

**PORTFOLIO COMMITTEE NO. 6 – TRANSPORT – QUESTIONS ON NOTICE
4 MARCH 2022**

QoN01 Transcript Page 5

The Hon. DANIEL MOOKHEY: Has your office refused to communicate with Ms Bourke-O'Neil since the events of last week?

Mr DAVID ELLIOTT: She has been on leave since the events of last week.

The Hon. DANIEL MOOKHEY: No. I am asking you, has your office said that your office will no longer be communicating with Ms Bourke-O'Neil?

Mr DAVID ELLIOTT: I will take that on notice.

ANSWER: I am not aware of any such communication.

QoN02 Transcript Page 8

The Hon. DANIEL MOOKHEY: Minister, will you turn to tendered document 006?

This is a text message from your chief of staff to a person unknown. It states: From Meg: Hi, not good news—conciliation no result tonight, massive disruption expected in morning and I'll call you soon—need to jump on call with Secretary and Dep sec of regional plus our heads ...Do you see that?

Mr DAVID ELLIOTT: Is this time stamped at 10.51?

The Hon. JOHN GRAHAM: Yes, 10.51 on 20 February.

The Hon. DANIEL MOOKHEY: Yes. Did you get that message?

Mr DAVID ELLIOTT: I want to take that on notice.

ANSWER: Yes.

QoN03 Transcript Page 15

The Hon. JOHN GRAHAM: Document 006. We know that it was shortly before your chief of staff called you and shortly before your chief of staff texted the agency to say, "The Minister is briefed and is comfortable."

Mr DAVID ELLIOTT: Yes.

The Hon. JOHN GRAHAM: This text message says:... massive disruption expected in the morning and I'll call you soon ... I want to put to you that this did not go to others in your ministerial staff alone. This went to you.

Mr DAVID ELLIOTT: I will take that on notice, but the timing means that it would have superseded the significant disruption briefing that I subsequently got.

The Hon. JOHN GRAHAM: What do you mean by that?

The Hon. SCOTT FARLOW: Well, it was 10.51 p.m. The Minister's evidence was that it was between 11.00 p.m. and 11.30 p.m.

Mr DAVID ELLIOTT: The other way around, I'm sorry.

The Hon. JOHN GRAHAM: I will invite you to clarify that evidence, Minister. What do you mean?

The Hon. TAYLOR MARTIN: It also clearly went to a group.

Mr DAVID ELLIOTT: Sorry, can you repeat the question?

The Hon. JOHN GRAHAM: The question is: This text message went to you, didn't it, Minister?

Mr DAVID ELLIOTT: I will have to take that on notice because I haven't got any evidence that it did.

The Hon. DANIEL MOOKHEY: Can you check your phone?

Mr DAVID ELLIOTT: I will take that on notice.

The Hon. DANIEL MOOKHEY: Why don't you just check your phone?

Mr DAVID ELLIOTT: I will take it on notice.

The Hon. JOHN GRAHAM: Minister, this message has been produced by the Department of Premier and Cabinet saying it is a text message between the chief of staff to the Minister and ministerial office colleagues. This went to you.

Mr DAVID ELLIOTT: I will take it on notice whether it came to me, but it certainly was sent before we were briefed that there would be significant disruption.

ANSWER: I refer you to my previous answer, provided in QON 03. It is important to note that this text message is superseded by the briefing on 'significant disruptions' that I received later that evening.

QoN04 Transcript Page 19

The Hon. DANIEL MOOKHEY: You were getting regular updates on the nature of the conciliation proceedings on the Saturday, were you not?

Mr DAVID ELLIOTT: Yes.

The Hon. DANIEL MOOKHEY: And you were getting it on the Sunday?

Mr DAVID ELLIOTT: I was getting updates, but I do not believe that I had any conversation with the Minister for Employee Relations at that time. If you want me to take it on notice, I can clarify that.

The Hon. DANIEL MOOKHEY: I would appreciate that, Minister. But just to be clear when you were getting these updates through the Saturday and through the Sunday, did you speak to any ministerial colleague?

Mr DAVID ELLIOTT: I would have to take that on notice. It would be very unusual if, on a given day, I did not speak to one of my ministerial colleagues.

The Hon. DANIEL MOOKHEY: But about the dispute.

Mr DAVID ELLIOTT: About the dispute? I will take that on notice.

ANSWER: On any given day, I speak to a number of my ministerial colleagues.

QoN05 Transcript Page 20

The Hon. DANIEL MOOKHEY: I accept that, Minister. But did you talk to the Premier at all throughout the course of the evening?

Mr DAVID ELLIOTT: I will take that on notice.

The Hon. DANIEL MOOKHEY: Did you at all pick up the phone to the Premier and say, "Hey, we're in conciliation. These are the updates that I'm getting. What are you hearing?" Nothing to that effect?

Mr DAVID ELLIOTT: On what date?

The Hon. DANIEL MOOKHEY: On the weekend. Any time in that weekend.

Mr DAVID ELLIOTT: I would have to take that on notice.

ANSWER: I refer you to my previous answer, provided in QON 04.

QoN06 Transcript Page 22

ROB SHARP: The actual circuit-breaker strategy had been shared with the Minister's chief of staff. We were looking to have meetings to actually discuss it. But it was in the context—

The Hon. DANIEL MOOKHEY: When was that? When was the chief of staff told about this circuit-breaker strategy?

ROB SHARP: I would have to take that on notice on the exact timing. I would have to go back to the emails.

ANSWER: I am advised, on 11 February 2022.

The 'circuit breaker strategy' was never agreed to by the Minister.

QoN07 Transcript Page 25

The Hon. MARK BANASIAK: Minister, with your indulgence, I might continue my questions about the ferry wharves and direct my questions to Mr Collins, but feel free to—

Mr DAVID ELLIOTT: Put them through me because I have been reading my notes; I might be able to give you a quick answer.

The Hon. MARK BANASIAK: Okay, we will see how we go. I pick up on the last answer given around the testing.

Mr Collins, you said that 7 per cent out of the total 100 per cent—so 93 per cent was done on land and 7 per cent was done in the marine area. That 7 per cent was still, I think your word was, "extensive". Why were they done at such inappropriate depths? The contamination report talks about you only going down, essentially, 80 centimetres—between 80 centimetres and 1.3 metres. Why such a shallow depth?

Mr DAVID ELLIOTT: Mark, I withdraw the last remark now that you have brought geophysics into it. I am going to defer to Howard.

The Hon. SCOTT FARLOW: Former geography teacher.

HOWARD COLLINS: Thank you very much for the question. I am no soil mechanics specialist or geophysicist either. I will take on notice the technical details. My assumption about the 7 per cent was based on the facts that you presented in terms of 93 per cent on land. It is not unusual, those percentages, when you are building a ferry wharf because a significant part of that is not only the wharf itself but also the access and car parking. Probably both of us know that at both La Perouse and Kurnell it is important to make sure that the impacts on the environment are far and wide. We rely on those technical specialists. So I will take on notice information as to why those depths were included and the reasons for that. I reiterate that my Maritime colleagues—Mark Hutchings and his team—have extensive experience in wharf construction, renovation and environmental protection. In fact, they have teams out there every day on the harbour dealing with the environmental impacts of our daily lives. I think they are experts, and I will make sure that you have the response on notice.

ANSWER: I am advised that contaminated site specialists prepared an assessment of the potential impacts from contamination which was included in the publicly displayed Environmental Impact Statement. This assessment is currently being considered by the regulators and the Department of Planning and Environment. The soil sampling strategies adopted were considered appropriate to

meet the project objectives. The level of investigation, and proposed mitigation and management measures are proportionate to the risk and scale of proposed construction activities. Should this project be approved by Department of Planning and Environment, the project would be subject to conditions of approval, including conditions related to the further management of any potential contamination issues.

QoN08 Transcript Page 26

The Hon. MARK BANASIAK: Minister, the EPA has stated: ... the nature and extent of contamination have not been fully assessed ... It also states:... [further testing] is required to safeguard the environment and people ... Let me be clear. Part of my concern is not necessarily only the environment but also the people. This is going through a recreational fishing haven and potentially will have significant impacts there. Can you explain why your department seems to reject and appears to overrule that recommendation that more testing be done?

Mr DAVID ELLIOTT: Unless Mr Collins can answer that, I will take that on notice. It is a legitimate question, and I certainly want to find out the answer.

HOWARD COLLINS: Just to confirm, we will take that on notice.

ANSWER: I refer you to my previous answer, provided in QON 07.

QoN09 Transcript Page 26

Do you think it is inadequate for your department to only test one marine location at Kurnell and one marine location at La Perouse for PFAS, and then say, "We have done enough"?

Mr DAVID ELLIOTT: I will take that on notice, but I preface that by saying the two wharves are only going to be at La Perouse and Kurnell, correct?

The Hon. MARK BANASIAK: Yes, but there will only be one testing site at each location and not in and around.

Mr DAVID ELLIOTT: Yes, okay, I will take that on notice. I do not see any reason—no, I will take that on notice just in case there is further information that I am not familiar with.

ANSWER: I am advised that a Targeted Site Investigation report was prepared by contamination specialists and attached to the publicly displayed Environmental Impact Statement. The site specific sampling requirements were considered appropriate for the purposes of the Per and Polyfluoroalkyl Substances (PFAS) assessment criteria adopted by the project. Should this project be approved by Department of Planning and Environment, the project would be subject to conditions of approval including conditions related to the further management of any potential contamination issues.

QoN10 Transcript Page 26

The Hon. MARK BANASIAK: I have a more technical question, Minister. I preface that you may have to flip it past again. PFAS would probably most likely be present in the top one metre of sediment. Why did you guys test for PFAS to the depths of 2.5 metres to 8.2 metres?

Mr DAVID ELLIOTT: I am going to have to take that on notice, Mark; I am sorry.
The Hon. MARK BANASIAK: That is alright. Mr Collins?
HOWARD COLLINS: Yes, we will take that on notice. Again, I do not want to mislead anyone. We need to understand from the specialists the reasons for those decisions made.

ANSWER: I refer you to my previous answer, provided in QON 09.

QoN11 Transcript Page 27

The Hon. MARK BANASIAK: Because the report is a little bit vague as to where those UXOs are, on notice can you confirm whether they are in the water or potentially on land—whatever information you can provide?
HOWARD COLLINS: Again, I am very happy to share with you, but I believe it is just a general statement and part of our procedures. I do not believe—and I wish not to scare the residents of Kurnell or La Perouse—that there is anything that we know about in the water or out of the water. It is just a common and standard procedure to ensure we do the work in a safe way.

ANSWER: I am advised that the Environmental Impact Statement for the project notes that an area of Botany Bay, about 170 metres southeast of the La Perouse construction boundary in Congwong Bay, is mapped as a potential unexploded ordinance (UXO) area. This area is outside the project area boundary.

QoN12 Transcript Page 28

The Hon. DANIEL MOOKHEY: The union notified the actions on 9 February, so it was thereabouts, was it?
ROB SHARP: I would have to take that on notice. I do not have that level of detail here, Mr Mookhey.
The Hon. DANIEL MOOKHEY: In accordance to the protocol that apparently applied at the time, was that advice that was provided to the chief of staff in writing?
ROB SHARP: I would have to take that on notice but, given the nature of it, I suspect it would have been in an email.
The Hon. DANIEL MOOKHEY: Yes. Can I also ask, in respect to that, do you know who from the department provided that briefing to the chief of staff, or who would have emailed?
ROB SHARP: No, I would have to take it on notice.

ANSWER: I am advised that the union notified the actions on 9 February 2022.

It is important to note that NO 'protocol' was in place which supposedly required all communication to go through the Minister's Chief of Staff. The Secretary as well as other departmental colleagues were free and able to contact the Minister at any time.

QoN13 Transcript Page 28

The Hon. DANIEL MOOKHEY: The deputy secretary who was briefing the Minister's office during the weekend was Ms Bourke-O'Neil. Is it possible it was Ms Bourke-O'Neil who provided that email to the chief of staff?
ROB SHARP: I would have to take on notice who actually provided the document.

ANSWER: I am advised that this was sent by the Secretary of Transport for NSW.

QoN14 Transcript Page 28

The Hon. JOHN GRAHAM: When did you give that word to the union, as you say?
Mr DAVID ELLIOTT: I would have to take that on notice but I have met with them multiple times. I met them the day before I was even sworn in.

ANSWER: During one or more of my regular meetings with the unions.

QoN15 Transcript Page 29

The Hon. DANIEL MOOKHEY: I apologise. Just to be very clear here, the communication you are giving to the Premier's department the same day the Minister is telling the public the application is being withdrawn is quite different I think, to be fair to the Minister as well, incidentally, Minister, were you aware that was the communication that was being given that day to the Secretary of DPC?
Mr DAVID ELLIOTT: In what context?

The Hon. DANIEL MOOKHEY: The text message that I read out earlier, which I can read out to you again. It is the text message around the notification of the intent to seek a vote at NSW Trains and equally to look for mechanisms to get to Fair Work on Sydney Trains.

Mr DAVID ELLIOTT: I will take that on notice but I am not aware I was briefed on that. I refer to my last answer. I had given my word to the union that I had no intent to support any termination of the EA.

ANSWER: I refer to the response provided in the hearing.

QoN16 Transcript Page 36

The Hon. MARK BANASIAK: Thank you. Minister, sticking with the ferry issue, a feasibility study costed this project at \$17 million in 2015 and it has since doubled to \$34 million. In last budget estimates when I asked about costs we were told it was too early to speculate. There appears to be a series or a number of unknowns in this project. We do not know—

Mr DAVID ELLIOTT: You are talking about—

The Hon. MARK BANASIAK: The Kamay ferries, sorry—unknown future operator, unknown subsidies to the operator, unknown time frames for subsidies, unknown cost of whole-of-life asset maintenance, environmental offset costs. Given that we are at an assessment stage, can you provide us with a final projected cost with a breakdown of those potential subsidies or any other ongoing costs? Or any greater indication as to what—

Mr DAVID ELLIOTT: Can I indulge you? For context, because, again, this is one of the wonderful issues I have just become an expert on in the last 73 days, we are rebuilding those ferry wharves which were destroyed in 1974, as you are aware,

and we are assessing through the EIS what necessary safeguards are going to be in place, which we have already discussed. You are quite right, the funding commitment is \$34 million, which includes \$9 million from the Commonwealth and \$25 million from us. But beyond that cost, I am not familiar with it and I suspect—I am happy to take it on notice—that that may well be influenced by whatever environmental concerns need to be addressed.

The Hon. MARK BANASIAK: Okay.

ANSWER: The total estimated cost of the project will be confirmed following completion of the planning phase, which is now underway.

QoN17 Transcript Page 37

The Hon. MARK BANASIAK: No. Okay. It is before your time, clearly, but can you explain why this project was missing from the 20-year plan for transport in 2012 and the 20-year plan for ferries that was released in 2013?

Mr DAVID ELLIOTT: No, the secretary and I will have to put that on notice. Sorry, what year are you talking about?

ANSWER: I am advised that the 2013 Sydney's Ferry Future report focussed on the commitment of the NSW Government for an immediate program of improvements to the existing commuter ferry wharves network and services within Sydney Harbour and the Parramatta River. Botany Bay was not in consideration at that time.

QoN18 Transcript Page 37

The Hon. MARK BANASIAK: Thank you. Minister, can you give us an update on what is happening with the proposed cruise ship terminal in Yarra Bay? It has been put off quite a few times in terms of a final decision because of the impact of COVID on the cruise industry. I am just interested to find out where we are up to with a final decision on where that is potentially going.

Mr DAVID ELLIOTT: I will take that on notice. I do not have a brief on that one just yet, Mark. I am sorry.

ANSWER: I am advised that as a result of the COVID-19 pandemic and the associated Public Health Orders, the cruise industry has not operated in Australia for two years and it may be some time before future cruise passenger demand can be predicted. However, once information is available, work is likely to recommence on a Detailed Business Case with any plans to be developed with community and industry stakeholders.

QoN19 Transcript Page 37

The Hon. MARK BANASIAK: Given in that document there are significant increases in commodities apparently going through Port Botany, which is apparently operating at something like 99-point-something per cent capacity, how are we going to actually meet those forecasts if we do not lift that ban on containerisation at Newcastle port? Surely we cannot get that much efficiency out of Port Botany, which is already operating at such a high capacity.

Mr DAVID ELLIOTT: You are quite right. The advice I have received is that we have gone from handling 2.4 million 20-foot containers prior to the pandemic to just

425 million containers by rail. So if you are asking for a specific strategy, I am going to need to take that on notice. I am very conscious of the fact that there is high tempo outside of the pandemic period in that port and we have reached capacity. But it is also important to note that a lot of the containers—and there is no silver bullet for this, as far as I am concerned—that are moving in that port are actually empty, because they are leaving empty. So I will need to take that on notice.

The Hon. MARK BANASIAK: There also is a concern that the difficulty of getting those containers from Port Botany out to the regions and getting them back in time because of—

Mr DAVID ELLIOTT: The rail.

The Hon. MARK BANASIAK: The rail.

Mr DAVID ELLIOTT: You are right. I am conscious of that.

The Hon. MARK BANASIAK: If you could take on notice any work that your department has done—

ANSWER: I am advised that there is no ban on developing a container terminal at the Port of Newcastle. Transport for NSW has commenced the development of a Freight Rail Strategy, in consultation with industry. The Freight Rail Strategy is planned for completion by mid-2023. Further questions about the Freight Rail Strategy should be referred to the Minister for Regional Transport and Roads.

QoN20 Transcript Page 39

The Hon. SCOTT FARLOW: Just for clarification, this is tendered document 007, correct?

The Hon. JOHN GRAHAM: Yes.

Mr DAVID ELLIOTT: Is it?

The Hon. JOHN GRAHAM: Yes.

Mr DAVID ELLIOTT: Okay. Go ahead with your question while I am looking.

The Hon. JOHN GRAHAM: You said at this meeting no discussion about a shutdown, no discussion about the risk assessment. What was discussed? What do you recall about this meeting?

Mr DAVID ELLIOTT: On the Thursday?

The Hon. JOHN GRAHAM: On Thursday at 12.30, as you briefed.

Mr DAVID ELLIOTT: It was about the industrial matters before us.

The Hon. JOHN GRAHAM: Yes. And you agree that the decision to suspend or terminate industrial action was proposed and you supported it?

Mr DAVID ELLIOTT: I beg your pardon?

The Hon. JOHN GRAHAM: You agree with your department's summary that there was a recommendation to lodge an application to suspend or terminate industrial action proposed and you supported it?

Mr DAVID ELLIOTT: I am going to need to check my notes, so I will put that on notice about exactly what was discussed, because I know there is obviously interest in—

ANSWER: I refer to the response provided in the hearing.

QoN21 Transcript Page 43

The Hon. JOHN GRAHAM: Minister, we have had evidence from Mr Sharp and other Ministers about the daily meetings that occur with various offices. Some Ministers sit across those daily meetings reasonably regularly. How often have you sat across those daily meetings?

Mr DAVID ELLIOTT: I get a brief after most of those meetings from staff.

The Hon. JOHN GRAHAM: So your staff—

Mr DAVID ELLIOTT: But most of the information has already been sent to me anyway.

The Hon. JOHN GRAHAM: But in your office, in your instance, staff would sit across that meeting.

Mr DAVID ELLIOTT: Correct.

The Hon. JOHN GRAHAM: Have you ever sat across that meeting?

Mr DAVID ELLIOTT: I would have to check my diary.

ANSWER: I am advised that these meetings are regularly attended by my staff and I am subsequently briefed on matters raised.

QoN22 Transcript Page 46

Mr DAVID ELLIOTT: Just to give you a level of comfort. Transport has accepted the recommendations of the Auditor-General in implementing improvements to the access program. We think that we will maximise our compliance. Just make sure I am happy to table this document. I am happy to table, Madam Chair, the wheelchair-accessible stations since 2011 and the train stations accessibility improvements since 2011 and the wheelchair accessibility upgrades and constructions at various stations.

The CHAIR: Just to clarify, my question was not what has already been achieved, and I absolutely agree that it is not zero. The question was when will we be at 100 per cent compliance, given that the deadline, with some exceptions, was for this year?

Mr DAVID ELLIOTT: The secretary can answer that.

ROB SHARP: As the Minister said, we have responded to the Auditor-General's report. I would have to take on notice the time; I have not got the actual time frame on this. I will ask the team whilst we are in session this afternoon to respond to it.

ANSWER: I am advised that the current Transport for NSW Disability Inclusion Action Plan ends in 2022, and Transport for NSW is currently developing its new Disability Inclusion Action Plan in alignment with current State and Commonwealth strategies with an expected release in 2023.

QoN23 Transcript Page 47

The CHAIR: I would love it if you made it 100 per cent accessible by the end of the year. We may have a very different budget estimates next time if that is the case. I understand that the Transport Access Program website is still being used by the Government to assist customers to make decisions about where they choose to live, work or study. I think that phrasing is still used on the website. Does that mean that people are essentially having to choose where to move to based on what you

are guaranteeing is accessible, or can we expect that everything will become accessible within a short period of time?

Mr DAVID ELLIOTT: I do not think you can expect that we are going to be able to fix this overnight, but I would have thought that reference to that sort of information is giving guidance to people. I can tell you, again from lived experience, I have used that information. If you are taking a disabled relative somewhere then you want to know which of the railway stations within your proximity have got the easiest disability access. I have never had a problem with going an extra station to make sure that I did not have to carry somebody up and down stairs, if that is what you are asking.

The CHAIR: No, that is not what I am asking. I am asking about people who have made the decision about where to live based on the assumption that everything was going to be accessible by 2022 and who now only have particular locations to choose from, which is the opposite of universal accessibility.

Mr DAVID ELLIOTT: Going by the table and the answer I have just given, we have got 90 per cent, so we are doing pretty well. But if you want to put that question on notice, I can provide some commentary on it.

ANSWER: I am advised that the current tranche of Transport Access Program work, known as TAP 3, seeks to improve access at train stations and ferry wharves for those with a disability, limited mobility or parents with prams. Information on the current status of TAP 3 projects is available on the Transport for NSW project website.

QoN24 Transcript Page 47

The CHAIR: Is it even possible to terminate Transdev's ferry system contract? I understand that technically, from a contractual perspective, there is a termination clause. But if we do that, who owns the ferries?

Mr DAVID ELLIOTT: If you ask the question, "Is it possible to terminate the contract?", yes, all contracts can be terminated.

The CHAIR: Yes, I know. I just said that, but in practical terms—

Mr DAVID ELLIOTT: I would have to take that on notice. There would be plenty of people out there that would be happy to run ferry services. Mr Collins, do you have an answer to that?

HOWARD COLLINS: Yes. Thank you for the question. I will take some of the details on notice.

ANSWER: I am advised that termination options are included in the Ferry System Contract.

The Freshwater, First Fleet, First Generation Emerald, RiverCat, SuperCat and HarbourCat class fleets are owned by Sydney Ferries.

The River Class and Second Generation Emerald Class fleets are financed under an agreement with Transdev Sydney Ferries and Transport for NSW. The NSW Government retains the right to purchase these vessels upon termination of the Ferry System Contract with Transdev Sydney Ferries or novate the financing agreement to an incoming operator.

The MiniCat vessel 'Me Mel' is owned by Transdev Sydney Ferries, with Transport for NSW having the option to purchase this vessel upon termination if desired.

QoN25 Transcript Page 48

The CHAIR: That is good to hear. Could I bring you back to the question, though, of who owns the ferries. My understanding, from reading the contracts, is that—
HOWARD COLLINS: We will take that on notice, because I would probably be criticised for giving you very layman's terms regarding the actual ownership. But we do know that, obviously, the current operator has procured these ferries. There may well be—I will take it on notice again—arrangements about what happens to those ferries if the contracts change.

The CHAIR: Obviously, if it turns out that a percentage of our ferries are not owned by the Government of New South Wales then terminating the contract becomes very difficult.

HOWARD COLLINS: I do not think it is that simple and obvious, if I may be polite about it. It is a complex matter which might mean, if I give you an alternative, that assets can be moved or transferred under certain circumstances. I would rather take that on notice and give you a commercial answer.

The CHAIR: Usually at a cost, but I understand. If you could let us know, on notice, what the arrangements are in the event of a termination of that contract, including how much it would cost if the option is to buy those ferries from the operator, that would be useful.

ANSWER: I refer you to my previous answer, provided in QON 24.

QoN27 Transcript Page 51

The Hon. JOHN GRAHAM: I have asked you about section 36I of the Act. Do you feel your agency fulfilled its obligations under the Act?

Mr DAVID ELLIOTT: I am not going to provide legal advice right now.

The Hon. JOHN GRAHAM: It is not a legal question. You are the Minister.

Mr DAVID ELLIOTT: I am answering the question.

The Hon. JOHN GRAHAM: In your view, did your agency—

Mr DAVID ELLIOTT: I will take it on notice. If you do not like the answer, I will take it on notice.

ANSWER: I refer to the response provided in the hearing.

QoN28 Transcript Page 53

ROB SHARP: No. There is a lot of interaction, obviously, with the chief of staff. They play a critical role—an advisory role—so there is a lot of communication through there, but there are opportunities to communicate directly with the Ministers.

The Hon. DANIEL MOOKHEY: Presumably you availed yourself of those opportunities previously?

ROB SHARP: I have.

The Hon. DANIEL MOOKHEY: Did you ever make an attempt between December and February to contact the Minister directly on any matter?

ROB SHARP: It is Minister Elliot you are referring to?

The Hon. DANIEL MOOKHEY: Yes.

ROB SHARP: I have sent emails, through the chief of staff, requesting urgent meetings in regard to various matters.

The Hon. DANIEL MOOKHEY: Have you been given those meetings?

ROB SHARP: No, they did not take place.

The Hon. DANIEL MOOKHEY: Can you give us examples of incidences where you have requested an urgent meeting? What was the subject of those meetings?

ROB SHARP: The subject of the meetings would have been particularly the industrial action, for example, and the upcoming risks. That would have been a precursor to, for example, the Fair Work Commission that would be coming up. That would be a typical example.

The Hon. DANIEL MOOKHEY: When do you recall making your first request for an urgent meeting with the Minister to talk about the current dispute?

ROB SHARP: I would have to take that on notice and go back through my communications.

ANSWER: I refer to the documents tabled in the hearing.

QoN29 Transcript Page 54

The Hon. DANIEL MOOKHEY: And you are saying that sometime between 9 February and now, but prior to the network closure, you requested an urgent meeting with the Minister?

ROB SHARP: Yes.

The Hon. DANIEL MOOKHEY: Do you know what date you requested that meeting?

ROB SHARP: On 11 February I requested a meeting to talk over the weekend.

The Hon. DANIEL MOOKHEY: And you did that via email to the chief of staff?

ROB SHARP: Correct.

The Hon. DANIEL MOOKHEY: Firstly, can you table that email?

ROB SHARP: Yes, I will arrange for that.

The Hon. DANIEL MOOKHEY: Thank you. What reply did you get?

ROB SHARP: I do not believe I received a reply.

The Hon. DANIEL MOOKHEY: To this date you still have not received a reply?

ROB SHARP: To the best of my understanding, that is the case, but I will take it on notice to review the emails. I do not recollect so.

ANSWER: I refer to the documents tabled in the hearing.

QoN30 Transcript Page 55

The Hon. DANIEL MOOKHEY: No, there is actually. Believe me, I have interrogated it. I can assure you I have in respect to certain Transport secretaries. That was one incident after you found yourself subject to some adverse comment that was attributed to the Minister and you sought an urgent meeting?

ROB SHARP: Yes.

The Hon. DANIEL MOOKHEY: What were the other ones?

ROB SHARP: I do not have the details but I would say there are probably one or two other occasions. I would have to take that on notice and go back through the emails to find out.

ANSWER: I refer to the documents tabled in the hearing.

QoN31 Transcript Page 59

The Hon. MARK BANASIAK: Is it true that your own risk assessment identified those screens as a catastrophic risk?

DANIELA FONTANA: No, that is incorrect. We did conduct risk assessments prior to the installation of the screens. We actually had a working committee, which included bus operators and work health and safety members. We went through quite an extensive consultation process with our staff prior to installation. At that point in time, there were no concerns or issues raised on reflection. The matter has been brought to our attention late last year where a PIN notice, as I said, was issued by SafeWork as a result of the concern of one of our North Sydney drivers.

The Hon. MARK BANASIAK: You said you did a risk assessment before they were installed. Have you since gone back and reassessed that risk assessment and, if so, what has that found?

DANIELA FONTANA: We have conducted a risk assessment, yes. I am happy to provide that.

ANSWER: I refer to the documents accompanying the responses to QONs.

QoN32 Transcript Page 60

The Hon. MARK BANASIAK: What did the original product cost?

DANIELA FONTANA: The total installation for our full fleet was about \$1.2 million to install the screens.

The Hon. MARK BANASIAK: So, roughly per bus, what are we talking about?

DANIELA FONTANA: It is about \$1,000 a screen.

The Hon. MARK BANASIAK: You would hope that a similar product would be around that ballpark figure. We are not talking about a significant cost to fix a quite significant safety issue. A bus driver who cannot see the left-hand side could potentially side-swipe a pedestrian or another car.

DANIELA FONTANA: It is not about cost; it is about finding a product that will resolve the concerns. At this point in time there is no product on the market that we can find to rectify the concern of the staff member. Safety is one thing that we would not compromise, regardless of the cost. If it costs more than that, we are more than happy to make changes, if necessary.

The Hon. MARK BANASIAK: Would you table both the previous risk assessment and the one you have done since?

DANIELA FONTANA: Yes, certainly.

ANSWER: I refer you to my previous answer, provided in QON 32.

QoN33 Transcript Page 60

The Hon. MARK BANASIAK: Ms Fontana, on notice will you provide the PIN or the improvement notice to the Committee?

DANIELA FONTANA: Yes, certainly.

ANSWER: I refer you to my previous answer, provided in QON 32.

QoN34 Transcript Page 60

The Hon. MARK BANASIAK: ...I know we do not have any Maritime people here and you may need to take this on notice. Are the boating guidelines now legally binding, Mr Sharp?

ROB SHARP: I will have to take that on notice; you are correct.

The Hon. MARK BANASIAK: I ask that because there is deep concern amongst registered boat users that some of the funding that has been given to councils for projects has then been allocated to things that were not in their original application and do not actually sit within those guidelines. I am really interested to know if they are legally binding, which you have taken on notice. What is the process when a council changes its application and deviates away from its original plan, and adds other items that are actually outside those guidelines?

ROB SHARP: I will take that on notice. I understand where you are coming from. Thank you.

ANSWER: I am advised that the Boating Now Program Guidelines are not legally binding. However, to be funded under the Boating Now program, a project must meet the conditions and criteria outlined in the publicly available Boating Now Program Guidelines.

Specific details on projects that are funded under the Boating Now Program are provided in the Letter of Offer and Conditions of Grant document which is co-signed by successful applicants and Transport for NSW.

On occasion, variations to these specific details are considered following the outcome of public consultation or due to additional local constraints that are identified.

In such circumstances, delivery partners must apply for variations to Transport for NSW in accordance with the Conditions of Grant document. Any variations to a project must still comply with the Boating Now Program Guidelines to be eligible for funding.

QoN35 Transcript Page 61

THE CHAIR:.....I understand that as at 19 October we had 180 temporary toilets. Is it still that amount? And what has been the total cost of setting up and hiring those amenities so far?

ROB SHARP: I will just pass that to Mr Longland.

MATT LONGLAND: Thank you, Secretary. I will have to take that on notice to get you those figures, if that is okay. But, yes, I am certainly aware that we have a lot of temporary toilets at major worksites around the network. In terms of the specific number, maybe if we aim for this weekend or at a current date and the cost we can get that information for you.

ANSWER: I am advised that at 4 March 2022, 195 temporary toilets have been provided at Sydney Trains worksites at a cost of \$14,500 per week. Permanent amenities are not appropriate for many Sydney Trains work sites as the work sites are remote and have transient workers at low frequencies. Currently, building and maintaining permanent toilet facilities at these locations is not feasible.

QoN36 Transcript Page 61

The CHAIR: Thank you. Because I understand that we are looking at thousands per toilet at the moment, which seems quite extraordinary. So, yes, if you could let me know if there has been any work done or any approximate costing for more permanent amenities that would be much appreciated.

MATT LONGLAND: Sure.

ANSWER: I refer you to my previous answer, provided in QON 35.

QoN37 Transcript Page 61

The CHAIR: So if TAP 3 goes as anticipated and the ferry wharf accessibility goes as anticipated, what percentage of accessibility will we be at by the end of next year?

CAMILLA DROVER: I would have to take that on notice and come back with the exact percentage. But there would only be 63 stations left and we have already completed about 520.

ANSWER: I am advised that at 4 March 2022, there are 244 stations with independent access and 56 stations with assisted access on the Intercity, Regional, Sydney Metro and Sydney Trains networks. There are 31 ferry wharves that are accessible on the non-Sydney Harbour ferries and Sydney Harbour ferries networks. Information on the current status of TAP 3 projects is available on the Transport for NSW project website.

QoN38 Transcript Page 62

The Hon. DANIEL MOOKHEY: And is that a similar approach to you, Mr Regan? Have you ever had a meeting or has Sydney Metro had a direct meeting with the Minister about matters to do with your organisation?

PETER REGAN: Yes, we have.

The Hon. DANIEL MOOKHEY: When did that happen?

PETER REGAN: We have had a number of meetings.

The Hon. DANIEL MOOKHEY: Can you, on notice, provide us the dates?

PETER REGAN: Yes, I will see what I can find for you, but I have met Mr Elliott a number of times.

ANSWER: Sydney Metro's Chief Executive meets with the Minister on a regular basis.

QoN39 Transcript Page 63

The Hon. DANIEL MOOKHEY: When did you have your first face-to-face meeting with the Minister, Mr Sharp?

ROB SHARP: On the Thursday meeting prior to the Fair Work Commission.

The Hon. DANIEL MOOKHEY: Thursday meeting. Okay, yes. But that was not a one-on-one meeting?

ROB SHARP: No.

The Hon. DANIEL MOOKHEY: When was your first one-on-one meeting?

ROB SHARP: It would have been last week.

The Hon. DANIEL MOOKHEY: Was that last Thursday?

ROB SHARP: I would have to go back to my diary, but back in the last week.

ANSWER: The first meeting between Minister Elliott and Mr Sharp was Thursday 17 February 2022.

QoN40 Transcript Page 69

The CHAIR: I might just ask a couple of questions just off the back of that, if I may, and just for clarification, because your evidence has been very clear in relation to the events that night. Just, I guess, for my own interest, are you saying that, when the decision was made and it was to be communicated to each of the Ministers, it was standard practice to contact each of their chiefs of staff, rather than speaking with the Minister themselves? That is the ordinary protocol, even for something as serious as a shutdown of the network?

ROB SHARP: In regards to the responsible Minister, that was the protocol with Minister Elliott's office. With Minister Faraway, there was a text or a call, I believe, to the Minister but the chief of staff took the information. I would have to go back to find out exactly the steps that were associated with that.

ANSWER: This question should be directed to the Minister for Regional Transport and Roads.

QoN41 Transcript Page 70

The CHAIR: Some developments in relation to TAHE, would you have expected to have met with the Minister sooner?

BENEDICTE COLIN: I cannot comment on the priority of the Minister. What is usual practice when there is a new incoming Minister is to send a briefing pack, which we did during the month of December, and at that time offered a meeting for a briefing. That meeting happened with the chief of staff during the course of January—second half, if my memory is correct—to brief her and the office on the matters related to TAHE. That was to be followed with a meeting with the Minister, which, as I said, happened on Wednesday.

The CHAIR: When you sent that briefing pack to the new Minister, you requested a meeting with the Minister or with the chief of staff?

BENEDICTE COLIN: I would have to take that question on notice. I think it was with the Minister. But I can take that question on notice.

ANSWER: The meeting request sent on 23 December 2021 and was intended for Minister Elliott.

QoN42 Transcript Page 70

The CHAIR: How soon after Minister Stokes becoming the Minister did you meet with him?

BENEDICTE COLIN: Again, I would have to take that question on notice.

ANSWER: This question should be directed to the Minister for Infrastructure, Minister for Cities, and Minister for Active Transport.

QoN43 Transcript Page 74

Mr DAVID SHOEBRIDGE: Did the new Minister—Minister Elliott—reach out to you at any point during that and ask for a briefing or approach you about the issue? We are talking about a multibillion-dollar issue. Did he ever reach out to you between 21 and 24 December?

BENEDICTE COLIN: No, he did not. As I said earlier, we sent a letter of congratulations to the Minister. That would have been at the beginning of that week—so 21 or 22 December—with a briefing pack from TAHE and an update of where we were in relation to our financial statements, and offered a briefing.

Mr DAVID SHOEBRIDGE: First of all, could you provide a copy of that letter and the briefing pack to the Committee?

BENEDICTE COLIN: Yes.

ANSWER: I refer to the documents accompanying the responses to QONs.

QoN44 Transcript Page 76

Mr DAVID SHOEBRIDGE: My question was quite specific. In the forward estimates, New South Wales taxpayers are now putting an additional \$1.1 billion into TAHE. In those same forward estimates, is there any actual revenue coming out of TAHE into the New South Wales Consolidated Revenue, Treasury or wherever?

BENEDICTE COLIN: Our revenues and profits might be distributed to the shareholders if we receive a request from the shareholders.

Mr DAVID SHOEBRIDGE: Is there anywhere in your accounts, over the forward estimates, an amount greater than zero that is estimated will actually be paid in as a return to New South Wales taxpayers?

BENEDICTE COLIN: I would have to take that question on notice but, if I remember correctly, in the statement of corporate intent there is an amount to be distributed to the shareholders, yes.

ANSWER: I am advised that the current TAHE Statement of Corporate Intent indicates returns to Government of \$71.2 million, \$102.5 million and \$123.1 million for the periods FY2022, FY2023 and FY2024 respectively. These returns will be updated in the next Statement of Corporate Intent to reflect the Shareholders higher return expectations.

QoN45 Transcript Page 81

Mr DAVID SHOEBRIDGE: So was Boston Consulting Group telling TAHE how to go about becoming a property developer? Would that be a good summary of it?
BENEDICTE COLIN: I think there are a number of opportunities and sectors where TAHE can decide to embark regarding its asset base. Property is certainly one.
Mr DAVID SHOEBRIDGE: Apart from property, what else was contained in the medium-term commercial plan that Boston Consulting Group was working on?
BENEDICTE COLIN: I would have to take that question on notice because that report was commissioned prior to my time.
Mr DAVID SHOEBRIDGE: Can you provide the Committee with a copy of the two Boston Consulting Group reports for which collectively about \$1.9 million was paid?
BENEDICTE COLIN: Again, I would have to take that question on notice and assess whether there are any matters that are commercial in confidence.

ANSWER: I am advised that this document is commercial-in-confidence.

QoN46 Transcript Page 81

Mr DAVID SHOEBRIDGE: Will you provide the Committee with a copy of that KPMG access pricing report?
BENEDICTE COLIN: Again, I would have to take that question on notice and assess whether there is any information commercial in confidence.
Mr DAVID SHOEBRIDGE: Are you telling me that there was a point in time when KPMG was working for each of TAHE, Transport and NSW Treasury? It was working for all three entities at the same time?
BENEDICTE COLIN: I would have to take that question on notice because I do not know when the report from KPMG from TAHE was commissioned whether KPMG was still providing advice to those three entities.
Mr DAVID SHOEBRIDGE: Given that TAHE is in the process of having ongoing commercial negotiations with Transport for NSW, how could the same consultancy be working both sides of the aisle on access pricing?
BENEDICTE COLIN: Again, I would have to take that question on notice because I do not know whether KPMG was providing advice to Transport at that time.
Mr DAVID SHOEBRIDGE: We know absolutely that in the last financial year KPMG was continuing to engage with Treasury in terms of the New South Wales taxpayers' return and contributions to TAHE. How could KPMG be working for you on access pricing and also, at the same time, be working on the modelling for Treasury, a highly contentious part of which was access pricing?
BENEDICTE COLIN: Again, I have to take that question on notice. It might have been that KPMG had disclosed that conflict to the team. As I said, I was not part of that team at that time.
Mr DAVID SHOEBRIDGE: Can you take on notice whether they did disclose a conflict of interest? And, if so, can you provide us with the terms in which they disclosed a conflict of interest?
BENEDICTE COLIN: Yes. As I said, I will take that question on notice.
Mr DAVID SHOEBRIDGE: Secondly, even if you are only looking after the interests of TAHE, how could you possibly engage the same consultancy for TAHE's advice on access pricing that is working with the people you are going to have to negotiate with? Who on earth made that decision?

BENEDICTE COLIN: Mr Shoebridge, my understanding is that the work that KPMG assisted TAHE with was really in relation to updating the operating financial model. It is not unusual in the investment world, when you develop an investment model—it is quite complicated—to have the same firm that developed that model come and update it. I do not think that you would find any other financial adviser would accept to embark on updating a model when they were not responsible for setting it at the outset.

Mr DAVID SHOEBRIDGE: That does not wish away the conflict of interest, Ms Colin.

BENEDICTE COLIN: As I said, I will take that question on notice to assess whether that conflict of interest was disclosed.

ANSWER: I am advised that from February 2021, TAHE commissioned KPMG to undertake work in relation to rail access pricing. During this engagement, an obligation under the terms of the New South Wales whole of government Professional Management Services scheme (SCM0005) required KPMG to advise TAHE of any conflicts of interest. No conflict of interest was declared by KPMG with regard to them undertaking other engagements with Transport for NSW or Treasury during its engagement with TAHE on the Rail Access Pricing Model. A copy of the report is attached.

QoN47 Transcript Page 83

Mr DAVID SHOEBRIDGE: Sitting there now, you are \$300 million apart. Would that be fair to say, Mr Sharp?

ROB SHARP: No. The \$300 million is a reference point for what the expectation is. There is some reasonableness to it. We did a reasonableness review in December before I signed the heads of agreement. I had a team of subject matter experts review it. It is driven by capital timing as well as factors like inflation and risk profile that drives return expectations. We have also got subject matter experts that understand the IPART pricing structures and building block models. That gives you a base as well as a ceiling, and you can negotiate within those. My understanding from the team is that the forecast increase remains within those columns, and we will be negotiating with TAHE once the information of asset timings et cetera is run to ground. That is over the next eight weeks.

Mr DAVID SHOEBRIDGE: Can you tell me what range you are negotiating within? What is the low and the high end of it?

ROB SHARP: No, I cannot, because I would need to access the models. I would have to take that on notice.

ANSWER: I am advised that the negotiations were carried out in accordance with the NSW Rail Access Undertaking, which provides for third party access to certain parts of the NSW rail network owned by the TAHE.

QoN48 Transcript Page 83

Mr DAVID SHOEBRIDGE: I will take you to page 4 of the audited accounts. I describe it as not an easy year. You can describe it how you like, in light of the fact that there was a \$21.7 billion loss.

BENEDICTE COLIN: That loss is essentially driven by the asset revaluation, so it is an accounting loss, not a loss in terms of real revenues and cash.....
Mr DAVID SHOEBRIDGE: Will you provide those draft accounts to the Committee?
BENEDICTE COLIN: I will have to take that question on notice.

ANSWER: I am advised that the draft unaudited financial statements for TAHE for the year ended 30 June 2021 were submitted to the Auditor-General for their audit on 16 August 2021. I refer you to the attached letter and draft unaudited financial statements.

QoN49 Transcript Page 85

The Hon. DANIEL MOOKHEY: We hope to! That would be helpful. Can I just return to some of the questions we were asking before about the dispute? I think we left off with Mr Longland explaining that there was a requirement to check in with multiple Ministers. Mr Longland, you mentioned that, of course, Minister Farroway would have been one of them, Minister Tudehope would have been one of them in respect of things and it is quite clear from this text message that Mr Elliott would have been one of them. That is correct?.....

The Hon. DANIEL MOOKHEY: Do you mind checking with your team or perhaps they can check and provide you with advice as to whether or not that afternoon or that evening or any time afterwards, actually, Minister Elliott or his office provided any specific feedback on the question that Mr Longland had asked?

ROB SHARP: I will take on notice what communications occurred around that time.

The Hon. DANIEL MOOKHEY: No, it was a very specific question on whether or not Minister Elliott's office or Minister Elliott provided the feedback that Mr Longland had said was required to evaluate whether or not this threshold has been reached. Will you take that on notice?

ROB SHARP: Yes.

ANSWER: I am advised that Mr Longland did not receive feedback from the Office of Minister Elliott. Text messages are often responded to by a telephone call from staff from the Minister's office.

It is important to note once again that NO 'protocol' was in place which supposedly required all communication to go through the Minister's Chief of Staff. The Secretary as well as other departmental colleagues were free and able to contact the Minister at any time.

QoN50 Transcript Page 88

MATT LONGLAND: We did that planning work during the day and, from memory, we met with the RTBU officials around about 6.30 or seven o'clock on Monday night. We put that proposal to them because it was an action that could be considered "altered working", which was one of the protected actions that was in place.

The Hon. DANIEL MOOKHEY: Yes, Mr Longland, I appreciate that you did that work and that you did it fast but, having read the Saturday night and Sunday night transcripts, the fact that you were capable of doing that was never mentioned in the

commission, nor was it ever put to the RTBU in the commission. To be fair, having read the views being put by the RTBU's counsel, in multiple instances she was asking your legal representatives to disclose whether there was anything that the RTBU could do. The RTBU made it very clear that it was open to continuing the Fair Work process regarding any adjustment to their bans that would facilitate the ongoing running of the network. Given that you were able to do this in a day on Monday, why was it not presented as an option in the Fair Work Commission on Saturday or Sunday?

MATT LONGLAND: I cannot comment on the transcript of Fair Work. I was not in the Fair Work process. That was managed by our industrial relations team. I am happy to take that on notice for a detailed response.

The Hon. DANIEL MOOKHEY: Please.

ANSWER: I am advised that on the morning of Sunday 20 February 2022, it became apparent that Sydney Trains and the RTBU were not in agreement in relation to measures that would allow trains to run the following day. Sydney Trains sought a second Fair Work Commission hearing to resolve the disagreement, and a hearing was set for the evening of 20 February 2022.

Transport for NSW advised me that union delegates were unavailable for the hearing and as such, Sydney Trains representatives were unable to discuss alternative solutions with them at that time. The alternative solution was broached with the RTBU on Monday 21 February 2022 and implemented on Tuesday 22 February 2022.

QoN51 Transcript Page 89

The Hon. DANIEL MOOKHEY: Yes, they had a delegates' meeting—that is correct, is it not, Mr Collins? You are nodding.

HOWARD COLLINS: Correct. Obviously we realised that today we could not attend, so I believe that in our discussion with one of the particular unions we put forward a proposal of Tuesday. We will take on notice what Mr Longland—

The Hon. DANIEL MOOKHEY: I can assure you at this point, sitting here at 4.48 p.m., that no-one from the CRU knows if this meeting is taking place and no-one has been told. If it has been scheduled, how has it been scheduled without the counterparties being aware that they are meant to come?

MATT LONGLAND: I will need to look into that, Mr Mookhey.

ANSWER: I am advised that a facilitated bargaining meeting took place on 8 March 2022, with union representatives as well as Transport for NSW.

QoN52 Transcript Page 90

The CHAIR: I will ask just a couple of clarifying questions and then I will go back to Mr Mookhey.

Ms Colin, my colleague Mr Shoebridge was asking you some questions before and I just wanted to clarify a couple of things. I think he was talking to you about the revaluation of the assets and the writedown of \$20.3 billion. When we look at the statement of comprehensive income on page 4 of the financial statements we have a loss of \$21.7 billion, roughly. Does that include the \$20.3 billion or is that a separate—....

The CHAIR: A portion? How much is that portion?

BENEDICTE COLIN: It is \$4 billion, if my recollection is correct. But I can take it—
The CHAIR: Which is that—I think I saw that number.
BENEDICTE COLIN: I can take that question on notice, if that would help.

ANSWER: I am advised the information requested can be referred to note 7 on property plant and equipment of volume 2 of the TAHE Annual Report.

QoN53 Transcript Page 91

The CHAIR: It seems unlikely, but okay. Can I ask you one final question on your accounts? On page 6, there is a contributed equity figure of \$6.638185 billion. What is that?

BENEDICTE COLIN: I might have to take that question on notice, but my understanding is that that is how TAHE's equity injection from the Government has been valued. It was a portion of assets that was gifted and a portion—our equity—has been calculated on the contribution from 2016, if my memory is correct. But I am happy to take that question on notice.

The CHAIR: That is a combination of injection and something else—a portion of the assets that was originally transferred across, is it?

BENEDICTE COLIN: I will have to take that question on notice.

ANSWER: I am advised that this is explained in note 15.1 and 15.2 in volume 2 of the TAHE Annual Report. the

QoN54 Transcript Page 95

The Hon. JOHN GRAHAM: I was going to invite you to give some rapid information on the light rail vehicles, if that is possible?....

The Hon. JOHN GRAHAM: Have any of the contractors admitted to any fault at all at the moment? What is the latest on that?

HOWARD COLLINS: Absolutely no. We are still in the testing and diagnostic phase of that through all parties—

The Hon. JOHN GRAHAM: Understood.

HOWARD COLLINS: And I think we have got great progress in the fact we put those issues to one side, for the benefit of the customer, to do the repairs and then obviously in due course people will find out who is responsible.

The Hon. JOHN GRAHAM: Understood. Do you have an update on legal costs incurred to date?

HOWARD COLLINS: I cannot provide those at this stage.

The Hon. JOHN GRAHAM: Would you take that on notice?

HOWARD COLLINS: I will see what is available for us to provide at this stage on notice.

ANSWER: I am advised that information about contracts valued at \$150,000 or over is publicly available on the e-Tendering website.

QoN55 Transcript Page 95

The Hon. DANIEL MOOKHEY: Mr Sharp, can we get, firstly—I presume you do not have this on hand so you might need to take this on notice—what was the cost of the application that was made last week?

ROB SHARP: I will have to take that on notice.

The Hon. DANIEL MOOKHEY: You retained three counsel for the matter last weekend?

ROB SHARP: I am not privy to that. I think it is actually through the specialist group that handles that. So I will have to take it on notice.

The Hon. DANIEL MOOKHEY: Sure. I believe one of them is MFC. Can we find out how much the costs were for MFC? Baroni was the other one. And can we also find out the cost to the third one, whose name I will certainly mispronounce, but it is available on the transcripts as to who represented you as well, for each of the three days that you were represented.

ROB SHARP: Yes.

The Hon. DANIEL MOOKHEY: Can we also on notice—I think this is my last question—get the full cost, legal cost to date in relation to the dispute around this enterprise agreement as at May 2021?

ROB SHARP: Yes, I will take all that on notice.

ANSWER: I am advised that the Applications heard by the Fair Work Commission over the weekend of 19 and 20 February 2022 occurred under M2016-04-NSW Government Core Legal Work Guidelines. Senior Counsel and Counsel were retained by the Crown Solicitor and are, or will be, paid from the Attorney General's Fund. Transport for NSW is not a party to the engagement of Senior Counsel and Counsel.

More broadly, the external legal costs of Transport for NSW are publicly available in the NSW Government Legal Services Panel Annual Report on the Department of Communities and Justice website.

QoN56 Transcript Page 96

ROB SHARP: Mr Mookhey, you were wanting to have tabled the emails that I referred to earlier....

The Hon. DANIEL MOOKHEY: Yes, please. Thank you very much. Any further information on them that you have afterwards, you will provide that?

ROB SHARP: Yes. I will take those on notice as well and provide those.

ANSWER: I refer to the documents provided in the hearing.

QoN57 Transcript Page 97

The Hon. SCOTT FARLOW: Indeed, Mr Sharp. Further to that, as you expressed, you were on leave at the time that this was sent through, so that is completely understandable. You are entitled to leave, of course. And then you returned from leave on what date was it?

ROB SHARP: I would have to look back. I had two weeks' leave. We basically closed the offices, and then I caught Omicron and I was in isolation.

The Hon. SCOTT FARLOW: As have many.

ROB SHARP: Yes. I was in isolation briefly. As soon as that finished, I returned from the holiday.

The Hon. SCOTT FARLOW: Your first day back on deck, so to speak, was around 24 January, when you sent that text message—

ROB SHARP: I would have to look up my diary to look at that, yes.

ANSWER: I am advised that following the Christmas shutdown, Mr Sharp returned to work in COVID-19 isolation on 10 January 2022, and to work in Sydney from 24 January 2022.

VETERANS QUESTIONS

Transcript page 48

The Hon. ADAM SEARLE: I am not being critical; I am just setting the scene here. Did you discuss at that setting the idea that you floated in late December for a national cemetery, similar to the Arlington National Cemetery in America?

Mr DAVID ELLIOTT: Floated with who?

The Hon. ADAM SEARLE: At the veterans Ministers' council.

Mr DAVID ELLIOTT: As part of the agenda? As part of the formal meeting?

The Hon. ADAM SEARLE: Yes.

Mr DAVID ELLIOTT: I do not think that I raised it as part of the formal proceedings, but it is certainly something that I have been discussing with veterans' groups. I certainly discussed it at one of the events on the Saturday.

The Hon. ADAM SEARLE: Which veterans' groups have you discussed it with?

Mr DAVID ELLIOTT: The RSL. There would be a list of them.

The Hon. ADAM SEARLE: Could you provide a list?"

ANSWER: I regularly engage with Veterans and Veterans Groups through formal meetings, events and forums. Please refer to the Ministerial Diary Disclosures for information on meetings.