

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Tuesday 3 March 2020

Examination of proposed expenditure for the portfolio areas

SPECIAL MINISTER OF STATE, PUBLIC SERVICE AND EMPLOYEE RELATIONS, ABORIGINAL AFFAIRS, AND THE ARTS

CORRECTED

The Committee met at 09:30.

MEMBERS

The Hon. Tara Moriarty (Chair)
The Hon. Robert Borsak (Deputy Chair)
The Hon. Ben Franklin
The Hon. Taylor Martin
The Hon. Adam Searle
The Hon. Walt Secord
Mr David Shoebridge

PRESENT

The Hon. Don Harwin, *Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome to the public further hearings for the inquiry into budget estimates 2019-2020. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land, and pay respect to Elders past and present of the Eora nation and extend that respect to other Aboriginal people present. I welcome Minister Harwin and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of the proceedings are available from the secretariat.

All witnesses in budget estimates hearings have the right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. Finally, could everyone please turn off their mobile phone for the duration of the hearing.

All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister Harwin, I remind you that you do not need to be sworn in as you have already sworn an oath to your office as a member of Parliament. I also remind the following witnesses that you do not need to be sworn as you have been sworn at an earlier budget estimates hearing before this Committee: Mr Tim Reardon, Ms Kate Foy, Ms Lisa Havilah and Ms Maude Page.

TIM REARDON, Secretary, Department of Premier and Cabinet, on former oath

KATE FOY, Deputy Secretary, Department of Premier and Cabinet, on former affirmation

LISA HAVILAH, Chief Executive Officer, Museum of Applied Arts and Sciences, on former affirmation

MAUD PAGE, Deputy Director and Director of Collections, Art Gallery of New South Wales, on former affirmation

LIL GORDON, Acting Head of Aboriginal Affairs, Department of Premier and Cabinet, affirmed and examined

NICOLE COURTMAN, Registrar, Aboriginal Land Rights Act 1983, sworn and examined

SCOTT JOHNSON, Acting NSW Public Service Commissioner, Public Service Commission, sworn and examined

KYA BLONDIN, Acting Chief Executive Officer, Sydney Opera House, affirmed and examined

MICHAEL BRAND, Director, Art Gallery of New South Wales, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.30 p.m. with the Minister, and from 2.00 p.m. to 5.30 p.m. with the departmental witnesses. I declare the proposed expenditure for the portfolios of Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts open for examination. There is no provision for an opening statement so we will commence questions, starting with the Opposition.

The Hon. WALT SECORD: My first question is to the arts Minister. Have you been following the Prime Minister's recent and weekend announcements on the COVID-19 or coronavirus and the risk of an epidemic?

The Hon. DON HARWIN: Absolutely I have been following it.

The Hon. WALT SECORD: What is your response to a number of European countries, including Switzerland and France, that have imposed a ban on public events of more than 1,000 people?

The Hon. DON HARWIN: I am monitoring closely the COVID-19 outbreak. During the outbreak we will be taking advice from NSW Health, who are providing support to manage concerns, and I will be implementing relevant actions based on their advice.

The Hon. WALT SECORD: Are you aware that in Paris the Louvre on 1 March closed its doors?

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: Mr Brand, I think it is about 1.6 million people visit the Art Gallery of New South Wales a year. Is that correct?

Dr BRAND: It is about 1.4 million—1.3 million, 1.4 million to the Domain site and the other numbers are for touring exhibitions.

The Hon. WALT SECORD: So about 28,000 a week. Have you engaged in any coronavirus preparedness or taken advice or engaged in discussions?

The Hon. DON HARWIN: Madam Chair, at this point, and I am sure the director may wish—

The Hon. WALT SECORD: I am just getting an indication—

The Hon. DON HARWIN: I am trying to be helpful. The director may wish to add later, but the secretary of the department is here and he is leading the whole Government's coronavirus response. He might like to comment or you might like to ask him a question, because there is a lot that is happening.

The Hon. WALT SECORD: I was particularly interested in what the Art Gallery of New South Wales was doing, but if the director-general would like to enlighten me that would be nice.

Mr REARDON: Thanks.

The Hon. WALT SECORD: My questions relate to large public galleries. For instance, we have the Sydney Film Festival with 2,000 people gathering per screening, we have Opera in the Domain, we have the Art Gallery of New South Wales, we have the Sydney Opera House. I am curious, overseas those large cultural institutions—the Louvre has been closed, Switzerland has banned gatherings of over 1,000 people, France the

same. I want to know what is the New South Wales Government response and what activity are you doing involving cultural institutions?

Mr REARDON: The cultural institutions, as you know, sit in the Department of Premier and Cabinet [DPC] cluster. We, as a cluster, are responding by activating our Management Response Team. That includes communications across our cluster, including with the cultural institutions. At a whole of government level, NSW Health have the lead as per the State Emergency Management Plans and there are sub-plans for a whole range of activities, whether they are a health issue, whether they are bushfires, whether they are floods, et cetera. Health have the lead and provide us with the health advice and they provide that on a daily basis. They are supported by State Emergency Operations Coordinator, which is activated right now and that coordination is led by New South Wales Police. That ensures that across all of government we have taskings, as we have just done for bushfires, floods and before that some of the drought work. We are doing the same with the coronavirus. That involves both activities at the national level, which I am happy to talk to you about.

The Hon. WALT SECORD: I was asking about the Opera House, the Art Gallery of New South Wales, Opera on the Harbour and the Sydney Film Festival. So far you have spoken about national things. What is the advice on those activities?

Mr REARDON: No, I have not talked to you about national things. I have told you about how we respond as a State and how we coordinate as a State, how we link to national advice. Your opening question to the Minister was about if we have been following comments from the Prime Minister. Of course we have.

The Hon. WALT SECORD: I want to know what are you doing in New South Wales. Is there a preparedness plan in place, because we have a large number of major cultural institutions holding major public events. This morning the health Minister told people not to shake hands. We are talking about the State Theatre, which holds 2,000 people, Opera on the Harbour, and the Art Gallery of New South Wales—28,000 people pass through there. I am asking you what plans are in place and what steps are you taking.

Mr REARDON: I will repeat some of what I just said then in respect of plans in place. NSW Health has the lead and we have a New South Wales State Emergency Management Plan. That is one of the sub-plans for when we have a health issue like COVID-19. We take advice daily from NSW Health on what steps we are to take across the New South Wales public service, including the Cultural Institutions. We activate our business continuity plans as required. Every step we take is proportionate in respect of that advice. We take each step—as you just indicated, from the New South Wales health Minister yesterday about handshaking. We will activate those steps as well.

In respect of the cultural institutions, as I said, in our cluster we have a management response team that meets frequently. That team has been meeting frequently for a long time now because of other natural disasters we have had to deal with over the last few months. We are now focused on COVID-19 in our business continuity. Within that we have a community engagement group that has the cultural institutions, which my colleague Deputy Secretary Kate Foy manages, to ensure that cultural institutions get the appropriate advice in a timely fashion about what steps they will take. That includes steps that they might take about events. Discussions were had leading up to Saturday night's Mardi Gras and we proceeded with the event, working with Mardi Gras. We will continue to provide advice to the cultural institutions almost on a daily basis, because as things unfold, they unfold quickly, as you have seen.

The Hon. WALT SECORD: You mention that Ms Foy has involvement in it. Ms Foy, what organisations have you met with?

Ms FOY: I have met with all of the heads of the Cultural Institutions. As the secretary said, we have set up a Management Response Team. As the secretary said, this is a group within the cluster of Department of Premier and Cabinet that was activated with the bushfires. We have re-activated for COVID-19. Yesterday I had a teleconference with the heads of the agencies to talk through any of the matters that were raised to make sure that business continuity plans are in place and can be activated if and should it be required. We will continue to hold those regular meetings with all of the heads of Cultural Institutions.

The Hon. WALT SECORD: Under those protocols, when have you determined that a cultural event such as a film festival, the opera, the Art Gallery, the Sydney Opera House—when would be the trigger point?

Ms FOY: As the Secretary said, this is a NSW Health-led matter. We would take advice from the health experts and we would take direction from the State Emergency Operations Centre under the leadership of New South Wales Police.

The Hon. WALT SECORD: Would you be able to do a close down within 12 hours?

Ms FOY: I would have to take that on notice. I am certain that each of the agencies with their business continuity plans—but we are able to activate any decision that the Government takes through the Health portfolio and under the direction of the State Emergency Operations Committee.

The Hon. WALT SECORD: Dr Brand, are you aware that on 2 March the Health Safety and Working Conditions Committee met as part of the lockdown of the Louvre? Have you had discussions or activity at the Art Gallery of New South Wales beyond the telephone conference call with Ms Foy?

Dr BRAND: At the highest level we are taking our advice, as you have heard, both from our own department and through them with the health department. We are aware of some institutions in Europe such as the Louvre closing down recently. At the gallery level itself, the executive team discusses this on a regular basis, both amongst ourselves and with our security teams and visitor services teams. On the more micro level, we are doing everything we can to ensure the safety of staff and visitors through things like providing hand sanitisers and things like that.

The Hon. WALT SECORD: Ms Blondin, can you tell me what is happening at the Opera House? How many people visit the Opera House on a daily basis?

Ms BLONDIN: On a daily basis, I will have to take that on notice. It is 10.9 million visitors across the year and about 1.9 million across our performances and our tours. Similarly, we are taking advice from the department and the health authorities about how to manage and monitor this evolving situation. We have a range of measures in place with our staff that we put in place at the moment. As Dr Brand mentioned, we have hand sanitisers in front and back of house areas. We have increased our onsite cleaning, in particular using hospital grade disinfectant and increasing surface cleaning. We are providing regular communications to our staff and continuing to monitor the situation as it evolves.

The Hon. WALT SECORD: If you were instructed by NSW Health to close your doors, could you do it within a 12-hour period?

Ms BLONDIN: I will have to take that on notice, but we do have business continuity plans that we have in place and that will continue to monitor and evolve.

The Hon. WALT SECORD: What does "business continuity plans" mean?

Ms BLONDIN: It is just in relation to anything that impacts the business and the operations of the business and how we respond to that.

The Hon. WALT SECORD: Dr Brand, would you be able to close down within 12 hours?

Dr BRAND: We would be in the same situation. We have business continuity plans for all circumstances such as this.

The Hon. WALT SECORD: Has the Opera House board and the Art Gallery restricted or closed down or changed any activities since the appearance of the virus in Australia?

Ms BLONDIN: No, we have not.

The Hon. WALT SECORD: Dr Brand?

Dr BRAND: Nor have we.

The Hon. WALT SECORD: Minister, I will switch to the Powerhouse. What is your response to the call for the unsuccessful designs to be released? My question would be when will we actually get to see the unsuccessful designs?

The Hon. DON HARWIN: The short-listed schemes will definitely be exhibited in 2020. We have reached out to the competitors and other key stakeholders to make arrangements for the exhibition. Since the announcement of the winning design, in respect of the winning design, we have been finalising the contract and design as part of due diligence as well. It is certainly our intention to put them on display.

The Hon. WALT SECORD: This year?

The Hon. DON HARWIN: Yes, absolutely.

The Hon. WALT SECORD: All of them or just a couple? What are your plans? How many were short-listed?

The Hon. DON HARWIN: Six were short-listed.

The Hon. WALT SECORD: Will all six be displayed?

The Hon. DON HARWIN: One will not and that is because one of the six teams withdrew after submitting the entry. We were disappointed with the team's decision. We set out at the start of the competition to identify at least five teams and designs capable of delivery. Ultimately the jury was able to consider five diverse schemes and select, I believe, an exciting and deserving winner. The reason for the withdrawal was given on a commercial-in-confidence basis and I am not really able to identify anything more about that at the request of the bidders.

The Hon. WALT SECORD: Was the jury selection of the winning competition design unanimous?

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: Did you write a memo—

The Hon. DON HARWIN: That is the advice I received from the chair of the panel, Naomi Milgrom.

The Hon. WALT SECORD: Ms Havilah, was the decision unanimous?

Ms HAVILAH: Yes, it was.

The Hon. WALT SECORD: Minister, did you write a memo to fellow jury members outlining your concerns about the winning design—an email, memo or correspondence?

The Hon. DON HARWIN: Just a second, I will just check that with my staff. It is not my recollection that I did but I just want to confirm that. I have no recollection of doing that and I have checked with my chief of staff and he does not recall it either. Anyway, if you have got any further questions I am happy to answer them but, honestly, I do not recall doing that.

The Hon. WALT SECORD: Did the Museum of Applied Arts and Sciences [MAAS] trust sign off on the design competition?

The Hon. DON HARWIN: I think I would have to ask them. A design brief? Could you ask your previous question before?

The Hon. WALT SECORD: Which one?

The Hon. DON HARWIN: The one you asked me about my email.

The Hon. WALT SECORD: I said did you write to jury members outlining your concerns about the winning entry?

The Hon. DON HARWIN: No. That is right. I do not wish to change my answer. Your next question, if you could re-ask it?

The Hon. WALT SECORD: Did the MAAS trust sign off on the competition?

The Hon. DON HARWIN: On the design brief?

The Hon. WALT SECORD: The competition brief.

The Hon. DON HARWIN: I will have to ask the museum.

Ms FOY: We have normal program governance for the Powerhouse program. The design brief is submitted—any documents, major decisions and milestones are put through steering committees et cetera. That is the normal process. Ms Havilah can comment on what role the trust plays, but we have normal program governance as part of our processes.

The Hon. DON HARWIN: I am advised by Ms Havilah that they did.

The Hon. WALT SECORD: Ms Havilah, the Locomotive No.1 in the Powerhouse Museum, is that going to the new museum?

Ms HAVILAH: Yes, it will.

The Hon. WALT SECORD: Where will it go?

Ms HAVILAH: We are working through that as part of the next stage of the design process now that the winning architectural team has been selected and we are also beginning the process with the curatorial team to develop the opening exhibitions for the new museum.

The Hon. WALT SECORD: How large is the locomotive that is being moved to the Parramatta site?

Ms HAVILAH: I would have to take that on notice.

The Hon. WALT SECORD: Bigger than a bread box? Is it as big as this room? How large?

The Hon. NATALIE WARD: As big as a train. Train size. Locomotive size.

The Hon. WALT SECORD: Locomotive size, is that correct?

Ms HAVILAH: Do you mean metres or weight?

The Hon. WALT SECORD: Weight, metres. I am trying to get a sense of scale.

Ms HAVILAH: I would have to take that on notice. I could not give you an accurate answer on that.

The Hon. WALT SECORD: You would agree that it would be quite large? It is about the size of a contemporary bus?

The Hon. DON HARWIN: I think it would be difficult to improve upon the answer that Natalie Ward gave: it is locomotive size.

The Hon. WALT SECORD: No, no, because it is relevant.

The Hon. DON HARWIN: I accept that.

The Hon. WALT SECORD: So is it the size of a contemporary bus? Large or small?

Ms HAVILAH: It would be in similar scale.

The Hon. WALT SECORD: I guess the question I am getting to is—there has been a bit of discussion about the Powerhouse museum being on stilts—will it be on the flood plain level or will it be above, on top, on the stilts area?

Ms HAVILAH: Every single object that we present in the museum will be presented above the one in 100 year flood level. So it will not be presented at any risk.

The Hon. ROBERT BORSAK: Just to clarify that, how high is that?

Ms HAVILAH: That is RL 7.5.

The Hon. ROBERT BORSAK: It is 7.5 metres?

Ms HAVILAH: Yes.

Ms FOY: I am happy to take the Committee through that. We have done an assessment of the flooding and I am very happy to take the Committee through that. Certainly the design and engineering measures have been taken into account as part of the planning for the museum at Parramatta. To address the potential flooding for the site, engineering studies have been undertaken as part of the original business case planning process. We have sought extensive advice from experts who are all aligned in their view that the proposal would not put the museum's collection at risk. If I can just call on some assessment that we undertook of the weather event on 8 and 9 February. It did not meet the one in 100 flood level.

The Hon. WALT SECORD: What was that? What was the scale of that?

Ms FOY: The scale was approximately, I am advised, one in 10. The usual river level is around about 2.5 metres. The recent flood rose to approximately 4.1 metres, or 1.6 metres above the usual height. This is well below the proposed ground level for the museum, which is proposed at 7.5. The majority of the presentation spaces will be higher again and well above the even one in 100 flood levels. The design has taken account of that, of course, through the planning process. Further assessments are made but we are very confident that the museum—

The Hon. ROBERT BORSAK: What parts of the collection are going to be on the ground floor that you are willing to allow to be flooded?

The Hon. DON HARWIN: With respect, I think the deputy secretary made it very clear that the ground level of the museum is going to be 7.5 metres above the river. The one in 100 level is below that. So the premise of your question just does not arise.

The Hon. ROBERT BORSAK: The ground floor of the museum is going to be 7.5 metres above ground level? That is what you are saying?

The Hon. DON HARWIN: No. Ms Foy, since you gave the 7.5 metre figure, why do you not outline exactly what that means, for the benefit of the Chair?

The Hon. WALT SECORD: I was very clear; I thought it was going to be 7.5 metres, as Mr Borsak understood that too.

Ms FOY: The ground level for the museum is proposed to be at RL 7.5; so that is above the one in 100 year flood level.

The Hon. ROBERT BORSAK: So the ground level of—

The CHAIR: Just to be clear, we are in the crossbench time now.

The Hon. ROBERT BORSAK: The ground level of the museum will be 7.5 metres above the surrounding ground level, or more?

Ms FOY: Again, the recent flood level rose to about 4.1 metres, or 1.6 metres above the usual height. This is well below the proposed ground level for the museum, which is proposed to be at RL 7.5. The majority of the presentation spaces will be higher again and well above the once in a century flood levels. If there are more detailed questions I am very happy to take them on notice and seek advice.

The Hon. WALT SECORD: Minister, do you stand by your written answer in Parliament that there has only been one flood event in 1988 to meet the one in 100 year flood level at Parramatta?

The Hon. DON HARWIN: That was the advice I was given.

The Hon. WALT SECORD: Since you gave that answer I have been inundated with people writing in showing examples over the last 200 years or the last 100 years—photographs showing, in fact—that is not the case, that it is repeatedly—

The Hon. DON HARWIN: Mr Secord, it is important to realise that I do not have a copy of the answer in front of me—

The Hon. WALT SECORD: I do. I have it here to assist you.

The Hon. DON HARWIN: —but I think I made it quite clear that official—

The Hon. WALT SECORD: I have it here.

The Hon. DON HARWIN: Can I have it, please?

The Hon. WALT SECORD: It says:

During this time, there was one flood event in 1988 that was above the one in 100 year flood level.

The Hon. DON HARWIN: I will read the whole sentence just so that we can be entirely clear and that there is no cause for confusion or potential misrepresentation. The answer was this:

There is not reliable Parramatta River flood data spanning 200 years. The City of Parramatta Council recently commissioned a flood study of the Parramatta River which contains the results of a water level gauge in Parramatta close to the site that has been in operation since 1979. During this time, there was one flood event in 1988 that was above the one in 100 year flood level.

That is the actual answer that I gave.

The Hon. WALT SECORD: Do you not think it is irresponsible to go ahead and build a museum in an area on a flood plain, when you in your own answer say you have no doubt about the flooding of this site?

The Hon. DON HARWIN: The deputy secretary's extensive answer made this very clear. It is about the one in 100 year flood level and it is higher than some of the buildings in Phillip Street. It is not being built at the same level as the car park. It is higher than that. It is being built at the same or a higher level than all of the other buildings in Phillip Street, Parramatta.

The Hon. ROBERT BORSAK: It sounds like a pyramid. Ms Foy, how is the public going to access a level that is 7.5 metres above ground level?

Ms FOY: I go back to my answer which was about river level, not ground level. The usual river level on the site is 2.5 metres. Again, the recent flood rose to 4.1—

The Hon. ROBERT BORSAK: Let us say it is five metres.

Ms FOY: I beg your pardon?

The Hon. ROBERT BORSAK: Let us say it is five metres then. I do not understand your answer. The question was how does the public access a building from ground level that is either five or 7.5 metres above the ground?

Ms FOY: I have talked about the river level to the ground rather than the ground level. If I can say it again, if there is some confusion, I am very happy to take more detailed questions on notice. I am not sure I understand.

The Hon. ROBERT BORSAK: The question I am asking is how does the public access a building that is so far above the nascent ground level around it?

The Hon. DON HARWIN: Effectively, Mr Borsak, you are asking a question about the design. I will let Ms Havilah make a contribution.

Ms FOY: Yes, happy for Ms Havilah to answer the design question.

The Hon. DON HARWIN: It is actually a design question.

The Hon. WALT SECORD: May I assist? Will there be an escalator through the water—

The Hon. DON HARWIN: We will have a—excuse me.

The Hon. WALT SECORD: I have a serious question. How will the public enter from ground level to the building on stilts? Will there be an elevator? Will there be an escalator? Will there be stairs? How will they get through? Whether it is one in 100 year flood, flooding does occur on that site, so how will people enter the museum?

The Hon. BEN FRANKLIN: I think they understand the question.

The Hon. WALT SECORD: I am just making it clear.

The Hon. BEN FRANKLIN: I think it is very clear.

The Hon. DON HARWIN: When you intervened, all I was doing was saying that I think since it is a question about the design, I will invite the director to answer.

Ms HAVILAH: We have appointed an incredible design team, Moreau Kusunoki and Genton. We are working through the next stage of the design with a whole team of specialists and engineers from Arup. In that process we are looking at a whole range of ways that we will operate the museum. One of the things that was a real highlight in the finalist design was the inclusion of the Civic Link, which provides—

The Hon. ROBERT BORSAK: Sorry, I did not quite get that, inclusion of what?

Ms HAVILAH: A Civic Link, a connection point which will connect the museum through a public walkway to the river. One of the things about the site is it is actually quite a sloping site and so the design team are working on making that Civic Link really connected to the city, but also it will be a way through the museum to the river.

The Hon. DON HARWIN: Civic Link, just for the Committee's benefit—

The Hon. ROBERT BORSAK: You mean a sky bridge or something like that?

Ms HAVILAH: No, it is on the ground plain.

The Hon. ROBERT BORSAK: It is on the ground?

Ms HAVILAH: Yes.

The Hon. ROBERT BORSAK: How does that get you up five or seven metres? I am sorry, I do not quite understand.

Ms HAVILAH: That is a process that is being worked through as part of the stage three design.

The Hon. ROBERT BORSAK: You do not have an answer for how people are going to get into the museum yet, is that what you are saying?

Ms HAVILAH: From the ground plain, from Phillip Street, it will not be elevated, but there will be elevation from the river side of the museum up into the museum, which will be dealt with in the public domain design.

The Hon. ROBERT BORSAK: That has not been resolved, how the public are going to access the museum yet—that is your answer?

Ms HAVILAH: It is part of the design process, an important part of the design process because what we are looking at achieving with the museum is having a least two million visitors a year, so we are very much focused on making sure that it is accessible to the community. We are looking at engaging a whole range of communities from western Sydney. That is core to our thinking and core to the design process in respect of working through operationally how people access the museum and the programs that we will deliver.

The Hon. DON HARWIN: Just to be clear, the design process is a three-stage process. The first part of the process was to find firms who were interested in taking part in the design competition. The second stage was to get the six short-listed designers to put in a design that was sufficiently detailed for us to be able to make a judgement as to which designer we should work with in the third stage of the design process, where we actually firm up the design and get it to a point where a tender can be issued and construction able to commence. That is the stage we are now in, stage three.

The Hon. WALT SECORD: With the indulgence of my colleague Robert Borsak, the Civic Link that you referred to Ms Havilah, is that why Willow Grove will have to be removed? Is that where the link is going to occur?

The Hon. DON HARWIN: The Civic Link goes from Parramatta railway station to the river and is a matter that we discussed last week in question time in respect of the design principles that the City of Parramatta Council asked us to take into consideration.

The Hon. WALT SECORD: Was that a yes or no?

The Hon. DON HARWIN: Sorry?

The Hon. WALT SECORD: Is Willow Grove being removed to make way for the Civic Link?

The Hon. DON HARWIN: If you look at a plan of Parramatta you will find that Willow Grove is in effectively the footprint of council's proposed Civic Link, yes.

The Hon. ROBERT BORSAK: That is the reason Willow Grove has to be demolished, because of a—

The Hon. DON HARWIN: As I also outlined in question time last week, there are three considerations that Parramatta council asked us to take into consideration in the letter I read from in question time last week. They were the public domain along the river, Civic Link and heritage considerations. All three were taken into consideration.

The Hon. WALT SECORD: Ms Havilah, did you write a memo to fellow members outlining your concerns about the winning design entry?

Ms HAVILAH: A memo to who, sorry?

The Hon. WALT SECORD: Did you write a memo outlining your concerns about the winning competition design?

Ms HAVILAH: No, I did not.

The Hon. WALT SECORD: You did not?

Ms HAVILAH: No.

The Hon. WALT SECORD: Minister Harwin, will you take me through the management structure of Create NSW?

The Hon. DON HARWIN: Management structure?

The Hon. WALT SECORD: Who is the head of Create NSW?

The Hon. DON HARWIN: Chris Keely is the head of Create NSW.

The Hon. WALT SECORD: And under Chris?

The Hon. DON HARWIN: I think the appropriate thing to do, given that effectively decisions about the staffing of agencies are decisions that are taken by the secretary, is that I will let the secretary and the deputy secretary outline that and take questions about that. You would be aware of how the Government Sector Employment Act works and the nature of arrangements in terms of hiring of staff and deployment of staff. At

least for organisations like Create, which are not executive agencies, they are under the exclusive jurisdiction of the secretary. I will refer that to the secretary.

The Hon. WALT SECORD: Chris Keely reports to Kate Foy?

The Hon. DON HARWIN: Correct. Is there any other—

The Hon. WALT SECORD: No. Can you give me the structure?

Mr REARDON: We can and where Create NSW sits is within a group within the Department of Premier and Cabinet called Community Engagement. Across the entire department we have several deputy secretaries who report to me, plus a Chief People Officer and a General Counsel. Within the Deputy Secretary of Community Engagement's Group, there are various groups—Heritage, Create NSW, Aboriginal Affairs, Employee Relations and the cultural institutions. Create NSW has been through some structural change, as we spoke about when we were here last year, as have a whole range of areas within the department and across the cluster.

The cluster works under four budget outcomes in the budget papers; they are Effective and Coordinated Government, Accountable and Responsible Government, and Empowering Aboriginal Communities in Excellence in Arts, Culture and Heritage. The last one is where Create NSW sits, responding to the outcome in the budget of Excellence in Arts, Culture and Heritage. Its group has a mandate to get on with the things that Create NSW do, including the Create Infrastructure and delivering on the Cultural Infrastructure Strategy, the Powerhouse being one of the institutions that is being developed right at the moment. A new leader has been brought into that group, as the Minister has pointed out, appointed in late 2019. The levels below that I will hand to the Deputy Secretary to take you through.

The Hon. WALT SECORD: Who is the new leader? Chris Keely?

Ms FOY: Chris Keely. Chris Keely was appointed after an external recruitment process late last year and he commenced just prior to Christmas as the Executive Director of Create NSW. He has four direct reports. Firstly, in the Head of Create Infrastructure, which is headed up by Annette Pittman, we have Screen NSW; we have a policy and partnerships team, and their job is to drive a whole-of-government approach to arts and culture as per the outcomes in our business plan that the Secretary outlined; and we have an operations, finance and governance role with a Director in place there. They are the four: so Screen, the fantastic investment that we see in Screen NSW—more than 50 per cent of the nation's Screen investment is here in New South Wales, contributing significant jobs and economic contribution; the policy and partnerships role driving whole-of-government; Create Infrastructure overseeing the many fantastic infrastructure projects that we have; and operations and governance.

The Hon. WALT SECORD: Ms Foy, you referred to a restructure. How many positions were removed, reduced or taken away in the restructure?

Ms FOY: We are still working that detail through. Now that we have Chris Keely on board it is appropriate to allow the leader to work through that detail, which is happening at the moment.

The Hon. WALT SECORD: How many positions have been removed?

Ms FOY: I would have to take that on notice.

The Hon. WALT SECORD: How does the departure of Elizabeth Scott fit into the restructure?

Ms FOY: That position no longer exists; it has been changed, as I outlined.

The Hon. WALT SECORD: Sorry, you will have to repeat that.

Ms FOY: I am sorry, I cannot remember off the top of my head the position that Elizabeth Scott occupied.

The Hon. WALT SECORD: It was investment and engagement, Executive Director of Investment and Engagement.

Ms FOY: That position has changed. Almost all of those positions in Create have changed to some degree, the leadership positions, to give the right level of focus to the areas of importance to arts and culture in New South Wales. Create Infrastructure is one role that is overseeing, as I said, all of those major projects, sponsoring and partnering with the organisations—for example, partnering with Infrastructure NSW and the Art Gallery on the extension to the Art Gallery; partnering with the Powerhouse and Infrastructure NSW.

Mr DAVID SHOEBRIDGE: Minister, I will take us in another direction now if I may.

The Hon. TAYLOR MARTIN: I do not know that the answer was finished. I believe the witness was finishing her answer.

The Hon. WALT SECORD: From the press release on 31 July 2018 Ms Scott was brought over from the United States to come and work here, but she was terminated—

The Hon. DON HARWIN: That is not strictly speaking true. She was already here.

The Hon. WALT SECORD: But she was terminated after a year.

The Hon. DON HARWIN: I am sorry, I just wanted to correct you on that issue. I am happy to have Kate Foy continuing.

The Hon. WALT SECORD: Can you take me through? She was appointed to a senior position—

Ms FOY: Correct.

The Hon. WALT SECORD: —and removed after a year, in the restructure.

Ms FOY: Yes. The roles in Create changed in order to bring the right level of focus to the areas that we have. We have now a Head of Screen to drive the investment in Screen, and some fantastic results there over the last 12 months; policy and partnerships, as I said, to drive the integration across government, a whole-of-government approach to arts and culture; Create Infrastructure, which is largely the same but the model is really very much driving a partnership model; operations, governance and finance. The position was—

The CHAIR: There are two minutes left of the crossbench time, which the Opposition was using up. The buzzer will go in two minutes and then I will open it for the Opposition. If it is going to continue with you that is a matter for The Greens.

The Hon. WALT SECORD: I am sorry, I have had three conversations going at once.

The CHAIR: I wanted it to be clear for the record what is happening.

The Hon. DON HARWIN: The Deputy Secretary has not been able to finish the answer. Are we able to finish the answer? Is that all right?

The CHAIR: You can finish the answer. I am just mentioning that there is one minute left of the crossbench time.

The Hon. ROBERT BORSAK: I do not think you need to over-regulate this. The time is being wasted.

The CHAIR: I am not trying to. I am just being clear that when it gets to that point it is up to whoever's time it is to agree to that. I am going to be clear about that for the record because everyone has a say in that. Please finish the answer and then it is up to the Committee.

The Hon. WALT SECORD: I will cut to the chase and save time here. She was appointed to a senior position, she served a year and her position was restructured or no longer existed.

Ms FOY: Yes.

The Hon. WALT SECORD: Did she receive a termination payout?

Ms FOY: I would have to take any questions on notice regarding any matter of any individual.

The Hon. WALT SECORD: Thank you. Mr Shoebridge?

Mr DAVID SHOEBRIDGE: Minister, on a different front, which is in your position as Aboriginal affairs Minister, you would be aware of the movement, particularly amongst First Nations peoples in New South Wales, to have a more active involvement in cultural fire management.

The Hon. DON HARWIN: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Are you aware of the Firesticks Alliance?

The Hon. DON HARWIN: Yes, I am aware of the existence of an organisation called the Firesticks Alliance. They do pretty good work, I understand.

Mr DAVID SHOEBRIDGE: They do and I think they are probably meeting with your office in the near future.

The Hon. DON HARWIN: That would be right because we are taking a close interest in this issue. I think there is great potential for doing more cultural burning.

Mr DAVID SHOEBRIDGE: This is a good start to these questions then, Minister. Not just the Firesticks Alliance but a number of other First Nations knowledge keepers have said that now is the time to sit down and do some co-design on fire management practice, co-design on landscape management. We are coming into the budget season. Can you give the Committee any comfort that there will be money set aside to ensure that co-design can happen?

The Hon. NATALIE WARD: Point of order: I think this inquiry is in relation to budget estimates 2019-2020, not in relation to a future budget. I think you are asking the witness to speculate about a future budget position. I am not sure that is within the terms of reference.

Mr DAVID SHOEBRIDGE: We have had many rulings on the breadth of the terms of reference.

The Hon. WALT SECORD: I was going to say that. Ms Ward, I have been at 11 budget estimates; wide latitude is allowed.

The Hon. NATALIE WARD: I understand that. I have been at two.

The CHAIR: The question is in order.

Mr DAVID SHOEBRIDGE: Can you give the Committee some comfort—and I suppose it is not really the Committee; it is those people like the Firesticks Alliance, those First Nations Elders—that there is money—

The Hon. DON HARWIN: Firstly, I cannot make any commitments about, obviously, what will be in the upcoming budget.

The Hon. NATALIE WARD: Because you are not the Treasurer.

The Hon. DON HARWIN: Exactly. Frankly, in terms of everything that has been happening in the State—the drought, the bushfires and now potentially COVID-19 having an impact—it is even harder to make commitments. But I will say this: I see a lot of potential and I have written formally to a number of my colleagues suggesting measures and processes that we can look at to increase the amount of Aboriginal cultural burning, which I think can play a very important role in trying to avoid what we have just been through with the severity of the bushfires.

Mr DAVID SHOEBRIDGE: Minister, acknowledging the importance of more than reconciliation but an ongoing compact with First Nations Peoples in New South Wales, what are you doing in respect of advancing a treaties process with First Nations Peoples in New South Wales? We have seen what has happened in Victoria. What are you doing to advance treaties? By treaties I mean treaties with each First Nations group.

The Hon. NATALIE WARD: Again, for the record, I do not see how this relates to the—

The CHAIR: Is that a point of order or a piece of commentary?

The Hon. NATALIE WARD: I am entitled to speak.

The CHAIR: Is it a point of order? In which case no, please continue with the answer, Minister.

The Hon. DON HARWIN: I do want to apologise, I think I called the Hon. Robert Borsak the Chair before, but I have just been before the Hon. Robert Borsak so many times talking about Powerhouse issues. Apologies to the Hon. Tara Moriarty. The New South Wales Government's position is that any process leading towards a treaty with First Peoples must be led by the Commonwealth Government. The Commonwealth Government is considering issues related to the negotiation of treaties through its Joint Select Committee on Constitutional Recognition. In November 2018 the committee reported on the significance of the Uluru Statement from the Heart and supported establishing, through co-design, a First Nations Voice to Parliament. The Commonwealth Minister for Indigenous Affairs, Ken Wyatt, has committed to resolving the question of constitutional recognition within this term of Parliament, working towards a bipartisan consensus model to take forward to a referendum. He has also committed to using existing jurisdictional organisations and advisory structures to ensure that all tiers of government listen to the multitude of Aboriginal voices, local, regional and national.

Mr DAVID SHOEBRIDGE: Point of order: My question was not about the Commonwealth process, and if your answer is you are going to rely upon the Commonwealth process, that is one thing. My question was about—

The Hon. NATALIE WARD: There is wide latitude in estimates.

Mr DAVID SHOEBRIDGE: In questioning.

The Hon. NATALIE WARD: I realise that.

Mr DAVID SHOEBRIDGE: The answers need to be directly relevant. I was asking about the State, what is happening at the State level?

The CHAIR: Minister, you do need to be relevant to the question that has been asked.

The Hon. DON HARWIN: I believe I was directly relevant—

The Hon. BEN FRANKLIN: He is being relevant.

The Hon. NATALIE WARD: He is being relevant.

The Hon. DON HARWIN: —to one of the key issues in respect of agreement making, which is existing jurisdictional organisations and advisory structures. It is crucial to the whole issue of agreement making. I will give you a little more relevant information and if you want to pull me up, feel free. The New South Wales Government through OCHRE continues to work in partnership with First Nations communities to achieve improved and sustainable outcomes. Further, the New South Wales Government is getting on with elements of a treaty, including agreement making, truth telling and healing for Stolen Generation survivors. Local decision-making enables negotiation of joint agreements between regional alliances and the New South Wales Government on community-led priorities and aspirations.

OCHRE acknowledges the ongoing impacts of past government policies and practices and the need for healing within Aboriginal families and communities. The Stolen Generations Reparations Scheme introduced in 2017 provides apologies and ex gratia payments to Stolen Generation survivors in recognition of the harm of past removal from family and community. New South Wales was first to enact Aboriginal languages legislation which establishes an Aboriginal Languages Trust to foster Aboriginal language revival across New South Wales. In summary, if you look at what a treaty covers, what the elements of any treaty might be, most of the work is already underway in New South Wales or has been in place for some time, such as our land rights regime.

Mr DAVID SHOEBRIDGE: Minister, do you accept that there are distinct Aboriginal First Nations groups in New South Wales? They have distinct identities, distinct law, distinct culture and do you accept that there needs to be treaty negotiations with each separate First Nations Peoples?

The Hon. DON HARWIN: I certainly accept that there are distinct First Nations in New South Wales, absolutely, recognised in a variety of ways, including language, land and culture.

Mr DAVID SHOEBRIDGE: The Gamilaraay people and the Wiradjuri people may have quite distinct issues that may want to advance in treaties. Do you accept that complexity—

The Hon. DON HARWIN: Absolutely.

Mr DAVID SHOEBRIDGE: —and are willing to engage with multiple treaty negotiations?

The Hon. DON HARWIN: Obviously, New South Wales more than most other States has had a greater impact in terms of people living on country and the situation is more complex. Our land rights regime is articulated in more detail than what is the case in a number of other States and has been in existence for a much longer time than in other States as well. Resolving the landscape of First Nations and therefore traditional ownership, registered Aboriginal ownership, native title holders, native title claimants and then the whole Aboriginal land council network, plus the regional alliances that have been established under my predecessors and have a peak body called the NSW Coalition of Aboriginal Regional Alliances, or NCARA—it is a much more complex landscape in New South Wales than it is in a lot of other States, largely because as a State we have been first movers, no matter who has been in government, on a wide range of issues.

Mr DAVID SHOEBRIDGE: But do you accept in terms of a treaty negotiation, there are two parties. One is the State of New South Wales and the other is First Nations themselves as opposed to those statutory bodies that have been put in by the State of New South Wales.

The Hon. DON HARWIN: I am not moving away from what I said at the beginning of my answer, which is that the New South Wales Government's position is that any process leading towards a treaty or treaties with First Peoples must first be led by the Commonwealth Government. That is the Government's position.

Mr DAVID SHOEBRIDGE: To move to a different matter, the Powerhouse. Have you done an historical flood study of the site?

The Hon. DON HARWIN: We are happy to answer all these questions for a second time.

Mr DAVID SHOEBRIDGE: I have had notes of what the Hon. Walt Secord asked in my absence. I am asking you a specific question about an historical flood study.

The Hon. DON HARWIN: We might have to take this on notice. I do not want to waste the Committee's time by Ms Foy having to give the same answer a second time.

The Hon. WALT SECORD: You did not answer my question.

Mr DAVID SHOEBRIDGE: I will seek to table it, because I do not know if the Hon. Walt Secord has tabled the historical flood image from the exact site. I know it was shown to you earlier.

The Hon. DON HARWIN: Can I have a look? I did not see it before.

Mr DAVID SHOEBRIDGE: That is the former Parramatta iceworks that is now where Wylde Street is.

The Hon. NATALIE WARD: Where did that document come from?

The Hon. WALT SECORD: From Caroline Irvine.

Mr DAVID SHOEBRIDGE: It was provided to me by one of the family members whose family owned the site.

The CHAIR: Are you tabling that?

Mr DAVID SHOEBRIDGE: I am showing it to the Minister and I am tabling it at the same time. Minister, are you aware of the scale of the kinds of historical floods shown in images like that? Have you studied the historical scale of the floods?

The Hon. DON HARWIN: I answered the question earlier during the estimates hearing.

Mr DAVID SHOEBRIDGE: What modelling have you done based upon climate change and the impact of the severity of floods from climate change, as well as taking into account the increased development in the area, which will see increased concrete and an increased run-off? Have you taken those two things together into account?

The Hon. DON HARWIN: I am advised that that work has been done and I will ask the deputy secretary to comment.

Ms FOY: A flood impact assessment will be prepared and submitted with the State significant development application. That will identify the impact of proposed development on flooding and stormwater flows and identify any necessary design and management measures required to mitigate potential impacts. No works are proposed on the watercourse or the existing river edge. Again, I refer to my earlier answer around the river levels.

Mr DAVID SHOEBRIDGE: When you are talking about something as important as the priceless collection that the Powerhouse holds, do you accept that doing the flood studies after you have made the decision to locate the museum next to the river is the wrong way around? Some would call it an extremely wrong-headed approach to do the flood studies after you have made the decision to relocate the collection to a flood plain.

The Hon. DON HARWIN: The answer is that is not the case.

Mr DAVID SHOEBRIDGE: I am just going on the deputy secretary's answer.

The Hon. DON HARWIN: The deputy secretary gave you an answer about what needs to be done in terms of the State significant development application process, but she did not, obviously, repeat references that she made earlier or go into the detail she could have gone into about all of the hydrological studies that were done prior to Cabinet making an investment decision to proceed with the museum.

Mr DAVID SHOEBRIDGE: What is the current proposed completion date for the Powerhouse site at Parramatta?

The Hon. DON HARWIN: The investment decision, as it is referred to in government processes, to actually proceed was taken in April 2018, to fulfil, obviously, the election commitment that was made by Premier Baird prior to the 2015 election.

Mr DAVID SHOEBRIDGE: My question is when—

The Hon. DON HARWIN: Yes, I am giving you the answer. The two-stage design competition we know about concluded in December 2019 and I made the announcement on 17 December that the architectural partnership of Moreau Kusunoki and Genton had been selected. The projects are currently going through stage three of the design development, and builder procurement will commence later in the year. The opening date, however, for the new Powerhouse at Parramatta will be known after the builder has been selected and cannot be accurately predicted until after the builder is selected.

Mr DAVID SHOEBRIDGE: This process began some four years ago for the Powerhouse and you still cannot give an indicative opening date for the new institution. What do you say to the people of New South Wales who will not have a Powerhouse Museum from 1 July, when it shuts, until an indefinite date? What do you say to the schoolkids who cannot go and see the exhibitions and to the people of New South Wales who will not have access to such a premier cultural site in that unknown interim period?

The Hon. DON HARWIN: First of all, I would correct you. It is only partially shutting on that day. It will remain open for longer than that. I would say to the people of New South Wales that they are about to get the largest investment in arts and culture since the Sydney Opera House was built. I would say that Parramatta is about to get an active 24-hour precinct that supports high levels of concurrent activity. I would say that the new museum will be based on a design that will develop into an exceptional open space for Parramatta, connecting the city and the river. I would say that they are about to get a museum with seven large-scale flexible presentation spaces, including presentation space one, which will be the largest exhibition space in Australia of unprecedented scale—

Mr DAVID SHOEBRIDGE: You say "about" but you have not got a date.

The Hon. DON HARWIN: It will be column free and as much as potentially 20 metres clear in terms of the height.

Mr DAVID SHOEBRIDGE: Minister, the key point is that you have not got a date. Why are you shutting the Powerhouse on 1 July? You have not even got an indicative date when you are going to open the Parramatta facility. Is it that there is such a rush to develop the Ultimo site? Is that what is driving the early shut?

The Hon. DON HARWIN: No.

Mr DAVID SHOEBRIDGE: Then why on earth are you shutting the Powerhouse before you have even got an indicative date for a replacement for that site? Why are you shutting it on 1 July?

The Hon. NATALIE WARD: The Minister has indicated it is partially shut.

The CHAIR: There is no need to answer for him, Ms Ward.

Mr DAVID SHOEBRIDGE: Why are you shutting the Powerhouse on 1 July?

The Hon. DON HARWIN: What I said very clearly was that the procurement process for a builder will start later in the year and that we will have that indicative date when we have the builder, and I would imagine, although I would have to check this and get back to you, we will have the builder before the museum shuts.

Mr DAVID SHOEBRIDGE: Minister, the proposal for a cultural industry space in the north annex—

The Hon. DON HARWIN: The north annex? Which do you mean by "north annex"?

Mr DAVID SHOEBRIDGE: Which I understand is the north annex of the new site. I do not think there is a north annex of the current site.

The Hon. DON HARWIN: No, I just wanted to be clear.

Mr DAVID SHOEBRIDGE: What is the cultural industry space?

The Hon. DON HARWIN: I will invite the director to answer that.

Ms HAVILAH: The north annex is a building on the Ultimo site that the museum—

The Hon. DON HARWIN: Are you referring to Parramatta or Ultimo?

Mr DAVID SHOEBRIDGE: I am asking about the north annex, which I think is on the Powerhouse site.

Ms HAVILAH: It is, yes.

The Hon. DON HARWIN: On the Ultimo site or the Parramatta site?

Mr DAVID SHOEBRIDGE: On the Ultimo site.

The Hon. DON HARWIN: That is different entirely. I could have perhaps had a go at that.

Mr DAVID SHOEBRIDGE: What is the cultural industry space?

Ms HAVILAH: The north annex is a building that is adjacent to—

The Hon. DON HARWIN: The freeway, is it not?

Ms HAVILAH: Yes, it is that building. That was an under-utilised building—it was not being used by the museum—so we made a decision to provide subsidised space to members of the creative industries to operate during the period we are open for the next 18 months.

Mr DAVID SHOEBRIDGE: It is effectively privatised, that section?

The Hon. DON HARWIN: With respect, what has happened—

Mr DAVID SHOEBRIDGE: I am trying to work out what you are doing. Is it a privatisation of the space?

The Hon. DON HARWIN: And I am very happy to answer it. I have walked through the north annex building, I have looked at it. The building was basically unused and what we have done is made it available to arts organisations to use its space, just like we do at any number of other facilities such as at Lilyfield and such as the Arts Exchange and the Gunnery and also the facility at Callan Park and the Canal Road film studios.

Mr DAVID SHOEBRIDGE: Can you provide us on notice with the policy settings for that and who will be occupying, as far as you know at the moment, the cultural industry space?

Ms HAVILAH: Yes.

Mr DAVID SHOEBRIDGE: Minister, Darren Steinberg works for Dexu. Is that correct?

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: I think you advised this Committee that there were going to be checks and balances to ensure there was no conflict of interest between his interests in the property development industry working for Dexu and his work on the trust board. Do you remember that?

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: Why was it that in July 2019 Lisa Havilah sat down specifically to brief trustee Darren Steinberg on the market sounding documents for the Ultimo site prior to their release?

The Hon. DON HARWIN: I will invite the director to answer that question.

Ms HAVILAH: There was an action in the trust minutes for me to brief Darren Steinberg. I did not brief Darren Steinberg because he resigned as a trustee on 14 August 2019.

Mr DAVID SHOEBRIDGE: How on earth could the trust have decided to brief Darren Steinberg on such an important market-sensitive thing such as market sounding documents for the Ultimo site, given his work for Dexu, and not twigged that there was a conflict of interest there? How did the trust possibly think that that was appropriate?

The Hon. NATALIE WARD: That is a question for the trust.

Mr DAVID SHOEBRIDGE: The Minister is just as responsible.

The CHAIR: I think the Minister can handle himself, thanks, Ms Ward.

The Hon. NATALIE WARD: I beg your pardon?

The CHAIR: He is pretty cluey.

Mr DAVID SHOEBRIDGE: How on earth was that appropriate?

The Hon. DON HARWIN: I think the director answered it, which is that he was not briefed.

The CHAIR: We are now in the Opposition's time.

The Hon. ADAM SEARLE: Minister, the position of the Law Enforcement Conduct Commission [LECC] chief commissioner is now vacant. Did the former chief commissioner Michael Adams, QC, indicate that he wished to be reappointed to the role?

The Hon. NATALIE WARD: Which agency?

The Hon. ADAM SEARLE: The Law Enforcement Conduct Commission.

The Hon. DON HARWIN: Sorry, could you repeat the question, just so I am sure I am answering the right one?

The Hon. ADAM SEARLE: Yes. The Law Enforcement Conduct Commission chief commissioner role is vacant. Former Justice Michael Adams had a three-year appointment. Did he indicate to the Government that he wished to be reappointed at the end of that three-year appointment period?

The Hon. DON HARWIN: I will invite the secretary to answer that because I had no direct discussions with the LECC chief commissioner, and any discussion that did take place would have taken place with departmental officials. So I think the appropriate thing to do is to ask the secretary to answer your question.

The Hon. ADAM SEARLE: But you are the relevant Minister.

The Hon. DON HARWIN: Yes, but obviously on matters like this it is appropriate from time to time that discussions take place through senior departmental officials and that advice is given to me. There are a large number of appointments across my portfolios that I have to make and I do not always make the phone calls myself.

Mr REARDON: From my recollection, I have not had discussions with the LECC commissioner himself throughout his term. I have not had those discussions. From recollection, the commission itself CEO had written to me to indicate that the commissioner term would come to an end and that he would be available to continue on. I cannot recall the exact wording in the correspondence. I would have to take any further detail on notice.

The Hon. ADAM SEARLE: My question to the Minister is why did the Government not reappoint former Justice Michael Adams back to the position of chief commissioner of the LECC?

The Hon. DON HARWIN: Mr Adams was appointed on 1 February 2017 for a three-year term. The term expired on 31 January 2020. His term of appointment having expired, the Government moved to appoint the Hon. Reg Blanch, AM, QC, to act in the office of chief commissioner from 1 February until 31 July 2020. Under clause 1.6 of schedule 1 to the Law Enforcement Conduct Commission Act, a person acting in the office of chief commissioner has all of the functions of the chief commissioner and is taken to be the chief commissioner.

The Hon. ADAM SEARLE: Just to assist you, I know about all the statutory powers, I just want to know why you did not reappoint him.

The Hon. DON HARWIN: I paused simply so I did not read a whole lot of stuff that you did not need to know.

The Hon. ADAM SEARLE: To put it plainly, it was because he had a disagreement with the police Minister.

The Hon. DON HARWIN: It was very simple. It was after I read the assistant inspector's report I formed the judgement that we would be best to go with a different appointment. It is as simple as that.

The Hon. ADAM SEARLE: That particular problem had been resolved by Mr Saidi leaving the organisation. The real reason is because former Justice Adams had a public disagreement with the police Minister and your Government did not like that, did you?

The Hon. DON HARWIN: Do not try to put words in my mouth.

The Hon. ADAM SEARLE: I am just asking.

The Hon. NATALIE WARD: What is the question.

The Hon. DON HARWIN: It is completely untrue to say that. A number of people have speculated about why they think I made the decision but I, on the record, on oath, say right now that the only reason that he was not appointed for another term was after I had read the assistant inspector's report and I had seen an

independent account about how the LECC was being managed. I formed the view that a refresh was the best way of protecting the State's interests.

The Hon. ADAM SEARLE: What is the timetable for appointing a new permanent chief commissioner?

The Hon. DON HARWIN: If you had read the report of the assistant inspector, you would be aware that the assistant inspector has made some recommendations about the qualifications for who could be appointed. He has recommended that those qualifications be broadened. If that is going to take place, there needs to be an Act of Parliament to do that. That is something you will hear more about shortly.

The Hon. ADAM SEARLE: Broadly speaking, whether it is an expanded selection criteria or not, what is your timetable for having a permanent head of that organisation?

The Hon. DON HARWIN: Mr Blanch has been given an acting appointment of six months and my hope is that I will not have to extend it.

The Hon. ADAM SEARLE: So, six months roughly?

The Hon. DON HARWIN: Yes.

The Hon. ADAM SEARLE: In successive reports the LECC has previously indicated and the current leadership of the LECC has also indicated that its resourcing is inadequate. It is a matter of record that it is only able to deal with something like 2 per cent of the complaints it receives. In the most recent annual report the so-called efficiency dividends of 3 per cent are going to cut nearly \$6 million out of its \$22.3 million annual budget. In the language of the inspector and the acting chief commissioner, that is nothing short of catastrophic for the organisation. The report also indicated that the efficiency dividends for the organisation are likely to be greater, getting up to 5 per cent. Two things—can you confirm that the efficiency dividends to be required of LECC are going to increase and, secondly, given the evidence of the LECC inspector and the acting chief commissioner about how catastrophic these cuts would be to the organisation's vitality, what are you doing to ensure it is going to be properly resourced to do its functions?

The Hon. DON HARWIN: In the 2019-20 budget \$32 million was provided to the LECC, comprising \$24.7 million in recurrent funding and \$7.3 million in capital expenditure. Obviously, the Government is completely committed to ensuring we have the effective oversight of law enforcement in New South Wales. Given the concerns that have been raised by the commissioner of the LECC and other people such as the commissioner of ICAC in their annual reports, the correct and responsible way to proceed in all the circumstances was for the Government to do what it has done, which is to request the Auditor-General to conduct a review of the effectiveness of the financial arrangements and management practices of independent agencies, including the LECC. They are expected to report to us early this year. That was the time frame set. I also note that the Public Accountability Committee is doing an inquiry on this matter as well. It is due to report in April 2020. That will be able to be taken into consideration as well in determining funding levels going forward. You have asked some specific questions about efficiency dividends and I am going to invite the secretary to respond to you on those.

Mr REARDON: We provided advice to the parliamentary inquiry in December last year. I will repeat some of that. The efficiency dividends for the 2019-20 financial year do not apply to the integrity agencies, including the Law Enforcement Conduct Commission. We have provided them with advice for out-years. The numbers we put forward, I understood that submissions from each of the commissions outlined those numbers as well for the out-years. But for 2019-20 there is no efficiency dividend required from the integrity agencies. That has been absorbed back within the department and other areas of the Premier and Cabinet cluster.

The Hon. ADAM SEARLE: That is 2019-20. What about 2020-21?

Mr REARDON: The out-years efficiency dividends were placed to each of those integrity agencies. They were in the out-years, so 2020-21, 2021-22, et cetera.

The Hon. DON HARWIN: But obviously that will be impacted upon by the two reports that we get.

The Hon. ADAM SEARLE: Just to be clear. In the recent evidence given by the LECC leadership to the parliamentary oversight committee, their evidence I am sure was that the 2019-20 efficiency dividends were achieved by them. If they did not have to comply with them, why is that the case?

Mr REARDON: You would have to ask them. I do not know the answer to that.

The Hon. ADAM SEARLE: They were clearly of the impression that they had to meet those efficiency dividends.

Mr REARDON: We specifically did not put them in for 2019-20 and, as the Minister said, without repeating all evidence from the transcript last December, we expect those matters will be examined in detail by the Auditor-General and by the parliamentary inquiry.

The Hon. ADAM SEARLE: That would apply equally to the Electoral Commission?

Mr REARDON: Yes.

The Hon. ADAM SEARLE: Minister, it was publicly revealed in budget estimates last year on 30 August that you had decided by that date to not extend the term of office of the industrial relations chief commissioner, Peter Kite, SC. Will you indicate when did you, as Minister, form the view that you would not extend his term of office? I know he is at the statutory retirement age, but there is a power in the legislation to appoint him for an extra period of time; you chose not to.

The Hon. DON HARWIN: Obviously it was prior to that date, but I just do not recall when it was.

The Hon. ADAM SEARLE: Did you have a direct conversation with the chief commissioner about those matters?

The Hon. DON HARWIN: No.

The Hon. ADAM SEARLE: In your answer recently in the Parliament you indicated that an advertisement was placed in October seeking expressions of interest. Will you tell us where that was published and how often the advertisement appeared?

The Hon. DON HARWIN: I would have to get the secretary to answer that.

Mr REARDON: I am happy to take specifics on notice in terms of where we advertise for the role.

The Hon. ADAM SEARLE: And how often?

Mr REARDON: I am happy to take that on notice as well because we have various distribution channels, whether it is the Jobs for NSW website, which is probably now the single largest source of people applying, but the nature of the roles—and I apologise, Mr Searle, I have undertaken a fair bit of recruitment in the recent past, so I will have to take the specifics of what we did for this role on notice—a normal recruitment was run, we had an external recruitment agency run the process and myself and my deputy secretary, Kate Foy, were involved in the recruitment.

The Hon. ADAM SEARLE: Who was the recruitment agency that handled the matter?

Mr REARDON: I even have to take that on notice. I have just been doing a lot of recruiting lately. I can furnish it to you, but I do not recall.

The Hon. ADAM SEARLE: The Minister has indicated to Parliament that following the expressions of interest [EOI] process a number of candidates were identified for interview. Can anyone tell us how many people were interviewed?

Mr REARDON: I will not provide that to you now. I will determine what I can provide to you firstly. I can assure you we interviewed multiple people, but I will only provide you with what I can in terms of a recruitment process—the confidentiality of people may have been involved.

The Hon. ADAM SEARLE: I am not going to go into anything that is confidential, but in relation to the recruitment firm can you tell us what expertise that firm has in industrial relations and, in particular, the practice of industrial relations in New South Wales?

Mr REARDON: I will take it on notice. In terms of a recruitment, there was a standard recruitment process throughout. Myself and Ms Foy got underway with that as quickly as we could so we could do it in an appropriate way, but certainly we wanted to make sure that we tested the market and had the recruitment firm do exactly that. We do rely on external recruiters to test the market appropriately. That was certainly done to the extent that we were advised of who was on long lists and short lists and we just followed the standard steps of a long list and a short list.

The Hon. ADAM SEARLE: Sure, but you would accept, would you not, that, depending on what you are recruiting for, some expertise in the relevant field would be useful?

Mr REARDON: There is a range of expertise in those senior recruitment agencies, whether it is across construction, whether it is infrastructure, whether it is industrial relations and a whole range of other areas.

Ms FOY: I am sorry, I do not have the name off the top of my head but I can say that that was the company that did the recruitment of the previous chief commissioner.

The Hon. ADAM SEARLE: I understand. In terms of the short list and the long list, you said you will take on notice how many people were interviewed.

Ms FOY: Yes.

The Hon. ADAM SEARLE: Who conducted the interviews?

Mr REARDON: The panel was myself as chair of that panel and Ms Foy. Again, I apologise because I have been in a lot of rooms doing a lot of recruitment. I can provide what I can in terms of other information on it.

The Hon. ADAM SEARLE: Minister, given that you knew when the chief commissioner's term of office expired and you obviously knew that you were not going to extend the term of office of the incumbent chief commissioner, why has it taken you five months to make a substantive appointment? Why did the recruitment process not get underway earlier so you could have a seamless transition last December or early in the new year?

The Hon. DON HARWIN: I will have to take that on notice. I thought we proceeded pretty much as soon as I had made that determination. But I will check to see if there was anything that intervened.

The Hon. ADAM SEARLE: Just for your assistance, you confirmed to Parliament on 30 August that you were not going to extend Mr Kite's term.

The Hon. DON HARWIN: Correct, yes.

The Hon. ADAM SEARLE: As far as I am aware, the position had not changed—nothing had changed in terms of the statute or its powers or responsibilities. The ad did not go out until October; you have only made the appointment a week or so ago.

The Hon. DON HARWIN: The ad went out when?

The Hon. ADAM SEARLE: In October.

The Hon. DON HARWIN: I will check the date in October—

The Hon. ADAM SEARLE: I do not see why it would take you six weeks to get an ad placed.

The Hon. NATALIE WARD: While this is fascinating, the appointment has been made.

The Hon. DON HARWIN: I am happy to look into that, but I do not think there was any particular reason; it is just the wheels sometimes move slowly.

The Hon. ADAM SEARLE: Just more dither? More delay?

The Hon. DON HARWIN: I would not say it was that at all.

The Hon. ADAM SEARLE: So you have now got a chief commissioner and there are three other full-time commissioners and I think you have got a 0.4 of a full-time equivalent [FTE] commissioner in Newcastle—that is Commissioner Stanton. Will you now proceed to fill the vacancy arising from the appointment of Chief Commissioner Constant?

The Hon. DON HARWIN: I will take that on notice.

The Hon. ADAM SEARLE: Apart from Commissioner Murphy, in the last nine years in terms of new appointments to the commission, your Government, or the Government that you are now a part of, has not appointed any person whose substantial practice or experience was in representing workers or unions. Is that something that you are likely to address in future appointments?

The Hon. DON HARWIN: I will take that question on notice too.

The Hon. ADAM SEARLE: Minister, the gender pay gap in the public sector has widened since we last had one of these budget estimates hearings—it has doubled. Last year it was \$950; it is now more than \$2,000. Last year I think the Secretary of the Department of Premier and Cabinet said his role in tackling this was to sign more contracts with more senior female leaders of the public sector. Can you explain why there has been the doubling of the gender pay gap in the most recent *Workforce Profile Report* and also the *State of the NSW Public Sector Report*?

The Hon. DON HARWIN: I have seen some advice on this recently. I do not recall all the details, so the more appropriate thing for me to do would be to ask the Acting Public Service Commissioner to answer it, but my recollection is that it is because of the settlement of one large award which applies to a number of staff. But I might be wrong, so I will ask the Acting Public Service Commissioner to respond.

Mr JOHNSTON: The pay gap has been reduced from approximately \$4,000 several years ago down to a point where it was in the \$200s and then it has been a little bit volatile the past two years. But this is about averages and where you see a change to the middle you see some movement that is not necessarily indicative of the broader story around gender equality. Work on giving visibility to senior executives salaries to try and address that at a level where there is more ability to write that is underway and actually making a difference to reduce the pay gap. But because we are talking about 408,000 people, if the middle male versus the middle female of that very, very large cohort changes slightly, you can see a movement that tells us a story but not the story of the whole. Gender equality for the commission and working with the secretary's board is critical, and part of that is removing a gap, but it is about how you make decisions and where you make decisions and you need to look a lot deeper under the dollar amount that we present to understand what is happening.

Mr REARDON: Mr Searle, my points to you last year were about top down—so from the very senior executive levels. That continues to be the case. When we have the opportunity to make a decision on entering into a contract with an employer at that senior level, clearly it is top of mind to completely close the pay gap.

The Hon. ADAM SEARLE: I think in the *Workforce Profile Report* the indications are that the causes of the blowout in the pay gap were driven by the appointment of more women at lower pay. Can you expand on that?

Mr JOHNSTON: When we are talking about averages it means how does the distribution of remuneration for men and women change? For last year—I will provide a more detailed response on notice—the number of men at lower levels changed as well, which created a point where there were less men at that point, which shifted the average remuneration higher. The jump—I would say this year it could fall back to a similar amount to what it was last year. It is a really unpredictable measure of equality and it depends more in terms of the movements, particularly at the bottom ends and the numbers of people that we have got working for the sector in certain roles.

The Hon. DON HARWIN: Chair, given that we are now in crossbench time, I need to take a short break. Perhaps we might pause the clock there and give the crossbench a chance to come back.

The CHAIR: That is fine.

(Short adjournment)

The CHAIR: During the break we have had a formal request that one of the witnesses has to leave. In discussions with the Committee, leave has been granted for her to do that. For the record, Maude Page, thank you for your time today. You are excused.

(Ms Page withdrew.)

The Hon. DON HARWIN: And Dr Brand?

The CHAIR: If that is a request that is being made.

The Hon. WALT SECORD: I have no objection.

The CHAIR: Yes, thank you for your time, you are excused.

(Dr Brand withdrew.)

The Hon. WALT SECORD: I return to the Powerhouse Museum. I have obtained documents under freedom of information. I am referring to the 19 July 2019 meeting. My colleague David Shoebridge touched on this. Ms Havilah, it says here that Ms Havilah is to brief trustee Darren Steinberg on the market sounding documents for the Ultimo site prior to their release. Why did that occur?

Ms HAVILAH: The action?

The Hon. WALT SECORD: Yes, the action to brief trustee Darren Steinberg. Why was that recommendation or that decision of the board taken, to brief a single member?

Ms HAVILAH: That was a direction that was given by the trust.

The Hon. WALT SECORD: Were you at that meeting?

Ms HAVILAH: Yes, I was, yes.

The Hon. WALT SECORD: What happened? Why did they give a direction to you to brief a particular member of the board?

Ms HAVILAH: The Government through the development of the Ultimo business case is keeping the trust updated, as I do in my role as chief executive of the museum. So the direction was given in the context of that.

The Hon. WALT SECORD: Mr Steinberg is no longer on the board, is that correct?

Ms HAVILAH: That is correct. He resigned in August 2019.

The Hon. WALT SECORD: He was appointed April 2018, is that correct?

Ms HAVILAH: I would have to take that on notice, but yes, that is my understanding.

The Hon. WALT SECORD: Why did he resign? Was he removed or did he personally resign?

Ms HAVILAH: He decided to resign.

The Hon. WALT SECORD: Is it correct that he is head of the Dexus group?

Ms HAVILAH: That is my understanding, yes.

The Hon. WALT SECORD: Dexus is a property development body, is that correct?

Ms HAVILAH: That is correct.

The Hon. WALT SECORD: I take you back to that 19 July 2019 meeting where you resolved to brief him, single him out as a board member on the market sounding documents for the Ultimo site prior to their release. That is a direct quote from the minutes I have tabled under freedom of information. Why did a property developer, one of the largest property developing bodies—why were you asked to give a personal private briefing?

Ms HAVILAH: That is a matter for the trust, because it was an action—

The Hon. WALT SECORD: But you attended that meeting. There was discussion in that meeting. Do you not think it is extraordinary that they would single out a property developer, one of the largest property developers, to get a briefing on "market sounding documents for the Ultimo site"?

Ms HAVILAH: I can take that on notice.

The Hon. WALT SECORD: You were at that meeting. Why would you need to take that on notice?

The Hon. NATALIE WARD: With respect, the witness is entitled to take a question on notice if the witness elects to.

The Hon. ADAM SEARLE: He is also entitled to ask follow-up questions.

The Hon. NATALIE WARD: Absolutely, I am not quibbling with that, but she is entitled to take the question on notice and she has indicated that she would.

The CHAIR: She has and the follow-up question is in order.

The Hon. WALT SECORD: She is entitled to take it on notice.

The CHAIR: The follow-up question is in order.

The Hon. WALT SECORD: But she attended that meeting and it is recorded in the minutes. If I was the CEO of a body and I was told to give a personal briefing, a market sounding, I would remember why. Why were you asked to do that?

The Hon. NATALIE WARD: She may wish to give an accurate answer.

Ms HAVILAH: Well, I can make an assumption that that is Darren Steinberg's area of expertise and that he could give advice to the trust in relation to the business case.

The Hon. WALT SECORD: Do you think that it is appropriate that—

The Hon. DON HARWIN: If I might answer at this stage. First of all, we know that no such briefing was given and that within a matter of weeks Mr Steinberg decided that he would not stay on the trust. That is the relevant information that the Committee needs to be aware of.

The Hon. WALT SECORD: Minister, did you appoint Mr Steinberg?

The Hon. DON HARWIN: Yes, I did.

The Hon. WALT SECORD: Did you have concerns that there may be a conflict of interest in his activity in being on the MAAS?

The Hon. DON HARWIN: I took the view that all of the trusts—I take the view, I should say, it was not past tense—that having on the trust people who have relevant expertise in terms of property and construction is a good thing when they are facing major developments. I note, for instance, that Kylie Rampa, who is a senior executive with Lendlease sits on the Opera House Trust board and I would also note that Andrew Roberts has—

The Hon. WALT SECORD: But does she seek private personal briefings on projects?

The Hon. DON HARWIN: I am sorry—

The Hon. WALT SECORD: I am reading from the minutes here.

The Hon. DON HARWIN: I do not think in respect of the way you phrased that question that you are reflecting what is in the minutes.

The Hon. WALT SECORD: I am going to read it to assist.

The Hon. DON HARWIN: Please do, because I do not have them in front of me.

The Hon. WALT SECORD: I am going to read it to assist.

The Hon. DON HARWIN: And I would be happy to have you assist.

The Hon. WALT SECORD: Item number 8, "Action: Lisa Havilah to brief trustee Darren Steinberg on the market sounding documents for the Ultimo site prior to their release."

The Hon. DON HARWIN: I think you, in the question you just asked, said that Mr Steinberg requested it. That is not reflected in the minutes and you are in fact then asking a question, making an assumption—

The Hon. WALT SECORD: Who requested that he be briefed?

The Hon. DON HARWIN: I think that has already been asked of Ms Havilah and she has agreed to take it on notice. I was obviously not at the meeting so I am in no way able to help you in terms of who made the request or the circumstances. I think it is important that when you are asking those questions that as far as possible you reflect actually what was recorded, not twist it.

The Hon. WALT SECORD: Ms Havilah, was Mr Steinberg at that meeting?

Ms HAVILAH: Yes, he was.

The Hon. WALT SECORD: Then why would he ask for a meeting beyond what was available to other members?

The Hon. DON HARWIN: Once again, you are making an assumption that he asked for an additional meeting.

The Hon. NATALIE WARD: He didn't get the briefing; he has resigned. He has left.

The Hon. DON HARWIN: He did not get the briefing and he resigned from the trust. There is no evidence to suggest that he asked for the briefing in the document you have got in front of you.

The Hon. WALT SECORD: I acknowledge that Ms Havilah has agreed to take it on notice. So that we receive the answer to the question, I would like to know who requested that he be briefed on the market sounding on that? The appointments to the MAAS, are they made by you?

The Hon. DON HARWIN: Technically, of course, they are made by the Governor, but yes, on my recommendation.

Mr DAVID SHOEBRIDGE: She does not freelance.

The Hon. DON HARWIN: No, Her Majesty's representative takes the advice of her elected government.

The Hon. ADAM SEARLE: Minister, Mr Johnston is the Acting Public Service Commissioner and has been since October.

The Hon. DON HARWIN: Yes.

The Hon. ADAM SEARLE: What is the time frame for a substantive appointment?

The Hon. DON HARWIN: I will invite the secretary to reply to that.

Mr REARDON: Could you just repeat the question?

The Hon. ADAM SEARLE: What is the time frame for making a substantive appointment to the Public Service Commissioner role?

Mr REARDON: The Public Service Commissioner role has been through a recruitment process recently, so fairly imminent.

The Hon. ADAM SEARLE: Around the issue of contingent labour, I think, Mr Reardon, we had some discussions on at the last budget estimates. There seems to have been a significant increase in contingent labour revealed in this year's *State of the NSW Public Sector Report*. If I am reading the figures correctly, I think there has been something like a 26 per cent increase in contingent labour across the public sector. Can you explain why there has been that increase?

Mr REARDON: On the detail of that, if it is okay, I will ask the Public Service Commissioner to assist.

The Hon. ADAM SEARLE: Whoever is the relevant person.

Mr JOHNSTON: When you refer to contingent labour, can I clarify if you are including temporary staff and casual?

The Hon. ADAM SEARLE: There is a *State of the NSW Public Sector Report* that uses the term.

Mr JOHNSTON: Okay, so that definition.

The Hon. ADAM SEARLE: I think it does talk about temporary and casual, but there is also the third term "contingent". I assume contingent is through labour hire firms.

Mr JOHNSTON: Yes, in effect.

The Hon. ADAM SEARLE: Can you explain why there has been what appears to be an increase in the use of temporary employment across the whole of the New South Wales public sector?

Mr JOHNSTON: It is a complex question because the context in different settings across government, they are making decisions dependent on the work in front of them. There are a couple of points to put caveats to the data around the contingent labour, not the temporary and casual increases, which is about better information. I think we have got a better read on what the level is currently due to the implementation of the centralised system to capture this. The movements are not necessarily instructive of greater visibility of what we are doing, which is a good thing. What we have also seen, if we put it in context, is the amount of the contribution of labour to overall government spending has dropped from just 49 per cent down to about 46 per cent.

So we are doing more, and part of the reaction to that is actually trying to find capability typically for high-demand skills and for short-term employment, which is the reason why the guidelines around contingent labour encourage that being the approach. Some of their data does show that temporary, casual and contingent labour, while there is more of them, they are working less—an average three hours a week less across those three streams. So while we might have more people, the context is they are actually working in a more flexible way and thinking about the capabilities required.

The Hon. ADAM SEARLE: Sorry to interrupt, but I do not think your answer is really getting to the nub of the question. In the *Workforce Profile Report* for 2019 it talks about there being an increase in temporary employees, which are now 17 per cent of the total public sector workforce, and then a few pages later it says the contingent labour force, which is nearly 9,000 FTE, has increased by over 26 per cent and there has been an 8 per cent increase in short-term contracts. I am just asking you to explain what has driven these phenomena. You have said it is complicated, and I accept that, but I am yet to hear an answer.

Mr JOHNSTON: The detailed reason why each part of the sector is increasing their spending on this relates to the work program that they have in front of them. So to the point of giving specifics about where is the spending, that is a question for other secretaries and Ministers of other areas.

The Hon. ADAM SEARLE: Perhaps Mr Reardon is the right person to answer this as the head of the public service, because it seems from this information that the public sector generally is shifting its engagement

of workforce into more temporary, more vulnerable, more fragmented engagement rather than full-time equivalent or permanent part-time work. Can you explain why that is happening?

Mr REARDON: I can give you some broad comments on it. The workforce is changing without a doubt. People are working more flexibly; as Mr Johnston pointed out, people are job sharing a lot more in a whole range of ways—sometimes they can be on temporary contracts or permanent contracts; people are doing a lot of different things and they have permission to do so, and it actually suits their lifestyle a great deal more. But there are nine-to-five core hours, flex sheets et cetera butting up against what people's contemporary ways of working and their desires are, and that is borne out in the people engagement scores in some of the questions we ask.

The Hon. ADAM SEARLE: Sure, but most people want a reliable income, they want to know that they have got work next week, next month. Flexibility is fine, but what you have not answered is why there seems to be this shift towards insecure work—temporary, casual, contingent—rather than part-time but permanent and ongoing. You have not answered that; no-one has answered that question.

Mr JOHNSTON: I could add—

Mr REARDON: Sorry, Mr Johnston, I was part way through and I can provide Mr Johnston another opportunity. As we discussed last year as well, there are significant amounts of people who are being employed on the infrastructure program—that has grown again now to over \$90 billion over the four-year forward estimates, in a range of areas. We were discussing one of the projects just earlier, being the Powerhouse. There are very large numbers of contingent workforce on those programs because they are temporary in nature, they have surge capacity requirements. I was simply talking about more broadly a lot of other areas where people are choosing to work differently, but that coupled with the amount of the infrastructure pipeline are two probably fairly key examples. If we have more we can either provide it to you out of the State of the Sector report, but I think you have a copy in front of you.

The Hon. ADAM SEARLE: I do but it does not explain why there is this shift in the way in which the public sector is engaging people. Flexibility is great, but the issue is insecure work here. It seems to be that there has been a shift towards choosing insecure work engagements over permanent work engagements.

Mr REARDON: That is your term in terms of employment policy, and I am not going to comment on—

The Hon. ADAM SEARLE: A 26 per cent increase in contingent labour force is more insecure work. The public sector could have chosen to employ people on more permanent employment, even if that was part-time and flexible, but the public sector has chosen insecure work. Why has that been chosen?

Mr REARDON: The public sector employees are across every way that there is to employ people. There is no distinct shift one or the other; we still employ—

The Hon. ADAM SEARLE: A 26 per cent increase in contingent labour is a pretty significant change in one year.

The Hon. DON HARWIN: I think a \$90 billion infrastructure program is quite significant as well, and the idea that we would not look towards those sorts of arrangements for project staff I think probably would not be the best use.

The Hon. ADAM SEARLE: What percentage of that is related to that infrastructure project and what is for the regular business of government?

Mr REARDON: We can provide you any further detail if we can. The only other comment I would make is we do the State of the Sector report to do exactly what it says on the front cover, which is what is the state of the sector in this financial year? I think it does a good job. I think the Public Service Commission do a very good job in the scale of reporting that they do. It does lead to questions of why around policy, and that is the question you are raising. I do not have any further information to give you except for the fact that they do the report on an annual basis and it is a great snapshot of the largest workforce in the country. I do not know if Mr Johnston wants to add anything.

Mr JOHNSTON: I think the only point to add is that the full-time equivalent also increased by 6,000 FTE last. They have gone from 323,000 to 329,000.

The Hon. ADAM SEARLE: What percentage is that?

Mr JOHNSTON: It is 1.8 per cent.

The Hon. ADAM SEARLE: So a 1.8 per cent increase in permanent and direct employment, but a 26 per cent increase in contingent labour.

Mr JOHNSTON: But it is a small number. The contingent, when you look at it, it is 9,000, I think was the number you quoted.

The Hon. ADAM SEARLE: It is a trend.

Mr JOHNSTON: Yes, it is a trend, but small numbers move in a more volatile way than 330,000 people. So it was a significant increase that we have seen, the largest increase we have seen for many years, last year in full-time equivalent employment.

The Hon. ADAM SEARLE: Around a quarter of the workforce of the public sector is not permanent or ongoing. Is that not the case?

Mr DAVID SHOEBRIDGE: It would show that on those numbers over a quarter of the additional staff have been contracted on contingent labour basis, which is the trend.

Mr JOHNSTON: The data would suggest it would be something similar to that. Considering that there is growth across all parts of employment, it suggests that people are making decisions appropriate to their needs.

Mr DAVID SHOEBRIDGE: When it comes to contingent labour, can we be guaranteed that those staff have full access to paid sick leave?

Mr JOHNSTON: The employment of someone in contingent labour is with the hire firm that they are employed by. That is a question for the labour hire companies in respect of their relationship to these people.

Mr DAVID SHOEBRIDGE: Minister, you know we have got a coronavirus potential crisis coming. Epidemiologists suggest that one of the most important ways of addressing that is ensuring everybody has universal paid sick leave and they can stay at home if they are sick. What steps are you going to take to ensure that the contingent labour force can stay at home when they are sick and will not be coming to work because they have no paid sick leave?

The Hon. DON HARWIN: I invite the secretary to respond to your question, as matters relating to the workforce are specifically under consideration by secretaries at present. I will let him update you on that.

Mr REARDON: We talked about it before, so I will just give you the context of it. The response is led by NSW Health. We take NSW Health's advice on exact steps we need to take. Each cluster then has its own business continuity plans, right down to agency level. That involves their entire workforce and what they need to prepare for in respect of their entire workforce. The question you are raising is about contingent workforce and our ongoing workforce.

Mr DAVID SHOEBRIDGE: Because they often work side by side.

Mr REARDON: Of course. Yes, they do.

Mr DAVID SHOEBRIDGE: My question is: What are you doing to ensure that they have the sick leave needed so that if they get sick they will not come to work and will not be a potential agent for infection of the remaining staff?

Mr REARDON: The business continuity plans consider the entire workforce that we have, regardless of engagement; they have to consider that. Mr Johnston just indicated though that there are certain things that are the obligations of their employer, where that is the recruitment agency, et cetera and we have to work hand in glove with that.

Mr DAVID SHOEBRIDGE: Are you taking steps to understand whether or not those contingent labour staff have sufficient sick leave, because if they do not, you have got yourself a problem. Would you agree?

Mr REARDON: We are taking many steps at the moment in respect of—

Mr DAVID SHOEBRIDGE: I am asking about this specific step, not about many steps.

The Hon. NATALIE WARD: Let him answer.

Mr REARDON: Just because you speak over me quite often, I will just take it on notice.

Mr DAVID SHOEBRIDGE: We are about to go into a—

The Hon. TAYLOR MARTIN: What was that?

The CHAIR: That is not actually an appropriate answer.

The Hon. NATALIE WARD: He did not want the answer. He does not like the answer.

Mr REARDON: I do not have any more detail on it.

Mr DAVID SHOEBRIDGE: We are about to go into a potential pandemic and you are not willing to share with this Committee what steps you are taking to ensure that the growing contingent labour force in the New South Wales public sector has sufficient sick leave so that they will not become a public health issue? You are refusing to answer that question to this Committee.

The Hon. TAYLOR MARTIN: That is not what happened at all.

The Hon. NATALIE WARD: I do not think that is a fair characterisation.

Mr DAVID SHOEBRIDGE: You are taking it on notice. Is that seriously the position we are getting to?

The CHAIR: The question has been asked. Can we now have a bit of quiet so we can actually hear the answer. Mr Reardon?

The Hon. NATALIE WARD: The quiet should be coming from Mr David Shoebridge.

Mr DAVID SHOEBRIDGE: Mr Reardon?

Mr REARDON: I indicated to you that each cluster and each agency has to have business continuity plans in place. We are enacting parts of that now, but we are only doing it methodically, step by step. This will unfold. I indicated before you arrived about the NSW Health lead and the support by the State Emergency Operations Centre that actually coordinates across all of government, including employment arrangements, including every other aspect of this that you can imagine. I will take on notice your specifics and provide any advice I can furnish back to you, because I do not have any more detail right at this point in time.

Mr DAVID SHOEBRIDGE: Minister, moving onto a different issue—

The CHAIR: To be clear for the record, we are now in cross bench time.

The Hon. ADAM SEARLE: We are actually in Opposition time, just because Mr David Shoebridge was not here, you can continue, but we are in Opposition time.

Mr DAVID SHOEBRIDGE: Minister, regarding the issue of Aboriginal heritage, you would have had representations made to you about Mount Wahluu, which is Mount Panorama in Bathurst.

The Hon. DON HARWIN: Yes.

Mr DAVID SHOEBRIDGE: You would be aware that the local Aboriginal community is deeply concerned about the proposal to build a go-kart track on this sacred mountain. What have you done to meet with the community and ensure that the Aboriginal heritage of the site is protected?

The Hon. DON HARWIN: It might be best if I take this on notice. I have visited Wahluu. I might be able to give you something more. Wahluu is a significant place, as many members of the Committee would know, to the Wiradjuri. It is a sacred place that continues to have a contemporary value to the community. Mount Panorama has a very significant place in Bathurst's recreational and tourism industries and supports various activities of importance to the region, the State and the nation. Heritage NSW received a nomination to list Wahluu as an Aboriginal Place under the National Parks and Wildlife Act 1974. Heritage NSW also considered listing Wahluu on the State Heritage Register under the Heritage Act 1977.

Heritage NSW undertook consultation with the Wiradjuri community, the Bathurst Local Aboriginal Land Council and Bathurst Regional Council about the heritage listing proposal. Heritage NSW also received a request for a stop work order under the Heritage Act 1977. This request was refused by the chair of the Heritage Council of NSW on 28 July 2019 as there was no imminent threat. The Aboriginal Cultural Heritage Advisory Committee considered the Aboriginal Place proposal and diverse views of the community in August 2019, resolving not to progress a proposal at this time. Following the Aboriginal Cultural Heritage Advisory Committee's resolution, the State Heritage Register listing was also not progressed. As Special Minister of State, I have the responsibility, as you would be aware, to declare Aboriginal Places and make listings on the State Heritage Register.

Mr DAVID SHOEBRIDGE: Minister, do you agree that it is inappropriate to build a go-kart track on sacred land like Wahluu?

The Hon. DON HARWIN: I have responded in the way I have because obviously all of those matters have been taken into consideration by the Heritage Council and the Aboriginal Cultural Heritage Advisory Committee [ACHAC]. Advice has been given to me and the position is as I have described it in my previous answer.

Mr DAVID SHOEBRIDGE: Minister, you know the Wiradjuri people treat this site as sacred. It is not just sacred for Wiradjuri people, it is part of connection and s onlines that connects the whole of the State. Surely you, as Minister responsible for heritage and Aboriginal affairs, should stand up and say no to a go-kart track on Mount Wahluu and respect the views of the Wiradjuri people.

The Hon. DON HARWIN: But as heritage Minister I should also take into consideration the advice of the Heritage Council and the advice of the ACHAC in making those determinations and I have.

Mr DAVID SHOEBRIDGE: But there are other places for a go-kart track not on Mount Wahluu. It is a big continent. Why are we putting a go-kart track on a sacred mountain? It seems so utterly offensive. Why will you not step in and say no?

The Hon. BEN FRANKLIN: Point of order: The Minister is now answering the same question three times.

Mr DAVID SHOEBRIDGE: I have asked him specifically about his powers as a Minister.

The Hon. BEN FRANKLIN: The member can keep asking—

Mr DAVID SHOEBRIDGE: Why will you not step in and just say no to that?

The Hon. NATALIE WARD: The Minister has answered that.

The Hon. DON HARWIN: I will keep referring to it, as you have, to Wahluu. Other members of the Committee may not know that we are talking about Mount Panorama, next to Bathurst. All of those matters, as I said, have been taken into consideration by the Heritage Council and ACHAC. No heritage Minister unilaterally lists anything—listings always go through the relevant advisory bodies under the Heritage Act before these sorts of determinations are made.

Mr DAVID SHOEBRIDGE: Minister, is the New South Wales Government spending any funds on the colonial re-enactment of James Cook's landing—I would suggest invasion—some 250 years ago at Botany Bay? It is about funds, Minister.

The Hon. DON HARWIN: I am just checking which parts of this are relevant. Obviously, it would be wasting your time and the rest of the Committee's if I read a whole lot of things that are not relevant. The Commonwealth and New South Wales governments have committed to a \$50 million redevelopment of Captain Cook's landing site within the Kamay Botany Bay National Park. The redevelopment will include a new visitors centre, cafe and exhibition space and ferry wharves at La Perouse.

Mr DAVID SHOEBRIDGE: Minister, I do not mean to cut you off. I am aware of the general nature of the redevelopment proposal. I am asking you how much of it is going to be State money?

The Hon. DON HARWIN: I would have to take that on notice. I do not have that in the note in front of me.

The Hon. ADAM SEARLE: Minister, disability inclusion in the public sector workforce remains at an all-time low of 2.5 per cent and that is compared to, I think, 8.5 per cent of the New South Wales working population being persons with disabilities. It has fallen every year since 2012 until the last year and it is not improving. What steps is your Government taking to improve disability inclusion in the workforce?

The Hon. DON HARWIN: It is something of concern to us and that is why we have targets about where we expect it to be in the future, along with various other targets, and it is a priority. I will ask first of all the secretary if he wishes to make any comment on it, because workforce targets are a Premier's Priority and it is something that we are placing particular emphasis on and maybe, depending upon the secretary's views, the acting commissioner might like to say something as well.

Mr REARDON: Mr Searle, as the Minister pointed out, a world-class public service in New South Wales is a Premier's Priority. That involves various aspects—both our productivity and our diversity. On our diversity we have tracked two targets for the last now coming up to five years on women in leadership, Aboriginal people in leadership. The Premier specifically added people with disability to that list as well. You correctly pointed out that we are at 2.5 per cent and we have at least addressed any further decline in the last 12 months,

which is a small win, but only a small win. I indicated last year as well that this is a national issue in the public services around the country as well; we are not unique. I do not know why that is the case.

Since we saw you last year we have spent our time at the secretary's board trying to drill into exactly how we are marketing ourselves as a public service. A lot of the things I talked about before about flexibility, about time share, about doing things differently, I still think we need to get more specific in terms of how we recruit, exactly who we want. We have specific areas that we are looking to recruit in in terms of people with autism. So we are not just thinking of mobility impaired; we will think about all areas of disability. But we really need to change that around so we are marketing about the unique characteristics and capabilities that people bring to the public service.

The Hon. ADAM SEARLE: But do you have a handle on why the decline was occurring? Because without understanding that, you cannot turn it around, can you?

Mr REARDON: We are getting a better understanding of the decline. I will let Mr Johnston speak in a moment. The Premier's Implementation Unit do go down to granular detail and they are doing that now. It is the same as why we were probably only moderate in terms of Aboriginal people in leadership and then all of a sudden we have really accelerated quite a bit. The same as women in leadership—you do have to get to the moments of truth and then you have to enact. On this one we are all very passionate about turning the dial. We have still got work to go though including on what you just said in terms of actually getting to the bottom.

It is a little more complex because grouping people with disability as one category, I think, is not appropriate or fair. We have to think about everyone and what they can bring to the table because some of the people with disability, how they actually thrive in the workplace is just phenomenal to watch, but we need to give better marketing, better direction on how we actually go out and recruit people. Some of the data around insights, to your point, about knowing exactly why we were declining, I might ask Mr Johnston to make a comment on.

Mr JOHNSTON: Some of the decline relates to the parts of the government that have left New South Wales Government—so the NDIS, the devolution of disability services had an impact on the results in part. We have some evidence through the People Matter Employee Survey where people respond privately, confidentially, that there is a higher response rate to the question about disability than we do when it is shared with your organisation with your name on it. So there is some work to be done around comfort disclosure and the value of actually sharing that information. More specifically, the initiatives that we are trying to do, which get to the heart of some of the problems and experiences that people with disability are having is about targeted recruitment programs, not just one approach to every role; removing barriers to recruitment, how do we present a recruitment strategy that ensures that it is equal for all, particularly for people with disability; improving access to workplace adjustments, so the experiences that you have, you come in and—

The Hon. ADAM SEARLE: Just on that, retention seems to be probably an even bigger part of the problem rather than just recruitment.

Mr JOHNSTON: The rate of people with disability leaving the sector is higher than people without. That is in part that some people acquire disability as they get older.

The Hon. ADAM SEARLE: It is also higher than the rate of recruitment, is it not?

Mr JOHNSTON: Absolutely, that is why we have to double-down on the recruitment effort. The points I was making about targeted recruitment programs, such as the one the secretary spoke of around tailored talent to attract people with autism into specialist roles, and removing the barriers to recruitment means we can accelerate that to match the fact that people do leave at a more mature age on average and they are more likely to have a disability because they are older. We are also trying to improve the accessibility of workplaces and the systems that they use, and working through communications and training programs so people know how to best support people with disability.

The Hon. ADAM SEARLE: Is there a coherent public sector strategy around this?

Mr JOHNSTON: Yes. The strategy making a difference for something that has fallen for seven or eight years in a row means it is very, very challenging, and that is why we have got a target.

The Hon. ADAM SEARLE: Again, I am not wishing to be impolite, but I am just not hearing that anyone at the table has any insight into why it has fallen. You have given a partial explanation about the outsourcing of the disability workforce—that is part of the answer—but what has caused the rest of the exodus of people with disability from the public sector?

Mr JOHNSTON: As I mentioned, there is the element of disclosure. We have evidence now that shows that people are either less comfortable in disclosing when they join the public sector that they have a disability—we do have some challenges around when people change organisations, whether they update and maintain their information or whether they see the value in doing such, which creates a challenge where I would suspect that we are underreporting fairly significantly on the real proportion of people with disability. But we also know that their experiences, such as bullying and other areas of work, are not as positive as other people. So we need to have a strategy that addresses the recruitment, the experiences people have with work and how we can make it flexible for them to be retained longer.

The Hon. ADAM SEARLE: Minister, there have been reports today that outside of the public sector, just in the general workforce, employers are not doing their bit in terms of disability inclusion in their workforces and that there seems to be some indication of a trend of employers hiring people with disability but only for short periods of time to sort of tick a box, as it were. Is that something that your Government is concerned about or has any strategies to deal with?

The Hon. DON HARWIN: I did not see those reports but I am sure they are as you describe them to me, and that would be of great concern to me. That is something that I will certainly be wanting to talk further to the secretary and the commissioner about.

The Hon. ADAM SEARLE: Minister, in relation to the Premier's Priority on women in leadership roles in the public sector, I know it has got above 40 per cent for the first time, and that is a very good thing, but according to the state of the public sector report, to achieve the Premier's target by 2025, I think six out of every 10 senior hires would have to be female. What strategies are you putting in place to make sure the Premier's Priority is met?

The Hon. DON HARWIN: I will invite the secretary to respond to that.

Mr REARDON: Mr Searle, there is a fairly detailed amount of work that goes into that that is in action. As we have said, for people with disability, we are closer to the start line on where we need to turn that around. But for recruitment, first and foremost it is at secretary's board, pretty frequently these targets, so we all have visibility. We all have our own action plans and we are all pretty clear on what the state of the sector says about the levels of recruitment we have to undertake. Levels of recruitment, plus pay parity, plus marketing ourselves correctly on jobs are more flexible, job share, part time, full time, et cetera. We are putting a lot of activity in. But we are certainly aware that we have to bat at a certain rate to reach the 50 per cent by 2025.

The Hon. ADAM SEARLE: Minister, the Aboriginal Languages Act, I have asked you some questions in Parliament about that.

The Hon. DON HARWIN: Yes.

The Hon. ADAM SEARLE: It has not yet been proclaimed. March 2020 was the time frame, along with the appointment of board members of the Languages Trust. Last estimates you indicated that it was going to be done by the first quarter of this year. How are you tracking?

The Hon. DON HARWIN: Extremely well, you will be pleased to know. An announcement is imminent of the trust members and proclamation is also imminent.

The Hon. ADAM SEARLE: Days, weeks, months?

The Hon. DON HARWIN: Days.

The Hon. ADAM SEARLE: You cannot be more specific?

The Hon. BEN FRANKLIN: Days is pretty specific.

The Hon. ADAM SEARLE: We have been waiting for three years.

The Hon. DON HARWIN: I understand that. We gave a very clear commitment to Aboriginal communities to consult on the composition of the trust and also on the content of what would be in the draft strategic plan prior to implementation. The consultation has now taken place with the language stakeholders, with Aboriginal communities and other stakeholder organisations to meet the commitment. It was through this work that the proposal for an Aboriginal languages gathering arose, which I spoke to and it was hugely successful and invaluable to informing the priorities of the draft strategic plan. I am not sure about the protocols of when things go to executive council and when they do not. We are at a very advanced stage in respect of proclamation.

The member would be aware that I have said previously to Parliament that once the Act was proclaimed, the Aboriginal Languages Trust board has two years to develop its five-year strategic plan. To ensure that the trust has the opportunity to deliver on this important work, we have not wanted to compromise the Act by imposing a shorter time frame by proclaiming the Act significantly earlier than the trust was established. As I said, it is now a matter of days, certainly not months. I do not think it will be more than a week either.

The Hon. WALT SECORD: I take you to the Theatre Royal. Is the Government still working on a partnership with Dexus and Darren Steinberg?

The Hon. DON HARWIN: Absolutely. The Theatre Royal, as everyone knows, is one of the oldest theatres in Sydney. It opened in 1827. It closed in 2016 as part of the redevelopment of the MLC Centre that was being contemplated by, at that stage, two owners of the MLC Centre—Dexus and GPT. Since then GPT has sold their interest to Dexus, as I think you would know. Effectively, prior to the March 2019 election, I secured an exclusivity period via a heads of agreement where Dexus undertook not to proceed with the redevelopment of the Theatre Royal into an alternate use while there was a discussion with us about saving the Theatre Royal. As part of that exclusivity period, obviously we had market soundings on whether we could get a commercial operator if we decided to rent it, so that we could reopen.

In November 2019, following detailed negotiations, the Government entered into a 55-year head lease for the Theatre Royal from the building owner, Dexus. We are currently undertaking a competitive tender process to identify a suitable commercial operator to sublease and operate the theatre. The successful operator will be required to provide a financial contribution towards reopening the theatre and complete upgrades to the theatre auditorium. This will ensure that the Theatre Royal reopens and can support the live performance industry and assist in creating uplift to the New South Wales economy from the presentation of productions. It goes without saying that additional theatres, as I have previously described to the House, are needed to heighten Sydney's competitiveness in attracting first run major touring musicals and theatre productions, which are incredibly important to the New South Wales economy.

The Hon. WALT SECORD: When will the Theatre Royal reopen? Thank you for your answer but there was one sentence missing.

The Hon. DON HARWIN: The tender process is at an advanced stage. After we make an announcement about who the operator will be—

The Hon. WALT SECORD: When will that occur?

The Hon. DON HARWIN: It is at an advanced stage. It is not far off. It is relevant for me to say that the theatre-related building works on the MLC Centre have already commenced and are due to be completed by Dexus by December 2020. Fit-out works for the theatre auditorium will then be able to be commenced by the theatre operator. The reopening date of the theatre is subject to the outcomes of the current requests for tender process, but in particular, the extent of the fit-out plans proposed by the successful operator. There are a range of possible options there.

On top of the work that has to be done, the successful operator might choose to do a minimal refit. Alternatively, right through the continuum, bearing in mind it is just under 1,100 seats and that many producers say 1,500 seats is the optimal size, for business reasons they might choose to undertake a conversion to 1,500 seats. This is possible in that particular footprint, as we understand it and have been advised. That might be what the operator chooses to do. As to which it will be, I cannot say, because obviously the tender process is being done according to the usual Department of Premier and Cabinet rules about how these things are done. I am at arms-length from that.

The Hon. WALT SECORD: But Create NSW—

The Hon. DON HARWIN: I was not trying to avoid the question, I am just trying to give you a complete answer, so you have got the picture. If it is a minimalist sort of approach, then it will probably be in the first half of 2021. If it is at the major refit end of the continuum where there are 1,500 seats that are put in and associated works, then it is more likely to be at the end of 2021 or the beginning of 2022. That is the advice I have got. I cannot be more specific because it is a matter that is relevant to the tender process. It is being considered as part of the tender process.

The Hon. WALT SECORD: In one of your previous answers you made reference to a financial contribution by a successful tenderer. Since this is budget estimates, will there be a State Government contribution?

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: What is the budget for the State contribution? It is within the forward estimates.

The Hon. DON HARWIN: Look I would like to give you a full answer but it is probably best I do not given that we are in the middle of a tender process. It is relevant. You can take it as read that because we are leasing it that obviously there is a contribution, but it is best that I really not answer that question now. It is more appropriate that it be answered at the end of the tender process. I am not trying to avoid it. I would be more than happy to go into it after then but I am not going to do it while it is on foot.

The Hon. WALT SECORD: What is the status of the agreement on the Riverside Theatres at Parramatta?

The Hon. DON HARWIN: In July 2017 we announced we had reached an agreement with Parramatta council. Obviously the \$140 million agreement lays the foundation for a vibrant arts and cultural precinct in Parramatta anchored by the museum. Our view all along has been if we are giving Parramatta council \$140 million we wanted it invested in arts and culture, which is why we suggested that there be a linkage between the museum project and the Riverside Theatres project. There is a partnership for the redevelopment of the theatres and \$100 million of the \$140 million is reserved for the redevelopment, subject to a business case.

The Riverside Theatres is a key element of the enhanced arts and cultural precinct in Parramatta that we have planned. It is home to the National Theatre of Parramatta which is a theatre company that reflects the diversity of the nation on stage and, as you would know, having attended a number of productions there like me, it does a great job. A draft final business case, prepared by the New South Wales Government, was provided to Parramatta Council in December 2019 and the New South Wales Government and the City of Parramatta Council are working together to determine the next steps for options for the redevelopment of the Riverside Theatres. I think it would be fair to say that the ball is largely in Parramatta council's court at the moment. We are waiting for a response from them.

The Hon. ADAM SEARLE: Minister, on the last occasion of budget estimates Mr Jason Ardler was here for the department. In what circumstances did he leave the department?

The Hon. DON HARWIN: As I have indicated in terms of previous answers, decisions about staffing are exclusively in the jurisdiction of the secretary and I will invite the secretary to respond.

Mr REARDON: Mr Searle, in terms of the employment of the head of Aboriginal Affairs, he had been in that role for some considerable period of time. He had done some fantastic work in producing the OCHRE policy and strategy for government, and rolled out a whole range of areas for Aboriginal Affairs. I took the view in working with him that it was time for a change of leadership within Aboriginal Affairs, simply due to the fact that you need ongoing renewal in the public service. In late 2019 we reached a position where I made that change.

The Hon. ADAM SEARLE: You asked him to leave?

Mr REARDON: I made that change and we had a discussion along the lines I just indicated about the need for renewal in that area.

The Hon. ADAM SEARLE: That is the position that Ms Gordon is currently acting in, is that right?

Mr REARDON: The previous head of Aboriginal Affairs was in a role that prior to that role coming to Premier and Cabinet was graded at a level above that. We currently have that role graded at an executive director level.

The Hon. ADAM SEARLE: It has gone from being a deputy secretary level role to executive director? It has been downgraded?

Mr REARDON: Just for completeness, it went from executive director level to a deputy secretary level, back to an executive director level over the past several years.

The Hon. ADAM SEARLE: Yes, but since it has come into DPC it has now been downgraded?

Mr REARDON: Yes. I indicated to you when we put the structure of the new department and cluster together after the machinery of government 2019 on 2 April we brought together a range of teams: Employer Relations, Aboriginal Affairs, Heritage, Create NSW. Many of those roles had deputy secretaries. They are all now sitting under Deputy Secretary Kate Foy.

The Hon. ADAM SEARLE: Sonja Stewart has also ceased to be deputy secretary in the DPC. So you have gone from having two Indigenous deputy secretaries in permanent roles to none. How does that fit with the Premier's Priorities to double the number of Aboriginal leadership roles?

Mr REARDON: The number of Aboriginal people in leadership roles is almost 100 now. People will come and go from time to time, absolutely.

The Hon. ADAM SEARLE: Obviously the message sent by the Premier in her own agencies is a fairly important one. Do you agree?

Mr REARDON: The message of continual renewal in the public service is a very, very important one so are many other values of how we go about our work. Both of the people to whom you refer were longstanding public servants. Both of those people will have, I have no doubt, long careers both in the private sector and may, indeed, come back to the public service as well. That is a healthy way for the public service to run. It is to have a lot more of a permeable wall between the private sector and the public sector. Both are wished well in terms of what they do in the future, including whether they may come back to the public service.

The Hon. WALT SECORD: Minister, can you update the timetable on the Macquarie Street precinct? Can you provide a time line?

The Hon. DON HARWIN: I am happy to provide as much information as there is available at the moment. Why don't I just give the answer? Obviously Macquarie Street is one of Sydney's most important streets and contains some of the city's most iconic heritage buildings. It is the threshold between the city and its natural setting, the significant green spaces of the Domain and the Royal Botanic Gardens. In recognition of this, the Government is developing a long-term vision of the Macquarie Street East Precinct. In 2018 the Government appointed former Prime Minister Paul Keating and former Lord Mayor Lucy Turnbull to lead the development of this vision and look at ways to improve the connectivity, amenity and public usage of this historic precinct.

The focus areas of the review included: improved public access, experience and usage of State-owned sites within the precinct; improved connectivity through the precinct to the central business district, the Domain and key public sites, including wayfinding, public transport access and improved pedestrian experience; enhanced cultural facilities within the precinct; and revitalised heritage buildings within the precinct. An initial report has been received and is being considered by the Government at present. It is, as I understand it, our intention to respond to plans for the Macquarie Street East Precinct later in the year. There will not be any announcements any earlier than that. Obviously the Government is very much focussed on the bushfire crisis, drought relief and potentially the possible impact of COVID-19. They are the key priorities we have at the moment in terms of what we need to focus on. That report is being looked at in government and we are expecting that there will be more to say about that later in the year. But I cannot put any more specificity around the time line than that at present.

The Hon. WALT SECORD: You referred to enhanced cultural facilities. There has been public discussion of a "decorative arts museum"?

The Hon. DON HARWIN: Most certainly.

The Hon. WALT SECORD: Does that involve Ms Havilah?

The Hon. DON HARWIN: Well, in terms of enhanced cultural facility and the type of museum that you have mentioned, I recall, since I do these things, having read the submissions to your inquiry in the last Parliament and a number of them mentioned this. But there has been consideration of a museum for decorative arts and, of course, the Government is also planning for the Ultimo site a museum of fashion and design, which also has certain synergies. Yes, there have been suggestions that the Land Titles Office is possibly somewhere that could be, by Jennifer Sanders and when I obviously had—as you would expect I would—input into Macquarie Street East Precinct. The reviewers, Mr Keating and Ms Turnbull, also had some interest in that idea.

The Hon. WALT SECORD: You left out part of question.

The Hon. DON HARWIN: I apologise for that.

The Hon. WALT SECORD: Is Ms Havilah involved in these discussions involving the decorative arts museum?

The Hon. DON HARWIN: As I indicated, the Government is considering its position and will have more to say about it later in the year. Obviously, there has been speculation in the newspaper about it. As you would be well aware, there was discussion at the trust last year because there was a GIPAA which mentioned the fact that there had been a discussion at a trust meeting about it.

The Hon. WALT SECORD: This question is to Ms Havilah. Have you been involved in discussions on the decorative arts museum in the Macquarie Street museum?

Ms HAVILAH: We have, as you know, a very large, very important decorative arts collection. We continue to work with government to discuss opportunities of how we can showcase that collection for the benefit of the communities of New South Wales. We are looking at a range of opportunities in consultation with government.

The Hon. DON HARWIN: If—and we are a long way from reaching a decision on that—there was a decorative arts museum, as was suggested I think by Jennifer Sanders during the last term and of course by Paul Keating and Lucy Turnbull, then obviously MAAS would have to be involved.

The Hon. WALT SECORD: Ms Chair, I have lost track of who gets time now.

The CHAIR: It is now the Government's time because we are after 12.

The Hon. NATALIE WARD: Minister and members, thank you for coming. I have two quick questions in relation to the budget estimates 2019-2020 and specifically in relation to the Department of Premier and Cabinet and the appropriation for excellence in arts culture and heritage in the budget. We have heard from my colleague about the Theatre Royal, Riverside Theatre and other theatre upgrades. Will you give the Committee an update on the upgrade to the Opera House and where that is at?

The Hon. DON HARWIN: You will recall that at the 2015 State election the Premier gave a commitment that if the electricity transactions proceeded in the previous term there would be an allocation of at least \$600 million that would go to arts and culture. Three projects have received funding from that notional amount of \$600 million, being Sydney Modern, Walsh Bay and the upgrade of the Opera House—in particular the Concert Hall. The Concert Hall has closed now. It closed just after the Sydney Festival concluded at the start of February. The Concert Hall is planned to be shut for approximately two years for a major upgrade. Generally speaking, concert halls which are rectangular produce the best acoustics. The Concert Hall has always been a challenge in respect of being able to appreciate the full majesty of some composer's pieces.

There have been comments over the years that we need to do something about the Sydney Opera House's acoustics. The Opera House has engaged a whole lot of clever people who have come up with a very good design. There has been lots of consultation with users. They then came to government with a proposal. Because the Government has been able to manage the State economy as strongly as it has and because we have had the funding that was promised as part of an election commitment, we are able to proceed with a complete redesign of the acoustics of the Sydney Concert Hall. It is going to be a spectacular outcome, I am sure, for those patrons who will visit the Concert Hall in the future.

The Hon. NATALIE WARD: My second question is in relation to empowering Aboriginal communities as part of the 2019-2020 budget. My question is specifically in relation to the Brewarrina fish traps. I understand there have been some challenges there. Will you update the Committee on what has been done to fix the silting in those fish traps and ensure those Aboriginal sites are maintained and retained?

The Hon. DON HARWIN: I recall before I became Aboriginal affairs Minister I was at an Artstate conference in Bathurst. At that stage, I had not had a lot of visibility on some Aboriginal cultural heritage issues. Jonathan Jones was the guest speaker at that Artstate. He challenged everyone there to think more about the significance of those sites. The Brewarrina fish traps are an extraordinary example of Aboriginal cultural heritage. In respect of their significance, it is the oldest known example anywhere in the world of bread making next to the fish traps. It is an extraordinary site. For those who have not visited the fish traps, I would encourage you to do so. I made an effort to get there as quickly as I could after I became Aboriginal affairs Minister. I was a bit distressed to see the state they were in, which was a position shared by the council and a wide range of people in the Aboriginal community in Brewarrina.

This is an example of where I have been able to drive a few synergies as both heritage Minister and Aboriginal affairs Minister because I have had Aboriginal Affairs and Heritage working together to find some solutions on this. The silting has been, in part but not solely, a result of the drought. It was important to look for an expeditious solution while the water levels were low. I am pleased to say that the agencies did work with the local Aboriginal land council, the shire, the native title claimants and other stakeholders to get some work done before the recent rain. Just before the recent water came through they were able to drill holes to manage silt banks to better manage the traps.

It may seem small, but I can assure you that the management and preservation of the fish traps cannot be understated in respect of the importance to Aboriginal heritage and our national heritage. It is a great project that

is being driven by a community that we are supporting. I am glad it was done before the rains came through. It has been wonderful seeing the photographs in the newspapers, particularly *The Sydney Morning Herald*, about how the rains and the flow of water has brought the community alive. I see Lil Gordon smiling up the end of the table. Lil is from Brewarrina and probably understands this far better than me.

The Hon. NATALIE WARD: I did not know that.

The Hon. DON HARWIN: I should offer her the opportunity to say something as well. But in doing so I would like to congratulate you, Lil, because I know you have helped guide that project.

Ms GORDON: Thank you, Minister, and thank you for the question. Absolutely, it is dear to my heart, coming from Brewarrina. The fish traps have been and are an absolute core part of Aboriginal culture and heritage for not only Australia but also the world in their significance. The work that is being done out there is certainly long overdue. But in terms of how it is coming together, a number of groups working together to be able to bring that to the fold, has been brilliant in that element. We used to have an event called the Festival of the Fisheries, which was a long-term event for those from Brewarrina and far-reaching areas. It brought people from all over the country to that place. Yes, I do sit here smiling very proudly about that. I thank the Government for its energies in terms of being able to fix those up for people.

The Hon. WALT SECORD: That was a good Dixer.

The Hon. NATALIE WARD: I am passionate about this work.

The Hon. BEN FRANKLIN: I suggest that we stick to the original plan, which is that we have now finished Government questions so we will come back at 2 o'clock with the Minister.

The Hon. DON HARWIN: So I will be coming back?

The CHAIR: Yes. Thank you. Everyone is excused for the lunch break. We will see you all at 2.00 p.m.

(Luncheon adjournment)

The CHAIR: Welcome back everybody. We will kick things back into gear with questions from the Opposition.

The Hon. ADAM SEARLE: Minister, you are Special Minister of State and have joint administration of the electoral legislation. What is the timetable for the redistribution process for the lower House?

The Hon. DON HARWIN: Cabinet approved my nomination and the Governor and Executive Council appointed Acting Justice Arthur Emmett as the Chairman of the Electoral Districts Commission late last year. Now that the full commission is in place the timing is totally up to the Electoral Districts Commission to announce. As you would be aware, having no doubt read the relevant provisions of the electoral legislation, they have an obligation to start as soon as practical—forthwith might even be the word. I expect it should not be too much longer. You would also be aware, having read the Act in detail, that after the panel is put in place it is totally up to the panel, and the Minister has no role beyond that.

The Hon. WALT SECORD: Minister, can I ask a quick question? What is the process for deciding the number of seats to be determined as part of the redistribution?

The Hon. DON HARWIN: Parliament decides that.

The Hon. WALT SECORD: Are you aware of a National Party plan from 19 October 2019 to increase the size of the Legislative Assembly from 93 seats to 109 seats? It was in the political arena.

The Hon. DON HARWIN: I think it would be the case in every term of every Parliament that when a redistribution is due there is always speculation about whether the number of seats will change. It would be fair to say that there has been some scuttlebutt around the place about a possible change, but I am not aware of any specific plan.

The Hon. ADAM SEARLE: So your Government has no plans to increase the number of paid MPs in the lower House?

The Hon. DON HARWIN: An Act would have been in Parliament to change the number of seats before the commissioner was appointed if that was the position of the Government.

The Hon. WALT SECORD: Just to clarify, you are saying that if you were going to increase the number of seats it would have been put before the Parliament?

The Hon. DON HARWIN: I will put it a different way. It is automatically the case that the redistribution proceeds on the current number of seats, unless there is an Act to change the number of seats.

The Hon. WALT SECORD: Earlier you said it was "scuttlebutt"; it is actually direct quotations from the New South Wales National Party State Director.

The Hon. BEN FRANKLIN: Former State director.

The Hon. WALT SECORD: Former.

The Hon. DON HARWIN: Sorry, I am not aware—

The Hon. WALT SECORD: I do take your point in the answer to the previous question. I do understand.

The Hon. DON HARWIN: I have answered the question.

The Hon. WALT SECORD: You can elaborate.

The Hon. DON HARWIN: No, I do not need to.

The Hon. ADAM SEARLE: Please, be our guest—it was looking interesting. Minister, what is the status of the negotiations with the University of Sydney following its unsolicited bid to establish a campus alongside the National Heritage listed Parramatta Female Factory?

The Hon. DON HARWIN: I will have to defer that question to the secretary for a very good reason: that once unsolicited proposals are lodged, Ministers are not generally briefed—the Secretary can clarify that—on USPs, even if they are in their portfolio. I think that is the position, generally speaking, is it not? And, really, land in that area is certainly not in my portfolio, so I would have to give that to the secretary to answer.

The Hon. ADAM SEARLE: That is okay, Minister. I am happy to hear from whoever is the relevant person.

Mr REARDON: Thanks, Minister. There are ongoing discussions with the University of Sydney. They are commercial discussions, as you would imagine, in a direct discussion. As the Minister pointed out, the unsolicited proposal guidelines that we work under, and/or any other direct deal that we discuss, those matters are put to Cabinet on a regular basis and that is where they are dealt with. They are dealt with through a committee that is pulled together. Depending on whether it is a transport project or any other type of project, you bring in the relevant experts from the clusters. It is the same as we have done for a whole range of projects. For this one at Cumberland we are in discussions with the University of Sydney right now, and they continue.

The Hon. ADAM SEARLE: Is there any time frame for the conclusion of those, or is it just open ended?

Mr REARDON: I will take that on notice because we have been in some commercial discussions for some time, but I will take it on notice.

The Hon. ADAM SEARLE: Will the community be consulted about the proposal? If so, how and when?

Mr REARDON: Again, I will take that on notice.

The Hon. ADAM SEARLE: Okay. Has a heritage assessment been undertaken on the impacts of the Parramatta Light Rail on the female factory?

Mr REARDON: Sorry, can you repeat that?

The Hon. ADAM SEARLE: Has any heritage assessment been undertaken about the impact that the Parramatta Light Rail will have on the female factory?

Mr REARDON: The Parramatta Light Rail's alignment on the female factory?

The Hon. ADAM SEARLE: Yes.

Mr REARDON: I am not aware.

Ms FOY: I assume that that would be a normal part of any process. Certainly the Female Factory sits within the area of Parramatta North and there are two contiguous State Heritage Register listed items—the Noma Parker Correctional Centre and the Cumberland District Hospital.

Mr REARDON: From the other side, the Parramatta Light Rail environmental impact assessment [EIS], I would assume, has picked up adjacent land uses of course and, like any other environmental impact statement, they have to undertake flora and fauna, vegetation, heritage assessment et cetera. So it could be there and that would be on public record—that EIS—so we could furnish that for you. But I do not know beyond that.

The Hon. ADAM SEARLE: Is the path of the light rail completely finalised?

Mr REARDON: As far as I am aware, yes.

The Hon. ADAM SEARLE: Okay.

The Hon. WALT SECORD: Minister, what is the latest information on the renovations to the Australian Museum?

The Hon. DON HARWIN: That is going gangbusters.

The Hon. WALT SECORD: Gangbusters? So it is on track and on budget?

The Hon. DON HARWIN: Absolutely.

The Hon. WALT SECORD: Did it come in under budget?

The Hon. NATALIE WARD: Like the Northwest Metro.

The Hon. BEN FRANKLIN: It is not quite the same thing.

The Hon. WALT SECORD: You guys are listening.

The Hon. BEN FRANKLIN: I am listening to every word.

The Hon. DON HARWIN: Project Discover is a \$50.5 million commitment that the Government has made to the redevelopment of the Australian Museum. Combined with a \$7 million contribution from the museum in terms of their fundraising, this funding will repurpose existing storage space within the museum to create a new, flexible 1,500 square metre touring exhibition hall. Project Discover will also provide dedicated school group access, amenities and orientation space, upgraded and expanded educational facilities, a new members lounge, new retail outlets and food service amenities. My advice is that it will come in on budget and on time. I have not had any suggestions to the contrary.

The Hon. WALT SECORD: Is there a construction completion date and an opening date?

The Hon. DON HARWIN: I will have a look for that for you. First of all, Tutankhamen opens in February 2021, but it is not the first exhibition. In fact, it is opening much earlier and the construction contract anticipates that works will be completed in early September 2020, although we have to bear in mind that there are possible contingencies that may cause it to go longer if there is unexpected weather or something like that. But September 2020 is when we expect it.

The Hon. WALT SECORD: Earlier I asked Mr Reardon and Ms Foy about staffing at Create NSW. Who is carrying out the duties that used to be carried out by Craig Limkin at Create Infrastructure? Who is responsible for those duties?

Ms FOY: I am happy to take that question. Annette Pitman has been appointed as the Head of Create Infrastructure.

The Hon. WALT SECORD: Are her duties similar to the duties of Mr Limkin or have they changed or evolved?

Ms FOY: There is always a process of evolving when we bring in an agency under a machinery-of-government change. As part of my due diligence, I ensure that we have got the right responsibilities allocated, that project governance is fit for purpose for all of the program, but largely the duties are similar to those performed by Mr Limkin, yes.

The Hon. WALT SECORD: Is it on the same level as Mr Limkin?

Ms FOY: Yes, it is.

The Hon. WALT SECORD: Ms Blondin, have there been any changes to policies involving projections onto the Opera House?

Ms BLONDIN: No, there have not.

The Hon. WALT SECORD: What was the last enterprise or project or projection onto the Opera House?

Ms BLONDIN: I will have to take that on notice. We had Lunar New Year in February but I will have to check if there have been any since that time.

The Hon. WALT SECORD: Do you know what the next one will be?

Ms BLONDIN: Yes, the next one will be—the sails will be green for St Patrick's Day in March.

The Hon. WALT SECORD: Is there any cost or payment involved with that?

Ms BLONDIN: No, there is not.¹

The Hon. WALT SECORD: Who determines what is projected onto the Opera House?

Ms BLONDIN: The Sydney Opera House Trust determines what is projected.

The Hon. WALT SECORD: Are you aware of the number of requests, approvals and rejections made to the Opera House in the last financial year?

Ms BLONDIN: I will have to take that on notice.

The Hon. ADAM SEARLE: Minister, will your Government support a nomination for the Parramatta Female Factory to be added to the existing UNESCO Australian Convict Sites [ACS] listing? What is your attitude to that proposal?

The Hon. DON HARWIN: On 28 November 2019 I wrote to the secretary, Mr Reardon, to inquire about opportunities for the New South Wales Government to recommend the property for World Heritage listing. There are two potential pathways open to consider progressing World Heritage protection of the site. The first pathway is a standalone item on the World Heritage List. To be included on the World Heritage List an item must be of outstanding universal value and meet at least one out of 10 selection criteria. While only the Australian Government can nominate Australian places for entry onto the list, it would obviously be important for the State Government to propose the nomination—in fact, not only important but also incumbent on the State Government—and prepare the paperwork.

A second pathway would be to include the site as part of the serial listing of Australian Convict Sites. This would most likely be achieved through a boundary modification of an existing World Heritage site. To be successful, we would need to demonstrate what contribution the Parramatta Female Factory would make to the outstanding universal value of the site that is not currently demonstrated through the property. The State Government would also need the agreement of other State and Territory governments that have items included in the serial listing because you would be aware that there are a number of sites listed on that ACS listing. I am awaiting the advice of the department regarding the proposals about the current listings pipeline, the viability of the listings proposal, the likelihood of success and time frames. Upon receipt of the advice, I will give the matter further consideration about next steps.

It would be well known that I am a person who has a particular interest in the Parramatta Female Factory for a number of reasons. I have visited it extensively—in fact, even before I was the Minister. Most recently I visited there with members of the New South Wales and Australian Capital Territory Stolen Generations survivors association. The southern part of the heritage core—in fact, the old Parramatta Girls Home—was a place where women who had been stolen were taken. I visited in the company of Aunt Matilda House. She showed me the part of Keller House where she was—whatever word you want to use, but where she lived, where her bed was. She told me her bed number. It was a very emotional visit. The actual remnant buildings of the second Parramatta Female Factory—there are only a small number remaining, surrounded by buildings that were built much later as part of the Parramatta asylum proposal. So it is qualitatively different from other sites on the ACS listing, but nevertheless highly significant. Of course, I also have a personal connection because my great-great-great-great-grandmother Mary Wilson was at the Parramatta Female Factory. So I take a very close interest.

The Hon. ADAM SEARLE: You are very sympathetic to the idea?

¹ In [correspondence](#) to the committee received 5 May 2020, Ms Kya Blondin, Executive Director, People and Government, Sydney Opera House, provided clarification to her evidence.

The Hon. DON HARWIN: I keep an eye on what is going on. I will just put it that way.

The Hon. WALT SECORD: Mr Johnston, you would be familiar with the controversy recently surrounding the engagement of Mr Brad Burden to Transport for NSW. You and I have had correspondence involving his appointment. There was mention in the correspondence that a review would eventuate from that. What is the current status of these contracts that Mr Burden and a number of other people are on?

Mr JOHNSTON: The nature of the review is Transport for NSW commencing a review into their practices around procurement of labour. The terms of reference of that have been confirmed and they are progressing with that and have kept myself and my role connected with the intent of that and will continue as it progresses.

The Hon. WALT SECORD: Are you aware of the number of similar contracts that are underway or in place in the public service at the moment? I think they are called SCM 007 contingent workforce contracts.

Mr JOHNSTON: I would have to take that on notice to come up with the number.

The Hon. WALT SECORD: If you could take that on notice, because I asked quite a lengthy 12-part question on notice and I got a simple answer referring me to financial statements and the annual report. I seek leave from the Committee to have Mr Johnston actually answer the question, rather than simply referring me to non-existent reports, so I can get a thorough answer to all my questions.

The Hon. BEN FRANKLIN: Point of order: Witnesses are entitled to answer questions—

The Hon. WALT SECORD: I could just read the—

The Hon. BEN FRANKLIN: Could I make my point of order, please? My contention is that witnesses are entitled to answer their questions in any way that they would like. If the Hon. Walt Secord would like to ask questions, of course the witness can answer. If he would like to put further questions on the *Notice Paper*, then he can do that too.

The Hon. WALT SECORD: Or I could simply read this entire question into *Hansard* and ask them to take it on notice.

The Hon. BEN FRANKLIN: Entirely up to you.

Mr DAVID SHOEBRIDGE: To the point of order: Perhaps one way forward is to table that, and then we can get an answer to the tabled document.

The CHAIR: Both of those things are fine. It is correct that the witness is entitled to answer how he wishes to answer.

The Hon. WALT SECORD: I would like to table this as part of the proceedings and then get an answer to every one of my questions that were blocked.

Mr JOHNSTON: It is relevant that the Public Service Commissioner does not maintain this information. There is sharing of information across the public sector.

The Hon. WALT SECORD: I think you would be able to find this information.

Mr JOHNSTON: Potentially.

The Hon. BEN FRANKLIN: He may need to take it on notice.

Mr JOHNSTON: That is why I need to take this on notice.

The Hon. WALT SECORD: Thank you. Minister Harwin, you would be familiar with plans and calls in the community for banning property developers and real estate agents on local councils.

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: As Special Minister of State, what is your response to property developers and real estate agents being allowed to be on local councils and to run for local councils? What is your response to that?

The Hon. NATALIE WARD: How is this relevant to budget estimates?

The CHAIR: Can we please hear from the Minister?

The Hon. NATALIE WARD: How is this in any way relevant to budget estimates?

The Hon. WALT SECORD: I have been doing budget estimates for 11 years. This is clearly in order.

The Hon. NATALIE WARD: You have said that three times.

The Hon. WALT SECORD: I know you are a new member, but I have been doing this for 11 years. It is within the standing orders.

The Hon. NATALIE WARD: There is no need to be rude. I am entitled to ask a question.

The CHAIR: That was not a point of order. If it had been, I would have ruled that the question is in order. We will hear the answer.

The Hon. DON HARWIN: It might have been the wrong point of order.

Mr DAVID SHOEBRIDGE: I thought it was asking an opinion.

The Hon. DON HARWIN: The fact is that, effectively, you are asking me for an opinion because I am not the responsible Minister. Those matters are dealt with in the Local Government Act as to whether a particular person can or cannot be a councillor. It is not a matter for the Special Minister of State.

The Hon. WALT SECORD: But you have carriage of this matter in the Legislative Council and you have spoken on this matter in the Legislative Council in your official Executive role. You have taken questions on this in the past.

The Hon. DON HARWIN: Yes, that is true—in the House, where the Minister is not present because she is a member of the lower House. But in the budget estimates process all lower House Ministers have made themselves available for budget estimates hearings, so therefore the question should be directed to the Minister for Local Government.

Mr DAVID SHOEBRIDGE: But we can all agree that property developers and real estate agents should not be on councils?

The Hon. WALT SECORD: Yes, they should not be.

The Hon. NATALIE WARD: An opinion.

Mr DAVID SHOEBRIDGE: That is right, is it not, Chair? We all agree on that?

The CHAIR: Just to be clear, we have moved to the crossbench.

The Hon. BEN FRANKLIN: That is clear, Madam Chair.

The Hon. ADAM SEARLE: It is very clear to me.

Mr DAVID SHOEBRIDGE: I will consider it a unanimous resolution of the Committee to get rid of those property developers and real estate agents. To Ms Gordon, I know you answered some questions about your personal connections—in fact, your connection to country—around Brewarrina and the fish traps there. My question is to Ms Gordon and to the Minister. Minister, the fish traps were given national listing in 2005, I think. I could be wrong but I think it was 2005. Would you be willing to sit down and work with traditional owners to see if you can progress UNESCO World Heritage listing for the fish traps?

The Hon. DON HARWIN: I have no in-principle reason to say no to that. I would be very happy to sit down and discuss that. To tell you the truth, I do not have a detailed knowledge of the UNESCO process, but I think it would probably be appropriate so I would be very happy to do that not just with traditional owners but also with all of the Brewarrina community.

Mr DAVID SHOEBRIDGE: The process requires State support. When I say State support, it requires national support.

The Hon. DON HARWIN: In terms of UNESCO, if you are talking about World Heritage listing, I was in error. I certainly know what the World Heritage listing process is. Yes, it does require the involvement of the State Government and it is certainly something worth considering. I am not sure if you were here just before lunch when I answered a question on the Brewarrina fish traps. I am well aware of its significance. It is a highly significant site and there is a very strong case for World Heritage listing.

Mr DAVID SHOEBRIDGE: I appreciate that answer. I know that a number of members of Ngemba community and others have raised the issue. Do I take that as a willingness to meet with them and hear their representations?

The Hon. DON HARWIN: Absolutely.

Mr DAVID SHOEBRIDGE: In the next few months?

The Hon. DON HARWIN: But you should be aware that I have actually met with the Ngemba several times already and also with the Brewarrina land council and the mayor, all to do with the fish traps. In fact, before lunch I gave an answer on everything that both Heritage and Aboriginal Affairs are already doing on the Brewarrina fish traps—working very well with all of the relevant stakeholders.

The Hon. BEN FRANKLIN: The Hon. Walt Secord complimented you on it, if I remember correctly, Minister.

Mr DAVID SHOEBRIDGE: I had a report of what transpired. The Hon. Walt Secord congratulating you was not included in the report that I had.

The Hon. WALT SECORD: I congratulated the bureaucrat.

Mr DAVID SHOEBRIDGE: That is what I thought. Lastly on this, before I move to another matter, I think we would both agree that UNESCO World Heritage listing would not only be extraordinarily beneficial for the traditional owners and for the protection of the site but would also potentially provide very substantial economic benefits for the entire region if it became a destination.

The Hon. DON HARWIN: Yes. We can both agree that it is very much worth looking at and seeing if it can be pursued.

Mr DAVID SHOEBRIDGE: Ms Gordon, I do not know if you had anything further to add.

Ms GORDON: Nothing further to add other than what the Minister has already mentioned. A number of workshops have occurred out there that have included all of those members, including the Ngiyampaa peoples, including the land council, including the council. It has been a really positive aspect as far as groups coming together for that element.

Mr DAVID SHOEBRIDGE: Minister, do I take it that your office, and through your office Aboriginal Affairs, would be willing to provide some kind of structural assistance to see that project through if it had the support of the traditional owners, the council and the other bodies?

The Hon. DON HARWIN: Absolutely.

Mr DAVID SHOEBRIDGE: Minister, last year you made a very positive statement acknowledging the fact that there is scope for better representation of First Nations peoples when it comes to public displays and monuments acknowledging our nation's history. Apart from what we have seen in Gundagai, which is the last place I can recall a statue of a First Nations person being constructed since we last spoke about this, can you point to any other statues?

The Hon. DON HARWIN: I will take that question on notice and get a proper response.

Mr DAVID SHOEBRIDGE: Do you accept that this should be something that we prioritise—a far fairer balance of our nation's history—given the disproportionate lack of representation of First Nations peoples in our statues in Sydney, given non-Aboriginal people have been here for 250 years and Aboriginal people have been here for at least 60,000 years before that and 250 years.

The Hon. DON HARWIN: John Balance made a very good point to me. He said the State Library has a statue of Matthew Flinders but it does not have a statue of Bungaree.

The Hon. WALT SECORD: Who is that?

The Hon. DON HARWIN: The Aboriginal man who accompanied Matthew Flinders on his incredible voyage. His point is well made and I share his, and therefore also your, sentiments. I am sure most people, if not all, would agree with you.

Mr DAVID SHOEBRIDGE: Bungaree obviously did more than accompany; he was the reason that succeeded, because it was his ability to negotiate and talk to and communicate.

The Hon. DON HARWIN: Yes. I did not want to take up all of your time by going into his contribution.

Mr DAVID SHOEBRIDGE: When will we see a statue of Bungaree?

The Hon. DON HARWIN: I will ask John.

Mr DAVID SHOEBRIDGE: I know metro land council have indicated it wants to be involved with this. Will you arrange to meet with metro land council to progress this?

The Hon. DON HARWIN: I see metro land council all the time and I will be very happy to raise it with them the next time I see them in respect of their possible involvement. I would be surprised if John Balance was not already doing that, but I will check with him.

Mr DAVID SHOEBRIDGE: Can we look forward to a large budget allocation for statues needs going forward?

The Hon. DON HARWIN: No, I am afraid not.

Mr DAVID SHOEBRIDGE: Mr Reardon, it is almost certain we are going to go into a very tough economic six to 12 months following the bushfires, and now with the coronavirus. Given the impact that New South Wales public sector spending has upon the economy in New South Wales, are you aware of any moves to revisit the wage cap so as increased wages in the public sector can be part of responding to that economic crisis?

The Hon. NATALIE WARD: Is that a question for the Treasurer?

Mr REARDON: That is a question for the Treasurer and the Treasury secretary. The only comment I make is wages policy is set and there is nothing in front of me at the moment to change that.

Mr DAVID SHOEBRIDGE: There is no part of that wages policy that you can point me to that responds to that macro-economic environment and sees increases in wages as being a response to softening the macro-economic environment?

Mr REARDON: Sorry, I just missed one important part of that because of a cough.

Mr DAVID SHOEBRIDGE: Can you point to any part of that wages policy that has wages respond to those macro-economic shocks in the economy that sees public sector wages being bumped up as a way of countering those macro-economic shocks? Is there any part of the policy that has that kind of feedback?

Mr REARDON: I think the policy that has been in place for a good number of years, a wages policy set at 2.5 per cent, has actually been part of the process that you are talking about. I think it has been one part of the economic component of the State. The public service, as Mr Johnston pointed out, is now 408,000 strong in respect of people and a wages policy set for some time at 2.5 per cent. Way back in the early part of the decade it was fluctuating around consumer price index and for a good part of the decade has been well above CPI. It has been part of conditioning to deal with shocks.

Your point about the last six months or so, without a doubt drought, bushfires, floods and coronavirus make conditions tough. There is enough media commentary about that. The actual economic impacts I clearly discuss with my Treasury secretary colleague on a frequent basis. I think any more detail than that would be speculation from me, because he does the analysis in a lot of detail.

The Hon. ADAM SEARLE: Minister, returning to the subject of pay equity—or equal pay between men and women for doing work of equal or comparable value—in relation to the state of the public sector report, the pay gap is derived from assessing the average pay of a man and a woman. There is no interrogation in relation to grades doing equal or comparable work. Is that level of additional detail something that we might expect to see in future public sector reports so we can understand which parts of the public sector the gap is really emerging in and then get a better understanding of why?

Mr REARDON: I am not sure that I fully understand. Maybe to help, at the senior executive level for the Government Sector Employment Act when it came in earlier in the decade that was all about consistency, people having greater levels of mobility so they could actually rotate. We said during this machinery government changeover last year we have seen more movement than ever before. The Government Sector Employment Act is working at the senior executive level. Pay equity, consistency of job gradings, consistency of capability framework and the multiple components of that are there now and people use that. Recruiters who work for that use that, so we do have a level of consistency. I think your question might be for the next levels of the public service.

The Hon. ADAM SEARLE: The pay equity gap in the report, one is for the senior executive service and one is for the general public sector. I think the gap is essentially the same across both, but is there any interrogation as to where the gap might be larger than the \$2,000 and where it might be smaller—to try and understand the underlying causes?

Mr REARDON: I will let Mr Johnston go into the data.

Mr JOHNSTON: You are correct in how you define the measurement of the wage gap. We do that consistent with what the OECD advises, so we have got a point of reference to others. Internally within the commission we are interrogating to see are there patterns that emerge that show certain professions or parts of government that there might be either success or challenge in. The very simple story is that there is a lot of consistency around the wage gap, regardless of profession or dominance of gender in professions.

The Hon. ADAM SEARLE: But do we know where in the public sector the problem is greater or better? In the report it is global, and that is great. Is the problem worse in Treasury but better in Education or better in Communities?

Mr JOHNSTON: It in part depends on what work is being done there. The differences are fairly similar across the sector. It is more related to the make-up of each workforce. What we see is in, say, information and communication technology [ICT] roles there is a wage gap, but there is also a wage gap in human resources roles where the difference between men and women employing in those areas is different. What our strategy to that point is thinking more macro across the sector about how can we influence and share information about how decisions are being made, which was to the secretary's point. If you know what the impact of a decision is on the gender pay gap, you might make a different decision, otherwise treating every decision on its oscillation.

The Hon. ADAM SEARLE: I am just wondering whether anyone at the table knows what the gap is across the different clusters. Is it just a flat \$2,000 everywhere?

Mr JOHNSTON: No, it is not.

Mr REARDON: We will take it on notice. I understand the question you are asking, whether it was nurses, whether it was police, teachers, any other category.

The Hon. ADAM SEARLE: I just want to know.

Mr REARDON: We do not have that information in front of us.

The Hon. ADAM SEARLE: There have been three equal pay cases under the New South Wales legislation. The most recent one was resolved on 1 November last year involving non-teaching, non-general assistants in the public school system. Congratulations to the parties, the union and the Government for sorting that out. The decision of the full bench said in paragraph 41, and I think this is worth repeating:

A question arises as to whether there might be a need for legislative and/or bureaucratic solutions to ensure that all Pay Equity Cases that should be, are brought before the Commission.

That was in the context of such cases being very resource intensive and noting that the only applicants hitherto have been trade unions. What is the Government's policy response to that observation by the full bench of the commission? Or is it yet to be considered?

The Hon. DON HARWIN: It would be fair to say that that is yet to be considered.

The Hon. ADAM SEARLE: Now that I have raised it with you, you will consider it and get back to me?

The Hon. DON HARWIN: I will take the question on notice.

The Hon. WALT SECORD: Minister, I have a few questions about the Walsh Bay redevelopment. What is the cost at now? I understand that a year and a half ago it was \$129 million, then \$245 million. What is it as of today?

The Hon. DON HARWIN: The Walsh Bay Arts Precinct is a key priority in the Rebuilding NSW State Infrastructure Strategy. I referred to it earlier in response to a question that was asked of me by the Hon. Natalie Ward. It will double the arts and cultural offering at Walsh Bay. This is a project that was first initiated during the Carr Government, Wharf 4/5. In fact, my maiden speech was on Walsh Bay back in 1999. Wharf 4/5 went ahead of course, but 2/3 has been languishing. It is this Government that is finally bringing the project to fruition and completing it as it was originally envisaged but for a long time appeared to only be one wharf. The project's estimated cost has increased since it was first announced in 2015 due to several factors, some of which are related to the remediation of a wooden heritage structure built over water. In 2015 some \$139.6 million was committed out of the \$600 million that I mentioned earlier that was put aside from the electricity transactions. That commitment covered \$127.3 million for construction of Pier 2/3, \$10.6 million for planning and design, and \$1.7 million in recurrent funding.

This is a very important point: In late 2016 the New South Wales Government approved the integration of Sydney Theatre Company's proposed capital upgrade into the Walsh Bay Arts Precinct redevelopment. To fully

realise the vision for the precinct, the Government agreed to contribute a further, at that point, \$67.9 million to the redevelopment, which included \$30 million towards the Sydney Theatre Company's upgrades. The scope of the project then expanded at a particular point, accounting for a significant increase in cost. In April 2018 the Government approved an additional uplift of \$38 million to offset construction escalation. I should say that that was largely as a result of the delay, and the delay I have spoken about before in the House was due to the Simmer On The Bay litigation, which slowed things down and meant that the development application could not proceed when it had been originally planned. The other matter that was to be dealt with out of the uplift of \$38 million was to support the nine affected performing arts companies with the construction decant with performance venues where needed and office accommodation. That was very important as well, obviously. In October 2019 the Government approved an additional uplift of \$89.7 million—

The Hon. WALT SECORD: What are we up to now?

The Hon. DON HARWIN: Be patient.

The Hon. ADAM SEARLE: It is not his strong suit.

The Hon. WALT SECORD: The total is?

The Hon. DON HARWIN: I am going to give you a full answer, don't panic. In October 2019 the Government approved an additional uplift of \$89.7 million to provide for additional remedial works for the timber structure—again, it is a heritage timber structure, that is what you have to remember—to allow construction of Pier 2/3 and further support the Pier 2/3 performing arts companies during the remaining construction period. That brings the total estimated cost of the whole project to \$371.1 million but the net cost to the taxpayer is at \$347.8 million. So \$347.8 million is the relevant figure, which is the cost to the taxpayer. The rest of it, the \$23.6 million extra, is being contributed by the companies who are the tenants. It is the same sort of model as there is for Sydney Modern and there will be for the Powerhouse Parramatta where there is effectively a philanthropy target to cover part of the total cost.

The Hon. WALT SECORD: Do the nine companies know that they are meeting the \$23 million?

The Hon. DON HARWIN: They most certainly do.

The Hon. WALT SECORD: When were they informed of that?

The Hon. DON HARWIN: Right from the beginning. The actual amount has obviously been discussed during the process in terms of the scale of the works, but it has always been understood that the companies would make a contribution to the cost.

The Hon. WALT SECORD: So it is \$371.1 million now?

The Hon. DON HARWIN: That is the cost of the project but it is not the cost to the taxpayer, Walt. Let us be quite clear about this: The cost to the taxpayer is \$347.8 million.

The Hon. WALT SECORD: Still, that is quite a bit.

The Hon. DON HARWIN: Well, yes. But this has always been a majestic process, right from when your former employer's Government proposed it.

The Hon. BEN FRANKLIN: It is wonderful.

The Hon. DON HARWIN: It is an inherently very difficult project because it is building in heritage spaces, and even worse, heritage spaces built of wood over water. These are not easy projects to do. Some people, for example, suggested that we should replace all the wooden supports to the wharfs with concrete but that was rejected on heritage grounds. It is one of the problems you always get when you try to retrofit for any sort of use, but certainly a cultural use, in a heritage property.

The Hon. WALT SECORD: What is the new completion date now?

The Hon. DON HARWIN: First of all, we expect that the Wharf 4/5 works will be finished by the end of this year and the Wharf 2/3 works will be finished by the end of next year.

The Hon. BEN FRANKLIN: Point of order if I may, Madam Chair: I am just wondering—and I am not trying to be cute here—if we are able to give the Minister any sense of how long he might be required before he can be released, just so that he can organise his afternoon? He will have meetings and other things, I am sure.

The Hon. ADAM SEARLE: If I am not interrupted, less than an hour.

The Hon. BEN FRANKLIN: I think I have been very good, Mr Searle.

The Hon. ADAM SEARLE: Minister, the Audit Office found nearly 36,000 unprocessed land claims under the Aboriginal Land Rights Act. Can you give an indication of what your Government is doing to reduce that backlog and what is the time frame?

The Hon. DON HARWIN: The Minister for Planning and Public Spaces and the Minister for Water, Property and Housing are responsible for determining land claims lodged by Aboriginal land councils under the Aboriginal Land Rights Act. The Department of Planning, Industry and Environment is responsible for the investigation of Aboriginal land claims and makes recommendations to the responsible Ministers. As you pointed to in your question, there are approximately 37,700 undetermined land claims. As an alternative to settling land claims one by one, the Ministers responsible for land claims can instead enter into Aboriginal Land Agreements [ALAs] with Local Aboriginal land councils.

Importantly these ALAs can settle multiple land claims at the one time as part of a mutually agreed package. The Government has commenced negotiations with a number of LALCs and local councils to finalise a series of ALAs. That program, the Land Negotiation Program, has currently been suspended pending the completion of an independent review by a prominent senior counsel. I understand the review is currently under consideration by the Department of Planning, Industry, and Environment and is yet to be released. Suffice it to say that I do not think having 37,700 outstanding land claims is something that is acceptable. As Aboriginal affairs Minister I have initiated discussions about it at a ministerial level with our colleague the Hon. Melinda Pavey and she is supportive. That is one of the reasons why we have the review being done by a senior counsel. I think it is Chris Ronalds, isn't it?

Ms COURTMAN: Yes.

Ms GORDON: Yes.

The Hon. DON HARWIN: I do not think it is a problem saying who it is. Certainly at an interdepartmental level there is a lot of talk that is going on, but we do have the registrar of the Act here if you would like to hear more from the registrar—

The Hon. ADAM SEARLE: Has she got something else to add?

The Hon. DON HARWIN: —because the registrar is at the pointy end of all of this and she may well have some extra material she could add.

Ms COURTMAN: Thank you, Minister. I am happy to answer any questions that you may have in relation to the register of Aboriginal land claims which is maintained by the Office of the Registrar. I can provide statistics around the land claims over the period in which I have been registrar.

The Hon. ADAM SEARLE: You do not need to answer it now but I would not mind a breakdown of the relative age of the claims—five years, ten years. I would be happy if you take that on notice.

Ms COURTMAN: I am happy to take that question on notice because it is quite a complicated exercise. In terms of figures, as at 31 January the total number is 50,599 land claims in the State. I have figures of land claims granted by the Minister for Crown lands—3,071. We also have claims refused by the Minister for Crown lands at 8,832. In terms of incomplete, what we mean there is either undetermined or partially undetermined claims. As mentioned by the Minister earlier, currently at 31 January—I can provide more up-to-date statistics on those areas—

The Hon. ADAM SEARLE: On notice is fine.

Ms COURTMAN: There are 37,716, which is—

The Hon. DON HARWIN: I was rounding, sorry.

The Hon. ADAM SEARLE: That is alright. It's not a gotcha moment.

Ms COURTMAN: And 74.5 per cent of claims are outstanding.

The Hon. ADAM SEARLE: Thank you. Minister, or whoever might be able to answer, for the benefit of Mrs Ward, looking at Budget Paper No. 3 at page 5-7, the budget for the department—perhaps I am looking in the wrong place because I cannot see the 2019-20 budget for Aboriginal Affairs. Are you able to furnish the Committee with what the budget for Aboriginal Affairs is in total?

The Hon. DON HARWIN: I will ask the secretary to go through the detail.

The Hon. ADAM SEARLE: And while you are doing that, how does that compare to the 2018-19 budget?

Mr REARDON: We actually stated it at the last estimates hearing so I just want to make sure that we are exact in what we provide you.

Ms GORDON: Our 2019-20 State budget allocates \$47.5 million to Aboriginal Affairs to contribute towards the State outcome of empowering Aboriginal communities. In 2018-19 the budget was \$41 million. The allocation of the \$47.5 million is \$6.5 million, obviously, more than last financial year. This amount is the result of some strategic planning decisions to carry forward budget for previous years but does not reflect an ongoing increase.

The Hon. ADAM SEARLE: And is Aboriginal Affairs subject to the efficiency dividend? If so, how much?

Ms FOY: I beg your pardon?

Mr REARDON: I will respond to that. It was a question about the efficiency dividend. The cluster is subject to an efficiency dividend. How we then allocate it is a matter for myself, working with my executive. The Community Engagement group has Aboriginal Affairs within it, and has Heritage et cetera. So at the community engagement level, as in the deputy secretary's level, she has an efficiency savings target as to other areas within the agency and she allocates as she sees fit, based on priorities.

The Hon. ADAM SEARLE: And what is that efficiency target or dividend?

Mr REARDON: For the entire cluster?

The Hon. ADAM SEARLE: For that part that is coming out of Aboriginal Affairs.

Ms FOY: The efficiency dividend is largely allocated on a pro rata basis across the cluster and then I have a share of that. I will take on notice the exact number.

The Hon. ADAM SEARLE: Please do.

Ms FOY: I think it is in the order of around \$20 million.

Mr REARDON: Sorry. Just so we are clear, the entire cluster would be at that level and there would be a component of that for community engagement and a smaller component of that Aboriginal Affairs.

The Hon. ADAM SEARLE: That is okay. If you could, that would be fine.

Ms FOY: Yes. It is a smaller number.

The Hon. ADAM SEARLE: What is the status of the Aboriginal Cultural Heritage Bill?

The Hon. DON HARWIN: That is one for me. We are absolutely committed to supporting Aboriginal self-determination and improving the way Aboriginal cultural heritage is managed. In 2017-18 the Government consulted on a proposed new system for managing Aboriginal cultural heritage. A submission summary report and nearly 80 of the public submissions have been published online. There was considerable support for reforming the way Aboriginal cultural heritage is managed but a number of submissions raised issues that required further consideration. That is hardly surprising that there was considerable support because it is just completely unacceptable that is still dealt with in national parks legislation.

The machinery of government changes in 2019 mean responsibility for Aboriginal Affairs and the Aboriginal cultural heritage aspect of the Heritage portfolio have been brought together under me, and I fully intend taking advantage of the fact that it is hopefully going to be a little easier to come up with an appropriate approach. I am looking at how Aboriginal cultural heritage reforms in particular can better interface with land rights and native title legislation. It is important to consider all of these issues together. The Government is committed to finalising with Aboriginal people and other stakeholders a new model where, if possible, native titles, land rights and environmental and planning legislation interact in a less complicated and uncoordinated way.

The Government is also committed to developing Aboriginal cultural heritage by building on existing administrative structures. The important principles guiding the path forward on Aboriginal cultural heritage are: first, decision-making about Aboriginal cultural heritage should be made by traditional owners and knowledge holders at the local level; secondly, statutory integration of cultural heritage and land rights is worthwhile; and thirdly, a more succinct framework for Aboriginal cultural heritage more closely aligned to broader planning

regulations makes sense as well. It is important to do this carefully and not only just consult but co-design on these further changes.

In the meantime we are responding to issues about the current system that were raised during public consultation. In particular we are working to improve processes for consulting with Aboriginal people about proposed developments and the way Aboriginal heritage impact permits are issued. We will complete a final round of public consultation so that we can finalise our position and hopefully, as I stated at estimates last year in response to a question from Mr David Shoebridge, have legislation that is ready to introduce to Parliament this year.

The Hon. ADAM SEARLE: This year, that is good.

The Hon. DON HARWIN: Whether that is into our House or whether it is at a committee for the committee to have a look at, that is what I am working to and that is what I am pushing the department to deliver. But I would emphasise, if it is going to be done properly, it needs to be done as a process where there is co-design. If we have to let it slip to ensure we get it right and that every one of the Aboriginal stakeholders is happy with the outcome or as happy as can be about the outcome, it is not the end of the world if we do not make it by the end of the year. But it is certainly my personal preference that we make it by the end of the year.

The Hon. ADAM SEARLE: It is an aspirational target.

The Hon. DON HARWIN: It is more than an aspirational target.

The Hon. WALT SECORD: Minister, who is Dr Brian Lindsay?

The Hon. DON HARWIN: Dr Brian Lindsay is the chairman of the State Archives and Records Authority.

The Hon. WALT SECORD: That is one, yes.

The Hon. DON HARWIN: A member of the Museums and History Artform Advisory Board and recently has joined the Heritage Council.

The Hon. WALT SECORD: That is the one. Is it correct he also served as a chief of staff?

The Hon. DON HARWIN: Yes, he was chief of staff to me when I was President and he worked for me prior to that as well, but he left my employment well over three years ago.

The Hon. WALT SECORD: Those three appointments that he has, the archives, the museum and history board and the Heritage Council, were they all made by you, all those appointments?

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: What does he do on the Heritage Council?

The Hon. DON HARWIN: He has only just joined the Heritage Council but he is there because there is a skills matrix in the Act and one of the particular items is Australian and regional history. Ask your questions and I'll take the—

The Hon. WALT SECORD: I'll ask them in order and then I'll let you consult your planning notes.

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: Several weeks ago there were some questions in the Parliament about a heritage listing involving the Powerhouse Museum. Was he on the Heritage Council when that nomination was made?

The Hon. DON HARWIN: When?

The Hon. WALT SECORD: I think it was last Wednesday there was an advertisement for a nomination involving part of the Powerhouse Museum. Was he on the Heritage Council when that nomination was made?

The Hon. DON HARWIN: No, because the nomination of the Powerhouse Museum was submitted by the National Trust. I would have to check, but I think it was several years ago in fact and he certainly was not on the trust then.

The Hon. WALT SECORD: Is there anything you want to add to your answer?

The Hon. DON HARWIN: Sorry?

The Hon. WALT SECORD: Is there anything you want to add to your answer?

The Hon. DON HARWIN: No. Except that I would say in respect of Dr Lindsay and the other heritage appointments that were made at the same time, that there was an assessment panel, including the chair of the Heritage Council, which was convened by the Department of Premier and Cabinet to conduct the recruitment. The vacancies were externally advertised. There were 41 applicants in total, of which 12 applicants were interviewed. Of those, six were recommended as suitable for appointment. Applicants were assessed against the targeted statutory criteria and requirements under section 8.3 of the Heritage Act to achieve as far as reasonably practical a spread of skills, knowledge and qualifications with respect to heritage.

Further, section 8.3 (a) of the Act requires that one of the appointed members be a person who possesses qualifications, knowledge and skills related to Aboriginal heritage. Applications were also assessed against the requirements under government boards and committee guidelines. As a result of the vacancies, it was important that the successful applicants have expertise in archaeology, Australian or New South Wales history, local government, property, planning or environmental law or rural interests. Further, at least one candidate was required to possess Aboriginal heritage. Of the six candidates deemed suitable for appointment, I approved the following for appointment—Mr Paul Knight, who is a Yuin man and currently chief executive of the Illawarra Local Aboriginal Land Council. Prior to his current role, he ran a national Indigenous recruitment startup and was executive director of the Tranby Aboriginal college.

The second was Dr Nicholas Brunton, who has 28 years of experience in property planning and environmental law. He is an experienced researcher with publications on water pollution, environmental economics, land valuation and marine parks. Dr Brunton has eight years of board and leadership experience in water utilities, including his current role as a director of WaterNSW. This was a competitive recruitment and the successful applicants were drawn from a field of very impressive applicants. I have mentioned Dr Lindsay before, who has a PhD in history from the University of New South Wales. He has a strong background in historical research. He has had a number of publications. During the period that he was here working for me as chief of staff, he was responsible for curating the Anzac exhibition that you will recall we had on the Centenary of Anzac. He was also responsible for the first of them—editing all the Centenary of Anzac statements that were read in the Parliament. Subsequent to him ceasing to be my chief of staff, he wrote all of the Centenary of Anzac statements that were read in the Parliament. He is highly qualified in respect of history, both Australian and New South Wales, and is an appropriate person for that role.

Ms FOY: May I add, Minister?

The Hon. WALT SECORD: Who are the two other people? You have mentioned four so far, who are the other two appointments?

The Hon. DON HARWIN: No, I mentioned the three appointments were Dr Brunton, Mr Knight and Dr Lindsay.

The Hon. WALT SECORD: They are the new ones.

The Hon. DON HARWIN: They are the three new appointments. I think the deputy secretary has requested that she add.

Ms FOY: I convened the panel for the recruitment of the members of the Heritage Council. That was in conjunction with the head of Heritage NSW and the head of the Heritage Council. That process was advertised per a normal process. There were a large number of applicants, as the Minister set out. We conducted the interviews. As the Minister said, the six that we viewed were eligible and we strongly recommended the three that the Minister subsequently appointed. But that was certainly conducted by the department per the usual process.

The Hon. DON HARWIN: The Hon. Walt Secord earlier asked me was Dr Lindsay a member of the Heritage Council. I cannot remember the words you used. I answered and made it clear that at the time the original nomination was made that he was not a member of the Heritage Council, which is factual, but for the sake of completeness I will mention that at his first meeting there was a discussion about the Powerhouse Museum. I mention that so I am not trying to—

The Hon. WALT SECORD: No, I am aware.

The Hon. ADAM SEARLE: Minister, in her final foreword to the *State of the NSW Public Sector Report 2019* the former Public Service Commissioner, Emma Hogan, indicated that she was very concerned that bullying remains particularly high across the public sector, particularly affecting people with diagnosed mental health conditions, persons with disabilities, Aboriginal and Torres Strait Islanders and people on frontline roles.

She made the observation that changes to policy and processes will not be enough to tackle it. What policy responses does your government have to the observations of the Public Service Commission in regard to that?

The Hon. DON HARWIN: I will invite the secretary to answer that.

Mr REARDON: Since that report came out last year, we have dropped from about 29 per cent down to 18 per cent. We still say it is unacceptably high. We have gone into more deep dives in certain areas within cluster at secretary board level. That means we have looked very directly at places like sexual harassment and under-reporting of that as well. Each cluster is now putting in place even further details. In the Premier and Cabinet cluster, we are looking to have it as a far more open discussion within the cluster on exactly what forms of bullying we call out.

We all need to get to a standard of what you walk past is what you accept. I completely agree with the former public service commissioner that it will not be done—like women in leadership and Aboriginal people in leadership—through policy and guidance alone. It will require direct intervention. We are trying to do that through a whole range of areas. The Secretaries Board did join Male Champions of Change so that they could actually assist us with some specific areas, and this is one of them. As I said, in the areas of bullying and harassment, and specifically around sexual harassment, we just want to shine a light more broadly on that at the ultimate leadership level. Do we have a lot more to do? Absolutely, we do, and culturally we have a way to go in that area. I will ask the Acting Public Service Commissioner if he might want to add anything.

Mr JOHNSTON: I agree with the words of the previous commissioner and the secretary. We have a much better understanding of the level and instance of bullying because we now have 185,000 people responding to our survey. We have learned some important points about the impact on bystanders, which is significant, as well as those that are subjected to it directly, and so it is now framing strategy to lift the bystander response, to take the secretary's point about the behaviours that we walk past. These are the things that culturally start changing what is accepted in the workplace. We are working closely with SafeWork in the implementation of the Mentally Healthy Workplaces Strategy and the NSW Government Work Health and Safety Sector Plan, which requires public sector agencies to demonstrate the adoption of the principles in our Positive and Productive Workplaces guide, but that in itself does not change. So it is putting a further spotlight on the data and actually showing where successes have been made and where differences are being made, because there is evidence that where leadership is shown there is significant reduction in bullying.

The Hon. ADAM SEARLE: In terms of tackling that particular problem, what expertise are you drawing on? You mentioned SafeWork. There was an upper House inquiry a few years ago about bullying at WorkCover itself and what emerged from that inquiry, from memory, is that neither WorkCover then, or Safe Work as it is now, nor the inspectors in the Department of Trade, as it then was, had any kind of expertise in the psychosocial phenomenon around workplace bullying. It was a problem that expertise just was not to be found in the safety regulator. Again, recently, in relation to an inquiry into the terms of the Work Health and Safety Legislation Amendment Bill, my impression from the evidence from the regulator—and it is just my impression—was that a lot of their expertise seems to have been hollowed out in this respect. Where are you getting the expertise on how you tackle it and what programs you should put in place?

Mr JOHNSTON: It is a whole-of-government response, so the regulators play an important role. When we devised the Positive and Productive Workplace guide it was to try to set a position around inclusive workplaces that goes beyond bullying. Bullying is an outcome of poor behaviour where we are not being productive and positive. To that end, this is giving it visibility at the Secretaries Board, as the secretary spoke of, where there is accountability to higher levels of bullying and trying to create a further evidence base. For instance, in this year's People Matter survey it is intended to ask why people are not reporting, so we can build a question, because the further we look into this it asks for more things, and then it is about working out what is the strategy to make a difference. I agree that we need to make sure that we have the right capabilities to have input on the right point because we have plateaued for three years and further effort beyond guidelines is actually what is needed.

The Hon. ADAM SEARLE: Perhaps this is a question to Mr Reardon as the head of the public service. Who is the Work Health and Safety regulator now? When SafeWork, as an organisation, does not exist anymore, the Work Health and Safety Act says SafeWork is the Secretary of the Department of Finance, which does not exist anymore. Is it now the Secretary of Customer Service that we should regard as SafeWork NSW?

Mr REARDON: Yes, that is my understanding. If I need to give you any more precise detail, I will do that, but it is within that cluster.

The Hon. ADAM SEARLE: Yes, thank you. Since Mr Ardler left the Department of Premier and Cabinet, is it Ms Gordon who is now charged with the most senior bureaucratic role, fulfilling that policy co-ordination role for Aboriginal Affairs in New South Wales?

The Hon. DON HARWIN: Yes, she is acting in that position in terms of other—sorry. The answer is, yes, she is acting in that position.

The Hon. ADAM SEARLE: So it is Ms Gordon, Ms Foy and Mr Reardon, in that sort of reverse order, in terms of who is in charge of the policy direction, other than yourself, as Minister?

The Hon. DON HARWIN: Correct.

The Hon. ADAM SEARLE: The annual Closing the Gap report was released recently and the reports were pretty ordinary. New South Wales was the only State that did not meet a single target outcome for reading and numeracy across primary and high school. Can you tell us why that is and what is being done about it?

The Hon. DON HARWIN: As I think you would know, Closing the Gap is the local State, Territory and Commonwealth governments working together with Aboriginal and Torres Strait Islander communities and organisations to achieve better life outcomes for Aboriginal and Torres Strait Islander people. Aboriginal Affairs NSW within the DPC is the lead agency on the Closing the Gap refresh. This work is being done in partnership with the NSW Coalition of Aboriginal Peak Organisations. In December 2018 the Council of Australian Governments agreed to work in partnership with Aboriginal and Torres Strait Islanders on the Closing the Gap refresh. The Council of Australian Governments also agreed to 15 draft targets across the seven priority areas identified at a special gathering of Indigenous leaders in February 2018.

Drawing on lessons learned over the previous 10 years, the Closing the Gap refresh is moving away from deficit-based thinking towards collaboration and shared responsibility. In February 2019 the Coalition of Aboriginal and Torres Strait Islander Peak Organisations invited COAG members to establish a partnership agreement to give effect to the commitment to collaboration. The partnership agreement seeks to embed Aboriginal and Torres Strait Islander people's voices in the Closing the Gap refresh. I am pleased to say that our State is a signatory to this partnership agreement. A new Closing the Gap reform agreement will be negotiated between COAG and the Coalition of Peaks through this partnership agreement. The Closing the Gap refresh creates opportunities to positively influence and align the Closing the Gap framework with the approach we have taken under our OCHRE reforms.

Through October and December 2019 the Coalition of Peaks led engagements through New South Wales so that Aboriginal organisations could contribute to the next phase of Closing the Gap and open the gap to shared decision-making on Closing the Gap over the next 10 years. The feedback from these engagements strongly endorsed three priority reforms to accelerate better life outcomes for Aboriginal and Torres Strait Islander people. They are: first, formal partnerships between governments and Aboriginal and Torres Strait Islander peoples on closing the gaps; secondly, growing Aboriginal and Torres Strait Islander community controlled services; and, thirdly, improving mainstream service delivery to Aboriginal and Torres Strait Islander peoples. Following the consultations, the Coalition of Peaks submitted a fourth priority regarding community-led data.

The New South Wales Government, through local decision-making and the community-led evaluation of its OCHRE approach, has a strong track record of working in genuine partnership with Aboriginal organisations, particularly through the NCARA alliances and, importantly, the Aboriginal peak organisations. I expect to bring forward a renegotiated Closing the Gap framework for consideration by Government later in the year. Those particular priorities I have highlighted from feedback and the comments I made earlier about thinking about the process in a different way are directly what you are seeking in terms of the question you asked.

The Hon. ADAM SEARLE: Would you give the same response, then, to the question around early childhood education benchmarks? The national benchmark is 95 per cent. I think the national average is a bit over 86 per cent, but New South Wales was below 76 per cent. Again, why did we fall below the national average and what are we doing about it?

The Hon. DON HARWIN: I will see if the deputy secretary or the secretary want to add anything on that. Otherwise, I will take the question on notice.

Ms FOY: No.

The Hon. DON HARWIN: We will take the question on notice and get back to you with a more detailed response.

The Hon. ADAM SEARLE: Perhaps you could also turn your mind to the gap that remains in employment outcomes and life expectancy. We are not on track to meet either of those benchmarks.

The Hon. DON HARWIN: We shall do so.

The Hon. ADAM SEARLE: School attendance rates for Aboriginal students have fallen in New South Wales consecutively from 2014 to 2019.

The Hon. DON HARWIN: I would add, just on that point, that there is a Premier's Priority that we have set down in terms of HSC attainment. We consider that to be very important. All of them are important, but that is one that the Premier has nominated as a particular priority that she wants emphasis given to.

The Hon. ADAM SEARLE: Just on that, South Australia, Western Australia and the Territories are on track to meet the year 12 high school attainment target, but New South Wales is not. Could take on notice why we have not met the target and what we are doing about it?

The Hon. DON HARWIN: Thank you.

The Hon. ADAM SEARLE: Australian Bureau of Statistics data indicates retention rates for Aboriginal students in New South Wales has fallen in the year to 2019. Again, what are the drivers of that and how are we going to meet that?

The Hon. DON HARWIN: We will check on that for you and take that on notice as well.

The Hon. ADAM SEARLE: There may be other questions in this space, but given the pattern that we have established I might put some of those on notice. Mr Langford, the Director North West Precinct of the Roads and Maritime Service, told a parliamentary committee in 2018 that Windsor Bridge was subject to critical structural failings, including significant concern that a major flood would cause the bridge to fail. Recently the bridge has withstood another flood and has withstood over 80 floods during its 147 years and continues to have 23,000 vehicles travel over it regularly. Is your Government going to revisit its decision to demolish the bridge?

The Hon. DON HARWIN: Any decision in that respect would be a matter for the Minister for Transport and Roads. I encourage the Opposition to raise it in Transport budget estimates.

The Hon. ADAM SEARLE: We will do that. Have you been invited to meet with the Defenders of Thompson Square?

The Hon. DON HARWIN: Invited by whom?

The Hon. ADAM SEARLE: Presumably by the Defenders of Thompson Square.

The Hon. DON HARWIN: Have they written to me seeking an appointment?

The Hon. ADAM SEARLE: I imagine they have. I believe they have.

The Hon. DON HARWIN: I would be pretty sure that I have been written to seeking a meeting, but we will take that on notice and check.

The Hon. ADAM SEARLE: If you have, will you meet with them?

The Hon. DON HARWIN: I will say this: The existing Windsor Bridge was built in 1874. At 140 years of age, it is no longer available for meeting road network and safety needs. It cannot be retained because this would increase upstream flood levels and risk damage to the new bridge. The original bridge is not listed on the State Heritage Register. Therefore I am not sure that there is a lot that would be able to be productively discussed with me. I could not give a guarantee. There are lots of stakeholders across my portfolios that seek access. I invite them to write again if they were not happy. I do not recall if I did get the invitation, but if they have written before and I said no then I invite them to write again.

The Hon. ADAM SEARLE: I will be sure to pass the message on.

The Hon. DON HARWIN: I cannot promise that the answer will be different.

The Hon. WALT SECORD: Minister, what is the latest on the Sydney Modern, and is it joining the queue of cost blowouts?

The Hon. DON HARWIN: Okay, let's just bell this cat right at the beginning. Is this joining the list of—what did you say?

The Hon. WALT SECORD: Cost blowouts.

The Hon. DON HARWIN: In the Arts portfolio, we have dealt with Walsh Bay.

The Hon. WALT SECORD: Yes—\$371.1 million.

The Hon. DON HARWIN: You are already—even after only a matter of half an hour—misleading people.

The Hon. WALT SECORD: The release has already gone out.

The Hon. DON HARWIN: I made it quite clear that it was \$347.8 million, which is the taxpayer contribution. It all comes with the territory; I know that. I expect you to go out and distort the truth, as you have been for years on the Powerhouse Museum. That is all right; we have got another three years of it to go. There is no project within the Arts portfolio—other than Walsh Bay, which we have talked about—which is not on budget. There is none. Sydney Modern is proceeding on budget. To use a phrase I used earlier in the day, it is going gangbusters. It looks really good. I am excited.

The Hon. ADAM SEARLE: Did you say it was busted?

The Hon. DON HARWIN: The new state-of-the-art building is going to double the space of the gallery. It is a great design—more opportunity to put more of our great collection, particularly the Aboriginal art, on display. I am so grateful to all of those people who supported the project: \$100 million of philanthropy. It is extraordinary.

The Hon. BEN FRANKLIN: Let alone the oil tank, which is awesome too.

The Hon. WALT SECORD: Thank you for reassuring us, Minister.

The Hon. DON HARWIN: It is a pleasure.

The Hon. WALT SECORD: Regional arts—what is the definition of an application that is successful under the Country Arts Support Program [CASP]?

The Hon. DON HARWIN: CASP is a devolved funding—actually, I do not know if it would be fair to say it is. I think it is a devolved funding program that is operated by the Regional Arts Development Organisations [RADOs].

The Hon. WALT SECORD: What do you mean by "devolved"? Meaning that it is free of political interference?

The Hon. DON HARWIN: All of the arts grants are free of political interference. All of the grants from the Arts portfolio, nevertheless, are recommendations from the relevant body that makes those recommendations to me. I make the final decision and then they are awarded, because I am the one who comes here and you can ask me questions about it. That is the way it works and it is the way it has always worked in the Arts portfolio. The CASP funding—from memory, it is the RADOs that make the decisions. I might have to take that on notice.

The Hon. WALT SECORD: Ben, maybe you can assist—not that you would be involved in the selection of any of the programs.

The Hon. DON HARWIN: Ben probably could answer this. With a lot of the devolved funding programs, others make the decisions and I sign the letters. I am pretty sure it is the same for CASP as well, but I will see if I can check that and get the answer for you before the end of the hearing. There are staff members in the room who can do that, but I am pretty sure that is how that one works as well.

The Hon. WALT SECORD: What is the definition of "country" as a geographical area for the CASP?

The Hon. DON HARWIN: I probably will have to take this on notice to check all of the details. The RADOs have defined areas of operations, as you would be aware. You know what I mean when I say RADO. Obviously, all of their areas of operation are considered to be country. I have in mind also that we take applications from other areas because the RADOs do not cover all of what would be considered regional under, for example, the definition of "regions" used for the Regional Growth Fund. For example, Nowra does not have a RADO covering it and yet Nowra, upon anyone's reckoning, is country. Therefore, I am pretty sure regional arts have a process for covering those areas like Nowra that are not covered by a RADO. I will take that on notice and get you a response on that. If there is a specific matter that you would like me to follow up, please ask the question and we will do the same.

The Hon. WALT SECORD: The Regional Cultural Fund, does it still exist?

The Hon. DON HARWIN: Put it this way, there was a \$100 million allocation to it over a four-year period that was made in the 2017 budget. The money has been allocated in two rounds. Both of the rounds were in 2018. One opened in 2017, the second opened in 2018. Some 136 projects across the State have been funded across 64 local government areas. The money has been completely allocated and it is being spent over a four-year period. The money is allocated and Create NSW is administering the grants to the 136 projects. In that respect it certainly continues to exist.

The Hon. WALT SECORD: Minister, are there any vacancies on the Art Gallery of New South Wales board?

The Hon. DON HARWIN: I will double-check that for you. I do have that answer.

The Hon. WALT SECORD: I think there is one vacancy.

The Hon. DON HARWIN: I do not know that that is right. I will double-check that for you. No, we have a full quota.

The Hon. WALT SECORD: You have a full quota?

The Hon. DON HARWIN: Yes.

The Hon. WALT SECORD: One last question: Are you familiar of the campaign in local government on public libraries and their push to secure long-term funding for New South Wales public libraries? What is your response to their calls and particularly their president, Deputy Mayor of Wagga Wagga, Dallas Tout?

The Hon. DON HARWIN: I admire them for their vigilance, I do. Libraries are important and it is a good thing that the Public Library Association is campaigning hard on what funding levels should be after 2023. Library funding is locked in until 2023 and we are providing a record \$60 million additional funding for public libraries in that period, which is the largest single injection of new money into the library systems since the Library Act was passed in 1939. I am intensely proud of what this Government is doing on library funding. The library sector is overjoyed with the new funding that it has got from this Government.

They are seeking commitments for what we will do in the next parliamentary term with library funding. Great, keep up the good work, guys, but it is going to be a little bit of time before we start considering what our budget commitments should be beyond the forward estimates. We are literally now talking almost, other than one year, beyond the forward estimates. At the appropriate time, the Government will make a decision on that issue but, given our track record, given the fact that we have had the largest single injection of funds into the library sector since the passage of the Act in 1939, the library sector can be very optimistic about what it can expect from a re-elected Berejiklian Government after 2023.

The Hon. ADAM SEARLE: Minister, did you say that the Windsor Bridge was not on the State Heritage Register?

The Hon. DON HARWIN: Yes I did. I said the original bridge is not listed on the State Heritage Register but it is listed on the Heritage and Conservation Register of the former Roads and Maritime Services organisation. That is obviously quite a different status to a State Heritage listing.

The Hon. ADAM SEARLE: Are we talking about the right thing? I am looking at the website environment.nsw.gov.au, Hawkesbury River Bridge, otherwise known as Windsor Bridge, RTA Bridge No.415.

The Hon. DON HARWIN: Yes, that is right. Roads and Maritime Services Heritage and Conservation Register.

The Hon. ADAM SEARLE: So that one is on the register?

The Hon. DON HARWIN: The register that the Roads and Traffic Authority has, yes. But just because it is on that register does not mean it is going to be retained.

The Hon. ADAM SEARLE: I am just asking to explore that.

The Hon. DON HARWIN: That is quite a complex issue.

The Hon. ADAM SEARLE: Can you just elaborate on that one?

The Hon. DON HARWIN: Because there are a lot of those bridges. Anyway, that is a whole separate area that you are best advised taking up at Transport budget estimates.

The Hon. ADAM SEARLE: Okay, I might come back to that.

The Hon. DON HARWIN: That is a matter for them. The actual bridge is not State Heritage listed under the Heritage Act, which is a different matter.

The Hon. ADAM SEARLE: Which company undertook the heritage report into Willow Grove and the other Heritage-listed buildings soon to be demolished to make way for the relocated MAAS to Parramatta? Was it the company Advisian?

The Hon. DON HARWIN: Could you just repeat the question so that I can be sure?

The Hon. ADAM SEARLE: Which company undertook for heritage report into Willow Grove and St George's Terrace.

The Hon. DON HARWIN: The report that would have been prepared as part of the business case work?

The Hon. ADAM SEARLE: Yes. I want to know if it is Advisian.

The Hon. DON HARWIN: We will have to take that on notice and get back to you.

The Hon. ADAM SEARLE: I will wait and see what that says when you come back. What is the status of recommendations into the OCHRE review report of the Ombudsman?

The Hon. DON HARWIN: They are being considered.

The Hon. ADAM SEARLE: What is the time frame?

The Hon. DON HARWIN: Basically the main thrust of the Deputy Ombudsman's report is that Aboriginal Affairs needs to step up and act like a central agency and help drive outcomes. I am completely and totally sympathetic to that aspiration. In terms of a formal response and a refresh of the OCHRE policy, in terms of a full formal response, it will be still a little while until we get to make public that response.

The Hon. ADAM SEARLE: Minister, how often do you meet with the Acting Head of Aboriginal Affairs?

The Hon. DON HARWIN: Sorry?

The Hon. ADAM SEARLE: How often do you meet with Ms Gordon on Aboriginal Affairs?

The Hon. DON HARWIN: I have the delight of having Lil's company every Monday.

The Hon. ADAM SEARLE: Every Monday?

The Hon. WALT SECORD: She looks forward to it too.

The Hon. BEN FRANKLIN: She is very happy about that.

The Hon. NATALIE WARD: She loves Mondays too.

The Hon. DON HARWIN: And often more than once a week.

The Hon. ADAM SEARLE: Fair enough. I do have a bunch of other questions. I can direct them to you Minister, but if Government members want to release you—

The Hon. DON HARWIN: I can stay a bit longer.

The Hon. WALT SECORD: The agreement was at the half-hour. If you want to be released, Minister, we will release you.

The Hon. DON HARWIN: Righto. Thank you. I just want to make it clear that I could stay here a bit longer if you needed me.

The Hon. WALT SECORD: I understand. We have kept you much longer than we said we would.

The Hon. ADAM SEARLE: The questions I have can probably be capably dealt with by Mr Reardon.

The Hon. DON HARWIN: Good. Thank you.

The CHAIR: Thank you, Minister. You are excused from this hearing this afternoon. We will continue with the other witnesses.

(The Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts withdrew.)

(Short adjournment)

The Hon. ADAM SEARLE: Mr Reardon, how much is the Government spending on GovConnect?

Mr REARDON: GovConnect, for other members, is the Information and Communication Technology program that covers a lot of our corporate areas and our human resources areas as an ICT project across Premier and Cabinet, across NSW Treasury and across the Customer Service cluster. So there are three clusters together; that is a good pooling of resource. I am assuming you are not talking about the build. You are talking about recurrent costs to actually run it now. Is that the question?

The Hon. ADAM SEARLE: Yes. I will come to the build as well.

Mr REARDON: That is fine. I will take it on notice because I do not have the details in front of me.

The Hon. ADAM SEARLE: That is okay. How much is the build? I would like to know that.

Mr REARDON: The build was some time ago—before my time as well—so you are going back quite a way there.

The Hon. ADAM SEARLE: Sure. But just to be clear, it is a private concern that provides services to those clusters you have mentioned?

Mr REARDON: It is an outsourced provision of ICT for those services.

The Hon. ADAM SEARLE: It is a private company. It is not owned by the Government in any way.

Mr REARDON: Which is not uncommon across the board.

The Hon. ADAM SEARLE: I am not being critical. I am just wanting to make sure I have understood this correctly. Similar bodies are engaged by—

Mr REARDON: Sorry, more than one company as well. So it is not just one.

The Hon. ADAM SEARLE: GovConnect is more correctly referred to as a program, is it?

Mr REARDON: There is a program of work that it does in terms of the services it provides.

The Hon. ADAM SEARLE: So it is like IT help desk? It does some payroll stuff as well, does it?

Mr REARDON: Yes, but there is more than one service provider delivering those services.

The Hon. ADAM SEARLE: I am happy for you to take this on notice but I would like to know who the relevant service providers are, exactly what services are provided to which cluster and what the recurrent costs are to each cluster by year that it has been engaged. Is it true that it charges about \$6,500 per staff member to log on? Is that a correct figure?

Mr REARDON: You are pointing to a matter of detail that I do not have. I cannot acknowledge the number because I do not—

The Hon. ADAM SEARLE: I am happy for you to take that on notice. That is something I would like to know.

Mr REARDON: Sure. I will respond as best I can. I do not know where the coining of that "per staff member" is from, so I will bring it back to you as best I can in language that we would talk about in terms of delivery of the service.

The Hon. ADAM SEARLE: Yes. We can always do a supplementary hearing around it. Also, whether it charges or there is a charge per staff member to make an inquiry. I have been told it could be \$50 or \$100 every time a staff member rings GovConnect to sort out an issue. There is an additional charge. I would like to know whether that is correct and, if so, what it is.

Mr REARDON: When you finish your questions I just want to respond with a few things, just for a bit of clarification.

The Hon. ADAM SEARLE: Sure. On GovConnect, what level of customer satisfaction have you investigated from across the clusters? Have you got any feedback about whether staff of the clusters are satisfied with the level of service that GovConnect has been providing? What have the different clusters done in response to that feedback?

Mr REARDON: GovConnect as a program across those three clusters was initiated by the former Finance, Services and Innovation cluster. That has rolled through to the Customer Service cluster now. They take the lead with the contractor. So the Premier and Cabinet cluster and Treasury work with the Customer Service cluster, but the Customer Service cluster takes the lead as the client representing all of us. There is governance in place on that. There are three secretaries directly engaged in that, in more recent times. We without doubt have had many ICT projects. There are always areas where it needs to improve.

In terms of customer feedback I will get you what I can in terms of some of that detail. Because of the short-term, temporal nature of ICT services, we are always looking for continuous improvement in those back end processes. We are always looking for new ways of doing things, whether that is cloud or whether that is incremental improvement. Suffice to say, across those three clusters it is a good thing to have back end across three clusters like that for sharing of corporate ICT—that we get that right. We are fairly determined to get that right, but we are looking at that right at the moment.

One last thing. The amount of information I would have on build personally is probably fairly scant, but the form of blueprinting that was done for user specification, et cetera, and the sizing of that is something that we are looking at again now. The movement in the clusters—the numbers that you would have out of the state of the sector report—in terms of the amount of people in the Customer Service cluster I think it is about 7,000 people. In Premier and Cabinet there is about 4,000 people and less again in Treasury, but significant.

The amount of smaller agencies or areas that have moved in and out of those clusters just with machinery of government last year means the ICT services were one of about five areas of focus—people, budget, ICT, accommodation—that we have to get better at. The contemporary nature of government means that these things do move around. What you do not want and you often get is arguments still going on four years later about small components of budget and ICT et cetera. We want it to be far more generic in terms of how we might move things around. As I say, having three clusters with a similar back end is in principle inherently a good thing. How we have actually delivered on it, we have got some improvement to do.

The Hon. ADAM SEARLE: Just to my last question on GovConnect specifically, can you indicate how long you are contractually obliged to maintain that service provider or that group of service providers?

Mr REARDON: I have a broad idea but I want to make sure I get that accurate, so I will take it on notice.

The Hon. ADAM SEARLE: Absolutely. Take it on notice, please.

The Hon. WALT SECORD: I have a question for Ms Gordon. You are probably familiar with the case in January 2016 involving a Wiradjuri woman, Ms Naomi Williams, who died at Tumut hospital. Are you familiar with the case?

Ms GORDON: Not completely familiar but ask your question, by all means.

The Hon. WALT SECORD: She died of septicæmia at the hospital and there was a scathing Coroner's report about it. She was 27 years old and I think she repeatedly appeared at the hospital. The Coroner at the time, Harriet Grahame, expressed views that she had concerns about the healthcare provided to Indigenous people. I want to know if there have been any changes in the processes and protocols that have come out of that tragic case.

Ms GORDON: I will have to take that on notice, absolutely, and provide you with that information.

The Hon. WALT SECORD: Ms Havilah, how much has been spent so far on the Powerhouse Museum move? What is the current expenditure so far?

Ms HAVILAH: I would have to take that detail on notice.

The Hon. WALT SECORD: When you take that on notice, can you also provide to me how much has been spent on consultants on the move from Ultimo to Parramatta, how many consultants have been employed, what those consultants were working on, and the current projected cost of the Powerhouse Museum?

Ms HAVILAH: Yes. I can take that on notice.

Mr REARDON: Mr Secord, just for clarity, that is in relation to the move?

The Hon. WALT SECORD: To the move and associated costs. Ms Havilah, how many metres of exhibition space will be at the Powerhouse Museum site at Parramatta?

Ms HAVILAH: There will be 18,000 square metres of public and exhibition space.

The Hon. WALT SECORD: What is the difference between public and exhibition space? Is there a distinction between the two?

Ms HAVILAH: We are still working through the design process, but there will be a minimum of 15,000 square metres of exhibition space but that is being refined as we go through that process.

The Hon. WALT SECORD: How many square metres of exhibition space are at the Powerhouse Museum at Ultimo at the moment?

Ms HAVILAH: There are 15,000 square metres.

The Hon. WALT SECORD: So, 15,000 at the Ultimo site?

Ms HAVILAH: Yes.

The Hon. WALT SECORD: You are looking at 15,000—

Ms HAVILAH: No, there will be 18,000. There is 15,000 of public and exhibition space at Ultimo, 15,073. In Parramatta there will be 18,000 of public and exhibition space.

The Hon. WALT SECORD: What is the distinction between public and exhibition space? What is the distinction between those two categories?

Ms HAVILAH: In Ultimo the public and exhibition spaces are circulation spaces, are integrated into the exhibition space. That causes a whole range of operational issues because it is hard to change exhibitions, which has been one of the major constraints in Ultimo in respect of being able to deliver a changing program. Because of that, some of our exhibitions have been on display for 30 years. One of the key principles that we are looking at in Parramatta that we have embedded into the design is large-scale, flexible exhibition spaces so we can have a changing program, so we can engage communities through a very dynamic changing program. One of the reasons why the engagement with our programs has dropped off so much is that people sometimes only come three times in a lifetime, because they might come as a child, then as a parent, then as a grandparent. What we are really working hard to achieve in Parramatta is a program where people might come twice a week, five times a year. We have a very high visitation target for the year of opening of two million people and we are working hard to ensure we can embed a dynamic program into this design.

Ms FOY: Mr Secord, I think what Ms Havilah is saying is that all the commitments that have been made with respect to the spaces available at the Powerhouse at Parramatta—all public commitments will be met with this design.

The Hon. WALT SECORD: When you say visitation target, you mean more shoes through the door?

Ms HAVILAH: Exactly, yes.

The Hon. WALT SECORD: I understand. Will there be a farmers' market at the Parramatta site? I saw that in the material.

Ms HAVILAH: You would have seen that in the stage two brief. One of the things that we included in that brief is the ambition to have a whole range of programs, not only exhibition programs, to engage communities on a whole range of different levels. One of the key planks of that is our agricultural and food science. One of the spaces within the museum will be a kitchen where we will be able to engage young people, students, industry, with a food program. That may extend to markets and other major events because one of our other ambitions is to be able to hold large-scale events for up to 10,000 people across the public domain and across the museum. We see that as a really critical thing in respect of engaging young people, diverse communities, and young people with science and culture more broadly.

The Hon. WALT SECORD: What is going to go under the stilts, because it is going to be elevated 7.5 metres you said. Will the farmers' markets be under there? What will be under the museum, under the stilted part? Will it just be air? What will be under there?

Ms FOY: I think we need to correct that. What I was talking about earlier in evidence was the water levels. I certainly did not suggest that there would be an elevation of the building of 7.5 metres from the ground level. I will hand to Ms Havilah to answer in more detail on the design.

The Hon. WALT SECORD: There has been much public discussion about it being elevated. What is going to be in the elevated part? Will it just be air? What is actually going to happen in the elevated part?

Ms HAVILAH: We are working very closely with our delivery partner, Infrastructure NSW and Create NSW and the design team, which includes Moreau Kusunoki and Genton and a team of consultants through Arup to look at the next stage of the design, which is stage three, which I think the Minister took you through those stages earlier. Part of that process is looking at how the design of the museum will support its operations. The ground plain will connect into presentation space one, there will be concierge space, there will be food and beverage retail, as there is in all great museums. We want people to have a great experience over a long period of time. That ground plain is above the one in 100 year flood level. I think the thing to understand—and I am not the right technical person to explain it to you—but the slope from the beginning, from Phillip Street, it is a 2.5 hectare slope that starts at Phillip Street and goes to the Parramatta River. It will be sloping through the Civic Link but it is not a very significant drop-off because of the length of distance between Phillip Street and the Parramatta River. I can take that on notice in respect of giving you more detail about that.

The Hon. WALT SECORD: Will you take me through this so I have it clear in my mind so there is no misunderstanding: When will the Ultimo site close its doors to the public?

Ms HAVILAH: We begin a staged closure on 30 June this year.

The Hon. WALT SECORD: On 30 June this year?

Ms HAVILAH: Yes.

The Hon. WALT SECORD: So the doors will shut?

Ms HAVILAH: Not wholly, we will close the Heritage Court of the Ultimo site and we will keep open the Wran 1988 edition of the museum and we will continue to operate a program during that time. Then we will have a full closure of the museum on 30 June 2021.

The Hon. WALT SECORD: When will demolition or construction activity begin, or will that begin between 30 June 2020 and 30 June 2021?

Ms HAVILAH: Are you talking about Ultimo?

The Hon. WALT SECORD: Yes.

Ms HAVILAH: There is a business case that is going to government for consideration.

The Hon. WALT SECORD: Another business case?

Ms HAVILAH: Regarding the future of the Ultimo site and there have been no decisions made around that at this time.

The Hon. WALT SECORD: When will the business case be presented to government?

Ms FOY: The business case is being prepared by Create NSW. Consistent with our comments at previous estimates, we are working on that business case to present to government shortly. We are running to time on that. The process of the business case is through a normal government process which includes a review process, an assurance review process that is conducted. We are looking, as we have stated in previous estimates, at a range of activities on that particular site, including creative industries, a museum presence, a theatre presence and other development. With respect to the heritage issues, they would be an input into the business case and design work that is done. But that will go through the normal government process.

The Hon. WALT SECORD: Last week there was an advertisement from the Government in the Wednesday edition of *The Sydney Morning Herald* and *The Daily Telegraph*.

Ms FOY: Yes, correct.

The Hon. WALT SECORD: It was for a heritage order on an aspect of the site.

Ms FOY: Yes, correct.

The Hon. WALT SECORD: Just for clarity, what aspect are you trying to protect?

Ms FOY: There are different parts of the site which would have different values. As I understand it, the engine house, turbine hall, boiler house, switch house, which form part of the LEP 2012 heritage listing for the Powerhouse Museum—

The Hon. WALT SECORD: That is State significant, is it not?

Ms FOY: I beg your pardon?

The Hon. WALT SECORD: Will it be State significant?

Ms FOY: They are at the back end of the site. I might have to take the specifics on notice. But yes, there was the advertisement last week.

The Hon. ADAM SEARLE: Mr Reardon, I was asking you some questions about GovConnect. If I was to ask some questions about whole of government ICT spend, is that best directed to you as head of the public service or is it to Customer Service?

Mr REARDON: I will tell you the process, but I think it will be better directed at Customer Service, but I will tell you why. Similar to Infrastructure NSW, who puts the investor assurance process in place for all major projects, physical major projects and infrastructure, it monitors quite literally hundreds of projects. We put the same process in post the machinery of government changes for the Customer Service cluster to have that same oversight of digital and ICT. So any major project of an ICT nature or a digital nature goes through that same process with the Customer Service cluster. They provide the assurance, they prioritise and give recommendations on funding as well.

The Hon. ADAM SEARLE: I might take you up on that one.

Mr REARDON: Is there anything specific that you wanted around that? That was broad, about how the process works.

The Hon. ADAM SEARLE: I think I will make a start there, otherwise I will come back to you.

Mr REARDON: Okay.

The Hon. ADAM SEARLE: Last budget estimates we had a conversation about flexible work. I note in the most recent state of the public sector report that flexible work is up from 60.4 per cent in 2018 to 62.5 per cent. We had a discussion about where that was documented and I think you were saying it is not just at agency level but at branch level and you did not really have a lot of centralised visibility of that.

Mr REARDON: And you concurred that we would not create red tape for the sake of it.

The Hon. ADAM SEARLE: Not for the sake of it, but I have since discovered that there are things called flexible work agreements which are in place, which are documented, which already document how many staff are subject to flexible work agreements, so I would like to know, across the public sector—by cluster or by agency, however you keep the records—how many employees are subject to flexible work agreements.

Mr REARDON: Yes.

Mr JOHNSTON: I would have to take that on notice.

The Hon. ADAM SEARLE: Yes, that is fine. I know flexible work covers a spectrum of work modalities, but what I am particularly interested in is the degree to which it is documented that people work from home and how often. The reason simply is that, if people are working from home productively, that cuts out commutes and, talking about a 400,000 person public sector workforce, obviously that is a lot of journeys that are off the road. That is actually a good story. I just wanted to get a sense of the quantum.

Mr REARDON: It sure is, and it is not just about whether they work from home, they might work from a third location, so somewhere closer to their home.

The Hon. ADAM SEARLE: Yes, some agencies are located in more than one place and therefore they can spread their work.

Mr REARDON: Almost every cluster. Even in the Premier and Cabinet cluster we have quite literally, I think, close to 20 offices across the State. We have tried to normalise it where we have activity-based working, people can hot-desk, and mostly that is a good experience, but there are still some issues with that. For example, people who come back from maternity leave sometimes feel isolated when they go back into a new workplace and they do not have their old team there providing support, so there are pros and cons that we need to keep working through. Every time we set up a new building—Education has moved to Parramatta, and Planning, Industry and Environment has just moved to Parramatta—there is a significant change in management and cultural process to go through to get people understanding how flexible work is good for them. We do not do it because, as an employer, it is mandated. If people actually want to work nine to five, they can, but most people want work-life balance and we want to offer that to them.

We want a sense of purpose, which people certainly have, to come to work in the New South Wales Public Service. They also want a work-life balance in how they go about their work. All we care about is the good

of their health, their productivity and outcomes. That is why we have moved to outcomes-based budgeting, et cetera, and so long as they are productive and doing their job well, where they do it from and the hours that they work—if they choose to work at 11.00 p.m. because it suits them, that is fine. Most people now have permission to include on their emails how they work flexibly, they actually put it on their title block. Most people will have information that will tell you that you do not need to respond to every email every five seconds because both parties are working flexibly. That is working more and more, I am finding.

What I said to you last time about permission at the local level I have thought about quite a bit since we were here last. Even in Premier and Cabinet, going through where people have satisfaction, they do have a high level of satisfaction with flexible work in Premier and Cabinet. It is one of the hallmarks. Our people and culture group has done a very, very good job in that regard in implementing, and continuing to implement. I think I indicated to you that we have tried to flip it around where management is held accountable to go and ask staff members about working flexibly as opposed to a staff member having to walk up, cap in hand, going "Can I please", and just that change in dynamic has helped us further, but there is still a long way to go because there are still pockets of the workforce—and I do not just mean the public service, I mean the broader workforce—who think flexible working is working from home or something that is a little more outdated. The language is probably a couple of decades outdated to what people are actually doing.

People are horizontally job sharing now in far greater numbers. People are actually starting to vertical job share as well, across two different bands, where they will try different things that might suit them. There is a bit of trial and error in that, and fail fast where we need to, but we will give permission for people to bring forward ideas on how they work. Yes, we have our employee relations agreements, we have all of our rules of engagement, our code of conduct, et cetera, but we are a workforce of sufficient scale—significant scale—where you can try things, and I find that the private sector does communicate with us quite a lot about how we are going about things. We copy a lot of theirs, but that would be a fairly two-way street now, about how they learn from us and we learn from them.

The Hon. ADAM SEARLE: I would like to know, just to be clear, about how many of the 406,000 employees across the public sector work under these flexible work agreements that are already in place. Obviously if you need more time than the period of time for questions on notice, I think the Committee would be understanding because there would be a lot of information to gather, but in particular I would like to know how many work from home and how often.

Mr REARDON: Sure.

The Hon. WALT SECORD: I would like to ask some questions about Screen NSW.

Mr REARDON: I think the Deputy Secretary would be appropriate to start with.

The Hon. WALT SECORD: What is the budget for Screen NSW?

Ms FOY: I am very happy to answer questions on Screen. Just as a headline, over the past couple of years, certainly in 2018-19, the Made in NSW fund has committed \$37.7 million in New South Wales, which has been leveraged to deliver more than \$511 million in production expenditure in New South Wales, and supported over 8,600 jobs. Certainly there is a significant role in the screen industry in New South Wales for providing in-State investment. In the financial year 2019-20 the Government is investing \$20.4 million to support screen investment in New South Wales, which includes \$10 million for Made in NSW and \$10.4 million for other screen support activities. In addition, there is a 10 per cent rebate for the post-digital and visual effects sector in New South Wales. That became effective from October last year.

Some 37 projects with an estimated expenditure in New South Wales of \$128 million have registered as at 18 February 2020. As at 31 December 2019 the Made in NSW—TV Drama fund has invested almost \$2 million in five local TV productions. That leveraged over \$33.64 million in New South Wales production expenditure, supporting just over a thousand jobs. I am happy to go on about the Screen NSW production finance of \$1.78 million in local screen production, leveraging \$30 million production expenditure and supporting over 760 jobs. There is around \$3.9 million remaining in that budget. I am very proud to say that 59 per cent of the Australian screen industry is based in New South Wales, so we are continuing to invest and support the screen industry, not only through grants but through a range of other activities, including production support and location scout services.

The Hon. WALT SECORD: Are there any feature films slated for theatrical distribution in production in New South Wales at this moment?

Ms FOY: I am sure there are. I will take that on notice on feature films, but I can say there are a number of supported productions at the moment, including *The Drover's Wife: The Legend of Molly Johnson*, which is a feature film directed by Leah Purcell. It is filmed in Adaminaby with an investment of \$750,000. There are a number of other programs.

The Hon. WALT SECORD: Are there any overseas—American, Canadian, European—films under production in New South Wales?

Ms FOY: Certainly there is some major film production coming into New South Wales. I know there have been announcements on Marvel.

The Hon. WALT SECORD: That was last year.

Ms FOY: Let me take that on notice and get back to you. But we are continuing to support major international investment in New South Wales in the screen space, as well as local investment.

The Hon. WALT SECORD: Are there any film productions underway at Fox Studios?

Ms FOY: Fox Studios, yes, there are film productions underway. There is so much happening in screen, I have to move through all of my notes. I will take that on notice and get back to you specifically on Fox Studios.

The Hon. WALT SECORD: Could you take another question on notice too?

Ms FOY: Of course.

The Hon. WALT SECORD: As of today, how many overseas film productions for theatrical distribution are underway in New South Wales? And if I could have their names.

Ms FOY: I will take that on notice. It would be considerable.

The Hon. WALT SECORD: Ms Havilah, earlier in your answer you talked about theatrical space at the Ultimo site. Is that correct?

Ms HAVILAH: Not at Ultimo, no.

The Hon. WALT SECORD: You said theatre space.

Ms HAVILAH: I spoke about the business case for Ultimo, which was creative industries, performance space et cetera. We are looking at a range of options.

The Hon. WALT SECORD: The Minister's plan for a lyric theatre has been dropped?

Ms HAVILAH: No, that is not what I said.

The Hon. WALT SECORD: No, I am asking. I was not putting words in your mouth.

Ms HAVILAH: Lyric theatres are certainly performance spaces, so all of those things are being looked at in detail. A lyric theatre is certainly one of the things we are looking at.

The Hon. ADAM SEARLE: Ms Foy, at the last budget estimates I asked you some questions about the operations of what had been the Office of Industrial Relations, which I think has now folded in underneath you?

Ms FOY: Yes.

The Hon. ADAM SEARLE: I am happy for you to take this on notice, but for ease of reference, if we look at the transcript of the budget estimates hearing of Friday 30 August 2019, on page 32, there was a series of statistics that you very helpfully gave me about 14,000 phone calls that the agency had received from members of the public, 1,900 emails, 207 complaints, 190 matters and \$680,000 in long service leave and other entitlements for 58 workers. You say that occurred in the last financial year. Was that the 2018-19 financial year or was it the previous financial year?

Ms FOY: We have the transcript here, so I will check that.

The Hon. ADAM SEARLE: That is okay. This is not a gotcha moment. I am happy if you want to take this on notice.

Mr REARDON: No, I just want to get the context right. Could you take us to it?

The Hon. ADAM SEARLE: It is the second paragraph on page 32. I just want to know when. Was it 2017-18 or was it 2018-19? This was in August and you said "last financial year". I just want to make sure I have got it located.

Ms FOY: I will take that on notice and I will check whether it was financial year or calendar year.

The Hon. ADAM SEARLE: That is fine if you take that on notice. Depending on what you say, I will come back to it. In relation to each of those performance measures, what has occurred in the current financial year—that is, from 1 July 2019 to present? How much of that activity has been engaged in?

Ms FOY: So you are asking me over the past six months, from—

The Hon. ADAM SEARLE: Yes. How many emails, how many phone calls. It is about seven or eight months.

Ms FOY: In the financial year of 2019-20?

The Hon. ADAM SEARLE: The current budget year.

Ms FOY: The activity? Okay.

The Hon. ADAM SEARLE: Just to keep the Hon. Natalie Ward happy that we are dealing with the budget papers.

Ms FOY: Of course.

The Hon. ADAM SEARLE: That would be informative. Secondly, in relation to budget estimates 2019-20 questions taken on notice from the last budget estimates hearing, on page 14—I am happy for you to take this on notice—someone said that in the 2018-19 financial year the proactive compliance team under you, I think, delivered 70 educational and information workshops across 21 regional locations, and you helpfully set them out. Again, I just want to know how much of that activity and where it has been undertaken since 1 July 2019.

Mr REARDON: Sure. Is it possible, Chair, if we could look at that, if that was one of our notes?

The Hon. ADAM SEARLE: I am happy for you to take that copy with no notes written on it, if that would assist.

Ms FOY: I am also happy, in taking that on notice, to talk about the work the team has done to move to a more modern and digital approach to training and having e-learning modules, and the success and the approach that we are taking to make sure that we have got a broader reach into the community when it comes to learning around employee relations matters.

The Hon. ADAM SEARLE: Sure, anything you have got to add to that.

The Hon. WALT SECORD: I have a quick question for Ms Havilah. Do you have any correspondence or representations from Deputy Premier John Barilaro in relation to the Powerhouse Museum move?

Ms HAVILAH: No, not that I am aware of.

The Hon. WALT SECORD: Could you take that on notice and check if you have received any correspondence?

Ms HAVILAH: Yes.

The Hon. WALT SECORD: Ms Foy, what is the status of the current funding agreement for the Sydney Film Festival? Will the number of films in this year's festival be larger or smaller? How will it compare to previous film festivals in size and scope?

Ms FOY: Let me check a note on that. Certainly, the Sydney Film Festival is a very important part of the arts and culture scene. We have been proud to provide support to that. I will get the exact figures. Your question is how much?

The Hon. WALT SECORD: What is the status of the funding agreement?

Ms FOY: Status of funding?

The Hon. WALT SECORD: Members of the Committee, just for transparency, before I became an MP I served for four years as an elected member of the Sydney Film Festival.

Ms FOY: Status of funding and number of films?

The Hon. WALT SECORD: The status of the current funding arrangement and how this year's film festival compares in size and scope to previous film festivals.

Mr REARDON: We will take it on notice.

The Hon. WALT SECORD: Thank you. In June 2019 the Minister gave a speech that referred to the establishment of Create NSW Artform Advisory Boards.

Ms FOY: Yes.

The Hon. WALT SECORD: What is the status of those boards at the moment? I think there are seven of them. Are all of them fully operational, with chairs and members?

Ms FOY: Yes, certainly. The Artform Advisory Boards are operational with chairs. I have met personally with many of them and I know that the Minister and the teams have all met with them. It is a very exciting initiative to have experts from the arts and culture sector sitting alongside people inside Create NSW when it comes to developing art and culture across New South Wales, including the consideration of grants and funding. I know I have a detailed note because I have read that in quite a bit of detail.

The Hon. WALT SECORD: How does one get onto one of those advisory boards?

The Hon. BEN FRANKLIN: You apply. There is a full proper process.

The Hon. WALT SECORD: Dr Brian Lindsay happens to be on one.

Mr REARDON: Your question was about the appointments to those?

The Hon. WALT SECORD: Yes, how does one get on? Are they paid positions?

Ms FOY: There is a small nominal payment to the chairs and to the members. Anyone who is a public sector employee does not qualify for payment under those particular boards.

The Hon. WALT SECORD: How about we put these on notice? I would like to know the Aboriginal Arts & Culture Board—

Ms FOY: Yes, that is chaired by Wesley Enoch.

The Hon. WALT SECORD: —the Classical Music Board, the Contemporary Music Board, the Dance & Physical Theatre Board, the Literature Board, the Multi-arts & Festivals Board and the Museum & History Board. Could I have the chair and the list of all the members of those boards?

Ms FOY: Absolutely.

The Hon. WALT SECORD: Thank you. That brings my line of questioning to an end.

The Hon. ADAM SEARLE: Mr Reardon, page 11 of the *State of the NSW Public Sector Report* for 2019 refers to a 4.5 per cent increase in the number of senior executives from 2018 to 2019. My question is: How many senior executive positions were deleted and how many have been created? Which agencies are those newly created positions in? At what bands were the deleted positions and at what bands are the newly created positions? I expect you will take that on notice.

Mr REARDON: Just for clarity though, that is between 2018 and 2019?

The Hon. ADAM SEARLE: At page 11—

Mr REARDON: Is your question then about 2019 to 2020, the year we are in now? What has occurred from 1 July last year?

The Hon. ADAM SEARLE: It is about what has occurred between the two *State of the NSW Public Sector* reports, the net increase of 141. What led to that net increase? I assume there has been some positions that have been deleted, some that have been created. There is a net increase of 141.

Mr REARDON: We will try to deal with it as best we can.

Mr JOHNSTON: The state of the sector report and the workforce profile collects a census on 27 June. We know that since that point there has been more roles that have left the sector, which would put us back to somewhere around 2,050, I would estimate. This is a very fluid thing about roles being created for various reasons as opposed to just machinery of government changes. I can refer back to see what detail I can provide.

Mr REARDON: We can but, as we discussed last year, the all-up reporting once a year is in that next state of the sector report. It will have a lot of change without a doubt since the machinery of government changes. We will report on that. If there is any further detail we can provide, we will.

The Hon. ADAM SEARLE: I am happy for you to do that.

Mr REARDON: Chair, we have a response to the previous question if you want us to deal with it for Mr Secord?

The CHAIR: Sure.

Ms FOY: Thank you. It is regarding the Artform board, apologies for taking a while to get the note. They bring together cultural leaders, as I talked about, from organisations large and small, established and emerging artists and organisations. They are providing a greater representation and depth of knowledge from across the sector in the State for each application. There are 10 Artform boards: Aboriginal Arts and Culture Board, the chair is Wesley Enoch; the Classical Music Board and the chair is Ms Naseema Sparks, AM; Contemporary Music Board where the chair is Ben Marshall; Dance and Physical Theatre Board, Karen Moses is the chair; Literature Board with the chair being Jennifer Byrne; the Multi-arts and Festivals Board with the chair Ross Harley; Museums and History Board with the wonderful Kim McKay, AO, as the chair; Theatre Board, Noel Staunton is the chair; Opera, Musical Theatre and Chorus Board, the chair is Rory Jeffes; and the Visual Arts Board with the chair being Simon Mordant, AM.

The process involved an open expression of interest for appointment to the boards and more than 300 people applied. All board members are required to declare their interests to ensure the management of any conflicts in line with the Artform Advisory Board code of conduct. Create NSW, as I suggested before, provides the secretariat for the process and they support the Artform boards in a very practical and hands-on way. We have moved to these boards to include artists and leadership across organisations of all sizes and that will inform the funding recommendations to the Minister.

The Hon. ADAM SEARLE: At the last budget estimates the then Public Service Commissioner indicated that the commission had been coordinating a piece of work across the sector to implement the flexible work "if not, why not" policies, which I think goes back to a point Mr Reardon was making earlier. Can you update the Committee as to where that work is up to and when you think it may be completed?

Mr JOHNSTON: The piece of work that the commission was funded and supported to do is to come to completion at the end of this financial year. It has shown and led a dramatic rise in the use of flexible working through having the collateral to support managers and people to have these conversations and also case studies and communication such to build awareness.

The Hon. ADAM SEARLE: Does the piece of work have a name? Can we read it? Is there a document we can look at?

Mr JOHNSTON: There is extensive documentation on the Public Service Commission website, which talks to making these resources freely available, so that it lives beyond the time where the commission is leading this work. As the secretary said, this is really trying to empower agencies and secretaries across the sector to live with flexible working as part of the strategy that we support our workforce for and we continue to collect data to show how we are going. This is where the commission can provide support and push where needed if things fall away when we are not driving it.

The Hon. ADAM SEARLE: I look forward to seeing the other material back from Mr Reardon, which he has taken on notice.

The Hon. WALT SECORD: Ms Foy, the Minister made mention of the Sydney Modern Project and other benefactors contributing \$100 million?

Ms FOY: Correct.

The Hon. WALT SECORD: What happens if there are cost overrun blowouts or the project does not meet its deadline? What are the requirements or stipulations on the \$100 million provided by philanthropists?

Ms FOY: I am sure the Secretary will want to say something about this. All of our projects have a process that they undertake. Mr Reardon is extremely experienced in the process of taking major infrastructure projects through government, but certainly with Sydney Modern we have a commitment from government, we have a commitment from the Art Gallery and the very generous philanthropy. We have broken ground at the site. We are very confident about remaining on budget and to time. We have Infrastructure NSW as the delivery agent with the Art Gallery of New South Wales as the client and Create NSW through the Department of Premier and Cabinet providing sponsorship to the project and support for the project.

We have a review process and assurance processes through Infrastructure NSW, assurance processes and/or Treasury depending on the project. We have project governance which includes a project steering committee where there is regular oversight of the major elements of any project on time, cost and quality grounds.

Whenever there are risks, we manage those risks in accordance with the allocations that we have made and in accordance with the discipline that we have in delivering these projects. I have all confidence that we have the project governance and project disciplines in place to manage this project and all indications are that we remain on time and to budget.

The Hon. WALT SECORD: How many donations constitute or comprise the \$100 million?

Ms FOY: I would have to take that on notice and seek advice from the gallery.

The Hon. WALT SECORD: As part of those donations and the gift of \$100 million, are there any arrangements—and you can take this on notice—that parts of the projects at the Sydney Modern will be named after them? Do they get naming rights for rooms, galleries, locations? For example, is there a Tim Reardon room?

Mr REARDON: That is something I can guarantee there will not be. We will put maximum effort into delivering the project. A long-held view in the public service is that people like ourselves do not speculate on brand names, colours or naming conventions; I am going to stick to that. They are matters for the political level to deal with and I would ask that you would place those back to the Minister. They are not matters that we will speculate on.

The Hon. WALT SECORD: But I would like you to take on notice if there are any commercial arrangements where those donations involve naming. That is not asking you to make an observation.

Mr REARDON: Sure, we will take that on notice.

The Hon. ADAM SEARLE: Madam Chair, I have a range of other questions but on this occasion I am happy to put them in writing, to put them on notice, see how we go with that process and pursue them at a supplementary hearing if necessary.

Mr REARDON: Chair, could we just clarify a couple of things that we took on notice or that were not quite as crisp as they could have been? I am going to raise one and I think Ms Foy is going to raise two.

Ms FOY: I am going to raise a couple, yes.

Mr REARDON: Mine goes all the way back to what was discussed about the Powerhouse. In the discussion around the Parramatta River level Ms Foy said that the usual river level at the site is circa 2.5 metres. The recent flood raised it to approximately 4.1 metres or 1.6 metres above the usual height. This is well below the proposed ground level for the museum, which is proposed to be at reduced level 7.5 metres. This is a bit technical but a baseline is called a datum and in surveying and civil engineering terms you have a baseline. All vertical measurement is from that datum. Sometimes a datum is mean sea level and you measure things. Surveyors need that; they need a baseline for every piece of measurement.

The reduced level above that datum is 7.5 metres and that is the ground level proposed for the museum. There was a lot of discussion there about whether we would be 7.5 metres above ground level and confusion about the 4.1 metre flood that we had. I just think that needs to be clarified. We are happy to put that in further writing if we need to, but it is against a datum, basically. I am sorry for the technocrat answer but I think it is important that we do that.

Ms FOY: And just two matters of specifics, just to clarify—certainly on Walsh Bay I just wanted to clarify that the net cost to taxpayers is \$347.7 million—

The Hon. BEN FRANKLIN: It is coming down all the time.

Ms FOY: —with arts tenants contributing the \$23.6 million, and the total estimate is \$371.3 million. So it is a matter of rounding errors, just to be crisp on that. I just wanted to make that clarification. With respect to the nomination of part of the Powerhouse site at Ultimo I just wanted to be precise to say that the Heritage Council have determined to initiate a notice of intent process. There is a public call for submissions that was made on 26 February, I am advised, under section 33 of the *Heritage Act 1977*.

The CHAIR: If there are no further questions from the Committee, you are all excused. Thank you for your time.

(The witnesses withdrew.)

The Committee proceeded to deliberate.