (Area)	7	4
Fairfield (City)	1440	489
Forbes (Area)	2	0
Georges River (Area)	190	74
Gilgandra (Area)	126	64
Goulburn-Mulwaree (Area)	12	4
Greater Hume Shire (Area)	34	14
Greater Western Sydney	3	2
Gunnedah (Area)	10	5
Hawkesbury (City)	69	20
Hilltops (Area)	13	1
Hornsby (Area)	22	9
Hunters Hill (Area)	6	3
Inner West (Area)	145	59
Inverell (Area)	1	0
Kempsey (Area)	75	23
Kiama (Area)	3	0
Ku-ring-gai (Area)	4	2
Kyogle (Area)	2	1
Lake Macquarie (City)	151	57
Lane Cove (Area)	5	2
Lismore (City)	26	8
Lithgow (City)	7	2
Liverpool (City)	1383	414
Lockhart (Area)	3	1
Maitland (City)	75	27
Mid-Coast (Area)	136	44
Mid-Western Regional (Area)	10	6
Moree Plains (Area)	5	2
Muswellbrook (Area)	1	0
Nambucca (Area)	1	0
Narrabri (Area)	3	2
Narromine (Area)	16	4
Newcastle (City)	208	77
North Sydney (Area)	15	4
Northern Beaches (Area)	69	34
Oberon (Area)	2	1
Orange (City)	186	3
Parramatta (City)	1019	343
Penrith (City)	1092	306
Port Macquarie-Hastings (Area)	4	0
Port Stephens (Area)	37	15

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Queanbeyan-Palerang Regional (Area)	36	7
Randwick (City)	76	23
Richmond Valley (Area)	1	0
Ryde (City)	46	15
Shellharbour (City)	80	15
Shoalhaven (City)	141	49
Singleton (Area)	13	3
Snowy Monaro Regional (Area)	3	0
Snowy Valleys (Area)	1	1
Strathfield (Area)	104	40
Sutherland Shire (Area)	29	11
Sydney (City)	429	201
Tamworth Regional (Area)	471	217
Tenterfield (Area)	2	1
The Hills Shire (Area)	83	26
Tweed (Area)	1	0
Upper Lachlan Shire (Area)	6	3
Wagga Wagga (City)	4	2
Walgett (Area)	239	148
Warren (Area)	3	0
Warrumbungle Shire (Area)	4	1
Waverley (Area)	23	5
Wellington	360	120
Wentworth (Area)	58	19
Wilcannia	120	60
Willoughby (City)	14	1
Wingecarribee (Area)	2	0
Wollondilly (Area)	62	25
Wollongong (City)	341	67

**QUESTION**

Mr DAVID SHOEBRIDGE: Will you, on notice, provide the list—however short or long—of any Indigenous bodies that are formerly represented on local emergency management committees, Commissioner?

Mr FITZSIMMONS: I will, but I would imagine it will not be long.

**ANSWER:**

Answer provided by Commissioner Fitzsimmons:

I am advised that membership of Local Emergency Management Committees is managed and recorded by the council of each local government area. These records are not held and maintained at the state level.

Under the *State Emergency and Rescue Management Act 1989*, local councils are empowered to expand the formal membership of Local Emergency Management Committees to include a

representative of each organisation that the council determines from time to time is to be represented on the Committee, which can include Indigenous bodies.

**QUESTION**

Mr COUTTS-TROTTER: We are selling people. We provide staff to State Archives and Records, Sydney Living Museums and the Aboriginal Languages Trust, and we get paid for those people. I could be wrong but I think this is a hangover from adjustments that were made in response to WorkChoices back in 2009.

The Hon. DANIEL MOOKHEY: Right, so you characterise it as you are selling people.

Mr COUTTS-TROTTER: Okay.

The Hon. DANIEL MOOKHEY: And that was a response to WorkChoices, was it? I assume that you decided to use your powers with WorkChoices to sell people? That is fitting. I am pleased we cleared up that puzzle because it has been occupying my mind for a good couple of months now since the budget as to what exactly that was. Congratulations, I presume therefore you are offering more staff to those organisations?

Mr COUTTS-TROTTER: I would not assume that.

The Hon. DANIEL MOOKHEY: Your budget says you are because it is going up by \$8 million.

Mr COUTTS-TROTTER: Oh, are we? Okay. Right, sorry.

The Hon. DANIEL MOOKHEY: Why are those organisations not doing their own staffing? Why do they have to hire yours?

Mr COUTTS-TROTTER: I will take that on notice. I do recall back in around 2009 there were changes made in the New South Wales public sector to—the view of the then Government—insulate certain public service roles from the impact of WorkChoices. There were these kind of arrangements set in place where people were provided as staff to other organisations by primary departments. I think this would be one of those arrangements. I am looking to Kate Boyd.

**ANSWER:**

Answer provided by Mr Coutts-Trotter:

Under section 21 of the *Government Sector Employment Act 2013*, staff may be employed in public service agencies to enable statutory bodies to exercise their functions.

Staff are employed in the Department of Premier and Cabinet to enable the State Archives and Records Authority, the Historic Houses Trust and the Aboriginal Languages Trust to exercise their functions. In these cases, the staff are employed by DPC but are fully allocated to the work of supporting the specific statutory body. DPC does not undertake day to day management of the staff, such as operational management nor staff scheduling. Staff supporting the Aboriginal Languages Trust commenced during the financial year ending 30 June 2021.

Costs for the individual staff members are charged to the State Archives and Records Authority, the Historic Houses Trust and the Aboriginal Languages Trust as ‘Personnel services expense’. A staff agency such as DPC will record these expenses as ‘Employee related expenses’ and charge the other agency and record this revenue from ‘Personnel services’. This will be reflected as “sale of goods and services”.

The increase year on year is impacted by items in the “sale of goods and services” category, such as additional employee-related expenses allocated to State Archives and Records Authority, the Historic Houses Trust and the Aboriginal Languages Trust as part of the FY2022-23 budget, as well as a return to normal rental revenues received from the Arts Sector for rental of DPC properties managed by Create NSW.

**QUESTION**

The CHAIR: Ms Foy do you want to provide the answer to an earlier question of Mr Shoebridge?

Ms FOY: I am very happy to provide an answer. We have an obligation. INSW is the entity that awarded the contract. I understand that that contract was awarded in mid-September. It has 45 business days to produce the relevant contract documentation. I understand that it is imminent.

Mr DAVID SHOEBRIDGE: Forty-five days is the maximum period.

Ms FOY: Is the maximum, and I understand it is imminent. I do not have the exact figure to hand but I am advised that it is imminent. I suspect that will beat my ability to get the figure back to you on notice anyway.

**ANSWER:**

Answer provided by Ms Foy:

The contract sum is within the budget for the project.

The Lendlease contract value of \$502.8 million includes design and delivery by mid-2024 of the approved design. The cost also includes cost escalation, fees and a portion of the fitout scope.

Powerhouse Parramatta is one of the largest structural engineering and architecturally complex projects underway in Australia and we are confident Lendlease will build the world-class museum in accordance with the contract.

**QUESTION**

The Hon. DANIEL MOOKHEY: That is part of what I mean by "monitor", yes. But then do you provide advice and/or analysis to the Premier about whether or not those targets are likely to be exceeded or not reached?

Ms MILDWATER: I started as chief executive in January. We have not been asked to provide that advice since I have been chief executive but I can take it on notice and see whether we have been asked to provide that advice previously.

**ANSWER:**

Answer provided by Ms Mildwater:

The Greater Sydney Commission has not located any documents in our records responding to a request by the Premier to provide advice or analysis about whether housing targets in Greater Sydney are likely to be exceeded or not.

**QUESTION**

The Hon. DANIEL MOOKHEY: Ms Mildwater, I would like you on notice to provide any further detail you wish on that, as you put it, rather complicated question as well, but given that this is a core part, I believe, of what the Greater Sydney Commission is meant to provide public guidance on. You are not in the same category as other people who participate in this debate and I am interested in what the commission's views are on that, if that is possible?

Ms MILDWATER: Yes, certainly. Our main role, as you say, is about setting targets and so that is the aspect we are going to be focusing at most to see how the targets have performed and, yeah, what is involved.

**ANSWER:**

Answer provided by Ms Mildwater:

- The Greater Sydney Commission's role in housing supply is set out in Objective 10 (Greater Housing Supply) of the Greater Sydney Region Plan, which aims to create more housing in the right locations, supported by necessary infrastructure.
- The Commission supports housing supply through the Greater Sydney Region Plan and District Plans by:
  - setting housing targets for Greater Sydney, Districts and individual Councils, in collaboration with the Department of Planning, Industry and Environment (DPIE) and other state agencies;
  - requiring Councils to prepare housing strategies that outline how housing demand will be met over the next 10 years and how Councils will contribute to the 20-year District targets (Actions 3 and 4).
- As part of the 2023 review of the Region Plan and District Plans, the Commission will set new targets for each District.
- Progress against the housing targets will be tracked by DPIE's Urban Development Program. As housing is a shared responsibility, the Commission will continue to work with DPIE and Councils to monitor housing delivery, to ensure housing aligns with population growth and that supply and housing affordability are addressed.

**QUESTION**

The Hon. DANIEL MOOKHEY: Hence the need for your special expertise on this. It would be helpful. Can I just ask a final question, I think, that relates to your operating statement in the budget papers? I am reading from Budget Paper No. 4 at page [5-5]. It says that you were given a \$13 million budget for employee-related expenses but you only spent seven and a half million dollars, which means that you underspent your employee budget by close to half. Why did you underspend your employee budget by close to half?

Ms MILDWATER: I am sorry. I do not have that in front of me, either.

The Hon. DANIEL MOOKHEY: I will read you the relevant sections, if you wish. It says here that in 2020-2021 your budget for "Employee Related"—this is from your "Operating Statement" that is published in the budget papers—that the budget for 2020-2021 was \$13,382,000 and that the actual expenditure, or "Revised" expenditure as it is described in this statement, says \$7,707,000. Your budget for the forthcoming year is apparently \$13,554,000 for employee-related expenses. There is a \$6,000,000-ish discrepancy between what you were budgeted and what you spent. Is there a massive staff issue at the Greater Sydney Commission that is causing you to underspend here?

Ms MILDWATER: I am going to have to take that one on notice because I only joined halfway through the year and there is my staff issue, so I am very happy to take that on notice and give you an explanation.

**ANSWER:**

Answer provided by Ms Mildwater:

The Greater Sydney Commission’s labour expense budget includes employee related costs and contractor expenses. The Commission engages a number of contractors, including to undertake technical and project work which can vary within and between years. In Budget Paper No. 4, contractor costs are included under Other Operating Expenses. The table below shows the combined labour expense budget:

Labour Budget	2020-21 (\$'000)	
	Budget	Revised
Employee Related Expenses	\$13,382	\$7,707
Contractor Expenses	\$3,602	\$6,759
<b>Total</b>	<b>\$16,984</b>	<b>\$14,466</b>

The labour budget reduction of \$2.5m during 2020-21 is driven by functional transfers in and out of the Commission, including the Western Sydney City Deal Delivery Office and Western Sydney Place-based Infrastructure Compact programs transferring out to the Western Parkland City Authority. This was partly offset by the Precincts team of the Precincts and Innovation Ecosystem branch in Treasury transferring into the Commission.

#### QUESTION

The Hon. DANIEL MOOKHEY: The other thing which is a bit curious about your Operating Statement is that you were given a sixty-one and a half million dollars budget for what was described as grants and subsidies, but you spent none of it. What was the \$61 million for?

Ms MILDWATER: I suspect—and I can confirm it on notice—that is money that transferred from us to the Western Parkland City Authority. So that is why it is probably showing that we did not spend any of it, because it was transferred. So our budget did adjust quite significantly during the last financial year, when the Western Parkland City Authority was set up and it was transferred to them, including some staff.

The Hon. DANIEL MOOKHEY: But the issue that I have got with that is that I am looking at the Western Sydney Parklands Trust operating statement for the same period of time, and there is certainly nothing resembling the arrival of a \$61 million transfer—nothing whatsoever. In fact, their entire operating expenses for that year and their total revenue for the same period of time was \$40 million.

Ms MILDWATER: Mr Mookhey, perhaps I can correct that. It is not the Parklands trust; it is the Western Parkland City Authority.

The Hon. DANIEL MOOKHEY: Sorry, fair enough. I might be looking at the wrong one.

Ms MILDWATER: You can [disorder]. Their budget [disorder] substantial.

The Hon. DANIEL MOOKHEY: On notice, if you can provide any additional detail on that, that would be helpful.

Ms MILDWATER: Yes, certainly.

#### ANSWER:

Answer provided by Ms Mildwater:

Responsibility for the Western Parkland City Liveability Program transferred from the Greater Sydney Commission to the Western Parkland City Authority (WPCA) from 16 October 2020 under

the *Administrative Arrangements (Administrative Changes—Transfer of Staff to Western City and Aerotropolis Authority Staff Agency) Order 2020*. As a result, grant funding of \$61.583 million relating to this program transferred to the WPCA during 2021-22.

**QUESTION**

Mr DAVID SHOEBRIDGE: I suppose my question to you is: When you are running the ruler over the TAHE accounts, is there an accepted threshold return at a State level or has there not been that agreed benchmark at a State level and is that part of the difficulty in doing the audit of the accounts?

Mr GOODWIN: That is part of the discussion about how government defines that rate of return.

Mr DAVID SHOEBRIDGE: Do you know if other State jurisdictions have adopted the Federal arrangement, which is basically something in excess of the long-term inflation rate?

Ms CRAWFORD: I do not have that. We can take that on notice. I do not know that.

**ANSWER:**

I understand the Auditor-General has provided her answers directly to the Budget Estimates Secretariat.