

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Tuesday 2 November 2021

Examination of proposed expenditure for the portfolio area

TRANSPORT AND ROADS

CORRECTED

The Committee met at 9:30.

MEMBERS

Ms Abigail Boyd (Chair)

The Hon. Mark Banasiak (Deputy Chair)

Ms Cate Faehrmann

The Hon. Scott Farlow

The Hon. Sam Farraway

The Hon. John Graham

The Hon. Shayne Mallard

The Hon. Daniel Mookhey

The Hon. Mick Veitch

PRESENT

The Hon. Rob Stokes, *Minister for Transport and Roads*

* Please note:

[inaudible] is used when audio words cannot be deciphered

[audio malfunction] is used when words are lost due to a technical malfunction
[disorder] is used when members or witnesses speak over one another.

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**

CORRECTED

The CHAIR: Welcome to the virtual hearing for the public inquiry into budget estimates 2021-2022. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals present or who may be watching today. I welcome Minister Rob Stokes and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Transport and Roads. Today's hearing is being conducted as a fully virtual hearing, which enables the work of the Committee to continue during the COVID-19 pandemic without compromising the health and safety of members, witnesses and staff. As we break new ground with the technology, I would ask for everyone's patience through any technical difficulties we may encounter today. If participants lose their internet connection and are disconnected from the virtual hearing they are asked to rejoin the hearing using the same link as provided by the Committee secretariat.

Before we commence I would like to make some brief comments about the procedures for today's hearing. Today's proceedings are being broadcast live from Parliament's website. A transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a 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 answer only if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your and visors seated at the table behind you. In terms of the audibility of the hearing today, we have witnesses in person and also via videoconference. Could I ask Committee members to clearly identify who their questions are directed to. Could I ask everyone appearing remotely to please state their name when they begin speaking. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing.

All witnesses will be sworn prior to giving evidence. Minister Stokes, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I would also like to remind the following witnesses that you do not need to be sworn as you were sworn at an earlier budget estimates hearing before this Committee: Mr Robert Sharp and Mr Bernard Carlon.

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ROBERT SHARP, Secretary, Transport for NSW, on former affirmation

HOWARD PAUL COLLINS, Chief Operations Officer, Greater Sydney, Transport for NSW, before the Committee via videoconference, sworn and examined

PETER ANDREW REGAN, Chief Executive, Sydney Metro, before the Committee via videoconference, affirmed and examined

MATTHEW JOHN LONGLAND, Chief Executive, Sydney Trains, before the Committee via videoconference, sworn and examined

DANIELA FONTANA, Chief Executive, State Transit Authority, before the Committee via videoconference, affirmed and examined

PHILLIP WALTER HOLLIDAY, Chief Executive Officer, Port Authority of NSW, before the Committee via videoconference, sworn and examined

ANTHONY WING, Point to Point Transport Commissioner, before the Committee via videoconference, sworn and examined

ANAND THOMAS, Acting Executive Director, Central and Southern Sydney Program Office, Transport for NSW, before the Committee via videoconference, sworn and examined

BENEDICTE COLIN, Chief Executive, Transport Asset Holding Entity, before the Committee via videoconference, affirmed and examined

BERNARD CARLON, Executive Director, Centre for Road Safety, before the Committee via videoconference, on former oath

TIMOTHY RAIMOND, Chief Transport Planner, Transport for NSW, before the Committee via videoconference, affirmed and examined

JOOST de KOCK, Deputy Secretary of Customer Strategy and Technology, Transport for NSW, before the Committee via videoconference, affirmed and examined

TARA McCARTHY, Deputy Secretary, Safety, Environment and Regulation, Transport for NSW, before the Committee via videoconference, sworn and examined

CHARLOTTE CAMILLA DROVER, Deputy Secretary, Infrastructure and Place, Transport for NSW, before the Committee via videoconference, affirmed and examined

MEGAN BOURKE-O'NEIL, Deputy Secretary, Greater Sydney, Transport for NSW, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you very much. Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m. with the Minister and from 2.00 p.m. to 5.45 p.m. with the departmental witnesses, with questions from the Opposition and crossbench members only. If required, there will be an additional 15 minutes allocated at the end of each session for Government questions. I note that we will have a COVID-safe break at 11 o'clock until 11.15 a.m. and similarly in the afternoon we will have one at 3.30 p.m. to 3.45 p.m. As there is no provision for any witness to make an opening statement before the Committee commences questioning, I will begin with questions from the Opposition. Mr Mookhey?

The Hon. DANIEL MOOKHEY: Thank you, Chair, and greetings to you, Minister, and congratulations on your appointment as well.

Mr ROB STOKES: Thank you.

The Hon. DANIEL MOOKHEY: Can I just say at the outset as well that certainly the Opposition wishes to express its appreciation for the hard work of the entire Transport cluster during the 16-week lockdown period. Minister, can we start by talking about the Inner West Light Rail? How many light rail vehicles in the inner west have cracking defects or other defects?

Mr ROB STOKES: My understanding is that the entire fleet has some issues in relation to cracking. I will refer you to the secretary for further—

The Hon. DANIEL MOOKHEY: Just before you do, can you pull your microphone forward, Minister?

Mr ROB STOKES: Sure.

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The Hon. DANIEL MOOKHEY: Mr Secretary?

Mr SHARP: Thank you for the question. Yes, the inspections have just been completed. All of the sets have cracks of varying significance.

The Hon. DANIEL MOOKHEY: All of the sets. And just how many sets are there?

Mr SHARP: I would have to take that on notice. Mr Collins, the number of train sets?

The Hon. DANIEL MOOKHEY: He is gesturing.

Mr COLLINS: There are 12 sets available and all of them have cracks.

The Hon. DANIEL MOOKHEY: Are the defects of such magnitude that none of the sets can be used?

Mr SHARP: The approach we are adopting is one of caution. There are certainly some that definitely you would not use. However, there is enough evidence to indicate that we should not be rushing into deploying a subset of these back. We have mustered full bus services, which are in place and operating and getting people on a timely basis to where they need to go. But safety is first and we do need the technical experts to complete their reviews over the next week to actually land on a specific conclusion.

The Hon. DANIEL MOOKHEY: Sure. Minister, when we you first told that the 12 sets had cracks?

Mr ROB STOKES: From the best of my recollection, it was on Friday—not the 12. I am sorry. I heard about the cracking that had been identified in the routine inspection of one when the fleet was then comprehensively checked. It was over the weekend that I became aware that the cracking was more significant and affected the entirety of the fleet.

The Hon. DANIEL MOOKHEY: So when were you told about the routine inspection?

Mr ROB STOKES: I would have to take it on notice, but I believe it was on Friday.

The Hon. DANIEL MOOKHEY: On Friday. But the network—

Mr ROB STOKES: It might have been Thursday evening.

The Hon. DANIEL MOOKHEY: The line was suspended on Thursday, correct?

Mr ROB STOKES: Yes. That is why I will have to check on the exact timing.

The Hon. DANIEL MOOKHEY: Mr Secretary, the line was suspended on Thursday, correct?

Mr SHARP: Yes. The Minister would have been advised the day before. This is because as the information came through we took the action to close it down and make sure—

The Hon. DANIEL MOOKHEY: So you were told on Thursday?

Mr ROB STOKES: Again, that is why I am taking it on notice. But it would have been effectively, as the secretary said, just prior to the decision to pull the trams off the track.

The Hon. DANIEL MOOKHEY: The line was turned off Thursday morning, correct?

Mr SHARP: The actual timing, Mr Collins?

The Hon. SCOTT FARLOW: Point of order: I am just getting commentary that the live feed is not picking up the Webex at the moment, so Mr Collins is not being heard.

Mr COLLINS: Can you hear me now?

The CHAIR: Thank you. We can hear you. Apparently the broadcast cannot hear you, but we have fixed that at our end.

Mr COLLINS: Okay, so let me fill you in with some of the facts. At 1414 hours I received a text on Wednesday from the team saying that they had done an investigation of one unit and they had found some additional cracking. We checked, from our safety point of view, with the contractors and it was deemed to be okay to run those vehicles until the end of the day. None of these cracks were actually a safety issue, but it was decided late on Wednesday that we would—Alltrack requested a withdrawal of the whole fleet, which I agreed to. I passed that message on to both Mr Sharp and Ms Bourke-O'Neil at about 1500 hours on Wednesday and the team were told. Then—you are right—on Thursday morning we cancelled the service. We put in 26 vehicles, bus vehicles, emergency bus vehicles, [disorder]—

The Hon. DANIEL MOOKHEY: Thank you, Mr Collins. I appreciate that.

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Mr ROB STOKES: Mr Mookhey, just to correct the record—sorry, every day is running into each other at the moment. I was advised by text message during question time on Wednesday afternoon.

The Hon. DANIEL MOOKHEY: Well, that brings me to my point. If you were told, why wasn't the public?

Mr ROB STOKES: Well, it was, as soon as it was practical to do so. That was when my advice was, and I just followed the advice of the agency, quite appropriately.

The Hon. DANIEL MOOKHEY: The public was not told until Thursday night.

Mr ROB STOKES: I followed the advice of the agency, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Fine. I am not suggesting you didn't, Minister. Was the advice of the agency for you to not tell the public; is that the implication?

Mr ROB STOKES: No, that is not the implication.

The Hon. DANIEL MOOKHEY: Was there any specific reason why the public was not told Thursday morning?

Mr ROB STOKES: I was advised that there was a routine inspection that had uncovered some cracking. There was no further advice as to what the implications of that were at that point. As you would appreciate, this is an operational matter, not one that I should become directly involved in but, rather, follow the advice of the agency in relation to the appropriate steps.

The Hon. DANIEL MOOKHEY: How many people use the inner west line on a weekly basis? What is its weekly patronage?

Mr ROB STOKES: The patronage is obviously down at the moment because of COVID. It is some thousands. I will refer you to the secretary for the exact number.

Mr SHARP: Mr Collins?

Mr COLLINS: Thank you for the question. Overall, light rail pre-COVID carried 70,000, of which 15,000 to 20,000 was on L1. It has been down somewhat. I think we saw figures of around about between 8,000 to 12,000 on the busiest days in the last few weeks prior to it being withdrawn. Just from—

The Hon. DANIEL MOOKHEY: Thank you, Mr Collins, you answered the question. Minister, when do you expect full service on the line to resume?

Mr ROB STOKES: I will refer you to the secretary.

Mr SHARP: Full service will be depending on the engineering feedback that we receive this week. There is quite detailed testing. To actually understand the nature of the cracking, you have to pull covers off to look in and access the actual frames. At the moment, it is not going to be a couple of days or a week or two. It is going to be extended. These are impacting—

The Hon. DANIEL MOOKHEY: Are we looking at a month? Are we looking at two months? Do you have any idea?

Mr SHARP: We would certainly be looking at a month or more. Mr Collins, was there a latest update overnight?

Mr COLLINS: We have now inspected all 12 vehicles. Without getting into too technical detail, there are two types of cracking. There is—

The Hon. DANIEL MOOKHEY: Mr Collins, my question was: When do you expect the service to resume? If we can just get straight to the question, otherwise I am going to go back to the Minister.

Mr COLLINS: I will give you the question and answer, Mr Mookhey, with great respect. When—

The Hon. DANIEL MOOKHEY: No, sorry. I am going to keep moving. Minister, do we have an expectation at all—

Mr ROB STOKES: I am sorry, you are not wanting any answers?

The Hon. DANIEL MOOKHEY: No, Mr Collins is not answering the question, so I am going back to you. We can pick it up again, this conversation.

Mr COLLINS: I will give you the answer.

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The Hon. DANIEL MOOKHEY: It was a straightforward question. We have gone to the secretary once—

The Hon. SHAYNE MALLARD: Point of order—

The Hon. DANIEL MOOKHEY: Do we actually —

The CHAIR: I will hear the point of order.

The Hon. DANIEL MOOKHEY: —when the service is resuming?

The CHAIR: Order! I will hear the point of order.

The Hon. SHAYNE MALLARD: I hope this is not the way this long day is going to be. The point of order is that the procedure is to be respectful to the public servants and not insult them by saying, "He is not answering the question," and talking over him. If he is not answering the question the way he wants, rephrase the question, but do not be rude to the public servants.

The Hon. DANIEL MOOKHEY: To the point of order: I asked the Minister. The Minister directed it to the secretary. The secretary directed it to Mr Collins. Mr Collins was not directly answering my question, so I have gone back to the Minister, as is my prerogative.

The CHAIR: I am happy for us to have a discussion that goes backwards and forwards, and I am happy for the member to direct their questions to the most relevant person. However, we do need to be aware that, on Webex in particular, it is very difficult for witnesses to hear when they are being cut off. If we could perhaps slow it down slightly before launching into the next set of questions.

The Hon. DANIEL MOOKHEY: Minister, are you undertaking this inspection and remediation or is the contractor?

Mr ROB STOKES: The contractor obviously has duties here and we will hold them to those duties. Also in the process I have been in contact with the Office of Transport Safety Investigations and will be asking them to also undertake a review into this incident. I am obviously concerned because it affects the entirety of the fleet. Fortunately, as the secretary has indicated, this is not causing disruption to the service that is provided. Nevertheless, when we have the entirety of the fleet being checked for some maintenance issues that has uncovered a problem with the vehicles themselves, that is obviously a concern. So obviously we will hold Transdev to their contractual obligations, but we will also be independently overseeing that through the Office of Transport Safety Investigations.

The Hon. DANIEL MOOKHEY: What is the cost of suspending service on the light rail for more than a month?

Mr ROB STOKES: I will direct you to the secretary.

Mr SHARP: The cost would be the cost of the bus services. We would certainly be looking, under our contractual positions, to offset those costs. We have a supply arrangement and if they have not been honoured then obviously there will be contractual provisions—

The Hon. DANIEL MOOKHEY: Do you have a range, Mr Sharp, as to how much the bus services will cost us?

Mr SHARP: Mr Collins, the dollar amount for the 26 buses?

Mr COLLINS: I cannot give you that question directly. I will provide that, if necessary, on notice.

The Hon. DANIEL MOOKHEY: Well, it is necessary, so can you take it on notice?

Mr COLLINS: We may be able to find that figure prior to, but some of those answers are commercial, but it is several thousand dollars a day.

The Hon. DANIEL MOOKHEY: Several thousand a day? Okay, thank you very much. That is helpful. The first crack in the first set was detected through a routine inspection. When did that inspection take place?

Mr ROB STOKES: I will refer you to the secretary, who I imagine will refer you to Mr Collins.

Mr SHARP: That is an operational question. Mr Collins, the first inspection?

Mr COLLINS: Just to explain—and I will answer your question, Mr Mookhey—there are two types of cracking. There is the bump stop cracking, which was discovered on a routine inspection in early October. That was thought to be easily repaired but, as a result of trying to ensure that they were repaired thoroughly, they took

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the interior out of the tram. That is when they discovered the larger cracking in the bogie box body, otherwise known as the wheel arch of the tram.

The Hon. DANIEL MOOKHEY: So the routine inspection that gave cause for a further inspection took place in October. Is that fair—early October?

Mr COLLINS: Yes, early October.

The Hon. DANIEL MOOKHEY: That inspection then led to the discovery of further issues. Is that fair?

Mr COLLINS: Yes, because the box body cannot be inspected thoroughly, and it was due for its 560,000 kilometre full inspection in a few months time. When they took the interior apart they found these extra cracks.

The Hon. DANIEL MOOKHEY: The second inspection that revealed the further cracks or the interior cracks, when did that take place in October?

Mr COLLINS: I think it was last week, before Wednesday. I think it may have been Tuesday night or Wednesday. That is when the information came through. There was a discussion as to whether the trams would continue running but, in the end, as I said earlier, the trams were withdrawn from service after the last tram operated on Wednesday.

The Hon. DANIEL MOOKHEY: Prior to the October inspection, when were the carriages last inspected?

Mr COLLINS: They are inspected every 30 days. They are given a thorough routine inspection and they certainly were not aware of any of the box bogie cracking.

The Hon. DANIEL MOOKHEY: And that applies to all 12 sets, that they are inspected every 30 days?

Mr COLLINS: Absolutely. They are routinely inspected by Alstom, who are the subcontractor of Transdev, who carry out the maintenance at Lilyfield depot.

The Hon. DANIEL MOOKHEY: If they were inspected every 30 days, were these cracks simply not detected in the earlier inspections or was it the case that the—

Mr COLLINS: I do not—

The Hon. DANIEL MOOKHEY: Let me finish. Or was it the case that the cracks emerged in that 30 days? Which is it?

Mr COLLINS: I do not know the answer specifically, other than that we were not advised of those significant cracks and certainly no warning or information regarding cracking of the light rail vehicles was given to us.

The Hon. DANIEL MOOKHEY: Who does the routine inspections?

Mr COLLINS: It is, as I said earlier, Alstom. They are the subcontractor maintenance of Transdev, who also belong to part of the public-private partnership [PPP] arrangement.

The Hon. DANIEL MOOKHEY: Minister, it is entirely possible that these sets were cracked for a while, well before October. Is that a possibility?

Mr ROB STOKES: I am not in a position to be able to answer that question.

The Hon. DANIEL MOOKHEY: But it is entirely possible. We cannot rule out the prospect that these 12 sets have been cracked for a while.

Mr ROB STOKES: I would have to refer you to Mr Collins in relation to that answer. I am not trained in these matters so I cannot actually provide you the answer to that question.

The Hon. DANIEL MOOKHEY: Mr Collins, it is entirely possible that these 12 sets have been cracked for longer than just a week.

Mr COLLINS: The issue regarding the bump stop cracks, they were regularly inspected, so that is probably not possible. But taking the interiors out and examining the cracks, those cracks did appear to have some longevity, but they were not considered and are still not considered a safety risk. But for the importance of those cracks not propagating further and ensuring we had a good fleet, the decision was made to remove this train from service.

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The Hon. DANIEL MOOKHEY: Minister, do we have a hypothesis as to why 12 of these sets are cracked?

Mr ROB STOKES: Obviously it is early in the process of the investigations. As I mentioned, we have asked the Office of Transport Safety Investigations [OTSI] to look into the issue, or we are in the process of asking OTSI to look into the issue.

The Hon. DANIEL MOOKHEY: You will have to use the microphone, Minister, I am sorry.

Mr ROB STOKES: Sorry. I will continue—sorry, I have forgotten your question now.

The Hon. DANIEL MOOKHEY: Fair enough. The question is do we have a hypothesis as to why 12 of these sets that run on the same line are cracked?

Mr ROB STOKES: As I have indicated, there is an investigation that is due to commence, that is through OTSI; so I have answered in relation to that. Obviously we would expect the contractor to be doing their own investigations. I believe it is probably too early to give you answers to those questions. However—

The Hon. DANIEL MOOKHEY: But we can assume it is not random.

Mr ROB STOKES: I will refer you to Mr Collins, who might be able to shed some further light.

The Hon. DANIEL MOOKHEY: I presume, Mr Collins and Minister, it is not random that 12 of these have emerged with cracks, that are used in the same way?

Mr ROB STOKES: I will refer you to Mr Collins. I cannot answer that question.

Mr COLLINS: Thank you for your question. In the 45 years, Mr Mookhey, that I have been involved in railways and trams, we have come across all sorts of cracking in bogies, trains. It is not unique and unusual. So what we are doing is a full engineering study. We do not know the conclusion of that; when we do we obviously will share that with everybody concerned.

The Hon. DANIEL MOOKHEY: Thank you.

Mr COLLINS: There are a number of hypotheses which obviously you do not want me to go into.

The Hon. DANIEL MOOKHEY: No. Minister, how often are these fleets maintained?

Mr ROB STOKES: Mr Collins already—

The Hon. DANIEL MOOKHEY: Could it be checked?

Mr ROB STOKES: Mr Collins has already—

The Hon. DANIEL MOOKHEY: Minister—

Mr ROB STOKES: Do you want me to answer that question or are you going to ask me another question?

The Hon. DANIEL MOOKHEY: No, I am going to ask you this one. How about we do this one.

Mr ROB STOKES: Okay. Mr Collins has already indicated that they are inspected every 30 days.

The Hon. DANIEL MOOKHEY: Not inspected, maintained.

Mr ROB STOKES: You do the maintenance on the basis of the inspections. The two things are connected.

The Hon. DANIEL MOOKHEY: So who does the maintenance? Is it Transdev who is doing the maintenance?

Mr ROB STOKES: Mr Collins already indicated that it is Alstom.

The Hon. DANIEL MOOKHEY: Have they not been doing the maintenance properly?

Mr ROB STOKES: I will refer you through the secretary, Mr Collins, who is better able to answer your question.

Mr COLLINS: Thank you very much for the question. As far as we are aware, for inspection and maintenance, which it is, is carried out every 30 days. Obviously the records of those are available, I am sure, but as far as we are concerned, we understand that those trams are regularly maintained by Alstom at Lilyfield and have been operating for the last seven or eight years.

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The Hon. DANIEL MOOKHEY: Minister, surely given that we have just grounded this fleet and disrupted the commute of at least 20,000 up to 70,000, we can infer that something has gone wrong here. Do you agree?

Mr ROB STOKES: I think that is self-evident.

The Hon. DANIEL MOOKHEY: Indeed. What steps are you taking to make sure that the same risks are not present on any other light rail networks?

Mr ROB STOKES: Thank you. That is certainly my expectation. Here we have a unique problem on this line, but that is why we have regular inspection and maintenance of all of our transport vehicles. In relation to the specifics on other networks, I will refer you to the secretary.

Mr SHARP: I can confirm we have looked at the other rail operations as well and they are very different train sets, manufactured by different manufacturers. So there does appear to be a matter that is contained to the L1 line.

The Hon. DANIEL MOOKHEY: But we cannot use any of the other rail sets that are available on the other lines on the L1 line. Is that correct?

Mr SHARP: Not immediately. There may be Ace, a short-term solution, but it would impact other areas as well.

The Hon. DANIEL MOOKHEY: The drivers are not trained. They are not capable of operating them, correct?

Mr SHARP: There is actually also an issue in terms of the actual rail width and the way the rail systems work. It is more of a heavy rail design on the old one, a very earlier design; hence the buses that have been deployed.

The Hon. DANIEL MOOKHEY: That is because the Government chose to build the other light rail lines using a different configuration? That is what you have just basically said, correct?

The Hon. SHAYNE MALLARD: Build is the word; we built something.

Mr SHARP: They are different, but I would have to pass to Mr Collins in terms of the technical aspects.

The Hon. DANIEL MOOKHEY: I am not asking too much about the technical aspects. The basic summary of what you just said is that as a result of a decision to use a different configuration on the inner city and on the Parramatta and the Newcastle—

Mr SHARP: Correct. Yes, that is right.

The Hon. DANIEL MOOKHEY: —they cannot be switched, correct?

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: As a result, the people who are using that line are effectively orphaned. Is that fair?

Mr SHARP: We do maintain a dynamic schedule which is supported by bus operations. So the public are getting from A to B on a timely basis on regular services—not on a train but on a bus.

The Hon. DANIEL MOOKHEY: Are we going to need to have to import parts and/or personnel from Spain to repair the cracks?

Mr SHARP: This would be subject to the engineering review and assessment. As Mr Collins has indicated, that is still in train. On the back of that, the suppliers would bring in the relevant parts and expertise.

Mr ROB STOKES: Mr Mookhey, I think Mr Sharp is saying it is too early to tell.

The Hon. DANIEL MOOKHEY: I think Mr Sharp was nodding actually, Minister. We are going to have to, are we not?

Mr ROB STOKES: You can ask Mr Sharp.

Mr SHARP: The suppliers will bring in the resources. I am sure some of those will be local as well, but given the manufacturer is overseas, then there could be some parts from overseas that would be brought in. There is quite a large local maintenance facility and I am sure quite a lot of the activities would be performed locally.

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The CHAIR: Minister, thank you for attending today. I ask this next question in the full knowledge that you have only just recently become Minister for Transport. Are there any of your Government's new vehicle purchases over the last six or seven years that have not turned out to be lemons?

The Hon. DANIEL MOOKHEY: You though I was tough!

Mr ROB STOKES: Thank you for your question. I reject its premise.

The CHAIR: It was your Government, was it not, that in 2016 ordered \$2 billion worth of new trains that were too wide for tunnels?

The Hon. SHAYNE MALLARD: No.

Mr ROB STOKES: No, that is a mischaracterisation of that purchase.

The Hon. SHAYNE MALLARD: It is a Labor myth.

Mr ROB STOKES: I will refer you to the secretary to provide further details.

The Hon. SCOTT FARLOW: The tunnels were too small.

Mr SHARP: At the last hearing this question arose. When you bring a new train set in you do not design the new train set for old infrastructure, you upgrade the infrastructure. As we have brought new train sets in, even back to the days of electrification, those tunnels have had works. The project actually planned for that. The tunnel works were not done to fit the train; the train was a new technology train and that was the design. So it was always intended the costs were included in the budget, and we are delivering it on budget.

Ms ABIGAIL BOYD: That was deliberate; I will give you the benefit of the doubt on that one. In 2017 you launched six new Emerald Class ferries, five of which were found in April to be corroding at astounding rates and three of which were found to be leaking seawater into their hulls, did you not?

Mr ROB STOKES: In relation to the specifics there, I will direct you to the secretary again. I think the one preliminary comment I would make is, whenever a new vehicle is commissioned, they go through sea trials, they go through commissioning and issues are identified and resolved. That is the same with any ferry fleet anywhere in the world.

Mr SHARP: I will pass to Mr Collins on the details specifically on those.

The CHAIR: Mr Collins?

Mr COLLINS: Thank you very much for the question—Howard Collins. Yes, we have introduced lots of new equipment and new ferries, trains and everything and a great new experience for people. But let us specifically answer the question on ferries. Like all ferries, whether they are built abroad or in Australia, they need lots of sea trials, and if you go back through the history of ferries you will see defects and that things have been needed to be fixed. I am delighted to say that the Emerald Class first fleet are in service and one of the Emerald 2s, the 4.5 metre ferry, is in service as well. A lot of that work was carried out at Birdon in Port Macquarie, and certainly whilst the superstructure was built abroad, a significant amount—70 per cent of the value—and a lot of employment was created at Port Macquarie. This is not our foreign-built trains.

The CHAIR: Mr Collins, if I could just ask, Sydney has a long and proud history of ferry usage. Are you arguing that these new Emerald Class ferries have fewer problems than what we had with our previous class of ferries?

Mr COLLINS: Howard Collins. I am a bit of a historian here. People remember maybe way back when the computers went wrong on the Freshwater Class when it first went out and came aground. There have been other issues. These are specifically built ferries. They have been on trial. Rectifications of the defects have been carried out. We have River Class ferries now running. We have the new Emerald Class, both 1 and 2, running; they are operating now. Certainly, talking to my Maritime colleagues, they can go back many, many years to needing to make rectification. This is not a Toyota coming off the production line in the millions. This is a small, bespoke fleet built for this purpose.

The CHAIR: Minister, it was your Government that rolled out the Sydney Metro in 2019 and in the first year of operation it was marred by enormous breakdowns and mechanical failures, was it not? Are we just putting that down to teething problems as well?

Mr ROB STOKES: Thank you for your question in relation to the new metro, which was delivered \$1 billion under budget and which has provided amazing service to Sydney's north-west. Once again, you will always find that with any vehicle there will always be issues that emerge and they are rectified as quickly as possible. As Mr Collins suggested, over the breadth of history you will find there will always be challenges in any

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transport system, and the resilience of the system is the ability to pick them up as quickly as possible and rectify them as quickly as possible.

The CHAIR: In 2020 your Government ordered 10 new ferries that will decapitate passengers travelling on the top deck under bridges along Parramatta River.

Mr ROB STOKES: I can assure you that ferries will not decapitate passengers—to use your words.

The CHAIR: I guess when I look at this history I would hope that there have been some lessons learned by your predecessor and certainly by the department. I am not really comforted by the answers that are implying that this is nothing unusual. Are you going to do things differently in the future? Are there lessons that have been learned?

Mr ROB STOKES: Thank you for that question. It is not mine to rate the question, but I think that is a reasonable question to say that we are on a constant—

The Hon. SCOTT FARLOW: Compared to the unreasonable ones, yes.

Mr ROB STOKES: —journey of improvement and of learning from the rollout of previous technology. That is absolutely appropriate. Transport has always been at the forefront of innovation, both here and globally. When you look at the big infrastructure strides and technological breakthroughs, Transport has been at the forefront of a lot of innovation. Obviously when you are innovating and increasing efficiencies and comfort and reliability, you will learn things on the way through. Despite the premises in your questions, I think the rollout of new technology is actually benefiting customers across the network. That is not to say that there is not always room to consider how we might improve things into the future.

The CHAIR: Will you be taking on lessons learnt from these purchasing decisions and doing things differently?

Mr ROB STOKES: I have answered your question, and you have just added another question there—do things differently. We are always looking for ways to innovate. We are always looking for ways to get value for taxpayer dollars. We are always looking ultimately for the network to be above all things safe but also reliable and comfortable and efficient.

The CHAIR: I hate to think you would learn a lesson and not do things differently. Let us just turn quickly to WestConnex. Following the last round of estimates there were some answers provided to questions that were taken on notice in relation to this issue that I am sure you are aware of, where people who were dealing with the noise impact of the WestConnex construction had been given headphones but they had been required to sign a deed basically gagging them from speaking to the media. I was told at that time that, following discussions with Transport for NSW, the deed poll had been redesigned to instead resemble a receipt that just acknowledged the mitigation equipment that had been handed over as opposed to having that gag order. Can you please clarify what deed polls are being used for each type of mitigation? Specifically, if we have changed them for headphones, what about other types of mitigation—for example, temporary accommodation?

Mr ROB STOKES: Thank you for your question. It is probably best answered by Ms Drover.

Mr SHARP: Yes, we will just pass to Ms Drover. She can talk to the specifics of that form.

The CHAIR: Thank you, Ms Drover.

Ms DROVER: Thank you. Camilla Drover. Yes, as you rightly say, the deed was amended so it is more of a receipt for the goods received. It does apply to headphones and it does apply to other measures that the contractor provides the community, which are over and above what they are required to do—things like vouchers and other measures like that.

The CHAIR: In terms of residents being offered mitigation measures of any kind at the moment, would you be surprised if they were being asked to sign something that effectively gagged them from talking to the media?

Ms DROVER: There are different deeds depending on what mitigation measures are being offered to the community, but I would be surprised if there are gags, as you say, [inaudible]—

The CHAIR: When Transport for NSW discussed the deed poll previously with the construction company or with WestConnex, was that only in relation to headphones or was it also in relation to all mitigation measures?

Ms DROVER: Just to clarify, this deed is one that has been used by the Rozelle interchange contractor, which is not WestConnex.

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The CHAIR: Fine.

Ms DROVER: But we did speak to them about amending a deed for devices and vouchers which are modest in nature and we requested that they [inaudible]. It is now just a receipt of the goods as opposed to a confidentiality agreement.

The CHAIR: Could you give me the assurance then that there are no deed polls being used in relation to temporary accommodation being provided that include any kind of gag?

Ms DROVER: I would need to go away and confirm exactly what is being used for temporary accommodation.

The CHAIR: My office is receiving information to the contrary so it would be very useful if you can take that on notice and even come back this afternoon.

The Hon. MARK BANASIAK: Welcome, Minister. In late September I asked some written questions to the Minister and they may have been caught up in the transition. I will put some of the ones that were not answered properly to you. This is regarding taxis. Kathy Jones and Associates [KJA] were employed to run a consultation on the proposed reforms in the point to point sector. Who instructed KJA to actually ignore the report or any reference to the report by stakeholders of Portfolio Committee 6, which had far wider consultation than the Sue Baker-Finch report?

Mr ROB STOKES: I would have to direct you to the secretary in relation to that contract.

Mr SHARP: If I could ask Mr Wing to comment specifically on the question.

Mr WING: Thank you. Anthony Wing. Actually, a consultation was run by the department and so I think Mr de Kock will have to answer it.

Mr DE KOCK: Thank you for the question. My name is Joost de Kock. As you are aware, Sue Baker-Finch did a review of the point-to-point industry in 2020. It recommended to further deregulate the industry to remove area restrictions and remove the maximum rank and hail fares. This was there to provide for further innovation in the point-to-point industry. As part of that work, she also recommended to look further into the industry assistance. As part of that process, we consulted with industry on the design of the industry assistance package. That organisation was part of that process.

The Hon. MARK BANASIAK: Who instructed KJA not to listen to references from the Portfolio Committee No. 6 report?

The Hon. SHAYNE MALLARD: No-one would do that.

Mr DE KOCK: As I mentioned before, it is a very important consultation process and Transport for NSW engaged KJA to help design and deliver the consultation program. They were selected through a process. They have helped us run the consultation process. I am not aware of any instruction that you refer to. I would have to take that on notice.

The Hon. MARK BANASIAK: Do you accept that Sue Baker-Finch actually had no experience in the industry that she was writing a report on?

Mr DE KOCK: Ms Sue Baker-Finch conducted the review of the point-to-point industry. She is a well-regarded expert and she has a lot of experience in—

The Hon. MARK BANASIAK: Sorry, Mr de Kock, did any of her expertise include the point-to-point industry?

Mr DE KOCK: She has a lot of experience in both government and local governments, especially in the regions. She had a broad set of experience to do that review.

The Hon. MARK BANASIAK: Minister, a spokesperson from your office in a webinar hosted on Wednesday 15 September from 12.00 p.m. to 1.00 p.m. stated that next year Transport for NSW is going to cancel existing New South Wales taxi licences. That was the first time anyone in the industry had heard that announcement. Is this how we do consultation now? We come to people and say, "This is what we are doing. You may get \$50,000 in assistance, or you may not." Is that good consultation?

Mr ROB STOKES: Given that predates my time in office, I will direct you to the secretary, who might be able to shed some more light on it.

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Mr SHARP: In respect of that particular question, what I do know is that there were a large number of consultation processes: five webinars, nearly 900 people attending, online surveys and stakeholder reviews. I am not sure which particular one of those consultation meetings you are referring to.

The Hon. MARK BANASIAK: Wednesday 15 September from 12.00 p.m. to 1.00 p.m.

Mr SHARP: Throughout September we had multiple meetings. I would have to take that on notice, unless Mr de Kock has information on that particular meeting.

Mr DE KOCK: Yes, thank you, Secretary. On 9 June this year, government announced a further reform for point-to-point industry to deliver more choice for customers and free up the supply of taxi licences. That was on the back of the Sue Baker-Finch report that was released earlier this year. An industry assistance package will help licence owners through this change, and that will be in addition to the \$145 million that was paid to the industry.

The Hon. MARK BANASIAK: I will stop you there, Mr de Kock, because the \$145 million was not paid to industry. There is still \$100 million sitting in the coffers that has not been paid. We found that out in the last budget estimates. Minister, I will put it back to you: Someone from Transport for NSW coming into the industry and saying, "We're taking your licences; that is a given. You may get a little bit of money as compensation, not to the level you deserve, but you may get a little bit of money," is being described by the industry as State-sanctioned racketeering. How would you respond to that?

Mr ROB STOKES: I had the opportunity to meet with the taxi council and also, prior to my appointment, with a number of independent taxi operators in my electorate. I very much understand the distress and uncertainty in the industry. Obviously we need to work collaboratively with the industry to find a way through. I have heard concerns that people are not feeling that there has been sufficient consultation, so we need to ensure that everyone feels that they have been adequately heard in terms of designing what a fundamental package might look like. Mr de Kock mentioned that there is already \$145 million that has been made available. I take your point in relation to payments out of that, but the passenger service fee has been levied for this purpose, to provide options for government to consider together with the industry.

As you would appreciate, though, as with any of these challenges, there are obviously people who request support and there are those in the community who are going to be required to pay for that support. We have got to find a compassionate and reasonable way through, whilst at the same time recognising that the general community is going to be asked to also contribute to whatever this package looks like. We are continuing to work through the issues and that will require us to come to this place to bring forward legislation. Obviously we will continue to work collaboratively to try to get as close as possible to a position that is acceptable to everyone.

The Hon. MARK BANASIAK: Is the cancellation of licences a *fait accompli*? The evidence from Minister Toole last week seemed to suggest otherwise.

Mr ROB STOKES: I am not quite aware of what the Deputy Premier has said on this issue. I think the best way to respond is to say that I am very happy to continue to talk to industry to find a way to balance the various concerns here and to recognise that governments across the world have had to grapple with similar issues. We have got the benefit of looking at what has been done in other jurisdictions. I certainly think Victoria took a much more hardline approach than I think would be reasonable here, but there are lessons that we can draw from what has been done elsewhere. I believe, on this one, it is worth the time to get it right.

Certainly, I am also keen to balance that against the need to provide certainty as quickly as possible, recognising that this relates to decisions that were made in 2015. There has been considerable time. I am obviously anxious to resolve it as quickly as possible, but to balance that against the need to make sure that everyone is being properly and thoroughly consulted. There was some feedback from industry that during the lockdowns it was difficult for some of the older operators to have access to some of the IT support that they would need to be involved in those consultations. We obviously want to make sure that every view is heard, but I will say that the taxi council has done a great job in representing the collective views of industry. We will continue to work with them.

The Hon. MARK BANASIAK: Just on that, did the NSW Taxi Council present a model to you about how more substantial compensation could be paid to the industry by grandfathering the Passenger Service Levy [PSL] and, basically, using your own data to highlight that what is actually owed to the industry is closer to \$1.5 billion, and that could be essentially paid over a 10- to 15-year period if you cap the PSL at the level it is?

Mr ROB STOKES: I had a good discussion with the industry—as you would anticipate, it was a preliminary discussion—where they indicated that they would be open to increasing the PSL or extending the

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PSL to pay for what they believe is an appropriate level of compensation. They were the suggestions that were put forward in that meeting.

The Hon. MARK BANASIAK: Are you open to those suggestions, Minister?

Mr ROB STOKES: I am open to working with them to find something that will win broad community support, but also to look at the interests to ensure that taxi plate owners are dealt with fairly and compassionately.

The Hon. JOHN GRAHAM: Welcome, Minister. I might just indicate that in this session we will largely direct questions to the Minister and the secretary, given that we have got officials in the afternoon. We will certainly come back to everyone else, including Mr Collins, on some of those issues that were raised. While we have got you here for this period, Minister, we are keen to talk to you.

Mr ROB STOKES: Sure. The only thing I would respond to that is, ultimately, if it is an operational matter that I am not abreast of, I will refer you to the appropriate official. If you would like to redirect back to me, that is fine.

The Hon. JOHN GRAHAM: Minister Constance was a strong supporter of the plan to build the \$10 billion northern Beaches Link toll road as soon as possible. That was his view. Do you support building this road now?

Mr ROB STOKES: Certainly the Government remains committed to the Beaches Link project. We are continuing through the planning processes, and we are also proceeding toward investment decision.

The Hon. JOHN GRAHAM: But you would see yourself as essentially taking up the same position as Minister Constance?

Mr ROB STOKES: The Government position has not changed.

The Hon. JOHN GRAHAM: Some of the community concerns about this project are that the northern beaches link toll road project is greater than the cost of the Western Harbour Tunnel and the Warringah Freeway upgrade, and that the project definition and delivery report show that it might just carry 25 per cent of the traffic. Do you share those concerns or what would you say to those community concerns?

Mr ROB STOKES: Ultimately, these are matters for the planning process, which is going through its process at the moment. I understand we are up to the preferred infrastructure report that the Department of Transport has been asked to submit by Planning. The response to submissions, I think, we are up to that stage, but I would be happy to provide more details on notice. Obviously this will proceed for determination as—it is currently a State-significant infrastructure, which means that in my role as planning Minister, I will have a determinative role. I have obviously got to be appropriately impartial on that point, but I can confirm that the Government remains committed to the project.

The Hon. JOHN GRAHAM: On those specifics, this costs more than the cost of the Western Harbour Tunnel and Warringah Freeway upgrade but it might carry 25 per cent of the traffic. Have you got anything to say to those community concerns?

Mr ROB STOKES: As is appropriate through the planning process, all economic, social and environmental costs and benefits are weighed up through the assessment report. So it is not appropriate for me to speculate on those.

The Hon. JOHN GRAHAM: Infrastructure Australia has had this as less and less of a priority. In its most recent report, it now barely features at all; it is not referred to directly. Do you have concerns about Infrastructure Australia's fading enthusiasm for this part of what was once a much larger project?

Mr ROB STOKES: I am certainly aware of their views. With all of our transport investments, it is absolutely appropriate that we constantly monitor costs and benefits. As I have suggested in relation to this project, because it is in the planning system I really have to be quite, as you would expect, appropriately impartial in relation to those specific assessment points. But I can say, as a member of the Government, the Government remains committed to the project.

The Hon. JOHN GRAHAM: When this went to Cabinet, the benefit-cost ratio [BCR] of the Beaches Link component of this then single project was 1.2. When the wider economic benefits were measured, it did not shift the BCR at all; it was still 1.2—that is, there were no measurable wider economic benefits. Have you ever seen a project that has been approved where that is the case—there are simply no wider economic benefits?

Mr ROB STOKES: I will reflect on that on notice. That is actually not my recollection of what I saw, but I will take that on notice. Ultimately, a business case is a useful tool in guiding the Government

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decision-making. I am certainly aware of road projects that have been proceeded with that have had a negative BCR but, as you have indicated, this project has a positive BCR.

The Hon. JOHN GRAHAM: I am happy for you to take this on notice. I am asking about the wider economic benefits—not measuring the transport costs then adding the wider economic benefits simply did not shift the dial for this project? That is my question.

Mr ROB STOKES: Sure. I accept that and I will take that on notice. But I would say in any event, with or without wider economic benefits, my understanding is that there is a positive cost benefit.

The Hon. JOHN GRAHAM: Yes, understood. The local councils' position is they are happy to accept this \$10 billion transport project but they do not want to accept a single extra resident or dwelling. You are the planning Minister as well as the transport Minister. Do you accept that as a reasonable position?

Mr ROB STOKES: My understanding of the councils' position—again, happy to reflect on this on notice—is that the planned precinct around Frenchs Forest is being considered at the moment on the basis of existing transport infrastructure connections, but there are further stages of that precinct that would be dependent upon the extra capacity provided by the Beaches Link project.

The Hon. JOHN GRAHAM: I am referring to evidence those councils have given to Parliament, where they say, "Look, we'd accept the \$10 billion transport project. We don't want another resident. We don't want another dwelling on top of what we've already got." Is that a reasonable position?

Mr ROB STOKES: Many councils will take the view that they do not want any more housing whatsoever, but obviously—

The Hon. JOHN GRAHAM: Yes, but you are the planning Minister and I am asking your view.

Mr ROB STOKES: Obviously in a growing city we need to ensure that housing is located logically on the basis of the infrastructure that is there to support it. I think the Northern Beaches Council's long-term view has been on the basis of very limited mass transit infrastructure that they have had a very strong reaction against increasing population without the infrastructure to match it. Here, there are housing targets on the beaches, as there are for every part of Sydney, and they are calibrated on the basis of the infrastructure there to provide for it. That is my understanding in relation to the position of the Northern Beaches Council—and certainly the Government. Those housing targets were—

The Hon. JOHN GRAHAM: Let me put those housing targets to you, Minister, because—

Mr ROB STOKES: The housing targets, I think, from memory were 33,000 residents over—

The Hon. JOHN GRAHAM: Let me put the specifics to you, because I think that is useful. One of the concerns is that while Blacktown is projected to grow by 264,000, Liverpool by 229,000 and Parramatta by more than 203,000—these are between now and 2041—northern beaches is expected to grow by 31,200 and Mosman LGA by 1,400 by 2041. Is it reasonable for those councils to say, "We want the \$10 billion transport project. It will be diverted from elsewhere, but we don't want a single extra resident or a single extra dwelling"?

Mr ROB STOKES: It is not really for me to speculate on the views of democratically elected councils; their positions are a matter for them.

The Hon. JOHN GRAHAM: You are the transport Minister and the planning Minister. I am asking you is that a reasonable view? When you look at Sydney, at the allocation of transport infrastructure, is that a reasonable view?

Mr ROB STOKES: I am not going to canvass the views of councils. Whatever view they take is a matter for them. My role is to make sure that the infrastructure is in place to meet the targets set by government based on things like transport or into development, for example. So when there is significant investment in new or improved transport infrastructure, often that is generally a catalyst for extra housing and jobs. I guess the Frenchs Forest precinct is a good example of that to provide a local example in the context of beaches connect. I understand the council—

The Hon. JOHN GRAHAM: That would have to be the case here, would it not, Minister? If this transport project is approved, if the \$10 billion is allocated rather than put into some other project where the population is flowing, these local government areas would see more housing and would see more residents but also see more jobs.

Mr ROB STOKES: This has all been detailed in the Sydney metropolitan plan and also the State Infrastructure Strategy and Long Term Transport Master Plan, which were all renewed in 2018 at the same time

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on the basis of the same datasets that show very transparently to the community where growth is likely to occur and what infrastructure will be there to support it.

The Hon. JOHN GRAHAM: Minister, you have referred to this already. You are the proponent. You are also the decision-maker here. You are also a local member relevant to the project. You are the transport Minister, the planning Minister and the member for Pittwater. How do you plan to balance that decision? How do you plan to manage those conflicts?

Mr ROB STOKES: Thank you, and that is a very good question. I was obviously thrilled to get another portfolio as well, as you would appreciate. The first thing that I did was to seek some advice from the general counsels of both the Planning Cluster and the Transport Cluster. I then also had an opportunity to speak with both of them in terms of how to manage conflicts as they arose. They were quite confident that conflicts could be managed as they are identified, and certainly I have asked in briefings to me that any conflicts are identified as part of that briefing process. Fundamentally, the advice I have been provided to is—so far I have not been presented with a specific conflict in relation to the decision-making, but effectively the Deputy Premier and I, in the allocation and administration of Acts, are both given the same legislation. In those cases, the Deputy Premier can exercise the powers in his role as Minister for regional transport in such a case that a conflict arises, but I am happy to report to the Committee that it has not arisen at this point. My understanding is the Premier has indicated that there will be a reshuffle at some point. I imagine these matters will be resolved at that point.

The Hon. JOHN GRAHAM: The most unusual of those is the fact that you are the transport Minister and the planning Minister—the proponent and the decision-maker. Minister Constance was bouncing around government advocating for this project—I do not think he would mind me saying that. But you are in a very different position at the moment as the decision-maker.

Mr ROB STOKES: Yes. Obviously, there are potential conflicts that arise by having responsibility for both clusters. There are equally some enormous benefits that arise in terms of being able to better join up transport and land-use planning.

The Hon. JOHN GRAHAM: I agree with that. Minister, can I ask you the question which no Minister in this Government will answer.

Mr ROB STOKES: I presume I probably will not then either.

The Hon. JOHN GRAHAM: I am hoping this might be the day. You might be the Minister.

Mr ROB STOKES: There is a challenge for me.

The Hon. JOHN GRAHAM: Over the life of the toll road contracts for Sydney, how much in total will drivers pay in tolls?

Mr ROB STOKES: Sorry?

The Hon. JOHN GRAHAM: Over the life of the toll contracts for Sydney, many of them extending to 2060—

Mr ROB STOKES: The total figure across every toll concession?

The Hon. JOHN GRAHAM: We know how much drivers are paying per year. It is now about \$2.3 billion in tolls every year. We have now hit the rate of one million toll trips a day in Sydney. That is where we are right now, but these contracts extend to 2060. In total, how much is coming out of the pockets of drivers between now and 2060 under these toll contracts.

Mr ROB STOKES: It is not that I do not want to answer your question; it is more a case of that is a very complex question.

The Hon. JOHN GRAHAM: That distinguishes you from many of your colleagues.

Mr ROB STOKES: The challenge, of course, is it is a tremendously difficult question to answer. Then you would also have to factor in the value of money over time as well. I am happy to take it on notice and see what I can provide for you. I suspect that would be a very difficult answer to provide. I think if you are going to answer it genuinely, you also need to not just factor in the costs but also the benefits to motorists over the same period from having access to great new roads that are safer, more efficient and less congested.

The Hon. JOHN GRAHAM: Many Ministers spruik the benefits of these roads, and I am happy to hear about that. I simply want to know what the cost is to drivers. It is a very simple question. How much are drivers paying?

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Mr ROB STOKES: Mr Graham, as you would appreciate, it is not a very simple question. I do not have that figure off the top of my head, as you would appreciate. I am happy to reflect on notice to see what I could usefully provide to you in terms of information.

The Hon. JOHN GRAHAM: You accept that it is not an unreasonable question to ask in the public interest. If we are weighing up the benefits—and I am happy to hear the benefits of these tolls roads—we also have to consider the costs. We know the cost that government pays, but the cost that drivers pay is in the public interest for that to be known. You would agree with that?

Mr ROB STOKES: I am not here to assess the quality of your questions, but I will do my best to answer them. In that spirit, I will do my best to provide information. As you would appreciate, there is a level of complexity because these relate to arrangements that have been made by various governments over a long period of time. I will refer you to the secretary though, who may be able to provide some assistance. He is looking eager.

Mr SHARP: In terms of the cost to the taxpayer, there is also the overlay of what the patronage might be in the future as well. As growth occurs, congestion occurs.

The Hon. JOHN GRAHAM: I do not want to know about the cost to the taxpayer; I do want to know about the cost to drivers, if you have got something to say on that.

Mr SHARP: The cost to drivers—then you have got to overlay the various relief measures that are in place. There are a number of toll relief measures and caps as well.

The Hon. JOHN GRAHAM: We have spoken extensively about toll relief.

Mr SHARP: Yes. I am not going into detail.

The Hon. JOHN GRAHAM: If you have got something to say on the cost to drivers—

Mr SHARP: I am not going into detail, but the drivers do get the cash back.

The Hon. JOHN GRAHAM: But I want to know how much is going out of their pocket, Mr Sharp. That is a reasonable question. If you have got something to contribute on that now, you are very welcome to.

Mr SHARP: No, we do not at the moment. As the Minister indicated, this is very complex. We will take it on notice.

The Hon. JOHN GRAHAM: Minister, this information is estimated—it is known. It is in the data room for any company that bids for these toll roads. That information, up until now, Treasury has said is commercial in confidence, but it is not now that the road has been sold. Do you accept that? I do not accept there is a reason not to be able to talk about this total, but there might have been a commercial-in-confidence restriction around this information prior to a sale. This road has been sold—I am now referring to WestConnex—until 2060. There is no commercial-in-confidence reason to protect those estimates now, is there?

Mr ROB STOKES: I understand Treasury's reticence on this point comes from the fact that this information may be useful in terms of any future negotiations—

The Hon. JOHN GRAHAM: In 2061.

Mr ROB STOKES: —that any future government may want to enter into. I understand that there may be some commercial-in-confidence concerns. The last thing we would want to do is reduce the capacity for the taxpayer to seek the best possible value out of any future proposal that any future government may want to consider. Subject to that point, I agree with the fundamental premise about transparency. On notice, I will reflect on what information I can sensibly provide to you to provide answers to your questions on this front.

The Hon. JOHN GRAHAM: I am going to do some very high level public maths with you on this question, to get a sense of the scale. The cost to taxpayers last financial year was \$2.3 billion in tolls. That is how much New South Wales residents, mainly Sydney-siders, were paying. These tolls rise at least with inflation, usually higher. But extending that over 43 years to 2060 over the life of these contracts—let's say 39 years—it will be hard to get much change from \$100 billion when it comes to the cost for drivers, won't it? That is just a matter of simple mathematics if we are this year paying \$2.3 billion.

The Hon. SHAYNE MALLARD: What will house prices be?

The Hon. JOHN GRAHAM: I am talking about real costs. I am accepting these will rise with inflation. So the real cost—you will not get much change from \$100 billion.

Mr ROB STOKES: To further particularise on, for example, the concession on the Eastern Distributor, by the time that expires in 2048—that was one that was signed up by the previous government—the average

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motorist to travel both ways on that short stretch of road will be a \$50 toll. You can extrapolate that over other roads. Obviously, we need to look at these issues. But we need to look at them in an integrated and holistic way. I am very prepared to do that. I am not interested, and I do not take from your question that you are interested either, in playing any partisan games here.

The Hon. SCOTT FARLOW: John is never interested in playing partisan games.

Mr ROB STOKES: This is a shared challenge. Governments have seen the benefit over time in seeking private sector support to deliver roads more quickly. There are clear benefits, as we have discussed, with having these roads available earlier. Then the question becomes who pays for them over time? Should it be the general taxpayer or should it be the road user? Obviously, these are complex matters. To the extent that it does not compromise the taxpayer's ability to seek value into the future, I am very happy to provide what details I can.

The Hon. JOHN GRAHAM: That is a useful position, Minister. We are quite open about saying we acknowledge the impact of these tolls on families in Sydney. They are getting very high. We are looking at the options for toll relief. We think a reasonable position is that it should be publicly known how much is being paid by drivers. That is the public interest here. Do you agree that is a fair question for drivers to ask?

Mr ROB STOKES: As I have mentioned, I am not here to assess the quality of your questions. I will do my best to provide information.

The Hon. DANIEL MOOKHEY: You did not get the handover notes, did you?

The Hon. JOHN GRAHAM: Do you agree that it is relevant that when the former Treasurer, now the Premier, says when WestConnex was sold—it was built for \$16.8 billion and sold for just over \$20 billion. When he says that, he is ignoring the tens of billions of dollars—possibly many tens of billions of dollars—that drivers are also tipping into the equation. That is a relevant consideration. We should be able to assess how big that number is.

Mr ROB STOKES: I am sorry. Genuinely, was that a question or a statement?

The Hon. JOHN GRAHAM: My question is: Should it not be known, when the former Treasurer, now Premier, puts that position that we built it for this and sold it for \$4 billion more, isn't it a relevant fact that drivers are contributing many tens of billions of dollars into that infrastructure?

Mr ROB STOKES: So I think the answer to that is that is a weighting of relative costs and benefits over time. That is a very complex question. There are the countable bits, the quantity bits, but there are also the qualitative elements that I think you need to provide a full picture of costs and benefits over time. To the extent that it does not compromise the concerns around commercial confidentiality, very happy to provide whatever information I can.

The Hon. JOHN GRAHAM: Thank you.

The CHAIR: I am going to ask a few questions before I hand over to my colleague Mr Banasiak. Can I say how refreshing it is, firstly, to have a transport Minister who is not telling us that our questions are "silly"?

The Hon. SHAYNE MALLARD: But we do miss him.

The Hon. DANIEL MOOKHEY: I do.

The CHAIR: It was always lively.

Mr ROB STOKES: I understand the transport Minister is in a transformation from Grumpy Bega to Happy Gilmore, so I suspect he will be very different in the future.

The CHAIR: Excellent. Minister Constance did say that the New South Wales Government is aiming to convert the full fleet of 8,000 diesel buses to electric by 2030. The 2021-22 budget only includes \$10 million explicitly for bus electrification and there has been news that the Federal Government is investing \$30 million in the electrification of Sydney's buses. Has there been costing done on how much this full transition to electric buses will cost and, if so, how much?

Mr ROB STOKES: The short answer is yes. We are doing that work progressively and that will be rolled out. I will refer you to the secretary in relation to further specifics.

Mr SHARP: Thank you for the question. Yes, we are in the consultation phase. We have put out a strategy paper to industry and the community on electric buses. We are securing feedback from that and internally we are working on a business case. We are targeting quarter two of 2022 to actually have that business case. That will take into account health benefits, the broader benefits and we do need to come through with a business case that supports that conversion.

CORRECTED

One of the interesting feedback we are getting is the benefits around noise and the diesel particulates. In particular, there was general consensus of those benefits. Sizing those can be challenging and that is what we are working on. The other aspect is the costs of e-buses are declining rapidly. As more of these are ordered and the industry continues to grow, we are finding that the cost differential between an historic diesel bus and an e-bus, that gap is diminishing. Those are being worked through and we will be having a business case in 2022.

The CHAIR: In 2022, okay. Given that we have 8,000 diesel buses, are there interim targets before 2030 to get us to that point? Are you able to give us any more detail?

Mr SHARP: There are three phases. The contracts for franchising of buses for regions 7, 8 and 9 have all included options or have included e-buses for all replacement buses, so as the old diesel buses exit. Those business cases are supported in those franchising arrangements. We are also looking at a small increment of buses, probably 100-odd buses, as a stage to get us through to the business case and then the target would be to eliminate those 8,000 diesel buses by 2030. There are three stages to get to that point.

The CHAIR: We have got the regions 7, 8 and 9. When will we have it fully electric in those regions?

Mr SHARP: For region 9, as buses get replaced, they will have the electric buses coming in. So it is a gradual replacement.

The CHAIR: When will they be replaced by?

Mr SHARP: I think those contracts are over an eight-year period.

The CHAIR: So we are looking at 2028?

Mr SHARP: Roughly around late 2029, something like that. For the ramp-up, that will occur basically in about two years' time and then there would be an expedited replacement program through to 2030.

The CHAIR: What percentage of the electrification of the fleet can occur with the \$10 million that has been dedicated so far, plus the \$30 million from the Federal Government?

Mr SHARP: Funds that get allocated at the moment are for the business case preparation and the initial planning. The current franchise contracts actually have the costs and the infrastructure embedded in those business cases. So those particular bus depots have the infrastructure costs included in those business cases. The actual business case for the 8,000 will contain those costs and, as usual, once a business case is put up and approved funding would be allocated or subject to a funding allocation at that point. That is a decision for government in 2022.

The CHAIR: In terms of new buses coming on, for example, if a regional bus company was coming to you and saying, "We want a couple of extra buses", would they automatically be electric buses or would they be getting new diesel buses?

Mr SHARP: In terms of the region and metro, the regions do have some challenges in that if you are on longer routes, for example, electric buses may not be the solution. In fact, hydrogen ultimately may well be the solution. What we are aiming for is to remove the 8,000 buses that are currently diesel. The priority will be around the metro areas where the biggest immediate benefits are. We have been liaising, I have met with New South Wales bus association. They are very supportive of heading in this direction, but in the regional areas they do have some questions around infrastructure availability and also if it is a long-distance coach ride, for example, it is probably a different technology to eliminate the diesel. We are working with industry on those practicalities. Once again, the plan will take those into account in 2022, including the phasing.

The CHAIR: Is the intention for when the buses are gradually transitioned to electric in Sydney that some of those old diesel buses will get sent out to the regions?

Mr SHARP: No. Aspirationally, we want any old diesel bus to be replaced with electric. If you are talking regions though, there is the overlay of infrastructure and whether electric buses are suitable as a replacement or whether another technology. That is what we are working on with industry at the moment.

The CHAIR: The diesel buses are owned by the State Government, are they not? Whereas the new electric buses are actually owned by the private corporations, who are then given the contract.

Mr SHARP: It varies. At the moment, we own the buses and continue to own the buses, including the electric buses.

The CHAIR: But there are some regions where you will not own the buses, is that correct, and the infrastructure associated?

CORRECTED

Mr SHARP: In the bus franchises in the city, Transport for NSW maintains the assets and it is actually the workforce and the operation that is subject to the franchise arrangements.

The CHAIR: Thank you. I think that is all I have on electric buses. Just in the last few minutes before I hand over to my colleague, it was recently announced that Sydney Trains will transition to net zero, but it will do that by purchasing renewable energy certificates to offset its electricity usage rather than directly purchasing renewable energy to power our trains. Am I correct in that understanding that, rather than actually transitioning, we are just buying renewable certificates, unlike Canberra, Victoria and other places?

Mr ROB STOKES: I will provide some preliminary views and then pass to the secretary. With much of our rail network, particularly the existing network, my understanding is that purchasing the large-scale certificates is effectively the only feasible way in which we can meet that target over the short term, which is terrific for providing jobs and opportunity in parts of regional New South Wales to ensure that we have offset this use by purchasing that renewable electricity elsewhere. Over time, of course it would be my hope that we move to integrate that more into operations themselves. I think the challenge is that the historical development of the transport network and the assets themselves mean that there is just not the connections to be able to purchase that renewable energy to directly power the fleet. Certainly that is something we would be keen to do over time, but in the short term recognising there is something we can do about it now. We have been doing it through the purchase of certificates. I will refer to the secretary.

Mr SHARP: Yes, we contracted with Red Energy, associated with the hydro-electric company. There is a combination of renewable contracts and then we will be going out to market in four years' time to actually—because of the size of the electric energy we use—continue the journey of full renewables.

The CHAIR: Do you have an expectation for when the network will be directly powered by renewables?

Mr SHARP: The metro operation is currently 100 per cent powered by renewables. It is powered by a large solar farm. In respect to the market, it will depend on the market conditions in this space in 2024. We are seeing it develop rapidly. We are seeing interest in the size and the scale of the electricity we utilise, so we are hopeful that we can fully secure that in 2024. But it is not necessarily about that; as well, it is about reducing the actual usage. We are targeting, by 2025, to have 10 per cent reduction in actual usage. This is through technology on, for example, air conditioning systems, braking systems regenerating electricity and solar panels on our depots. Those initiatives—we will also see an actual reduction in usage.

The CHAIR: So, efficiency improvements.

Mr SHARP: Correct.

The CHAIR: Thank you. Mr Banasiak?

The Hon. MARK BANASIAK: Just continuing on with the questions around the taxi reforms. Minister, I asked this question of the previous Minister and he did not answer. In 2015 hire vehicles were actually paid out in full, some of them to the tune of \$418,000 tax-free. I asked the Minister then why they are now being included in this assistance package, given that they have already been paid out in full. Can you answer that? Why are hire-class vehicles essentially getting a second bite of the cherry in terms of assistance?

Mr ROB STOKES: It is my expectation that everyone who has been affected by the point-to-point changes be negotiated with and dealt with appropriately. That would be in relation to the taxi industry and the hire car industry, recognising that the industries are different and will have different needs and different expectations. I might refer you to the secretary, if he has anything further to add there.

Mr SHARP: I haven't got anything further to add on that particular question. We are consulting with all of the sectors and we still have to land on the actual support package. I do note your comment, but I am not across that particular detail.

The Hon. MARK BANASIAK: Okay. If you are still trying to find a landing point on the assistance package, why were stakeholders presented with a financial assistance fact sheet, dated September 2021, which goes into quite some detail about what they can expect to be paid? It looks like you have already reached a landing.

Mr SHARP: In respect to consultation, you need to put scenarios forward for people to comment on. This is a regular observation that I have in terms of consultation processes. If you do not put something up, you are talking in very broad generalities. If you actually table a structure, a policy or a methodology, you then elicit the appropriate responses in regard to that. That consultation process is exactly that. We take those on board, and there are numerous examples where we do take feedback on board and feed that back into the next stage of the material or the policy setting.

CORRECTED

The Hon. MARK BANASIAK: Have you taken on board the concerns about the removal of geographic zones, particularly for our regional plate owners? Some of the examples that have been given to me are: If there is a big race on—the Bathurst 1000—all the unlimited plate owners, under this reform, will flock to the Bathurst, flood the market, take the cream off the local guys and nick off after the race is over. Those local people who would have used that event to supplement the lean times are essentially worse for wear. Has that been heard by industry?

Mr ROB STOKES: Coming in with fresh eyes, I was certainly mindful of the difference. There are spatial differences facing parts of the industry in different parts of the State. I am alive to the concerns of regional operators, particularly given that in many—particularly smaller—country towns the taxi industry operates as a de facto public transport service as well. There are wider public interest issues at play here as well.

The Hon. MARK BANASIAK: If you lose them, you are going to be funding community transport.

Mr ROB STOKES: This is precisely the point. We are certainly alive to the issues facing the regional taxi industry and recognise that the challenges they are facing will ultimately be challenges the Government faces if we do not deal with them appropriately, effectively and compassionately, and provide some certainty about how we are going to meet our obligations to provide a level of connectivity for people, particularly in those smaller country towns. That is why I think my preliminary view is that it would be very difficult to come to a one-size-fits-all approach in relation to what a final resolution might look like. The secretary might have a more considered reply for you, but that is my preliminary view.

Mr SHARP: Just to add to that, there has been other feedback that we are taking on board as well—for example, a cap in respect to the number of plates. If you are a small, regional business with five or six, that can disproportionately impact on any relief that they receive. There are some practical issues that have been raised. We are consulting broadly across the industry and we are taking all of that feedback on board.

The Hon. MARK BANASIAK: Minister, I know in previous answers you referenced that you are looking at other jurisdictions, and you mentioned the Victorian model. Are you aware that the Sue Baker-Finch report was essentially heavily plagiarised from the Victorian report and model?

Mr ROB STOKES: I am aware of her recommendations.

The Hon. MARK BANASIAK: That is not quite the same. Are you also aware that in some of these other jurisdictions, particularly overseas—Los Angeles, New York, San Francisco, the UK—they have gone down similar models to what you are proposing and it has been a dismal failure? How is New South Wales going to be any different? It has essentially destroyed any supply-and-demand model. They cannot get drivers because it is not worth their while. They are not getting a fair clip or a fair income, so they have just walked away. How is New South Wales going to be any different?

Mr ROB STOKES: Well, as a jurisdiction we would be under the same fundamental pressures as other jurisdictions, so we have to learn from the mistakes that they have made but also from the successes they have made. Anyone looking at this objectively would tell you that, with similar problems in different parts of the world, we are going to identify similar solutions, but we also have the benefit of looking at what has worked and what hasn't worked. It would be my expectation that we do that and do it collaboratively.

The Hon. MARK BANASIAK: Okay. There was a recent article about Uber essentially self-referring 500 previously undeclared offences. How is this reform going to improve safety and compliance when we go to an unlimited licence model when we cannot even manage the rideshare licences we have now, in terms of enforcement and compliance? We are relying on their honesty to refer undeclared offences to us, and now we are going to go to an unlimited licence and have exponentially larger numbers of drivers on the road. How are we going to manage that compliance when we cannot do it now?

Mr ROB STOKES: I will provide a bit of an answer and then go to—

Mr SHARP: Yes, I can refer to Mr Wing, who can talk specifically to it. But in regards to compliance there are a number of thousands of audits that actually take place by the Point to Point Transport Commissioner and his team. There are directions that are also raised by the Point to Point Transport Commissioner out of those audits. There is a legal requirement for Uber and other point to point operators to report material. In the incident you talked about with Uber there were directions issued. There have been audits in respect to Uber as well. So there is a compliance framework and it is not just for the taxi industry; it has actually covered the point to point industry as well. If you want more detail, I am happy to pass to Mr Wing to comment specifically.

The Hon. MARK BANASIAK: Before you do, would you agree that the auditing of taxis is made far easier because they have a home base—they have rank and hail—whereas rideshare doesn't have that home base? They do not have rank and hail, so they are more difficult to track and pick up in random audits and inspections.

CORRECTED

Mr SHARP: I think the challenge is probably equal. If you look at the taxi industry, you have some very large players there—likewise, Uber and others are quite large—and then you have a large tail of mums and dads and smaller players as well. So both sectors have that similar issue, which impacts on the auditability, but there is a comprehensive audit program that covers both sectors of the industry.

The Hon. MARK BANASIAK: Mr Wing, do you have anything to add?

Mr WING: Yes, thank you. There are a couple of questions in there. The law applies to providers, whether that is taxi or rideshare or any other provider; it applies to all companies, large and small, and we apply it to all companies, large and small, and to rideshare and taxis. In the last financial year, for example, we carried out 61 safety audits, 78 advisory visits, 1,349 taxi vehicle compliance checks, 1,736 hire vehicle compliance checks and 31 rideshare compliance checks. As a result of those, we issued 184 infringement notices and 25 prohibition notices, and a further 1,194 penalty infringements were issued during the financial year, and those are applied right across the industry. What is important is that it is clear that the laws apply to all providers whether they are rideshare or taxi or anyone else and whether they are large or small.

As you asked about whether it is more difficult to fine rideshare or hire vehicles than it is to fine taxis, as I say, we have done approximately 3,000 vehicle compliance checks in that time, of which 1,700 were for hire vehicles and rideshare, and 1,300 were for taxis. So we have found what lengths we have to go to to make sure that [audio malfunction]. I know that, Mr Banasiak, you have raised this in the past when I first was appointed and I certainly agreed at the time that there was an undue focus on tax compliance checks, which is what directions I told my staff, that we needed to find ways to make sure that they are actually doing at least as many, if not more, rideshare and hire vehicle compliance checks.

In relation to the point about self-reporting, we were prompt in that matter. We ran a very thorough audit of—I will give you a reason: one of the safety audits we ran during that year, one of the things that came up that my auditors identified was that there were issues with the reporting of notifiable occurrences on Uber. That would be two things: one, we directed they fix it for the future; they also then reported the unreported notifiable occurrences. From our point of view, that was great but they were late. That is why we audited back fines as well for late reporting of notifiable occurrences, but, importantly, they also have a statutory direction which they are required to comply with to fix that problem for the future. This was dealt with across all players that are dealt with whether they are large or small, rideshare or taxi.

The CHAIR: Thank you, Mr Wing. We are now going to have our mandatory break.

(Short adjournment)

The CHAIR: We might get started again. We have questions from the Opposition. Mr Mookhey.

The Hon. DANIEL MOOKHEY: Thank you, Chair, and good to see you again, Minister. Minister, how many of the Emerald Class ferries are operational right now?

Mr ROB STOKES: In relation to the three of the new Emeralds, one has now entered into operation I think last Friday and the first three are in operation.

The Hon. DANIEL MOOKHEY: So one is in operation. When will the others be fully operational, including at night?

Mr ROB STOKES: I will refer you to the secretary.

Mr SHARP: They are progressively being rolled out and not at night at the moment, but there is a retrofit designed to address that and that will be progressively introduced.

The Hon. DANIEL MOOKHEY: We will get to that, Mr Secretary, but my question was: When will all of them be operational? Do we know?

Mr SHARP: I cannot give you a date.

The Hon. DANIEL MOOKHEY: Is that because there is no date?

Mr SHARP: They are going through their final testing stages to come in. I can revert with the anticipated dates.

The Hon. DANIEL MOOKHEY: Thank you. Has the Australian Maritime Safety Authority given certification for the Emerald Class Manly ferries?

Mr SHARP: I would have to take that on notice to Mr Collins.

CORRECTED

The Hon. DANIEL MOOKHEY: They have not though, have they? Just to be very clear, Minister, and/or to Mr Collins, the Australian Maritime Safety Authority is yet to give its certification of these ferries. Correct?

Mr ROB STOKES: I think Mr Collins is answering that one.

Mr COLLINS: Yes. Thank you very much for the question. I believe the Emerald 2 ferries are fully operational and passed all the necessary assessments. I will double-check to ensure that we have a specific answer to the question you asked available, but the first of the three Emerald 2s is in service and has been since last Friday and the others are on sea trials.

The Hon. DANIEL MOOKHEY: That is helpful but not the actual question. The question is: They have not received their certification from the Australian Maritime Safety Authority. Is that correct?

Mr COLLINS: I believe they have, but let me double-check and I will give you that answer this afternoon.

The Hon. DANIEL MOOKHEY: That is broadly speaking because they are having trouble handling swells of more than 4.5 metres. Is that correct?

Mr COLLINS: Not correct.

The Hon. DANIEL MOOKHEY: They cannot operate at night. Why can they not operate at night, Mr Secretary?

Mr SHARP: There is a glare on the windows at night, which can impede your vision. So they are looking at the angle of the glass and various other techniques to resolve that particular issue.

The Hon. DANIEL MOOKHEY: And, Minister, the Government—

Mr ROB STOKES: Sorry, Mr Mookhey, I was confused then. I think you are referring to the River Class not the Emerald Class.

The Hon. DANIEL MOOKHEY: Okay, fine. The River Class, is that what you are talking about? Does the answer apply to the River Class?

Mr SHARP: The River Class is the one with the night vision—

The Hon. DANIEL MOOKHEY: Okay, so we are doing that one. On to that then, has the Government or Transdev engaged Noakes Group to redesign the wheelhouses for the River Class?

Mr SHARP: I would have to refer to Mr Collins in terms of the company involved.

Mr COLLINS: That is correct. Noakes Group are doing the modifications.

The Hon. DANIEL MOOKHEY: Thank you very much. And when will the contract be prepared regarding the repair of those wheelhouses?

Mr COLLINS: If that question is to me, I apologise. They have started that work now. I have actually been on the site and seen the work.

The Hon. DANIEL MOOKHEY: Sure. So basically we are rebuilding the wheelhouses to reduce the risk of decapitation, correct, Minister?

Mr ROB STOKES: No, that is not correct.

The Hon. DANIEL MOOKHEY: Why are we doing it?

Mr ROB STOKES: My understanding is you are talking about the window glare issue?

The Hon. DANIEL MOOKHEY: Yes. Or we are worried about the bridges, hitting the bridges at night.

Mr ROB STOKES: From the window glare? I am sorry—

The Hon. DANIEL MOOKHEY: Yes.

Mr ROB STOKES: In relation to your concern about the height of the vessel, that is more relevant to the height of the bridges. There has always been this challenge with the lower bridges as you are approaching Parramatta and it is not possible, as I understand, to design a ferry with the sort of complement we are looking at that will not require passengers to—

The Hon. DANIEL MOOKHEY: Duck.

CORRECTED

Mr ROB STOKES: —leave the deck area before it approaches those bridges. Ultimately the solution to that issue will have to be bridge replacement. Given the shallowness of the river at that point and the displacement required for a vessel to get through there of a relevant size, you cannot, as I understand, design a ferry that would not have this challenge.

The Hon. DANIEL MOOKHEY: When do you expect these bridges to be replaced?

Mr ROB STOKES: We are dealing with the issue as has always been done in relation to allowing passengers the wonderful option of being able to sit on the rooftop or to enjoy the gallery up until that point when they approach those low bridges. My understanding of the bridges themselves is there are no design problems with the bridges for their operation as a traffic bridge.

The Hon. JOHN GRAHAM: Minister, we are just going to move to another issue. When you announced approval of the WestConnex motorway in 2016, you spruiked strict and unprecedented approval conditions including for public transport. Those conditions have never been implemented. When will they be implemented?

Mr ROB STOKES: Thank you for your question there. A couple of things. Firstly, the conditions themselves were—

The Hon. JOHN GRAHAM: I am looking for one thing, Minister. When will they be implemented?

Mr ROB STOKES: The answer to that is they are in the process of being implemented. I have already sought a briefing in relation to how we will introduce those public transport services along Parramatta Road and it is my expectation that those conditions be addressed as quickly as possible.

The Hon. JOHN GRAHAM: How quickly as possible?

Mr ROB STOKES: In relation to how quickly that will be, I will refer you to the secretary, but I accept the premise of the question: that is a condition I imposed at the time and now I have got both portfolios it is my intention to see them fulfilled.

Mr SHARP: We are looking at the bus lane and additional patronage. That plan is underway. In respect to the broader Parramatta Road, there is a continuation of the detailed review when the M4-M5 Link opens and it is connected with when the other infrastructure opens.

The Hon. JOHN GRAHAM: Mr Secretary, I will come back to you on this question, unless you can answer this: When will those conditions be satisfied? Can you answer that specifically?

Mr SHARP: Are you talking about the buses or the conditions generally?

The Hon. JOHN GRAHAM: I am talking about the conditions that were imposed by the—

Mr SHARP: I would have to refer to Ms Bourke-O'Neil in respect to the actual conditions.

The Hon. JOHN GRAHAM: Let us come back to that in the other session.

Mr ROB STOKES: Yes, and I am also happy to provide details on notice as well because it is my expectation that those conditions be fulfilled as quickly as possible.

The Hon. JOHN GRAHAM: Minister, you have received a briefing. Have you issued a direction in regard to the transport Minister to have these conditions dealt with or in a particular time—

Mr ROB STOKES: I have directed the secretary that it is my wish that these conditions be fulfilled as quickly as possible.

The Hon. JOHN GRAHAM: You have issued a direction?

Mr ROB STOKES: When you say the words "issued a direction", I have asked the secretary to do precisely that. So in that form, yes.

Mr SHARP: And there is a development—

The Hon. JOHN GRAHAM: Thank you, I will come back to that, Mr Sharp. Given that Transport is considering rolling out bus services, is it considering rolling out high-capacity turn-up-and-go bus services that will travel in the outer lanes up to 60 kilometres an hour, and how does that square with your original vision, Minister, of having pedestrian thoroughfares on either side of Parramatta Road?

Mr ROB STOKES: A couple of things—that is referring to a place-making outcome as well. There is the \$198 million Parramatta Road Urban Amenity Improvement Program that is in the process of being embedded right now. There is a whole series of public domain improvements including cycleways and pedestrian walkways.

CORRECTED

But it is my expectation that the condition be met in the terms in which it was written, and I think there are also options to look forward to connect that through to Sydney Olympic Park and the areas to—

The Hon. JOHN GRAHAM: That idea of high-speed buses up to 60 kilometres per hour in those outer lanes with pedestrians right nearby, is that on the table?

Mr ROB STOKES: My expectation is that the condition be addressed and its requirements met. As to how that is done, I do not have a fixed view.

The Hon. JOHN GRAHAM: You would not rule that out, for instance. As Minister, you would not rule that out as meeting your former conditions.

Mr ROB STOKES: I am not going to speculate on any particular solution other than to say my expectation is that it would be safe and efficient.

The Hon. JOHN GRAHAM: The Government has recently sought to progress plans originally outlined in 2016 to drive 27,000 new homes into this corridor between Granville and Camperdown. How do you see that comparing to the northern beaches area where they are getting the transport before the houses but in this area of Sydney they seem to be getting the houses before the public transport?

Mr ROB STOKES: I do not actually accept the premise of your question necessarily. I think the comparison you are trying to draw is not—you are not comparing apples to apples is the first thing to say. I do think the challenge that we faced along the Parramatta Road corridor was that there had been a corridor preserved that had been de-gazetted and sold off in the 1970s, and so we were having to retrofit a transport solution in a very built-up area of Sydney already. That is why certainly in relation to both the private transport solution and the motorway, which has reduced traffic volumes on Parramatta Road by a third, the new western metro that will be delivered in lockstep with land-use change, the Parramatta Road—

The Hon. DANIEL MOOKHEY: Minister, on that—

Mr ROB STOKES: I am sorry.

The Hon. DANIEL MOOKHEY: On the subject of infrastructure investment in that area, what I want to ask you about is the Parramatta Light Rail Stage 2. When your Government said that it would build the Parramatta Light Rail Stage 2 prior to the last election, that was an inaccurate statement, wasn't it?

Mr ROB STOKES: I am sorry, say that again.

The Hon. DANIEL MOOKHEY: Your Government lied when it said it was going to build the Parramatta Light Rail Stage 2 prior to the last election, didn't it?

Mr ROB STOKES: No.

The Hon. DANIEL MOOKHEY: When the Government said that construction would begin in 2020, that was an untruthful statement, wasn't it?

Mr ROB STOKES: I am not sure what you are quoting from.

The Hon. DANIEL MOOKHEY: I am referring to the October 2017 press conference in which it was said that the construction of stage two of the Parramatta Light Rail would begin in 2020. Your predecessor said that. That was an inaccuracy and that was a lie, wasn't it?

Mr ROB STOKES: I am certainly not going to cast aspersions on my predecessor, but what I can do is say that the 2021-22 budget has committed \$50 million towards progressing the planning to deliver stage two of the Parramatta Light Rail.

The Hon. DANIEL MOOKHEY: I accept, Minister, that you are not going to cast aspersions on your predecessor, which is not a limitation that I am subject to—

The Hon. JOHN GRAHAM: Or that he was.

The Hon. DANIEL MOOKHEY: —or for that matter he was subject to.

Mr ROB STOKES: I suspect you will though. You already have.

The Hon. DANIEL MOOKHEY: Your Government also promised this project prior to the 2015 election. Two elections in a row, and at best only now do we have money aside for an environmental impact statement [EIS]. This was clearly a project you were never going to deliver. Is that correct?

Mr ROB STOKES: No.

CORRECTED

The Hon. DANIEL MOOKHEY: When is construction going to start?

Mr ROB STOKES: You obviously have to go through the planning processes to inform the investment decisions so that you can undertake the project. The Government's intention, as with all of the projects we announce, is that we go through a process where we talk to the community, we do the planning process, we do the planning to inform an investment decision and then we confirm.

The Hon. DANIEL MOOKHEY: Indeed, but, Minister, the problem that I have with this is—

The Hon. SCOTT FARLOW: Point of order: The Minister is trying to answer—

The Hon. DANIEL MOOKHEY: This is positively a bromance by our standards.

The Hon. SCOTT FARLOW: I have not had a chance for a point of order today, but the Minister is trying to answer the Hon. Daniel Mookhey's question and the Hon. Daniel Mookhey keeps on interrupting the Minister. I ask that you call him to order.

The Hon. DANIEL MOOKHEY: I thought that, by our standards, this is going very well.

The CHAIR: By our standards it was going quite well; however—

The Hon. DANIEL MOOKHEY: Minister, the problem that I have with your answer—

The Hon. SCOTT FARLOW: No, Chair.

The CHAIR: Thank you.

The Hon. SCOTT FARLOW: You are very excited.

The CHAIR: If we could just maybe pause a little for the benefit of Hansard.

The Hon. DANIEL MOOKHEY: Minister, the problem that I have with that answer is that I heard your predecessor say that pretty much every year at budget estimates. We have heard it for years in a row. It is a really simple question. When can the residents of Melrose Park and Wentworth Point expect your Government to actually honour the promise it has made at two elections? When is construction going to start?

Mr ROB STOKES: I can only answer where we are up to in the process at this point. Progress on stage one is proceeding apace, and quite appropriately we are now turning our minds to the detailed planning for stage two, which is absolutely appropriate in terms of the point we are up to. In relation to the specifics about future decisions about a construction timetable, I will refer you to the secretary.

The Hon. DANIEL MOOKHEY: I am happy to pick that up with the secretary this afternoon. You have made mention to the EIS, and it is only now that money has been put aside for an EIS. When do you expect the EIS to (a) start and (b) complete?

Mr ROB STOKES: Again, I think, appropriately, because this did delve into operational matters, I would probably refer you to the secretary.

The Hon. DANIEL MOOKHEY: Minister, it is not an operational matter.

Mr ROB STOKES: It is.

The Hon. DANIEL MOOKHEY: Your budget put aside the money for the EIS. When, as Minister, are you expecting the EIS to be with you and with the public?

Mr ROB STOKES: I will take that on notice.

The Hon. DANIEL MOOKHEY: Is there a date? Is there actually a date at all or is it that you just do not know about it?

Mr ROB STOKES: No, I have actually answered your question.

The Hon. DANIEL MOOKHEY: Okay, sure. When do you expect this to open?

Mr ROB STOKES: You are asking me the same question.

The Hon. DANIEL MOOKHEY: No, I am not. I am asking you: When do you actually expect the Parramatta Light Rail Stage 2 to open?

Mr ROB STOKES: My answer to the question is: There are processes involved here. Obviously you have got to do the business case, you have got to go through the planning process and then you have got to make

CORRECTED

the final investment decision, all of which you have to start with the detailed planning which is what the budget is there to provide.

The Hon. DANIEL MOOKHEY: Minister, you are leaving a very strong impression here that, despite making this commitment four years ago, your Government has not started a business case, you have not put aside any funding for this and you have not done any of the planning. Your answer would make sense if it was about a project you announced last week, but this is a project that has been announced for years. Do you want to correct the impression that you are giving here that none of the work has been done that would allow the Government to make an investment decision on this?

Mr ROB STOKES: There are a number of assertions you put to me right then, but one of them I will pick up on which was demonstrably incorrect. You suggested that no money has been set aside. I point you to the budget papers which clearly indicate \$50 million toward—

The Hon. DANIEL MOOKHEY: Seriously? You are seriously suggesting—

Mr ROB STOKES: I am seriously suggesting that you said there was no money, and there is money.

The Hon. DANIEL MOOKHEY: You are telling me that you have done the business case? Is the business case done? Why is the business case not done?

Mr ROB STOKES: That is not what I told you.

The Hon. JOHN GRAHAM: Daryl Maguire gave public evidence last week that he was involved in obtaining information about the route of the M9. That was of commercial benefit to a nearby landowner and it was in the hope of obtaining financial benefit for himself. What steps have you taken as transport Minister to determine who the former MP was that he referred to who also took steps to assist Maguire to obtain that information.

Mr ROB STOKES: In relation to those matters, they are appropriately matters for the integrity agency. I do not propose to launch some sort of collateral investigation to the one that is currently under way.

The Hon. JOHN GRAHAM: No, they are not, Minister. These are matters arising in that evidence that are squarely in your domain. Have you taken any steps to determine who the former MP was who was assisting Daryl Maguire to find out the route of this motorway to the commercial benefit of a mega developer?

Mr ROB STOKES: Straight away, I do not believe that is appropriately a question for me in my role as transport Minister. I actually think that any question there would be one for an appropriate integrity agency.

The Hon. JOHN GRAHAM: This is about the route of the M9. I will read you what Maguire says happened. This is the relevant excerpt of the phone tap. The transcript reads:

MAGUIRE: - there is a map, okay.

The developer says:

... Yeah.

MAGUIRE: So, so um, I'm gonna send your um IM to my friend and he's got –

The developer again says:

... Yeah.

MAGUIRE: - he's going to look and see if he recalls that map in his mindset, okay.

This is referring to a former MP, a former member of this place, who was assisting Maguire to provide that information that was not publicly available. Have you taken any steps to investigate who that person was?

Mr ROB STOKES: Again, I rely on my previous answer. Quite frankly I do not have the capacity, nor the powers, to look into conversations between former MPs in relation to those matters. It is just simply something that I do not have the powers to do.

The Hon. JOHN GRAHAM: So no steps. Have you taken any steps—

Mr ROB STOKES: No, my answer is that I do not have the powers under relevant legislation to make those sorts of inquiries.

The Hon. JOHN GRAHAM: I do not agree with that assessment, but I will leave that aside.

Mr ROB STOKES: I cannot phone tap and I cannot—

CORRECTED

The Hon. JOHN GRAHAM: Have you taken any steps to ensure that this former MP is not still active—for example, as a lobbyist—relating to companies with planning or transporting interests in New South Wales?

Mr ROB STOKES: Now that your question is relating to the role of lobbyists, that is not within my portfolio responsibilities. I look at the allocation of Acts that I am given to administer, and none of those Acts that I can think of off the top of my head would equip me with any powers to make those sorts of inquiries.

The Hon. JOHN GRAHAM: Have you taken any steps to satisfy yourself that you have not met with clients of such a former MP and current lobbyist?

Mr ROB STOKES: Again, I do not quite know how I would go about that. Certainly in relation to whatever meetings I have, they are detailed in my ministerial diary in accordance with my obligations under the code.

The Hon. JOHN GRAHAM: It is having looked at your diary that I am raising that concern, Minister.

Mr ROB STOKES: Can you ask your question again?

The Hon. JOHN GRAHAM: Have you taken any steps to satisfy yourself that you have not met with clients of such a former MP, who is a current lobbyist?

Mr ROB STOKES: You are asking me to answer a question that I cannot possibly answer. I do not know who it is you are referring to. I do not think you know who you are referring to, so I do not know what other meetings that person may have had with other people.

The Hon. JOHN GRAHAM: Minister, as the transport Minister responsible for the route of the M9 corridor—this motorway—and responsible for the money that flows to developers if this is built near their land, you are saying that there are no consequences of this and there is no obligation on you to investigate the evidence now in public about how this information may have become public earlier than it should have?

The Hon. SCOTT FARLOW: It is for the ICAC.

Mr ROB STOKES: Quite frankly—

The Hon. JOHN GRAHAM: It is not just the ICAC. There is an obligation here.

Mr ROB STOKES: My obligations are to obviously fulfil my duties in accordance with the ministerial code and with other obligations and to meet the requirements of the legislation that I administer. What you are asking me to do falls outside those powers. They may well be relevant questions—in fact, I do believe they are—but they are not questions that are appropriately put to me.

Ms CATE FAEHRMANN: Good morning, Minister. I just want to talk about cycling in relation to increasing injuries and deaths of cyclists on our roads. In 2020-21, according to the office of State revenue, 7,048 fines were issued to bike riders by New South Wales police for things like not having a bell and riding on the footpath. Over the same period, only 25 fines were issued to drivers for close-passing infringements. During that time, 14 bicycle riders died, 11 of whom were hit by cars, whilst a further 2,308 riders were seriously injured. I want to know from your point of view because you are new in the transport position, will you commit to taking cyclists' safety more seriously than perhaps your Government has done in the past?

Mr ROB STOKES: You had me right until the end. As you would expect, I would say that we do take cyclists' safety seriously. However, I otherwise agree with the premise of your question that there is, I believe, a longstanding cultural problem in this city in relation to cycling that we need to get over. Other cities have done it. We have some local challenges in terms of road widths and topography and all those sorts of issues, but nevertheless we need to do everything we can to facilitate a greater take-up of active transport and make it safer. I should add, it is not just cyclists, but also, importantly, pedestrians. That will certainly be a focus that I will bring to bear in this portfolio. Of course there is always more we can do. I am very aware that cyclists are a particular vulnerability in relation to other transport users. We do need to do everything we can to make cycling as safe as possible because that will also make it more attractive for more people to take up. That also means that wherever we can safely do so within existing restraints—we are talking about retrofitting infrastructure here—we need to provide more opportunities for separated cycleways, wherever it is safe to do so.

Ms CATE FAEHRMANN: Yes, thank you. We will get to that. That statistic was 2,308 riders who were seriously injured in 2020. Do you know what proportion of the budget for road safety education is actually spent on driver awareness in terms of cyclists?

Mr ROB STOKES: I will refer you to the secretary.

CORRECTED

Ms CATE FAEHRMANN: Do you have any idea of what proportion that is?

Mr SHARP: I would have to take the actual portion on notice and come back to you. To the Minister's point about separation, we are spending \$950 million on walk and cycleways over the next four years. All up that would be about \$1.5 billion. The ultimate answer is to separate, and we are investing on that front. We run multiple advertising campaigns on safety, and I will come back to you specifically on the portion geared to cyclists.

Ms CATE FAEHRMANN: Thank you, Mr Sharp. Minister, I want to bring to your attention that Bicycle NSW, who I am sure you are aware of, ended up having to deliver its own Safety on Spokes road safety campaign because they were unable to secure government funding. As I understand, it ran a really good bike safety education campaign with the Government in previous years. I urge you to have a look at the campaign because it is a very good one.

Mr ROB STOKES: Sure. I have not had the opportunity to meet with them yet; I have been in the chair for three weeks. I have already set up a meeting with Bicycle NSW. I am keen to see how we can work with them.

Ms CATE FAEHRMANN: Fantastic. That is good. In terms of the cycling networks that you were just talking about, in 2018 Infrastructure Australia proposed a 300 kilometre network of cycleways. I understand that Transport for NSW began a project working with Sydney councils and Bicycle NSW to develop this network of connected cycleways. I think it is called the Principal Bicycle Network.

Mr ROB STOKES: That is right, yes.

Ms CATE FAEHRMANN: Earlier this year bike advocates were informed, however, that this network would not be delivered. Why is that the case? How much was spent on planning the network and what is going to happen now to ensure really safe, integrated and separated cycleways?

Mr ROB STOKES: There are two questions there. The first is: Why was it not progressed? I can take that on notice, but I can certainly talk about my intentions in the portfolio. I believe having a pipeline of projects in relation to cycling infrastructure is just as important as having a pipeline of projects in relation to other forms of transport infrastructure. I think one of the challenges here has been a lack of an identification of a pipeline of projects. A lot of the funding the secretary is referring to is provided to local councils and often they have not identified or planned a project beforehand. I understand a great deal of that money is ultimately refunded because it is not able to be expended on planned routes.

It is clear to me that we need to identify a pipeline of future investment so that we can progressively move to fund it and build that network over time. I believe the development of that network is critical and I am aware that when you look at other global cities, we are falling a bit behind. That points a little bit to that cultural issue that we have that I am really keen for us to turn around because the lifestyle and health benefits of cycling are well made out.

Ms CATE FAEHRMANN: Yes. I think it is a bit of a chicken and an egg situation, really, in terms of our cultural approach to cycling. The more infrastructure we have in place, obviously, the more people who cycle. We address that culture by doing—

Mr ROB STOKES: Evidence shows that the best way to make cycling safer is to have more people cycle.

Ms CATE FAEHRMANN: That is right. I will move to electric scooters. I understand there was an Electric Scooter Advisory Working Group that was established maybe a year or two ago. They issued a report that recommended trials for electric scooter shared services. Firstly, has the Government abandoned the idea of a trial for shared services of electric scooters?

Mr ROB STOKES: Firstly, the working group sounds like a lot of fun. I wish I were on it. We are looking into these issues and a future announcement will be made into ways in which government will work to look at how these scooters might operate safely. There are obviously concerns in relation to introducing a new type of transport onto the existing network, but we will work through those issues and there will be announcements to be made in the near future in relation to looking at some of those issues. I will refer you to the secretary if there is anything specific he might provide relation to the work of the working group.

Mr SHARP: Thank you. We do have a long-term vision for transport and that includes the whole end-to-end journey.

Ms CATE FAEHRMANN: Sure.

Mr SHARP: So e-scooters, e-bikes, mobility—

CORRECTED

Ms CATE FAEHRMANN: That is fine. I think when you said end-to-end journey and a whole vision for transport, you have lost me because I feel like you are going to take a long time here and my time is limited. I will read the brochure, but I really appreciate that, Mr Sharp. I want to get back to you, Minister, because I think you were saying you are about to have some imminent announcement. Is this in relation to, hopefully, just e-scooters generally? I have ridden an e-scooter, but I know technically they are not legal and you could be liable for a \$4,000 fine. That is the situation at the moment.

Mr ROB STOKES: I think the lessons of the past have taught us that it is important to look at how new modes of transport can be safely rolled out. That would be the attitude I would take toward this issue. I am not going to say anything further because we are still looking to make a decision—no firm decisions have been made yet—but I am certainly very aware of calls for things like trials. Certainly where there is an excitement by local governments we might be willing to partner, there are certainly opportunities to look at.

Ms CATE FAEHRMANN: Would you be making a recommendation then for people to potentially still consider whether they should buy themselves an e-scooter or their partner an e-scooter for Christmas?

Mr ROB STOKES: What I would say is be mindful of the existing laws and rules and also keep an eye on safety because scooters can be wonderful but, as someone who has fallen off not electric scooters before but many scooters many years ago, they have got little wheels so be careful.

Ms CATE FAEHRMANN: They are actually really easy and really safe, as long as you know how to—

The CHAIR: They are good fun.

Ms CATE FAEHRMANN: While I have time, I did ask the Minister for police the other day about our drug driving laws in the Road Transport Act and he assured me he had absolutely nothing to do with that and I had to come to you and ask you, so here I am. I just wanted to, firstly, know, Minister, whether you are aware that within the Road Transport Act there is a defence for somebody who has tested positive for morphine if it was caused by the consumption of a substance for medicinal purposes. However, that is not the same as cannabis. But the Therapeutic Goods Administration has approved over 170,000 applications for medicinal cannabis, so there are a lot of people out there who are taking cannabis medicinally; our Road Transport Act does not reflect that. Do you commit to having a look at that and seeing whether we can at least ensure that those people who are taking cannabis medicinally are not charged for it and get a criminal record for something that is legal?

Mr ROB STOKES: I was anticipating that you may ask this and Bernard Carlon would be available. I appreciate time is of the essence, so perhaps we can provide some details on notice—unless he wants to answer now.

Ms CATE FAEHRMANN: If you will indulge me a couple of minutes to get the answer.

The Hon. MARK BANASIAK: Yes, that is fine.

The CHAIR: Go ahead.

Ms CATE FAEHRMANN: Great. Thank you. Mr Carlon?

Mr CARLON: Thank you for the question. The issue here is around the use of medicines and some cannabis medicines prescribed by a doctor do contain THC, which is the psychoactive component of cannabis, which can impair the skills of an individual's safe driving. There are some cannabis medicines containing CBD only, which is also from cannabis but it is not psychoactive, and those medicines can be used lawfully in terms of driving and you are not impaired. I think the key here is for drivers taking cannabis medicine are advised to speak to their doctor about whether it contains THC and what it means for their driving in the same way any other medicines prescribed that may impact on your ability to drive is treated in the same way. It is illegal for a driver to have THC in their system, including when it is used as a medicine, and THC can be detected currently through our roadside drug testing. There is no way to determine roadside whether THC is—

Ms CATE FAEHRMANN: Thank you, Mr Carlon. That is the current system, yes, it is. Thank you very much for explaining that. Minister, will you commit to at least having a look at this situation?

Mr ROB STOKES: I am happy to provide further details on notice, and I am very happy to look at the issue.

Ms CATE FAEHRMANN: I will talk to you offline about it. Thank you.

The CHAIR: Thank you. Mr Banasiak.

CORRECTED

The Hon. MARK BANASIAK: Minister, for this line of questions, I would refer to *Rail Freight and Greater Sydney* performance audit, which was released on 19 October. Are you aware of that?

Mr ROB STOKES: I am aware of the report, yes.

The Hon. MARK BANASIAK: Excellent. So you are aware of the conclusion that the auditor made on the very first page, where she says:

Transport agencies do not have strategies or targets in place to improve the efficiency or capacity of the metropolitan shared rail network for freight.

Are you aware of that?

Mr ROB STOKES: I am aware of the findings of the Auditor-General's report, yes.

The Hon. MARK BANASIAK: Does that concern you as a Minister that the failure of your agencies to address this issue will impact many industries, particularly in our regions, who will use this rail network?

Mr ROB STOKES: As you would appreciate, the findings have only just been received. It is my expectation that the agency respond to the findings. It is a useful report for us to reflect on how we can improve service into the future. I will refer to the secretary in relation to specific action that the department is considering.

Mr SHARP: Thank you. Yes, we are aware of the rail audit report. It was very much focused on the mode-share shift between road and rail freight. The strategies are centred around two things. One is the priorities that Sydney Trains, who actually manage the network, provide to rail operators and the data improvement that can occur there will enhance their ability to manage that. Transport for NSW has just completed an evolving transport review, and that has included stepping up our key performance indicators [KPIs] and the operational improvements that can come from that evolving transport initiative.

Having said that, there has been a lot of freight investments over recent times to address issues. You mentioned the regional impacts. There is \$1.1 billion in the Northern Sydney freight corridor that is a joint State and Federal government funded freight access corridor investment. The Fixing Country Rail program was about improving freight connectivity. This was things like rail sidings, passing loops, network upgrades, and \$16 million is being spent this year—\$100 million all up.

There is also \$44 million being invested in the Inland Rail freight interface program, and this will actually open up freight opportunities; \$28 million invested in reopening the rail line at the Tamworth intermodal for freight facilities, supporting the regional areas. Even with the Main Western Line, there has been \$25 million in freight capacity. Notwithstanding those investments, we do take on board the Auditor-General's recommendations that we can set a strategy that we can actually articulate and operationalise.

The Hon. MARK BANASIAK: Just picking up on some of those comments—and I appreciate some of these questions may be thrown at the Deputy Premier tomorrow, particularly about the Tamworth intermodal—have you heard concerns from people who would utilise or potentially utilise that Tamworth intermodal that throwing all this money out there is sort of pointless if you cannot fix what is happening at Port Botany, where it is running at 99.6 per cent capacity and, according to this report, will not actually be able to keep up with the demands? I am interested to know how you are going to address that issue because the people in the regions who would use such facilities like the intermodal are saying you are wasting your time. Until you can fix Port Botany, the intermodal is essentially a white elephant because they cannot get the containers up on time and back in terms of that window that they have with those container companies.

Mr ROB STOKES: I actually accept the premise of your question. We have obviously got to look at how we continue to improve efficiency at Port Botany, and we are looking at those issues in relation to portside use. Obviously that will have to be done in cooperation with stevedores and others and stevedoring companies, but I accept the premise that we need to do everything we can to increase the efficiency, particularly with some of the supply-chain issues that have been identified during the pandemic. I will refer you to the secretary for further information.

Mr SHARP: There are a number of investments that are taking place by third parties, including the Australian Rail Track Corporation [ARTC], to double the capacity coming out of Port Botany towards Moorebank. I can pass to Mr de Kock to talk specifically around those particular initiatives. The COVID volumes have actually impacted, so, as you are aware, the containers, the locations of containers, empty containers and storing has become a real challenge. We are working with the stevedores, but also the multimodal development of the rail capacity from Port Botany. That is actually quite constrained. As I mentioned earlier, part of this is actually balancing the passenger-freight conundrum on the Sydney network. There are investments in digital and also with Sydney Trains around making sure we are optimising the freight capability to come through.

CORRECTED

The Hon. MARK BANASIAK: The report said that the freight has largely been ad hoc on the metro system. What are you doing to address the ad hoc-ness of freight on the metro system?

Mr ROB STOKES: Can I jump in here—sorry, I just conferred with my colleagues. We are reviewing, or just about to initiate a review, of the landside improvement strategy, which is effectively how we can look to better use resources on the port lands to increase efficiency. That has been something the industry has been calling for. We will commence consultation on that review imminently.

The Hon. MARK BANASIAK: Mr Sharp, did you have any comment about the ad hoc-ness and what you are doing to address that?

Mr SHARP: A lot of that freight is actually scheduled, but there are ad hoc freight services as well. During COVID, with the lower patronage, we have actually been able to manage that. Dynamic schedules have also assisted. We do acknowledge we can further improve that by having more live data and data information from our freight users. That is part of that process that we are putting in place with Sydney Trains, which is to actually balance that passenger requirement with the freight. But having visibility and data is key. That is something we are looking to mature and improve.

The Hon. MARK BANASIAK: When will that live data system be operational, do you think?

Mr SHARP: I would have to take the actual operational date on notice, but we are already looking at the data elements and how we can operationalise that.

The Hon. MARK BANASIAK: Mr de Kock, did you have anything to add to that? I know Mr Sharp did refer to you.

Mr DE KOCK: Yes. This is Joost de Kock, the Deputy Secretary of Customer Strategy and Technology. As the Minister and the secretary said, freight is of real importance. Especially, we have seen that during the COVID crisis. The audits did also mention the number of strategies that are already currently underway by Transport for NSW to tackle this. Building on the secretary's comments, we are working on a data strategy. That will be developed by next year. We are also working on a freight rail productivity strategy and a port efficiency strategy. It is really important for us to develop those strategies, to have clear actions and targets going forward. Building on some of the comments the secretary made, there are a lot of initiatives underway currently to improve the rail percentage in Port Botany. For example, there is a large investment by the ARTC to duplicate the Port Botany line. There have also been a lot of investments in the Southern Sydney Freight Line. There are also significant investments being made in the intermodals, particularly Moorebank and St Marys.

Also, looking a little bit at the longer term and thinking about the importance of freight, our long-term vision is to separate freight rail lines from passenger lines. To enable that, we are actually looking into a number of corridors, including the Western Sydney Freight Line. That will provide a capacity of 26 trains a day to the western Sydney intermodal terminal in the Mamre Road Precinct. We are also looking at the Lower Hunter Freight Corridor between Fassifern and Hexham. That is our investment as well as, as I just mentioned, the Federal Government's investments. There are also a lot of activities by private sectors, both in terms of the stevedores and NSW Ports, in investing in new rail capacity and capabilities. Unfortunately, it takes a bit of time for all these investments to come to fruition, but we have got the strategies underway. We have got investment from the Federal Government, the New South Wales Government and also the private sector to confer to this agenda.

The Hon. DANIEL MOOKHEY: Minister, your predecessor cast an aspersion on your department after it emerged that it had paid \$52 million to acquire 4-6 Grand Avenue, Camellia, and then saddled us with a \$102 million clean-up bill. He called your department a disgrace. What steps have you taken to ensure that your department and all its agencies are following appropriate laws and procedures when it comes to compulsory acquisitions of homes and businesses?

Mr ROB STOKES: Thank you for your question. My expectation is that my department follows all of the laws and procedures it is required to in relation to compulsory acquisition procedures. I am pleased that a great deal of work was done prior to my elevation to this portfolio to better integrate how land acquisitions were to be done. I am pleased to report that I have already received a briefing on the fact that more than 90 per cent of acquisitions are now done by way of agreement, but I still recognise, of course, that people have legal rights to challenge valuations. Where people have concerns, I obviously encourage them to take advantage of those legal routes. My expectation is the department deal compassionately, sensitively and personally with people whose property interests are affected by future transport planning.

The Hon. DANIEL MOOKHEY: I am glad you say that, Minister. I want to put to you a couple of specifics. Of course, I imagine we will reopen this this afternoon with your officials. In one incidence in Orchard Hills, a landowner lost \$360,000 in compensation as a result of them choosing not to remove three trees. Each one

CORRECTED

of those trees cost that landowner \$120,000. How is it possible that you can say that these people are being treated compassionately and fairly when they are losing \$120,000 per tree?

Mr ROB STOKES: I said my expectation is that people are dealt with compassionately and fairly. If you have evidence that that is not occurring in every case, obviously that is something I would undertake to look into and provide you some direct information. I am not aware of the case that you are referring to.

The Hon. SCOTT FARLOW: It was disputed by Transport—

The Hon. DANIEL MOOKHEY: No, it has gotten quite a bit of media coverage, this particular incident. It is only two weeks old. Equally, in respect to the broader Orchard Hills community, we have many other residents who have been told that, after agreeing to compensation, they were compelled to sign gag orders that bar them from talking to the media. Are you aware that Sydney Metro is requiring residents who complete negotiations to sign non-disclosure agreements [NDAs]?

Mr ROB STOKES: No, I was not aware of the nature of agreements that people are asked to sign. My expectation, once again, is that people be dealt with fairly and compassionately, in accordance with the law.

The Hon. DANIEL MOOKHEY: Indeed. But what part of the law says that a person who enters into an agreement with your agencies has to sign a non-disclosure agreement? There are five of these incidents, Minister.

Mr ROB STOKES: In relation to those five instances, I can refer you to the secretary. He might have some further information that might be helpful.

The Hon. DANIEL MOOKHEY: I will pick it up this afternoon, unless he has any specific rationale or explanation as to why the NDAs were required by Sydney Metro.

Mr SHARP: We will discuss it with the team this afternoon.

The Hon. DANIEL MOOKHEY: In another incident, Minister, we have a helicopter business in western Sydney that has been trying to relocate now for multiple years. Their case is especially traumatic. They have basically accused your department of never negotiating with them in good faith. Are you aware of that particular incident?

Mr ROB STOKES: I am aware of the situation there. I understand that the relevant agencies are seeking to provide a resolution to relocate that business.

The Hon. DANIEL MOOKHEY: Going onto the third celebrated case study that has recently come to light, we have the entire Tigers club that are in real jeopardy about whether or not they are ever going to return to Rozelle because they are not sure whether or not their land or the lease is going to be acquired and returned. Equally, they are not even sure whether or not your agency needs it. Are you aware of that? Have you taken any steps to talk to the Tigers about this?

Mr ROB STOKES: I am aware of the situation in relation to that. As far as I am aware, I have not been contacted in relation to that by the Tigers. But I suspect your answer is going to be that you will deal with it this afternoon.

The Hon. DANIEL MOOKHEY: We will.

Mr ROB STOKES: I know that Ms Drover would be able to provide you information this afternoon.

The Hon. DANIEL MOOKHEY: I appreciate that, Minister. The families of Orchard Hills wanted to meet with your predecessor. The businesses, like Sydney Helicopters, have wanted to meet with your predecessor. Equally, the Tigers wanted to meet with your predecessor. None of them got through the front door. Will you at least consider meeting with these parties, if for no other reason than to find out whether or not you could treat the next hundreds of people who are about to go through this experience any better?

Mr ROB STOKES: Thank you. I will consider, within the availability of time in my schedule, to meet with everybody I reasonably can to hear concerns that they might have. Certainly I have gone through this in relation to land acquisitions for open space around the aerotropolis in my other portfolio. I have met with representatives of locals to hear concerns—

The Hon. JOHN GRAHAM: I think you have answered that question, Minister. I want to return to one of your earlier answers about the taxi industry, in particular to ask about that fund you refer to, the Additional Assistance Payment Scheme. This was the hardship scheme that was meant to assist taxi drivers who faced hardship as a result of the restructuring.

Mr ROB STOKES: My understanding is that was \$145 million as a result of—

CORRECTED

The Hon. JOHN GRAHAM: The \$142 million was promised; only \$42 million was spent. The industry's view and taxi drivers' view is the Government has stolen that money that was promised. Do you accept that getting that money into the hands of taxi drivers who have been hard hit should be one of the top priorities for the industry?

Mr ROB STOKES: Certainly we are working through, with the taxi council and the taxi industry, their concerns. It is my expectation that we work toward a resolution of the issues they have raised, and that includes ensuring that funds raised for that purpose through the passenger service levy be distributed fairly.

The Hon. JOHN GRAHAM: Yes, and those funds that have been promised should actually end up in the hands of taxi drivers. Do you agree with that?

Mr ROB STOKES: I have provided an answer and I stand by my answer. I think my answer covers that later question.

The Hon. JOHN GRAHAM: I will give you some additional background on the matters I was asking you about—about the route of the M9 out of Sydney Orbital.

Mr ROB STOKES: Sure.

The Hon. JOHN GRAHAM: The concern about this was essentially that the developer, Country Garden, in relation to its corridor land, included a map in December 2017 in a letter they wrote to lobby planning authorities. They were lobbying to build a motorway interchange at the site. The problem was the route, which was not announced until March 2018, was very similar or identical—that is debated—to the map months earlier that had been sent to planning authorities. The developer was referred to as Nostradamus. That is the background. As transport Minister now, do you agree it would be wrong for an MP to be assisting to provide that information to a developer if it may result in a commercial benefit to the developer before the public knows about that route? You would have to agree that would be wrong.

Mr ROB STOKES: I am not actually seeking to duck your question at all; it is just that I do not think it is an appropriate question for me to answer. I think it is a reasonable question to put, but I am just not sure that I am the right authority to answer that. That goes not so much to my statutory responsibilities as transport Minister; it goes more to integrity issues that I do not have powers in relation to those matters.

The Hon. JOHN GRAHAM: Minister, I just want you to answer the principle. As transport Minister, it would be wrong for an MP to be giving information about the route of a transport corridor—for example, a major motorway—to a developer to their commercial benefit before the public knew. You agree in principle that is wrong, do you not?

Mr ROB STOKES: You are asking me in relation to matters I do not have personal—

The Hon. JOHN GRAHAM: I am asking about the principle.

Mr ROB STOKES: About a principle—

The Hon. JOHN GRAHAM: Why are you avoiding this question?

Mr ROB STOKES: I am not avoiding your question. I am loathe to comment on—

The Hon. JOHN GRAHAM: On principles.

Mr ROB STOKES: —situations I do not have particular knowledge of.

The Hon. JOHN GRAHAM: I have always found you very willing to comment on principles. I am asking about the principles.

Mr ROB STOKES: Okay, in relation to—

The Hon. JOHN GRAHAM: That is wrong.

Mr ROB STOKES: In relation to principles, I believe that governments should be transparent. I believe that any information in any process that would provide a commercial benefit to anyone should, depending on the process again, be shared equally with the community.

The Hon. JOHN GRAHAM: Thank you.

The Hon. DANIEL MOOKHEY: Minister, you are responsible for issuing the Transport Asset Holding Entity [TAHE] its operating licence. Correct?

The Hon. JOHN GRAHAM: Yes.

CORRECTED

The Hon. DANIEL MOOKHEY: What steps have you taken to determine whether or not the formation of the Transport Asset Holding Entity increased the risk to rail safety?

Mr ROB STOKES: I have had an opportunity to meet with the chair and the CEO of TAHE. We have discussed the nature of the operating licence and their role in assuring themselves in relation to the safety of the operations of Sydney Trains and NSW Trains.

The Hon. DANIEL MOOKHEY: So you are relying on the assurances that they have provided you that TAHE does not increase the risk to rail safety?

Mr ROB STOKES: Certainly I do not actually accept the premise of your question. The role of TAHE actually is there to provide a further level of assurance in relation to safety—

The Hon. DANIEL MOOKHEY: Minister, when you say you do not accept the premise—

Mr ROB STOKES: —not eroding safety, as your question implies.

The Hon. DANIEL MOOKHEY: Minister, when you say you do not accept the premise of the question, what part of "What steps have you taken to ascertain the safety?" do you not accept?

Mr ROB STOKES: No, you asked me a subsequent question after that.

The Hon. DANIEL MOOKHEY: And I asked you on the basis of your original answer: that you are basically relying on the assurances that have been provided to you by the TAHE board.

Mr ROB STOKES: Your question contained an inference that TAHE was somehow—

The Hon. DANIEL MOOKHEY: No.

Mr ROB STOKES: Yes, it did. You can ask it again.

The Hon. DANIEL MOOKHEY: Have you done anything other than speak to the board?

Mr ROB STOKES: Yes. You will appreciate, too, Mr Mookhey, I have been in this portfolio precisely about three weeks, so there are only so many things that I can do.

The Hon. JOHN GRAHAM: We are appreciating that.

The Hon. DANIEL MOOKHEY: You are doing much better than your predecessor; I accept that.

Mr ROB STOKES: But obviously it is my expectation that every part of the portfolio operate with safety as the fundamental concern. As I said, I have met with the chair and the CEO. I have also had discussions in relation to this matter with the secretary. It continues to be my expectation and will always be my expectation in terms of the operating licence, which is my role as portfolio minister, that safety be the fundamental top priority in relation to TAHE's role.

The Hon. DANIEL MOOKHEY: I appreciate that, Minister. Minister, what steps have you taken to determine whether or not TAHE is charging Sydney Trains and NSW Trains enough to access their assets?

Mr ROB STOKES: Well, they are regulated assets and I understand that the charging is done in accordance with a ruling provided by the Independent Pricing and Regulatory Tribunal [IPART].

The Hon. DANIEL MOOKHEY: Indeed. Your department got a report last year from KPMG which said there was a real risk that they were being undercharged to the tune of \$800 million to \$4 billion. That was a report provided directly to the Transport cluster. Have you read it?

Mr ROB STOKES: I have not read that, although I am aware of the issues that you refer to. My answer would be that this is a regulated fee determined by the IPART.

The Hon. DANIEL MOOKHEY: We have also learnt through public inquiries that Sydney Trains and NSW Trains got an additional grant from Treasury in order to pay the rail access charges, which in turn was meant to lead to TAHE paying a dividend back to the Treasury department. Do you know or have you been advised as to when TAHE will be paying New South Wales a dividend?

Mr ROB STOKES: They are matters that should be directed to Treasury.

The Hon. DANIEL MOOKHEY: Given your two agencies are TAHE's principal customers, I am asking you, because I am asking whether or not you have put in Sydney Trains' and NSW Trains' budget enough money to pay and fund a profit margin that allows TAHE to pay a dividend.

Mr ROB STOKES: I see where you are getting to. I will refer your question to the secretary.

CORRECTED

Mr SHARP: The use of the assets by Transport for NSW incurs an access fee. That is a policy matter for government. Transport has actually looked at that, though, and standard building block models consistent with the IPART access is the basis for those calculations. I can confirm that there is money in the budget in Transport this year to pay those access fees, which are from Sydney Trains and TrainLink.

Mr ROB STOKES: In further answer to Mr Mookhey's previous question, I have also asked the Office of Transport Safety Investigations to undertake a review into the safety issues.

The Hon. DANIEL MOOKHEY: When did you do that?

Mr ROB STOKES: That was done actually earlier today.

The Hon. DANIEL MOOKHEY: You did that today?

Mr ROB STOKES: Yes.

The Hon. DANIEL MOOKHEY: Why did you do it today?

Mr ROB STOKES: Nothing other than the fact that I have just had a pile of briefs and I have gotten to it.

The Hon. DANIEL MOOKHEY: What are their terms of reference?

Mr ROB STOKES: I will happily provide—

The Hon. DANIEL MOOKHEY: You might pursue that this afternoon.

The Hon. JOHN GRAHAM: Great. Thank you. Minister, I want to ask about mobile speed cameras. There has been a situation in New South Wales where in July, in particular, fines were being issued at a record rate in the north of the State and not at all in many places in the south of the State. When I raised this at estimates I was told initially that this was rotating enforcement—that it was a random allocation of mobile speed cameras. Officials then blamed it on COVID. Do you agree with me this is not a rotating enforcement? This is not a random allocation of mobile speed cameras. This is a major administrative breakdown of a key road safety initiative of the Government.

Mr ROB STOKES: I will have to refer you to the secretary.

The Hon. JOHN GRAHAM: Are you aware of this issue, Minister?

Mr ROB STOKES: Sorry?

The Hon. JOHN GRAHAM: Are you aware of this administrative breakdown?

Mr ROB STOKES: Can you ask me the question again, sorry? I wasn't quite—

The Hon. JOHN GRAHAM: Are you aware of the administrative breakdown relating to the Government's mobile speed camera program? I am asking about your awareness.

Mr ROB STOKES: I am just not sure that I accept the premise of your question. That is why I referred it to the—you are suggesting that there is an administrative breakdown. I am not aware that that is the correct characterisation of the issue. That is why I referred you to the secretary.

The Hon. JOHN GRAHAM: So you are aware of the issue, but you do not want to comment on whether it is an administrative breakdown?

Mr ROB STOKES: I think the best way I can answer your question is to actually ask the secretary to provide some information.

The Hon. JOHN GRAHAM: The secretary has provided information previously; I assure him we will return to it. I might ask you, Minister, this question: Are you considering changing the policy of Minister Constance and returning site-specific warning signs to the areas where mobile speed cameras are used in New South Wales?

Mr ROB STOKES: I certainly know that is something that the Opposition is encouraging me to look at. I will certainly say that there is an opportunity to constantly reflect on the best way in which we can ensure that the community is safe, but also that we do so in such a way that brings the community with us. I can say that no decisions have been made and the Government policy continues to be in accordance with what has been announced, but I am always open to look to reforms to ensure that the road safety message is understood by the community and also accepted by the community. What I will say, however, as you would expect me to, is that the entirety of the program is directed and has been endorsed by the Auditor-General, to this point, to reinforce the message that there is no safe level of speeding. That is what the entirety of the program is directed to. I also accept

CORRECTED

that it has been designed in such a way to integrate with the systems operating to our north in Queensland and to our south in Victoria. In relation—

The Hon. JOHN GRAHAM: Yes. In many ways this has been a debate about how to get people to slow down. You have said that the policy hasn't changed. Would you say that this is under active consideration?

Mr ROB STOKES: It is an issue that I am very happy to look at, and I think it is an appropriate time to bring a fresh set of eyes to the issue. But that would be my attitude with every Government decision—that we are always willing to be responsive, in a democratic society, to what the community is telling us.

The Hon. JOHN GRAHAM: Great, thank you. Can I ask you as transport Minister about the siting of the Luddenham metro rail station? You have been briefed previously about the Sydney Science Park, and this metro station is now placed right near that site. Are you comfortable with the current plan for the site of this station, given that the developer, in a submission to Government on 27 January 2021, had this to say: "Detached housing is the cornerstone of this vision"? That is to say, the development now has more of an emphasis on housing and less of an emphasis on the science-related jobs that have previously been talked about.

Mr ROB STOKES: Certainly the proponent's vision for the site and what is currently zoned for the site is a mixed-use development with all sorts of great technology-focused, high-skill manufacturing jobs and education, and the planning regime is consistent with that vision. I understand that the proponent is seeking some changes to the zoning, as they are entitled to do so, but that the existing land use zoning and the cap of 3,400 dwellings, if I recall correctly, on the site remains unchanged.

The Hon. JOHN GRAHAM: Yes, but as transport Minister are you satisfied that this rail station is in the right spot?

Mr ROB STOKES: Thank you. Ultimately the decision has been made and I do not intend to re-litigate it, for the very sensible reason that there has been a longstanding planning process in relation to this and I would be loath to increase costs in any way.

The Hon. DANIEL MOOKHEY: Minister, I just want to go now to the restructure of corporate services function inside the Transport cluster. In 2020 Transport for NSW made a decision to restructure corporate services functions undertaken by employees of Sydney Trains and NSW Trains, resulting in those functions being transferred to Transport for NSW. Transport for NSW did not negotiate with the employees or their affected unions in relation to the transfer of these conditions. Why weren't such negotiations entered into?

Mr ROB STOKES: That is an historical matter, but I will refer you to the secretary.

The Hon. DANIEL MOOKHEY: Sure.

Mr SHARP: Yes, I am aware that the corporate services review took place. There was extensive consultation on the structure. The determination, which is actually the word we use for standing it up, has been reached. There are a number of discussions with the unions on foot right now and one that has been taken through to Fair Work. My understanding is that there has been consultation on a number of issues, but there are differences of opinion—

The Hon. DANIEL MOOKHEY: I am asking about negotiations, not consultations. To the extent to which they are taking place now, they are taking place after the decision has already been made, correct?

Mr SHARP: There are items of dispute around interpretations. It is quite complex; there are about four different entities and three different enterprise agreements. And so, in that process, I am not surprised there are areas of debate.

The CHAIR: Thank you. Minister, I wanted to ask you about New South Wales' compliance with the Disability Standards for Accessible Public Transport. These are the standards that New South Wales signed up to with the rest of Australia in 2002, where we are obliged to have a certain percentage of our public transport completely accessible by certain dates. They are meant to be fully accessible following that date, with a slightly different time line for train stations. When I raised this previously with your predecessor it took a while to find out, but then I eventually found out that the department actually did not know what it needed to do to become fully accessible, let alone to actually be fully accessible. Can you tell me where New South Wales is currently at with making all transport fully accessible?

Mr ROB STOKES: Certainly. These would be investments that are being made under the Transport Access Program. I can get you a full rundown. It is probably appropriate on notice because there will be quite a bit of detail in terms of progress to date but also remaining steps. I am not sure if there is anything the secretary wants to add to that.

CORRECTED

Mr SHARP: It is very targeted at key rail stations and 90 per cent of customers' journeys now are from accessible locations. So good progress is being made, but there is a lot of detail in that program, which we can share.

The CHAIR: New South Wales is obliged to be at 100 per cent compliance with those standards by the end of next year, with the exception of trains. Are we going to meet that deadline?

Mr SHARP: I would have to take that on notice. I haven't got the final project deadline here. No, I will have to revert.

Mr ROB STOKES: We will take it on notice.

The CHAIR: Thank you. Could I ask you just a couple of questions—

Mr ROB STOKES: I understand, by the way—apologies, Chair—that an audit was performed that was completed early this year. We will get you the details of that, which will provide you information of where we are at and what there is left to do.

The CHAIR: That would be very useful, thank you. A couple of questions about the Kamay ferry wharf—and I will raise some more questions this afternoon on this. I just wanted to check with you, Minister, your understanding of this project. We raised some questions about this in the last round of estimates, when we did not have the Minister here with us. This is a project, I understand, that sits within Scott Morrison's electorate but also was announced by Mark Speakman, the member for Cronulla. It has quite a lot of local support to it. Is it possible that the project has gained a bit of unwarranted momentum and, in view of current budgetary restraints, should perhaps be re-examined as to whether this is an appropriate project?

Mr ROB STOKES: I am more than happy to look at that. I am aware that the project is really one that sits more within the portfolio of Environment, but Transport is delivering it, I understand, on behalf of that agency. But I am more than happy to look into those issues surrounding the future delivery of the program.

The CHAIR: Thank you. You may need to take this on notice as well. There has been quite a lot of concern from the community that this is part of a project which intends to commemorate Captain Cook in an area that is of great significance to local Indigenous people. If you could perhaps take a look at that as well, on notice?

Mr ROB STOKES: Yes. I will go off my reservation a bit here to say that I share the concerns that are implicit in your question and I think that that is something that we should be mindful of in relation to these sorts of incidences.

The CHAIR: Thank you. More of a transport-related question here: One of the top community concerns is that the wharves that are being built there may be used to support a cruise ship terminal at Yarra Bay that is currently under consideration. Are you able to rule out the possibility of any future usage of those wharves as a cruise terminal?

Mr ROB STOKES: I have been on the record in relation to my concerns about the proposal at Yarra Bay, so I cannot hide from that; I have put some views forward in relation to that. Obviously, in the light of the current situation, those proposals are on pause in any event, and I am happy to confirm that they will remain on pause because I think there are some significant environmental concerns in relation to that proposal and I think we need to look more creatively at other sites, recognising of course that the cruise industry is exciting, it is returning and obviously provides a lot of benefits to a lot of Australians. But I have concerns in relation to that site that have been communicated to me by the local community as well.

The CHAIR: Thank you for your answers. Mr Banasiak.

The Hon. MARK BANASIAK: I might just pick up on some of those questions. Obviously you have acknowledged your public comments. One of those public comments refers to that you prefer Garden Island.

Mr ROB STOKES: Yes.

The Hon. MARK BANASIAK: Is that still your view—that Garden Island should be the preferred site?

Mr ROB STOKES: It is one of those delightful opportunities where it is outside of my direct power. It is much easier to have opinions about things that you do not control. But, yes, I think that is an obvious location but I understand it is being used by the Royal Australian Navy and they have got first dibs. But if they were ever to move off, yes, we would love it.

The Hon. MARK BANASIAK: In questions that were taken on notice by your department at the last estimates, that they said it was too early to speculate on costs, can you explain why in 2018 Mark Speakman, Scott

CORRECTED

Morrison and co. announced \$50 million for a project? If it was too early a couple of weeks ago to speculate on cost, why three years ago were they essentially assigning \$50 million to a project?

Mr ROB STOKES: I cannot answer that other than to say this goes to Mr Mookhey's line of questioning in relation to the Parramatta Light Rail as well in relation to it is very hard to give indications of costs before you have done all the investigations. You have got this paradox that you have got to provide as much information as possible to the community as early as possible but, equally, until you have done the full investigations you do not actually know with any specificity where the final costs are necessarily going to end up.

The Hon. MARK BANASIAK: I might just switch to the Outer Sydney Orbital. In August 2021 your department published a document called *Sector 1: Options Report Appin Road Connection*, where there were two options for a road corridor identified and they were loosely referred to as the yellow line and the blue line. Minister, I think you have signed off on the blue line as your preferred corridor, but my understanding—at least from the community perception—is that it was a fairly lineball decision in terms of whether we go with the yellow or the blue. Why was the blue line selected over the yellow line?

Mr ROB STOKES: Given that predates me, I will refer you to the secretary.

The Hon. MARK BANASIAK: Mr Sharp?

Mr SHARP: I am aware of the corridor; it is a key protection of a future road access. There has been a consultation process with the community—I have a recent update on it—which had two options on there for consultation. Where the transport department landed on it was the blue option. There is still further consultation around that in terms of the nuances and exactly where it will be located and at the moment that consultation is that the planning has just been approved and the next consultation process is underway. We are still liaising with community members who have concerns and taking on board their feedback.

The Hon. MARK BANASIAK: How much additional expenditure will the blue line cost over the yellow line?

Mr SHARP: At the planning stage, what you are looking at is the balance of community impact versus environmental impact versus the objective of an integrated transport network. The full costings get done as you move through the plan. So at this stage this is about corridor protection for potential future projects. The actual costings get done in the future when you start doing the actual work and you have locked in a detailed road plan.

The Hon. MARK BANASIAK: Okay, so we have got no costs for the potential bridge over Ellerdale Creek gorge that would be required as part of the blue-line option as opposed to the yellow-line option.

Mr SHARP: Yes. As I indicated, the costings are done in the following phases of these projects.

The Hon. MARK BANASIAK: Do we know what size of the area of koala habitat will be required to be extinguished as part of the blue line as opposed to the yellow option?

Mr SHARP: I am aware both options impact on koala habitat and there has been consideration of those in it. I would have to take on notice the exact impacts.

The Hon. MARK BANASIAK: Will heavy vehicles be required to use Bulli Pass to access Wollongong as a result of this blue-line selection?

Mr SHARP: I would have to take that on notice.

The Hon. MARK BANASIAK: Thank you.

Mr SHARP: I could pass to Mr de Kock if you want that specific amount of detail.

The Hon. MARK BANASIAK: Yes, that would be good.

Mr DE KOCK: In terms of, as the secretary mentioned, Outer Sydney Orbital, stage two is a really key linkage between the Hume motorway and Appin Road. As the secretary mentioned, our preferred alignment for the corridor is the blue alignment. As I say, it is a major sort of corridor. There have not been any decisions made on the heavy vehicles, but our chief transport planner, Tim Raimond, is on the call and he would have further details if you want to come back to that matter.

The Hon. MARK BANASIAK: Mr Raimond?

Mr RAIMOND: Thank you for the question. In terms of heavy vehicles, probably the main heavy vehicle freight route is via Picton Road. Picton Road is being upgraded. So this is more a connection to Appin Road, and certainly when vehicles get to the eastern end of Appin Road they have got a choice about going down

CORRECTED

the Mount Ousley or Bulli Pass. So there is no intention for heavy vehicles in one direction or another, but probably the optimal vehicle route is actually Picton Road.

The Hon. MARK BANASIAK: Okay. So you are not going to force heavy vehicles to go down Bulli Pass but they are going to have that option?

Mr RAIMOND: Heavy vehicles currently have the option of choosing any road on the Illawarra escarpment in or out of Wollongong. But clearly Mount Ousley is the one they prefer; it has less steep grades and sharp corners, so that is where most of them are.

The Hon. MARK BANASIAK: Has any work been done to consider increased heavy vehicles on Bulli Pass, given obviously the more difficulty in having trucks go down there and obviously the propensity for issues to occur? Has any work been done to improve Bulli Pass, given there may be an increase of heavy vehicles going down there as part of this project?

Mr RAIMOND: Certainly not as part of this project, although the Outer Sydney Orbital 2 and eventually Outer Sydney Orbital 3 do aim to have, as my colleagues mentioned, connections between Wollongong and the Central Coast via western Sydney. So another section of the Outer Sydney Orbital 2 that we will look at is that crossing and whether there needs to be improvement to existing things, the development of a third crossing—all of those things will be on the table as we progressively look at the Outer Sydney Orbital 2.

The Hon. MARK BANASIAK: Thank you. Just going back to you, Minister, I resubmitted a question about Newgate Communications to your office because the answer from the former Minister was essentially, "I'm out of here. I'm not going to answer it"—

The Hon. SHAYNE MALLARD: Good on him.

The Hon. MARK BANASIAK: —two days before he left. So I am not going to re-prosecute that because I know it is due today, but it does raise the question about the total expenditure that your department is essentially spending on external consultants and whether you have a figure of that over potentially the last three years?

Mr ROB STOKES: We can provide that on notice.

The Hon. MARK BANASIAK: Just quickly going to some other questions on notice that I got back from your department last estimates around the lifejacket proposals, I asked for the source document that was behind some of the stats that were provided in terms of how this proposal will save lives, but was told that the source document is Cabinet-in-confidence. I might try and skin this cat another way. The data talks about how over 10 years there were 98 deaths on marine vessels. Perhaps on notice, what was the spread of those 98 lives lost across the 10 years?

Mr ROB STOKES: I can take that on notice, but also to address your earlier comment, for the life of me I do not understand why it would be Cabinet-in-confidence.

The Hon. MARK BANASIAK: I am amazed as well, and so if you could take it on notice—

Mr ROB STOKES: I will look into that to the extent that I am able to. Obviously, Cabinet-in-confidence documents I cannot, but if there is another way to provide that data I do not think there is any public interest in not providing it to you.

The Hon. MARK BANASIAK: Sure, no worries. Obviously if you cannot give me the document, these questions on notice may help paint the picture anyway.

Mr ROB STOKES: Sure.

The Hon. MARK BANASIAK: Of the 98 lives lost in those incidents, how many of those incidents were the following also a factor in the death: poor weather, cold shock response or cold water drowning, limited or poor boating experience, and boats being overloaded in terms of their capacity?

Mr ROB STOKES: I will get you that data as far as we can get it. I think they are sensible questions to ask.

The Hon. DANIEL MOOKHEY: Let us resume our conversations about the corporate functions review. Minister, I think you will find yourself in a scenario where the unions are seeking the opportunity to have a chat with you about this directly. Is that a meeting that you cannot wait to have?

Mr ROB STOKES: I have already had the opportunity to meet with them and they have raised some of these concerns with me, and it is my expectation that we work through to resolve them. At the meeting I had with the unions they put forward some very sensible ideas. I thought they were frank and seeking to resolve issues,

CORRECTED

and in that spirit we will continue to work with them in good faith and hope that we can resolve the outstanding issues in relation to the two enterprise agreements [EAs] that we are currently negotiating.

The Hon. DANIEL MOOKHEY: Again, that is pleasing, but when you say, Minister, that is your "expectation" what does that mean?

Mr ROB STOKES: Just that.

The Hon. DANIEL MOOKHEY: Have you issued any direction to the Transport department or anything at all for them to adjust their behaviour to reflect your optimism here?

Mr ROB STOKES: When you talk about issuing a direction, yes, it is my expectation; yes, you can read that as a direction that we will engage in good faith and seek to resolve these issues as best we can. I have always felt that the best way to achieve sensible outcomes is collaboratively. Obviously there will be issues of disagreement, but let us identify as early as possible the issues that we can agree on and then move to the more thorny ones that will take a little longer to resolve. I understand that process is continuing smoothly.

The Hon. DANIEL MOOKHEY: I appreciate that, Minister, again. Going onto the broader evolving Transport restructure, as I understand it from your predecessor and/or Mr Sharp from a previous hearing, it is complete. Now that it is complete, how many payments were made to senior executives under section 41 of the Government Sector Employment Act?

Mr ROB STOKES: I will refer you to the secretary.

The Hon. DANIEL MOOKHEY: Mr Secretary, do you have that number?

Mr SHARP: I would have to take that exact number on notice.

The Hon. DANIEL MOOKHEY: Do you have an estimate as to how many people were made redundant as part of that?

Mr SHARP: No, I would have to revert on the exact number.

The Hon. DANIEL MOOKHEY: Can you give at least a range? This is a pretty large project and a large restructure.

Mr SHARP: Yes, and it was over a two-year period so I am familiar with the processes in respect to redundancy and the way we liaised with the individuals involved and provided support mechanisms, but the exact number I would have to come back to you on.

The Hon. DANIEL MOOKHEY: If we could get that information this afternoon, that would be helpful. To be fair, we have asked this in multiple estimates hearings to get progress reports and to be fair, equally, the legislation that we passed certainly did prescribe certain requirements that needed to be fulfilled. Is it possible you think that we will be able to get some of that information this afternoon?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Are there any further restructures contemplated within the Transport cluster or within any specific agency within the Transport cluster?

Mr ROB STOKES: I have not issued any directions in that respect at this stage, as you would appreciate, but I will refer you to the secretary in relation to matters that may already be in train.

Mr SHARP: The evolving Transport process—we have people in their roles but there is still a 12- to 18-month period of bedding that down. That is actually operationalising the roles, and whilst we are starting into that process, the process is not finished. I have actually given a commitment to staff that there is no major restructuring that we are contemplating. We have completed a major restructure, we are bedding it down and we are delivering the values that were planned out of this process.

The Hon. JOHN GRAHAM: We might return to that, Mr Sharp. Minister, can you confirm the status of the unsolicited proposal for widening the M7 and delivering the M7-M12 interchange? Has it now passed the third and final stage for the unsolicited proposals?

The Hon. SHAYNE MALLARD: You made it too narrow; that is the problem with the M7.

Mr ROB STOKES: I will provide you with an answer to that on notice.

The Hon. JOHN GRAHAM: Are you aware of where it is in the process?

Mr ROB STOKES: I am aware of the proposal. Off the top of my head, I am not sure of its current status, but I am aware of the proposal.

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The Hon. DANIEL MOOKHEY: Can we have a chat about bus electrification. Has the New South Wales Government allocated any funding to electrifying the State's bus fleet other than the \$29 million that has come from the Clean Energy Finance Corporation?

Mr ROB STOKES: I will refer you to the secretary. I do not think the answer will be any different to the one that was provided to the Chair.

Mr SHARP: As I mentioned earlier in this hearing, there are acquisitions and budgets allocated through the franchising of the bus routes in seven, eight and nine. Those contracts included the funding in the business cases. There is also a strategy document that is out with industry. That has been effectively funded through internal resources developing the plan. As I mentioned earlier, there will be a business case tabled in 2022 which is for the replacement of the 8,000 buses. At that point, funding would be either allocated or not and subject to government decision.

The Hon. DANIEL MOOKHEY: That is helpful, but that strategy document is part of the reason why I want to ask my next question. I could not see any reference there to anything that resembles a domestic procurement strategy. There are people who can build these buses in New South Wales. Minister, what steps are we going to be taking to procure these buses from domestic manufacturers in New South Wales?

Mr ROB STOKES: I am not sure that we are at that stage yet, but I will refer you to the secretary in relation to procurement strategies.

The Hon. DANIEL MOOKHEY: Just before we do that—I will happily hear from the secretary—part of the reason why I am asking this to you, is to see if you have made this a policy requirement of the business case process that I am sure the secretary is about to wax lyrical about. Is it actually a matter of government policy to include a domestic procurement strategy as part of buying the 8,000-odd buses we expect as we transition to net zero?

Mr ROB STOKES: I have not intervened in the processes that were already established in relation to this policy. The fundamental goal is to replace the diesel fleet with electric vehicles, and obviously we would look to any opportunities to engage for local procurement. In relation to the specifics, I will refer you to the secretary.

The Hon. DANIEL MOOKHEY: Before we do—because, again, we can pick it up with the secretary this afternoon—you say that you have not intervened.

Mr ROB STOKES: That is right.

The Hon. DANIEL MOOKHEY: Your predecessor did not specify any domestic procurement component.

Mr ROB STOKES: In relation to where it is at specifically, I do not have that at the top of my head and so I am happy to take it on notice.

The Hon. DANIEL MOOKHEY: Can you take it on notice and we will pick it up with the secretary this afternoon.

The Hon. JOHN GRAHAM: Minister, can I ask you in relation to fines again, are you personally comfortable with the arrangement that sees corporate fines issued where the State receives five times the fine income but no driver loses points when a driver is nominated for particular road speeding incidents? Are you personally comfortable with that arrangement?

Mr ROB STOKES: I am sorry, I am not quite sure of the nature of your question.

The Hon. JOHN GRAHAM: It is the existing fines arrangement in New South Wales where a corporation is fined rather than an individual.

Mr ROB STOKES: I see.

The Hon. JOHN GRAHAM: Yes, the result being that it is five times the fine. The State gets that money, the corporation pays it but no driver loses points as a result of that change.

The Hon. SHAYNE MALLARD: It makes the corporation identify the driver.

Mr ROB STOKES: It is not an issue I have turned my mind to, specifically. My personal view is probably not germane. I would refer you to the relevant portfolio Minister in relation to that. I am happy to turn my mind to it.

The Hon. JOHN GRAHAM: You are the—

Mr ROB STOKES: Not in relation to fines collection.

CORRECTED

The Hon. JOHN GRAHAM: This is a transport issue and a fines policy relevant to your—

Mr ROB STOKES: My understanding is fines are collected by Revenue NSW.

The Hon. JOHN GRAHAM: Correct.

Mr ROB STOKES: Look, I have not formed a personal view and I have not turned my mind to it specifically.

The CHAIR: Thank you. I will check if any government members want to use their time.

The Hon. SCOTT FARLOW: I do not think it is needed.

The Hon. SHAYNE MALLARD: We could ask lots of questions.

The CHAIR: In that case, thank you very much, Minister, for attending your first transport estimates hearing today. It was a pleasure to have you. We will resume at 2.00 p.m. with everybody else.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: Welcome back. We will commence with questions from the Opposition.

The Hon. DANIEL MOOKHEY: Thank you, Chair. Good to see you again. Welcome, Ms Drover and Ms Bourke-O'Neil. It is nice to see you in person. Secretary, can we get an update about some of the questions that you took on notice this morning, namely about the Minister's decision to commission an OTSI review into TAHE? What more can you tell us?

Mr SHARP: As part of the introduction of the operationalising of the TAHE contracts, these started on 1 July. We have had reviews with the Office of the National Rail Safety Regulator [ONRSR] and we have also had our own internal audit reviews.

The Hon. DANIEL MOOKHEY: For Hansard, who is ONRSR?

Mr SHARP: ONRSR is the national safety regulator. There is also obviously an independent review that we have at our disposal, which is OTSI.

The Hon. DANIEL MOOKHEY: That is the Office of Transport Safety Investigations.

Mr SHARP: Yes. That had already been commissioned. What the Minister was referring to was that a report is imminent from the review. He did not commission it; it was already commissioned.

The Hon. DANIEL MOOKHEY: Who commissioned it?

Mr SHARP: The prior Minister.

The Hon. DANIEL MOOKHEY: Why did the prior Minister commission it?

Mr SHARP: It is just part of our process of operationalising. We have reviewed a number of our processes coming out of 1 July, including, as you mentioned earlier, the freight reviews as well, which are intrinsic in those contracts that are in place.

The Hon. DANIEL MOOKHEY: When did the review start?

Mr SHARP: I would have to take that on notice, but I would suspect a couple of weeks ago. I had a meeting with the kick-off probably about a month ago. If you want specific dates, I can get those.

The Hon. DANIEL MOOKHEY: I do want specific dates, yes. Let me be clear, Minister Constance commissioned it about a month ago?

Mr SHARP: Yes, that would be correct.

The Hon. DANIEL MOOKHEY: When you say he commissioned it, did he write to you?

Mr SHARP: Yes, he asked. There was not a direction. It was just as part of our ongoing conversations.

The Hon. DANIEL MOOKHEY: I am glad you clarified.

Mr SHARP: He asked for the review and my view of it and I thought there was value in it.

The Hon. DANIEL MOOKHEY: When you said he asked for the review and you thought there was value in it, what precisely did he ask you? Whether there should be a review by OTSI?

CORRECTED

Mr SHARP: Yes. We have used OTSI on a number of occasions for reviews. We also have an internal audit function, which I meet with very regularly. I can also ask internal audit to focus on reviews and areas of risk, as well.

The Hon. DANIEL MOOKHEY: Have you asked internal audit to focus on any risks arising from TAHE?

Mr SHARP: No.

The Hon. DANIEL MOOKHEY: Going back to the review that Minister Constance asked for, that was about a month ago and you then wrote a letter to OTSI asking them to do it.

Mr SHARP: Yes, we asked OTSI and I met with the team as part of a kick-off meeting and they also met with TAHE.

The Hon. DANIEL MOOKHEY: You are saying it is due imminently.

Mr SHARP: Yes, correct.

The Hon. DANIEL MOOKHEY: As in today? The Minister said today.

Mr SHARP: I am assuming so. The report has gone directly to him. I cannot answer on behalf of the Minister.

The Hon. DANIEL MOOKHEY: Is it a report to him or is it a report to you?

Mr SHARP: I beg your pardon?

The Hon. DANIEL MOOKHEY: Is it a report to the Minister is a report to the transport department?

Mr SHARP: I would have to take that on notice. I have not seen the report to where it is actually addressed.

The Hon. DANIEL MOOKHEY: Secretary, I am sure this is not contradictory, but you said that Minister Constance commissioned this at his behest, but then you earlier said that this was always something that was envisaged, and you also said that he asked you for your views as to whether you thought this was necessary. I am struggling to reconcile why the Minister was seeking your advice on this and why the advice specifically he was seeking was about its desirability, if this was something that was always envisaged.

Mr SHARP: He did not ask my advice. What I said was he discussed it with me. I indicated to him that I thought that would definitely have value and then he kicked that review off.

The Hon. DANIEL MOOKHEY: Which policy or process did you say gave rise to the need for such a review to take place now?

Mr SHARP: We have had significant change from operationalising TAHE. There are a number of new contractual arrangements that have been put in place. I would fully envisage we will have a number of audits around these processes because they are new and they set out the responsibilities and roles of each of the agencies in the cluster.

The Hon. DANIEL MOOKHEY: The new agreements that I understand we have entered into are the agreements between—there are about four—Sydney Trains and NSW Trains, and there is also the corporate services agreement that has been entered into between TAHE and Transport. Which specific agreement are you saying gave rise to the need for OTSI to do a safety review?

Mr SHARP: None.

The Hon. DANIEL MOOKHEY: So what relevance is there of the agreements?

Mr SHARP: It is as I am saying, internal audit will also do a review as part of our normal processes. Any assurance activity is not driven from a specific issue or a specific need. What it tends to focus on are major changes or areas where you might have a perceived risk. We are operationalising a number of new agreements and new ways of working with TAHE. It would make imminent sense for those processes to be reviewed over a period of time.

The Hon. DANIEL MOOKHEY: But, secretary, you have previously said that you yourself commissioned safety review assessments. You said that at the previous online budget estimates.

Mr SHARP: When I joined—

CORRECTED

The Hon. DANIEL MOOKHEY: Let me finish the question. Given that you had already asked for safety risk assessments well before a month ago, why then was there a need now for an additional OTSI review?

Mr SHARP: Safety risk assessments are a normal process in terms of an executive being comfortable with the risk profiles, the actions and the mitigations. An assurance role is in addition to that. Management would actually take that as part of their normal "business as usual" activities.

The Hon. DANIEL MOOKHEY: Did the Minister ask for this OTSI review as a result of the safety risk assessments?

Mr SHARP: I have got the date here. The audit was commissioned on 10 August. It will actually be responded directly to the Minister.

The Hon. DANIEL MOOKHEY: The Minister commissioned the review. Therefore, it is going to him.

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: I ask you again, secretary, because I am not sure I properly understand your evidence: Why was this commissioned?

Mr SHARP: It was commissioned as we do with all assurance activities. We commenced on 1 July major changes to the way we operate. There are contractual obligations around processes and that includes all sorts of things from freight, managing KPIs and data to safety matters as well.

The Hon. DANIEL MOOKHEY: Have you or the Minister—either the current Minister, the previous Minister or yourself—asked OTSI to commence any other review?

Mr SHARP: We have. I cannot recollect exactly which one at the moment. I can take it on notice.

The Hon. DANIEL MOOKHEY: Yes, can you take it on notice and see what information we can come back with as to what else we have asked OTSI to look into? I have a few more questions on TAHE. This might go to the CEO of TAHE, if you are okay with that.

Mr SHARP: Sorry, for example, a recent one is the derailment of the train that occurred down south.

The Hon. DANIEL MOOKHEY: I appreciate that, but to be fair that is not really discretionary; they have to investigate that by law—correct?

Mr SHARP: No.

The Hon. DANIEL MOOKHEY: Yes, that is correct?

Mr SHARP: That one is not discretionary, no.

The Hon. DANIEL MOOKHEY: No. But have you asked OTSI or has the Minister asked OTSI to undertake any other discretionary review of anything?

Mr SHARP: I will revert to you—yes.

The Hon. DANIEL MOOKHEY: Yes or no?

Mr SHARP: Yes, I believe so.

The Hon. DANIEL MOOKHEY: You just do not know what.

Mr SHARP: I will come back to you with the exact example.

The Hon. DANIEL MOOKHEY: How many investigations or reviews is OTSI doing for us?

Mr SHARP: It is just that I have been here six months. It feels like 12 months and I cannot recollect that particular detail.

The Hon. DANIEL MOOKHEY: Fair enough. Two more questions on TAHE. Firstly, to the CEO of TAHE: Was the TAHE CEO told that the Minister had commissioned this review?

Mr SHARP: Sorry, can you repeat that?

The Hon. DANIEL MOOKHEY: Was the TAHE CEO told that Minister Constance had commissioned the review?

Mr SHARP: You would have to ask the CEO.

CORRECTED

The Hon. DANIEL MOOKHEY: Well, she is here so I think I was asking her, to be fair, Mr Secretary. Ms Colin, were you advised prior to the Minister commissioning the review? Ms Colin, I am not sure you can properly understand it. She might need to come back to us on that particular question. Secretary, on notice can you provide us with the exchange of letters between the Minister and OTSI? Is the report meant to be public?

Mr SHARP: I have not seen the report. It would go directly to the Minister, so I would have to—

The Hon. DANIEL MOOKHEY: Is it routine for an OTSI report to go directly to the Minister and not you?

Mr SHARP: It is routine for reports to go to whoever commissioned the review.

The Hon. DANIEL MOOKHEY: Okay. Fair enough. Just a final question on this, you said in the budget paper that additional funding has been provided to Sydney Trains and NSW Trains to facilitate their payments to TAHE. Where in the budget is that listed?

Mr SHARP: It is in the FY22 budget. I am not sure what line item it would be in. I can tell you the amount.

The Hon. DANIEL MOOKHEY: Can you check for me and maybe come back by the end of the session? Is it on page 8-1 of *Budget Paper No. 4*, Agency Financial Statements, which shows Sydney Trains got a 12.8 per cent increase in its operating budget, or its budget, and NSW Trains got an additional 20 per cent increase? If you can come back to it, that would be good.

Mr SHARP: I will revert on that, yes.

The Hon. DANIEL MOOKHEY: Thank you.

The Hon. JOHN GRAHAM: Thank you, Secretary. I just want to return to those questions about who was that former MP who was assisting Daryl Maguire to obtain, at that stage, confidential information about the route of the M9, the Outer Sydney Orbital. I might first give you the opportunity, having heard the questions to the Minister, just to put anything on the record about this matter that you would like to.

Mr SHARP: I believe the Minister summarised it in that if you are talking a matter that is a conflict of interest or something that needs a review, you have got to have the powers to do that. That is currently underway under a different review with ICAC. From my perspective, we would watch and see what comes out of it, but the investigations would be run to ground through that organisation. From a Transport secretary position, we would monitor anything that comes out of ICAC. We do refer things to ICAC and we are aware of different items that go to ICAC at various times. What we do is when we actually get confirmation or a report back or details then we action them. But in this particular instance, it does seem to be a matter for ICAC.

The Hon. JOHN GRAHAM: I might just refer you to the actual information that was revealed that you would have been monitoring. This was counsel assisting to Mr Maguire in relation to this map being revealed:

You wanted to get information from a member of parliament, information that was confidential and not known to the public with a view to advancing the commercial interests of Mr Luong and ultimately with a view to advancing your own commercial interests. Correct?—Yes, yes.

It then goes on later to say:

The friend that you refer to towards the end of that call—

that was an audio intercept—

that friend was a then sitting member of parliament. Is that right?—Yes.

That friend was someone who you had in effect inducted as a member of parliament in your capacity as whip for the Coalition. Is that right?—Yes.

The map that you're referring to in that conversation was a map of a potential or proposed route on the M9 Orbital. Correct?—Yes.

That potential or possible route of the M9 Orbital was not to your knowledge publicly available information. Correct?—Yes. At the time, yes.

It then goes on. My question from that is: Who were the MPs who were briefed around that time about the potential route or the route of the M9 Outer Sydney Orbital?

Mr SHARP: As I mentioned, the body to pursue those sorts of investigations would be ICAC. Typically, if we saw something like that, we would need information. I am not privy to that information.

The Hon. JOHN GRAHAM: Mr Sharp, this is not an investigation. I am asking who was briefed about the route. Who were the MPs who were briefed? Perhaps we might turn to some of your officials who were involved in those briefings.

CORRECTED

Mr SHARP: In terms of the orbital, I would have to refer to Mr Raimond.

The Hon. JOHN GRAHAM: Thank you, Mr Raimond.

Mr RAIMOND: In relation to the Outer Sydney Orbital and the other western Sydney corridors, as I think we have discussed at a previous estimates, the detailed maps of the final corridors were released in March—26 March 2018—for exhibition. They were then, following consultation, updated and an updated map produced in June 2018. As I mentioned at the previous estimates [inaudible] were briefed prior to exhibition. They were briefed on 3 February 2018.

The Hon. JOHN GRAHAM: On 3 February 2018?

Mr RAIMOND: That is right.

The Hon. JOHN GRAHAM: And who was briefed?

Mr RAIMOND: Let me just check my records here. So that would be Ministers Ayres, Davies, Chris Patterson, Kevin Conolly, Jai Rowell.

The Hon. JOHN GRAHAM: Ayres, Davies, Patterson, Rowell—so it was those four?

Mr RAIMOND: And Kevin Conolly as well.

The Hon. JOHN GRAHAM: And Conolly. And they were all briefed on 3 February 2018.

Mr RAIMOND: 23 February 2018.

The Hon. JOHN GRAHAM: On 23 February 2018. Sorry, Mr Raimond. The audio connection is just a little bit loose. Was a map provided at that briefing?

Mr RAIMOND: They would have been shown in a presentation the materials that were going to be released, which would have included a map, but they were not provided with anything to take away. They were just shown.

The Hon. JOHN GRAHAM: Shown but not provided. Were any MPs briefed prior to 23 February 2018?

Mr RAIMOND: No, not on the final corridors. There certainly were discussions with councils, with local MPs, with others during the process more generally because, as you understand, we are trying to [inaudible] opportunities of the local area. So we talk to people with local expertise.

The Hon. JOHN GRAHAM: So rewinding to a map prior to that map that was viewed on 23 February, what were the briefings on the prior version of that map that MPs might have seen?

Mr RAIMOND: As I think we mentioned last time, probably the only maps that would have been discussed or shown prior to that would have been very high level, very similar to the one that was in the draft Future Transport Strategy that was released in November 2017 for public comment. That had a high-level map of all those corridors. While it was high level, there was a bit of detail in there, so it would be on the basis of that kind of map that any other discussions would have been had.

The Hon. JOHN GRAHAM: It has been conceded already that this was not on the basis of publicly available information, Mr Raimond. You are saying there was no MP briefed about the route of the M9 orbital in late 2017?

Mr RAIMOND: As I said, certainly not with any detailed maps.

The Hon. JOHN GRAHAM: No, let's leave that aside. In the second half of 2017, which MPs were briefed about the route of the M9?

Mr RAIMOND: As I said, the MPs that we briefed on 23 February 2018 had been—my team had had [inaudible] those in the previous year to discuss the constraints and opportunities around corridors.

The Hon. JOHN GRAHAM: So, not unreasonably, it would be fair to say that those MPs who were briefed on 23 February might have been talked to earlier. That is the group of MPs who would have been briefed.

Mr RAIMOND: That is right.

The Hon. JOHN GRAHAM: Who would have briefed them? Who actually conducted those briefings around that time in the agency?

Mr RAIMOND: Around that time at the agency it would have been Geoff Cahill, who is the Director of Corridor Preservation. Yes, it would have been on behalf of the transport Minister.

CORRECTED

The Hon. JOHN GRAHAM: Thinking about that, can you give us any more detail about the timing of such briefings in late 2017?

Mr RAIMOND: I would have to take that on notice. I was not actually around at that time, but I can certainly take that on notice and get you those details.

The Hon. JOHN GRAHAM: One of the references—and I do not have it immediately to hand, but I could find it for you—had Mr Maguire saying, "The boys have seen the map." To whom do you think he was referring?

Mr RAIMOND: I can only speculate. No idea.

The Hon. JOHN GRAHAM: We have previously discussed this, Mr Raimond, at budget estimates. In one of your file notes, you actually tabled exactly this question, "What MPs are being briefed? How did Daryl Maguire get that info?" Is that correct? Do you recall that note?

Mr RAIMOND: I do recall that note.

The Hon. JOHN GRAHAM: When the issue was then raised publicly, including at budget estimates, Transport for NSW dismissed suggestions that Country Garden was ever leaked sensitive government information. I will indicate I am coming to you on this, Mr Secretary. This was the statement from a spokesperson for Transport for NSW:

The action item for Mr Raimond was a result of media reports. Further enquiries concluded that the information in these reports was publicly available.

Given the evidence that was presented last week, do you believe the position that Transport for NSW asserted publicly is still sustainable? Is that still Transport for NSW's position?

Mr SHARP: I am not across the historical position that Transport for NSW made. I would have to be briefed on that particular topic to be able to form a view. Obviously I have only just been made privy to the information that you have presented. I would have to take on board both of those and get up to speed on the background to it.

The Hon. JOHN GRAHAM: Mr Raimond, I might put the same question to you. Given what has now been revealed about the actions of Daryl Maguire and a former MP, do you believe it is still a sustainable position to say that further inquiries concluded that the information in these reports was publicly available?

Mr RAIMOND: I am not familiar with exactly the proceedings that have gone on, so I would need to familiarise myself with those to be able to make a call on it.

The Hon. JOHN GRAHAM: Mr Secretary, it would be helpful if you were able to investigate exactly that question on notice: Is that still the position of Transport for NSW? I take it that, along with the Minister, you have taken no steps at the moment to inquire further as to the evidence that is now on the public record?

Mr SHARP: Correct.

The Hon. JOHN GRAHAM: You essentially set out your position about that. I will give you the opportunity to put that once again. You have obligations as a secretary of a department. There is now information in the public realm, as of last week, that confidential information was revealed to a developer who may have made a commercial benefit. Why is that not a matter that you would investigate?

Mr SHARP: As I mentioned, you need to be able to access and know what the actual details are. Secondly, the matter has actually been before ICAC. Historically, when there have been issues before ICAC, you wait for the findings of those reviews. In fact, we would regularly be asked not to get involved. We would monitor this closely. The questions that are being raised at the moment are ones for ICAC, so my response remains.

The Hon. JOHN GRAHAM: This is not in the mainstream of the issues that ICAC is examining—the two case studies. This is, in some ways, a peripheral matter to the matters that are the subject of the specific ICAC inquiry. Nonetheless, they are publicly concerning. Do you agree with that assertion? It is publicly concerning if confidential transport information makes its way to a developer before the public ever finds out. That is concerning, isn't it?

Mr SHARP: I think I have responded to the question. Ultimately, the information needs to be known before you can take action. If it is of public concern then it would be a matter that ICAC would follow through.

The Hon. JOHN GRAHAM: That is not true for two reasons. First, their terms of reference might not squarely address this and, secondly, they have been clear that they have taken, at various times, a sample of Mr Maguire's business activities. That does not relieve you of your obligations as secretary, does it?

CORRECTED

Mr SHARP: No. Those obligations are there. I think what we are talking about is a matter of timing and whether there is information available as well. As the proceedings will continue, we would monitor that. If information comes out of that that is not pursued, we would certainly look to understand the background to it. That would be part of the process we would do.

The Hon. JOHN GRAHAM: Public proceedings have concluded. What steps have you taken, if necessary, to be in contact with ICAC to ask whether you can take further steps in this matter?

Mr SHARP: None at this stage. We are still monitoring to see what comes out of it. The matter is still with ICAC. Their report still needs to come down.

The Hon. JOHN GRAHAM: That might be a year away. Are you intending to leave this matter for that length of time? Will you make contact with ICAC and inquire as to what steps you might be able to take that would not compromise their—

Mr SHARP: I took a commitment to revisit the public statements that Transport for NSW made and familiarise myself with the background, which I have committed to do. That is a prerequisite for any decision. I will make that decision once I have actually got the information at hand to be able to make that assessment.

The Hon. JOHN GRAHAM: I can understand why you would want to be briefed before you made a decision to refer this to ICAC, but you are not going to wait a year before seeking guidance as to whether you can make some further inquiries, are you?

Mr SHARP: I have indicated that I would be briefed on the matter and then I can make an assessment based on the information that is presented.

The Hon. JOHN GRAHAM: But at this stage there have been no steps taken to investigate. You have confirmed that. There have been no steps taken to ensure that this former MP is not, for example, acting as a lobbyist for transport or property interests in New South Wales and might be coming to the department to lobby on their behalf. You have taken no steps to ensure that is or is not the case?

Mr SHARP: In respect to our conflicts of interest and any project or interaction that we have with a third party, those checks have taken place before we meet with people. In respect to this particular item, I am not privy to which Minister is being referred to. The short answer is I would not be able to answer that particular question. I need to actually be briefed on this before I can take those steps.

The Hon. JOHN GRAHAM: Would you agree that highlights the urgency? You cannot wait a year for a former MP, possibly a lobbyist, to come and talk to your agency without having—

Mr SHARP: I indicated that I would be asking for a briefing from my department and, based on that information, we would assess it.

The Hon. JOHN GRAHAM: Again, you have taken no steps to satisfy yourself that this former MP is not a lobbyist potentially coming in to see your Minister or sending clients in to see your Minister—at that stage?

Mr SHARP: As I have indicated, this material is recent. I have confirmed that I will get a briefing on it and then we can assess the outcomes of it. We do need information, though, to be able to actually do something like that, which I do not have at this point.

The Hon. JOHN GRAHAM: It goes to the urgency of that. It would be unsustainable to wait a year to assess the information that is now publicly available and ask some questions about who was briefed and who—

Mr SHARP: I agree, and I have committed to do that.

The Hon. JOHN GRAHAM: Yes. I appreciate that.

The Hon. DANIEL MOOKHEY: I am hoping Ms Colin's audio has resolved. Can you hear us, Ms Colin? We cannot hear you. I will move on. Maybe we will give it another 10 minutes and see whether it is possible to fix it. Returning to the TAHE matter, Mr Secretary, do you have any further information as to what exactly the terms of reference were that Minister Constance had asked you to look into?

Mr SHARP: I do. In fact, Minister Stokes—just to clarify the question this morning—asked OTSI to have a look at the Inner West Light Rail issues with the cracking. That was the review that Minister Stokes was referring to.

The Hon. DANIEL MOOKHEY: Got it.

Mr SHARP: The OTSI review that I was referring to is the one that relates to the broader review of TAHE and that was requested, as I mentioned earlier, by the Prime Minister.

CORRECTED

The Hon. DANIEL MOOKHEY: Yes, but do you have the terms of reference of Minister Constance's request?

Mr SHARP: There would be a terms of reference.

The Hon. DANIEL MOOKHEY: But you do not have it?

Mr SHARP: I do not have it here, no.

The Hon. DANIEL MOOKHEY: Can you take it on notice or is it possible—if we can get it by today, that would be helpful.

Mr SHARP: Yes, take it on notice.

The Hon. DANIEL MOOKHEY: Can we just return to the Inner West Light Rail. There was some information that Mr Collins and you wanted to provide us this afternoon. Do you have that to hand, from this morning's questioning, or do you want me to keep going?

Mr SHARP: We do not have that one to hand. We have a number of other items to hand.

The Hon. DANIEL MOOKHEY: Fair enough. Just some additional questions, we have ordered some additional vehicles to be used on the Inner West Light Rail, correct?

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: That is four of them, yes?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Are they coming from CAF—I am not going to dare pronounce the name of that particular company.

Mr SHARP: No, I would have to pass across to Mr Collins on the detail of the order.

Mr COLLINS: Thank you very much for the question Mr Mookhey. We went out to tender earlier this year. The preferred bidder and the order has been placed to CAF in Spain. That order was placed very recently and the four vehicles will arrive early 2023.

The Hon. DANIEL MOOKHEY: What is the cost of those four vehicles?

Mr COLLINS: I cannot give you that on notice. I may be able to provide you with that information.

The Hon. DANIEL MOOKHEY: Do you have any range of cost? How much does one of these vehicles tend to cost?

Mr COLLINS: We can probably provide that within this time frame. I will look that up now. I do not know whether any of my colleagues has that price, but we will have some commercial issues obviously about the full disclosure. But we may be able to give you a range.

The Hon. DANIEL MOOKHEY: Sure, thank you. Has Transport taken any steps to ascertain whether the four new vehicles are also as prone to defects or cracks?

Mr COLLINS: Thank you for your question. We have obviously been in contact with CAF specifically asking them that question and assurance has been given that they are aware that there have been issues in the past but their new trams will not portray these defects which have been seen in these vehicles. Again, we are doing a full report as to understand why this occurred because anyone listening could imagine that, until we do the root cause analysis, the understanding of why the cracks have occurred and who is responsible is yet to be ascertained.

The Hon. DANIEL MOOKHEY: Okay, but I presume that this particular company/consortium sells these vehicles around the world. Has another jurisdiction elsewhere, to the best of your knowledge, identified similar issues?

Mr COLLINS: To answer the first part of your question, these vehicles are manufactured in Spain, France, United States. They are one of three or four major designs of trams around the world. I believe over 1,000 units have been produced, maybe greater than that. We were aware certainly of a number of trams under different jurisdictions which did have issues regarding various component reliability.

The Hon. DANIEL MOOKHEY: Yes, but did any of those other jurisdictions experience these vehicles cracking whilst they were in service?

Mr COLLINS: Yes, correct. I particularly will highlight one which was readily available and publicly known. It is a West Midlands PTE where they had sustainable cracks.

CORRECTED

The Hon. DANIEL MOOKHEY: Thank you. On that, is it the implication being it is a design flaw or you do not know yet because you have not done your root cause analysis?

Mr COLLINS: The response that CAF provided regarding those vehicles was that they said in writing that they were operated outside their design parameters. In layman's terms, I think that is suggesting that the track or other formation was not as design. That was their response, but we do not know the cause in Sydney yet. When we have understood this issue, we obviously will make that available for people to digest.

The Hon. DANIEL MOOKHEY: I think earlier this morning, Mr Collins, you said that you check these—or Transdev checks these—every month. Did I hear that right?

Mr COLLINS: It is Alstom. That is a maintenance facility at Lilyfield and, like most railway or tram vehicles, they have a periodic inspection, which is also maintenance—if I can use the layman's terms—and they are checked every 30 days. That is a bit like a proper check all around the vehicle, underneath, making sure that everything is in order and everything else checked as part of the service.

The Hon. DANIEL MOOKHEY: Do they provide reports directly to you or do they provide it through Transdev?

Mr COLLINS: They are provided through Transdev. We also record the reliability and the mean distance between failures and we understand any other issues which we get regarding these vehicles.

The Hon. DANIEL MOOKHEY: Did any report earlier than October flag a concern of any type with these vehicles?

Mr COLLINS: Of the bogie box cracking? No. As I said earlier, I apologise that my explanation is slightly lengthy but it is important to give the facts rather than perhaps there was minor cracking on what is a bump stop, in effect—if I use again a layman's term. It is when your suspension bottoms out on your car, that is what is a bump stop. There were reports of minor cracking. I believe that was late September, if not early October, and we were assured that this was an issue that they would deal with. As I said earlier today, the other cracks were discovered when they stripped the interior out of the tram.

The Hon. DANIEL MOOKHEY: So in late September there were some reports that Transport had received which indicated that there was some form of an issue. Is that fair?

Mr COLLINS: I will get the details, but when you say "some form of an issue"—

The Hon. DANIEL MOOKHEY: I am more interested in the time line as to when Transport was first advised that there was any issue whatsoever to do with these vehicles that would be of enough significance to cause Transport to make further inquiries.

Mr COLLINS: Thank you for your explanation; I will give the answer now. It was not considered significant. The first cracks were believed to be repairable and easily dealt with by removing one tram at a time. But, as I said earlier, without fear of repeating myself, it was when they did further investigation—which was early October—they revealed these larger cracks in the bogie box body.

The Hon. DANIEL MOOKHEY: When you say that a decision was made that they were repairable and therefore not necessarily significant, was that a decision that was made by Transdev or Transport?

Mr COLLINS: It is their decision; it is their responsibility through the ALTRAC public-private partnership to make sure that they maintain these vehicles and keep them safe. The repairs were notified to us. It was considered a minor nature and could be dealt with within the operation and we would see one vehicle being taken out of service out of 12 and therefore was considered. That was the first signs of a cracking in a different area than the second sign. When the big reveal was made when the interiors were taken out, these other cracks—separate to the issue—although not considered a safety risk, it was decided by ALTRAC, and we supported that, to remove all the fleet for investigation. I hope that is clear.

The Hon. DANIEL MOOKHEY: It certainly is thorough, Mr Collins, so thank you for that. What is the total maintenance budget for the Inner West Light Rail fleet in 2021?

Mr COLLINS: I cannot give you that total maintenance budget. It is something that Transdev and Alstom manage. We obviously can provide you with the overall cost of operations and the PPP arrangements, which we can give you on notice.

The Hon. DANIEL MOOKHEY: Yes.

Mr COLLINS: Those individual costs, I will not have access to.

CORRECTED

The Hon. DANIEL MOOKHEY: Under those PPP arrangements, do they recover the cost of maintenance from Transport in any shape whatsoever?

Mr COLLINS: No. If you imagine the arrangement for a PPP and also generally maintenance, any additional costs or things which go wrong with the vehicles themselves are at the cost of the PPP.

The Hon. DANIEL MOOKHEY: Yes. Well, I guess that depends on the PPP, hence the questions, but I appreciate that is a general principle that the Government tries to strive for in PPPs. In terms of this particular issue, Mr Sharp, earlier today I asked you about what the cost of buses would be. Do you have that information to hand now?

Mr SHARP: No, we don't. There are a number of suppliers and we are still tracking that down, but we will get it to you as soon as we can.

The Hon. DANIEL MOOKHEY: I appreciate that, Mr Secretary, but let's go through the items. The disruption costs, which are the buses—is that recoverable from the PPP providers or is that on the taxpayers?

Mr SHARP: That would be subject to the contract. We would need to understand the nature of the issues that have arisen, and we are still assessing that. Obviously, in regards to any vendor management arrangement we would look to those ancillary costs, but it will come down to a contractual position.

The Hon. DANIEL MOOKHEY: Indeed. What I am asking is this: Does the contract give us the right to seek to recover? Not necessarily will we be able to, but does it give us the right to seek?

Mr SHARP: We would need to understand the nature of what we are trying to recover, so that is the first step, and that will depend on the nature of and the reason for these cracks.

The Hon. DANIEL MOOKHEY: Well, what about the bus costs? Is that something that, under the contract, we think we might be able to recover?

Mr SHARP: I thought that was what you were referring to.

The Hon. DANIEL MOOKHEY: Okay, but you are not sure whether or not we can recover the bus costs under the contract?

Mr SHARP: It would depend on, as I said, the nature of what is causing it. For example, Mr Collins referred to an overseas incident where the rail lines themselves were causing the issues. I would presume a contract would not allow those sorts of flow-on costs to be recovered.

The Hon. DANIEL MOOKHEY: What you are talking about is who is liable, correct?

Mr SHARP: Correct, yes.

The Hon. DANIEL MOOKHEY: And if the liability says that it is not the part of the contractor or the supplier of the vehicles, it would be taxpayers, then, correct?

Mr SHARP: Yes. There would normally be an articulation of the liabilities.

The Hon. DANIEL MOOKHEY: Indeed.

Mr SHARP: The first question is what is the nature of the actual issue that is the root cause, if you like, that Mr Collins referred to.

The Hon. DANIEL MOOKHEY: But what about the remediation for the vehicles, if any is required? That is a more complicated question under these contracts. Is it the case that we would have the right to seek to have the contractor, or does that also turn on liability?

Mr SHARP: The remediation of the actual cracks?

The Hon. DANIEL MOOKHEY: Well, I presume we have to repair these vehicles.

Mr SHARP: Yes. That would be the responsibility of the provider.

The Hon. DANIEL MOOKHEY: And do they have the opportunity to seek a variation on the contract to recover any of that cost?

Mr SHARP: That would once again come down to the PPP contractual arrangements, but it would be unusual.

The Hon. DANIEL MOOKHEY: Can they make a claim under those costs?

Mr SHARP: Only if it was specified.

CORRECTED

The Hon. DANIEL MOOKHEY: I presume that this PPP contains a dispute resolution procedure to deal with such claims.

Mr SHARP: Yes. All contracts have a dispute resolution procedure.

The Hon. DANIEL MOOKHEY: You'd be surprised. Are there any liability caps in terms of what we can recover from them in this contract?

Mr SHARP: We would have to take that particular one on notice.

The Hon. DANIEL MOOKHEY: I presume this PPP is public.

Mr SHARP: I presume all the contracts are public.

The Hon. DANIEL MOOKHEY: Okay. Well, I presume, Mr Secretary—

Mr SHARP: I would have to ask the question specifically on that one.

The Hon. DANIEL MOOKHEY: —but I am asking you. I think I can make that presumption, but do you know whether or not it is public?

Mr SHARP: I do not know whether that one is public.

The Hon. DANIEL MOOKHEY: Can we find out?

Mr SHARP: It is an older contract, so I would have to ask the question internally as to whether it was made public at the time.

The Hon. DANIEL MOOKHEY: Sure. Is Transport concerned about the possibility of being forced to decommission some or all of the vehicles in the inner west light rail fleet?

Mr SHARP: From my perspective, we are in the stage of investigating. There is a long way to go in terms of understanding the root causes, remediation and contractual positions. You would need to understand all of those matters.

The Hon. DANIEL MOOKHEY: Indeed. But to be fair, Mr Secretary, the question that I am actually asking is are you worried about being forced to decommission the fleet?

Mr SHARP: It is a hypothetical; I cannot really comment on hypotheticals. I deal with facts, and the facts are that we are working with a supplier and we are working through the issues at the moment.

The Hon. DANIEL MOOKHEY: Sitting here currently, has anyone advised you that there is a chance the fleet might need to be decommissioned?

Mr SHARP: No.

The Hon. DANIEL MOOKHEY: And when you say that the investigations need to be undertaken, who is investigating it? We have OTSI now doing an investigation at the request of Minister Stokes. Is that fair?

Mr SHARP: Correct. He has asked for that. In regards to the actual contracts, I am sure our internal lawyers would be looking at the contractual arrangements. However, the primary focus at the moment has been to ensure the safety of the public by having a detailed engineering review of the entire fleet, which has occurred.

The Hon. DANIEL MOOKHEY: I appreciate that. Of course, presumably the fleet will not return until you are satisfied it is safe for the public, so my questions are not about that. My questions are about investigating liability. What other steps are in process to investigate who is liable?

Mr SHARP: Given we need to understand exactly the nature of the actual problem, liability cannot be ascertained. Like any process, you need to work through what the facts are to arrive at a legal position.

The Hon. DANIEL MOOKHEY: I appreciate that, Mr Sharp. That was not my question as to what are the processes and what needs to be investigated. My question is this: Who is investigating it?

Mr SHARP: Who is investigating it?

The Hon. DANIEL MOOKHEY: Yes. Who is doing—

Mr SHARP: Who is investigating the cracks?

The Hon. DANIEL MOOKHEY: The liability arising from the cracks under the contract.

CORRECTED

Mr SHARP: We wouldn't be investigating—we are going around in circles. The first step is to actually understand what the liability is and what the nature of the issue is. We are only just in the first week of understanding that.

The Hon. DANIEL MOOKHEY: Sure. Look, I appreciate that, but we do not yet have a timetable for this to return to service. Working back from that point, all the work that you just referred to—is that being done by Transport for NSW staff, or are you using external agencies, or are you using one of your agencies? Who is doing it?

Mr SHARP: I can pass to Mr Collins to talk about who is doing the actual work, but it would be Alstom, who have the engineering capability and the maintenance contract to revert.

The Hon. DANIEL MOOKHEY: Okay. So it is Alstom who is doing all this?

Mr SHARP: Correct.

The Hon. JOHN GRAHAM: Mr Sharp, I might first give you an opportunity to give us any of those answers that you had taken on notice—any information you can put onto the table now—in relation to the earlier session.

Mr SHARP: Yes. In terms of the deed polls, I will pass to Ms Drover, who can provide an update on the question on deed polls for WestConnex.

Ms DROVER: As we said earlier, the deed poll that related to noise-cancelling headphones and other voucher measures—that has been changed. We also requested that the deed poll relating to accommodation not be used any further until we have done a review, particularly looking at the confidentiality obligations of that deed. Accommodation is obviously a bit more complicated—there is personal information in those deeds—but we have asked, as I said, for that deed not to be used any further until we have done that review and addressed the confidentiality requirements of the deed.

The Hon. JOHN GRAHAM: Thank you.

Mr SHARP: The second question was in regard to the Emerald class accreditation. I will pass to Mr Collins.

Mr COLLINS: [Audio malfunction].

The Hon. JOHN GRAHAM: We don't have you there, Mr Collins.

Mr COLLINS: Beg your pardon. Often people say I should be on mute all the time.

The Hon. JOHN GRAHAM: That's not true.

Mr COLLINS: We do have the certificate from the Australian safety regulator for the *Fairlight*. It is called a survey of operation and we do have that certificate. I believe that was one of the questions asked.

The Hon. DANIEL MOOKHEY: What about the other two?

Mr COLLINS: Just remind me what the other two questions were.

The Hon. DANIEL MOOKHEY: Sorry, I mean the other two ferries. *Fairlight*, you said—

Mr COLLINS: *Fairlight* is the first one. The other two, which are on trials—they will be certificated and have passed their survey. The final documentation is given just prior to them entering service. We anticipate that will be very soon. There are no issues regarding them getting their rego equivalent, as you probably would call it, for them entering service through the safety regulator.

Mr SHARP: The next question was around separated cycleways. I will pass that one to Ms Bourke-O'Neil.

Ms BOURKE-O'NEIL: Good afternoon. I think the question was "How many separated cycleways are you delivering?" In our planned program we have 42.5 kilometres of separated cycleways on the program. That is 38 projects, and we can provide a list of those on notice.

The Hon. JOHN GRAHAM: And how long does that program extend for?

Ms BOURKE-O'NEIL: Four years.

The Hon. JOHN GRAHAM: Okay, thank you.

Mr SHARP: There was a question around the point-to-point additional assistance scheme. I will pass to Mr de Kock.

CORRECTED

Mr DE KOCK: Thank you, Secretary. As part of the 2015 point-to-point reforms \$145 million has been paid in assistance and there were a number of assistance packages. First of all, \$94.2 million was paid as transitional assistance payments of \$20,000 per licence for eligible taxi holders. Also, \$42.1 million was paid in additional assistance payments for taxis. Specifically to the question that was asked about the hire vehicles, \$8.3 million was paid to the eligible hire car licence holders. There were 99 payments made for 150 eligible licence holders. As part of the 2015 reforms, hire car fares were deregulated because they are booked services and there is no longer a licence required to operate a hire car at the moment.

Mr SHARP: And then there was a question around the nomination process for corporate fines. Mr Carlon?

Mr CARLON: Yes. There were amendments to the legislation in October of last year through the Parliament that actually put in more stringent requirements for the nomination of drivers by corporations and doubled the fine to \$22,000 for those who failed to nominate. It was commenced in July of this year and since the commencement the failure to nominate has dropped dramatically. In July we had 3,131 failures to nominate and that has decreased in August to 1,500 and then in September to 289. There is an automatic referral on the third occasion by Revenue, according to this notice, for corporations. In that period of time \$1.4 million of fines have been issued by the courts since the new more stringent requirements were commenced.

Mr SHARP: Lastly, the number of redundancies involving Transport: 142 redundancies, 70 being for senior service executives.

The Hon. DANIEL MOOKHEY: Do you have a cost?

Mr SHARP: A cost?

The Hon. DANIEL MOOKHEY: Yes.

Mr SHARP: Sorry, no, I do not have a cost. It will be just the headcount numbers.

The Hon. JOHN GRAHAM: On the point to point question, the \$42.1 million for additional assistance payments, you agree, do you not, that that comes out of what was originally a \$142 million package promised for additional assistance?

Mr DE KOCK: Who is that question directed to please?

The Hon. JOHN GRAHAM: To you, Mr de Kock.

Mr DE KOCK: Yes. As part of the original point to point reforms in 2015, an overall package of \$250 million was announced. Initially there was \$142 million allocated for additional assistance payments, of which \$42.1 million was actually made to 531 eligible applicants.

The Hon. JOHN GRAHAM: Thank you.

The Hon. DANIEL MOOKHEY: Where is that \$100 million that is left over apparently?

Mr DE KOCK: The funds to support the industry are being paid for by the passenger service levy, which is being collected.

The Hon. JOHN GRAHAM: Where is the \$100 million that taxi drivers feel has been promised to them and stolen? Where is it?

Mr DE KOCK: I do not agree with the premise that it has been stolen, but as the Minister said earlier today, we are currently working through the assistance package for the industry reform based on the recommendations from the—

The Hon. DANIEL MOOKHEY: Sorry, I do not doubt that, but just to be very clear, is this \$100 million sitting in a bank account? Is it sitting in Transport for NSW's bank account? Is it sitting in a Treasury bank account? Where is it?

Mr DE KOCK: No. The funds from all the point to point reforms come from the passenger service levy. To 1 July this year, \$207 million has been collected and \$145 million has been paid out.

The Hon. DANIEL MOOKHEY: I am not asking you to repeat your evidence. There is money left over; there has been money left over for years now. Physically, where is this money? Is it sitting in a bank account earning interest? What are we doing with it? Has it gone back to the Consolidated Fund? Is it in a special account?

The Hon. JOHN GRAHAM: Under whose control is it?

The Hon. DANIEL MOOKHEY: Who is controlling this money?

CORRECTED

Mr DE KOCK: Let me just explain again. The original package was announced; it was funded by the passenger service levy, and that has been collected for every trip that has been undertaken.

Mr SHARP: We will take it on notice where the actual cash sits, if it is a bank account or—

The Hon. SHAYNE MALLARD: Good answer.

The Hon. DANIEL MOOKHEY: Mr Secretary, the fund closed years ago, right? You appreciate that? No further applications can be received. That is true, correct?

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: There has been an investigation by Portfolio Committee No. 6 into this, do you recall? So these are not questions that should be coming as a surprise. This account will be earning millions in interest. Who gets the money?

The Hon. JOHN GRAHAM: Who should be?

The Hon. DANIEL MOOKHEY: It is not that difficult a question. It is really not a gotcha question either. Do we have any information at hand as to where this \$100 million sits?

The Hon. SHAYNE MALLARD: Point of order: It is very clear that the secretary intervened there and very clearly said, "We will take this on notice." Mr Mookhey keeps pursuing the same question, albeit restructured in a different way, but it is the same question. I am happy for him to waste his time, but the secretary said he would take it on notice very clearly.

The CHAIR: I understand. I do not think we have got to badgering yet. You are entitled to ask whatever questions you like, Mr Mookhey, but if we could make it clear which ones we are taking on notice that would be useful.

The Hon. DANIEL MOOKHEY: Let me just ask the only other follow-up question—

Mr SHARP: I have just been advised that it does sit with Treasury, but I will have to take on notice the actual nature of that.

The Hon. DANIEL MOOKHEY: Thank you, that would be helpful. But the money that we are still collecting—we are collecting still a dollar every day on every point to point trip—where is that money going and how much has been collected and is still not spent?

Mr SHARP: Yes, in terms of the mechanism, which was the question, I will revert to you. It is somewhere with Treasury. Treasury control it and I will revert it with what that mechanism is.

The Hon. JOHN GRAHAM: So all that money, whether it is this money we are referring to or the money that is still being collected, is under the control of Treasury.

Mr SHARP: Correct.

The Hon. JOHN GRAHAM: Not under the control of Transport.

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: By any chance, do you have the budget with you?

Mr SHARP: I have not got the budget with me, no, sorry.

The Hon. DANIEL MOOKHEY: We were running a book as to whether anyone would bring the budget papers to budget estimates. Secretary, to you, can I provide you with this? That might help simplify things, and I will happily tender it. It is just an excerpt from last year's budget, which you will need for this year's. It is the 2020-2021 budget, which was given in December 2020, if you recall correctly, Mr Secretary. You were not then, to be fair, the secretary, so you might not recall.

The Hon. DANIEL MOOKHEY: Do you see that it is an excerpt from page C3 or thereabouts of that budget or whatever it was described, it is the contingent liabilities part of the budget. Do you see that?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Do you see as well that I have underlined a section of it?

Mr SHARP: Yes, I do.

The Hon. DANIEL MOOKHEY: Do you see it says, "Transport for NSW has several contractual disputes with an estimated contingent liability of \$399 million"? Do you see that?

CORRECTED

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: I am just going to read you the same section from this year's budget paper. If you have got the budget paper you can follow it along at home; it is on page C3.

The Hon. SCOTT FARLOW: Hundreds of people are opening it up right now.

The Hon. SHAYNE MALLARD: I am sure they are riveted.

The Hon. DANIEL MOOKHEY: It says here, "Transport for NSW has several contractual disputes with a contingent liability of \$568 million." So it has gone up by \$169 million in the six months between that budget and this budget. Who is suing us for an additional \$169 million?

Mr SHARP: In terms of the detail, I certainly do not have that here. What I am aware of is we do have a very large program of activity, a budget of about \$33 billion, so there would be disputes. I will pass to Ms Drover to talk to anything that she might understand coming out of the projects.

The Hon. DANIEL MOOKHEY: I am inferring that between December 2020 and 23 June of this year we got an initial \$170 million worth of claims from contractors.

Mr SHARP: These numbers would be fluid, so they would close and then open depending on what is involved in there.

The Hon. DANIEL MOOKHEY: Rest assured, that is true.

Mr SHARP: So it would not be a claim for another \$160 million but it would be a mix of claims in there. I could certainly take on notice more detail and an explanation for that increase.

The Hon. DANIEL MOOKHEY: Sure. Does Ms Drover have any additional information?

Ms DROVER: The only thing I would add is claims obviously are a part of doing business, construction contracting. It may not reflect construction claims necessarily. We do have a number of matters that relate to property acquisitions.

The Hon. DANIEL MOOKHEY: To be fair, that has broken out in a different item, and, to your credit, that has gone down. But there are two sheets specify and break out the amount that are due to property acquisitions as opposed to contractual disputes.

Ms DROVER: Okay. Treasury has not shared it with me. I am happy to take that away on notice and bring you back a comprehensive answer. But to the best of my knowledge, the liabilities, as it relates to construction claims, have not gone up, so we will clarify what that refers to.

The Hon. DANIEL MOOKHEY: Could you? Because it is quite a sharp rise. Anyway, fair enough, that would be good. Moving on, we were asking some questions this morning about the Parramatta Light Rail Stage 2, do you recall?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: I think at the time the Minister made the point that money has been set aside for the EIS, is that correct?

Mr SHARP: There is \$50 million that was included in the budget allocation to commence a number of activities around the EIS, geotech, utilities and all the usual risk items that you would want to firm up before you actually do a business case.

The Hon. DANIEL MOOKHEY: I think the budget says that an additional \$30 million has been allocated and \$22 million has been spent to date. That is roughly what you are talking about. Is that correct?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: When is the EIS going to happen?

Mr SHARP: I will pass to Ms Drover for an update on the project.

Ms DROVER: I should rightly say, it is \$30 million this financial year and then the balance after that is \$50 million all up. We are developing the project further. We are doing the onsite investigations both for utilities and geotechnical, and we are getting ready to prepare the EIS and then bring a business case back to Government for investment decision or otherwise. That work is advancing.

CORRECTED

The Hon. DANIEL MOOKHEY: Just to unpack that answer, first things first, when you say you are doing some additional work around the project, you specified the business case. Has the business case not commenced?

Ms DROVER: We are updating the business case and getting that ready for investment decision, but obviously to finalise a business case we need to do further work around site constraints like utilities and geotech.

The Hon. DANIEL MOOKHEY: When you say updating your business case, which business case are you updating?

Ms DROVER: There was initial work done and we are now finalising that ready for investment decision but with greater emphasis on site constraints, as I said, like geotech and utilities.

The Hon. DANIEL MOOKHEY: Sorry, is this a new business case or is this an updated business case?

Ms DROVER: It is further work that is informed by further onsite investigations.

The Hon. DANIEL MOOKHEY: No, a business case is a very specific meeting under the strategic infrastructure investment assurance framework. Can we relate that where we are up to with the strategic investor insurance framework? Under which stage is the business case being produced?

Ms DROVER: Before we bring a final business case up for investment decision, we need to make sure that the costs associated with it—

The Hon. DANIEL MOOKHEY: I am familiar with that, but I am asking because there is a gate two business case and there is a gate three, from memory, business case, which is the one I think you are referring to. Are you referring to a strategic business case or are you referring to a final business case?

Ms DROVER: The final business case, not the strategic business case.

The Hon. DANIEL MOOKHEY: When was the strategic business case undertaken for the Parramatta Light Rail Stage 2?

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

The Hon. DANIEL MOOKHEY: Has a strategic business case been produced for the Parramatta Light Rail Stage 2?

Ms DROVER: Again, I would have to take that on notice. All I am aware of is that we are doing further work, particularly onsite investigations, and further work to complete the final business case.

The Hon. DANIEL MOOKHEY: Secretary, it is the case that for all infrastructure projects over \$10 million, a business case needs to be prepared. Is that correct?

Mr SHARP: Correct.

The Hon. DANIEL MOOKHEY: I am interested in where we are formally at in the process. Was the strategic business case for Parramatta Light Rail Stage 2 done as a part of stage one?

Mr SHARP: As Ms Drover said, we would have to take that on notice. I am not privy to the strategic business case that she is referring to. We can confirm that. What we are doing is actually the work that is required to firm up the costings, and our final business case is the one that goes up through the assurance process.

The Hon. DANIEL MOOKHEY: No, the final business case is one of the business cases that go up through the assurance process. Is that correct? It is the last one prior to the investment decision?

Ms DROVER: It is the last business case that goes up prior to investment decision, yes.

The Hon. DANIEL MOOKHEY: Indeed, but you cannot really present a final business case unless you have done a strategic business case. I do not want to turn this into a Monty Python skit. What I am wondering is why has this work not been done years ago because this was a project that was flagged years ago? Are you honestly saying that Transport never got around to preparing costings until now?

Ms DROVER: What we are endeavouring to do is to get the final business case ready for the investment decision. That means we need to ensure that the costings are appropriate and correct but also that we understand the scope of the project because that will inform what the EIS needs to present.

The Hon. DANIEL MOOKHEY: Do we not know the scope of the project? Is there a question mark over the scope of the project?

CORRECTED

Ms DROVER: It is confirmation of the scope, and when you do site investigations that obviously confirms what site conditions you are dealing with and whether there is any impact on the proposed scope.

The Hon. DANIEL MOOKHEY: Ms Drover, the scope of the project has got to be defined at the strategic business case stage. I have listened to multiple Transport officials tell me about how important that is in the five years that I have had the opportunity to be questioning Transport officials about this. Why then is there a question mark as to what the scope is? Why are we even looking at what the scope is? There are maps already public about what the scope is. Is there a change to the scope that we do not know about?

Ms DROVER: No, you rightly say. Our focus is on understanding the site conditions, but there have been some material land-use changes in recent years and it would be appropriate just to confirm that the proposed scope is still valid.

The Hon. DANIEL MOOKHEY: There is a question mark over whether the scope is still valid.

Ms DROVER: Not a material question mark, but, as I said, we are confirming that the site conditions and site parameters have no impact on the scope.

The Hon. DANIEL MOOKHEY: When you say "site investigation", it is quite a long route. What exactly are you investigating?

Ms DROVER: Particularly utilities and what those existing utilities will mean in terms of relocations and costs associated with that; the geotech, for example; and site conditions that we need to address in the build. There are other constraints because all those factors need to be understood when you prepare an EIS. All impacts on the environment and the community and those constraints need to be addressed within the EIS.

The Hon. DANIEL MOOKHEY: Indeed, and I imagine in the business case. Can I just close out on this: Given that we do not have a business case, we do not seem to have a timetable for a business case, we do not have an EIS and, unless you tell me otherwise, we do not have a timetable for an EIS, we certainly have no idea when we are going to be putting an application into the planning department, there is no chance construction is commencing on the Parramatta Light Rail Stage 2 in the next 12 months, is there?

Ms DROVER: What I will say is that we are doing those site investigations which will firm up the costs and the environmental impacts. When we have done that, we will have an investment—

The Hon. DANIEL MOOKHEY: Mr Secretary, no disrespect, but the real question is, there is no chance that construction of this Parramatta Light Rail Stage 2 is going to commence in the next 12 months, is there?

Mr SHARP: The business case would be the trigger and the logistics around the actual tendering and contract—

The Hon. DANIEL MOOKHEY: It is not going to happen in the next 12 months, is it?

Mr SHARP: We have not got to that point, and so it would be a hypothetical question.

The Hon. DANIEL MOOKHEY: Sitting here, you cannot assure us that we are anywhere close to being legally permitted to go ahead and start construction in the next 12 months.

Mr SHARP: The early works, we are looking at at the moment. It depends on where you define it.

The Hon. DANIEL MOOKHEY: What timetable do you have for construction starting? What target do you have in mind for when we will be having construction start on stage two? There is none, is there?

Ms DROVER: We need to do the work first, and when the work is done and we are confident that we can put up an investment case to Government for decision, we will, and then from that obviously follows the planning approval, procurement and then construction activity.

The Hon. JOHN GRAHAM: Secretary, I might return to where questioning was when we swapped, and I might encourage you to take these questions on notice. This is really just to wrap up those questions about the M9 route. If you are happy to take these on notice, please come back with the steps you have taken to investigate this or otherwise, or why you have not. Secondly, given that it now appears publicly that this information was transmitted to a commercial party, how did this occur, in the view of Transport for NSW? Thirdly, do you believe that the controls in place currently for containing this confidential information are sufficient? Fourthly—and choose to answer this in whichever way you want—who is the former MP who was assisting Daryl Maguire to obtain this information?

CORRECTED

Mr SHARP: In respect to investigating this, I took on notice that I would actually get a full briefing and I have committed to do that. That briefing will inform me in terms of the next steps. In respect to the controls in place and whether they are sufficient, once again that would be a logical question to ask once I have the facts—

The Hon. JOHN GRAHAM: I am comfortable with you getting briefed first.

Mr SHARP: —and I will commit to asking that question. As secretary, having controls in place across the organisation is a key part of my role. Was it transmitted and what is the name of the Minister? Until I am briefed, I do not know whether we can even answer that and whether it is a matter for ICAC.

The Hon. JOHN GRAHAM: Secretary, I am comfortable with you taking all those things on notice. I am just clarifying what matters we would like you to come back on notice with.

Mr SHARP: Noted.

The Hon. JOHN GRAHAM: Great. Thank you. Can I return to that issue that I was asking the Minister about, which is: Could you confirm the status of the unsolicited proposal [USP] for widening the M7 and delivering the M7-M12 interchange? Has it now passed the third and final stage of the unsolicited proposals process?

Mr SHARP: The Minister took the question on and said he would revert with the status of it. I am also aware of the unsolicited proposal, and we committed to come back with the actual details.

The Hon. JOHN GRAHAM: We now have a bit more time. I did not press it with the Minister, but I would have had we had more time. This is quite an important project. You must know whether or not it has passed the crucial final stage.

Mr SHARP: It has not reached stage three, no.

The Hon. JOHN GRAHAM: No worries. If you can confirm on notice its status. How far away from reaching stage three, that final stage, is it at the moment? Can you give us any information today about that?

Mr SHARP: No, I cannot. That would be subject to a decision of Cabinet in terms of unsolicited proposals. I cannot give a commitment for a government decision.

The Hon. JOHN GRAHAM: In terms of any of the Transport processes that need to be concluded before that might take place, have those been concluded?

Mr SHARP: That is ongoing, but I will pass to Ms Drover as to whether there are any time frames.

Ms DROVER: The information on the USP is, of course, on the Department of Premier and Cabinet website. It does confirm it is still at stage two. We are still talking to the proponent and, yes, as the secretary has confirmed, it has not been considered or approved for stage three of the process.

The Hon. JOHN GRAHAM: To the secretary's question to you about the time frame, do we have any information?

Ms DROVER: We are still considering the proposal. Obviously it is of some complexity. It is both a widening, and there is an interchange, and there is the ongoing incident response and maintenance. So I have not got a clear time frame for you today, no.

The Hon. JOHN GRAHAM: Thank you. I might just turn to those questions on tolls that I started to ask. Secretary, the main thing I would like to clarify up-front is, do you accept that it is the role of the transport department and the transport Minister to be answering these questions about, for example, the amount of tolls that drivers are paying or those sorts of questions? All the other Ministers and all the other agencies point to Transport to answer this.

The reason I want to clarify it is that, in the switch between Ministers, I had a similar incident as my colleague did, where the outgoing Minister indicated that he certainly would not be answering questions from members of the upper House. When I pressed the question with some assistance from the Government, in fact, the answer I got back was that this is a matter for the Minister for Customer Service and the Minister for Digital. I do not believe that is correct. I am happy to go into more detail about why, but do you accept that tolling questions are rightly within the transport department?

Mr SHARP: There are layers to tolling. There are policy decisions, and that is a matter for government. There is the administration of the collection of tolling, and I believe that sits with Service NSW, or is it with us?

Ms BOURKE-O'NEIL: No, the arrangements for collection of tolling for the Toll Relief schemes are with the customer service department.

CORRECTED

Mr SHARP: There are questions around the actual physical building of tolls and the gantries and all the rest of it. That would sit with our transport team. From a long-term perspective, we would provide advice and input into any government policy decision. Ultimately the broader questions around tolling, like are they expensive, are really a matter for government and the policy settings around it. That comes into consideration—

The Hon. JOHN GRAHAM: I accept that. I understand that division.

Mr SHARP: There is administration around cashback schemes and they sit in various areas as well.

The Hon. JOHN GRAHAM: The specific questions that have been a flashpoint here are questions on notice Nos 7678, 7679 and 7680, all of which relate to toll relief. While we are here, could you obtain some information about those questions? I would like some assurance that Transport is going to answer them. Customer Service is quite clear this is your responsibility, not theirs. Treasury officials are very clear that this is up to Transport to answer and not up to them. They have a range of views about other aspects of tolling, particularly the transactions. They will not answer these questions about toll relief. Are you happy to take on notice in this session those specific questions and whether they, in your view, lie within the ambit of your department?

Mr SHARP: I will take that on notice and see if we can revert with them. I do not know what the nature of those particular ones are, but we will revert with what we can.

The Hon. JOHN GRAHAM: Understood. Thank you, that would be helpful. In relation to the question I was asking the Minister about—How much are drivers paying?—do you accept that lies within the remit of your department? That is not up to Treasury or the Department of Customer Service. That is not a policy issue.

Mr SHARP: How much they pay?

The Hon. JOHN GRAHAM: Yes.

Mr SHARP: If you look at the PPP arrangement, it is actually part of the overall arrangement that is put in place. Those dollar amounts are actually part of that government decision process and that is weighed up with the benefits at the time and the other broader government agendas, including the dollar amount. That is a matter for government and it is set as part of the Treasury review of those PPP arrangements.

The Hon. JOHN GRAHAM: The policy is a matter for government, but how much is being paid is just a straight out factual issue that the agency should be able to report on.

Mr SHARP: You are talking about the forecasting?

The Hon. JOHN GRAHAM: There are two points that are relevant. One is what the forecast is. The Government makes forecasts about what will be paid. Then there is what actually happens in real life, about which the Government is receiving information and about which Transport is receiving information—I understand daily. I would like to know both of those things: what was forecast and also what information you are receiving.

Mr SHARP: In regards to the forecast, you asked that question this morning and there was a commitment for us to look at how we could come back with that. It is very complex. In respect to your second part, I am suspecting it is probably commercial-in-confidence, if we are talking about a particular contract and how much is being collected. I am happy to take it on notice and assess that one as well.

The Hon. JOHN GRAHAM: No-one has tried that defence yet. I encourage you to at least move that far. At the moment, no-one will answer. Every department is pointing to another department. My question at the moment is—

Mr SHARP: Can you repeat the specific question of the second half?

The Hon. JOHN GRAHAM: My specific question is: Do you accept the question about how much drivers are actually paying in tolls is in the ambit of your department? Do you have that information? What is the answer to that?

Mr SHARP: You are after the actual dollar amount paid in tolls?

The Hon. JOHN GRAHAM: Yes. Say, for example, for the last financial year. Transport holds information about how much has been paid, I believe. I want to know, primarily, do you accept that is in the ambit of your agency?

Mr SHARP: I do not know at this stage, to be quite honest. I do not know what that number is. I have not seen it. I am not sure how it is accounted for so I would have to take that on notice.

The Hon. JOHN GRAHAM: What I might do is hand to my colleague now, but I ask that you try to come back within this session on that question about whether Transport is in charge. Thank you.

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The Hon. DANIEL MOOKHEY: Mr Secretary, to you or perhaps Mr Regan, we were talking this morning about aspects of Sydney Metro's land acquisitions, you would recall? Someone has got me on. I might wait for Mr Regan to turn me off.

The Hon. SHAYNE MALLARD: That is something we would all like to do.

The Hon. DANIEL MOOKHEY: Are we good? I think we are good.

The Hon. SCOTT FARLOW: No, you are not.

The CHAIR: It is very distracting.

The Hon. DANIEL MOOKHEY: I might ask you first, secretary, while Mr Regan adjusts his microphone. Do you recall I was asking the Minister about—

Mr REGAN: [Audio malfunction].

The Hon. DANIEL MOOKHEY: I am just going to proceed. We were asking about the use of non-disclosure agreements by Sydney Metro and land acquisitions. Do you recall?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Do we have further information about whether this is a practice that Sydney Metro is engaging in?

Mr SHARP: I had it in regards to WestConnex, but, no—

The Hon. DANIEL MOOKHEY: You whet my appetite.

Mr SHARP: Mr Regan, can you hear us or are you offline?

Mr REGAN: I can, but I keep being put back on mute. I am not touching anything. Can you hear me now?

Mr SHARP: We can hear you.

The Hon. DANIEL MOOKHEY: Yes, we can hear you.

Mr REGAN: Okay.

The Hon. DANIEL MOOKHEY: Mr Regan, are you requiring—

Mr REGAN: [Audio malfunction].

The Hon. DANIEL MOOKHEY: —persons from whom you have acquired their home—

Mr REGAN: [Audio malfunction].

The Hon. DANIEL MOOKHEY: —to enter into non-disclosure agreements that bar and prevent public comment?

The CHAIR: Order! Sorry to interrupt, Mr Regan.

Mr REGAN: [Audio malfunction].

The CHAIR: Although this is very amusing, I think we should try and fix it. I understand you probably have the Webex streaming in the background on another bit of your computer? If you could close that window, that will stop the feedback.

Mr REGAN: I do not; I only have one window open. I am happy to come out and come back in if that would help, but I have only got the one screen open.

The CHAIR: That is okay.

Mr REGAN: [Audio malfunction].

The CHAIR: No, it is still doing it.

Mr REGAN: I will come back in. Perhaps if you could come back to me in a moment, I will log back in.

The CHAIR: Thank you.

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The Hon. DANIEL MOOKHEY: While he is doing that, I might just then go to the next set of questions, which relates to the information that is contained in *Budget Paper No. 1* on page 4-17. It is about fees for services. What is the impact of the 16-week shutdown on passenger transport fees, Mr Secretary?

Mr SHARP: The implications for COVID on farebox are substantial. At the worst of it, we had a reduction of 85 per cent patronage. That would have reflected in an 85 per cent reduction. However, those varied throughout the period, and each day was very different and each route was very different.

The Hon. DANIEL MOOKHEY: Indeed. Mr Secretary, do you have the number for farebox revenue for the financial year ending 2020-21—for the last year?

Mr SHARP: The last year? Not handy, no.

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

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Can you also take on notice what it was for 2019-20?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: Then if we can get, on notice, any estimate of what the monthly farebox revenue was for the first three months of this year, that might allow us to properly appreciate the full impact of the 16-week lockdown on farebox revenue. Is that fair? Do you mind taking that on notice as well?

Mr SHARP: Yes.

The Hon. DANIEL MOOKHEY: On page 4-17 of *Budget Paper No. 1*, it says:

Sales of goods and services revenue is forecast to decline by 2.6 per cent, on average, over the four years to 2024-25.

To be fair, that is across the Government. That is not just you guys, for context. The bit that is relevant is this:

This is primarily due to the profile of the fee for service account line, which includes movements due to the change of the overall delivery schedule of new Transport Asset Holdings Corporation (TAHE) projects, including the New Intercity Fleet, Regional Fast Fleet and Commuter Car Park Program.

What does that mean?

Mr SHARP: That is a good question.

The Hon. DANIEL MOOKHEY: I read it and I thought, "You know what? It's a good thing we have these budget estimates."

Mr SHARP: I would have to come back to you on the nuances of that particular comment in the budget papers.

The Hon. DANIEL MOOKHEY: Sure. I did not mean to ambush you with questions about the budget papers at budget estimates. Rest assured, it is unusual for us to ask these direct questions. Perhaps Ms Colin might be able to help us on this particular. Has there been a change to the overall delivery schedule of TAHE projects, which include the New Intercity Fleet [NIF], the Regional Fast Fleet and the Commuter Car Park Program?

Ms COLIN: Sorry, I just wanted to check that you are hearing me correctly this time.

The Hon. DANIEL MOOKHEY: Yes, I am.

Ms COLIN: Great. Could I please ask you to repeat your questions?

The Hon. DANIEL MOOKHEY: The budget says that there are changes to the overall delivery schedule of new Transport Asset Holdings Corporation projects, including the New Intercity Fleet, Regional Fast Fleet and Commuter Car Park Program. What exactly is that referring to?

Ms COLIN: I think it might be referring to some delays due, potentially, to COVID and the delivery of these programs being slower due to construction pause and other issues, but I am happy to take that question on notice.

The Hon. DANIEL MOOKHEY: When you say delays caused by COVID, has TAHE been advised that there are delays to the New Intercity Fleet?

Ms COLIN: We have had a couple of updates in relation to that project and, yes, we have been advised that due to COVID and issues in terms of bringing the fleet into the country, as well as difficulties in terms of the commissioning and availabilities of the workforce, there might be delays, yes.

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The Hon. DANIEL MOOKHEY: Okay. When were you given that advice?

Ms COLIN: Since I joined [disorder].

The Hon. DANIEL MOOKHEY: So from 1 September?

Ms COLIN: In September I would have heard. But again I am happy to take that on notice.

The Hon. DANIEL MOOKHEY: How long will the New Intercity Fleet be delayed for as a result of the factors you have just described?

Ms COLIN: I am aware there are currently discussions with the contractor to settle potential delays, but again happy to take that question on notice.

The Hon. DANIEL MOOKHEY: Ms Colin, if there are delays to the fleet—to be fair, COVID is creating huge disruptions to global supply chains; that is accepted. But when do we expect the NIF to be in operation—or the full delivery? Is it meaningful? Is it a minor delay? Is it three months, six months, 12 months? How severe is this delay?

Ms COLIN: I think we are talking potentially of longer delays, but again happy to take that question on notice.

The Hon. DANIEL MOOKHEY: So longer than 12 months?

Ms COLIN: I could not quantify the delays at this stage.

The Hon. DANIEL MOOKHEY: But there is a chance it is longer than a year?

Ms COLIN: Again, I am happy to take that question on notice.

The Hon. DANIEL MOOKHEY: I appreciate that. Mr Secretary, have you been advised that there are delays to the introduction of the NIF caused by COVID and the factors that the CEO just described?

Mr SHARP: The Mariyung Fleet delays are well documented. Where we are at the moment is that there are nine train sets here, ready to be deployed—and they have been. We are resolving industrial relations issues in regard to the workforce relating to the Mariyung. Once that is resolved, then those train sets can be deployed.

The Hon. DANIEL MOOKHEY: How many more train sets are we expecting?

Mr SHARP: The total order, I would have to refer to—

The Hon. DANIEL MOOKHEY: Ms Bourke-O'Neill? Ms Drover?

Mr SHARP: Ms Drover.

Ms DROVER: I can clarify. As of a few days ago, there were 21 trains in New South Wales. There are another 27 that are in Korea in testing, and there is a balance of seven that are in production.

The Hon. DANIEL MOOKHEY: So the delay applies to the seven and the 27—so 35. Is that fair? Is it specific to the ones in production or is it specific to the ones that are in Korea? Where is the delay?

Ms DROVER: There were some modest delays to production, but we have not been able to put the trains into services, as you are aware.

The Hon. DANIEL MOOKHEY: Yes, but since then Ms Colin at least has been briefed—and perhaps that is what has been referred to in the budget. Is that what you are saying, Mr Sharp, or is that a reasonable inference?

Mr SHARP: I would need to read that particular item and understand it. These assets are TAHE assets. In terms of operationalising the assets, which is the issue, that sits with Transport and the industrial agreements sit with Transport.

The Hon. DANIEL MOOKHEY: Indeed. We will rely on Ms Colin to come back to us on notice about the delays she was referring to. Mr Regan, I think you are back. Good to see you. Are you requiring people whose homes you have acquired to enter into non-disclosure agreements?

Mr REGAN: Thank you. Just checking, can you hear me okay now?

The Hon. DANIEL MOOKHEY: Yes.

Mr REGAN: To be clear about property acquisitions, each acquisition have their own characteristics. Where we do reach agreement, it is our standard practice within that agreement to include a confidentiality request

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and that is to reflect the individual circumstances that each property has. When there genuinely are individual circumstances we negotiate directly with [disorder].

The Hon. DANIEL MOOKHEY: Mr Regan, given I have got very limited time and we had the delay, insofar as it applies to, I think, the 19-odd properties that you are acquiring in Orchard Hills, is it the case that you have required this of at least five of those residents?

Mr REGAN: I do not have the exact number, but certainly we have reached agreement for 72 per cent of the properties that were required for the Western Sydney Airport Line. I think [inaudible] would also agree [disorder]—

The Hon. DANIEL MOOKHEY: Mr Regan, you say this is standard procedure. What policy are you referring to that makes this standard procedure?

Mr REGAN: As I just explained, when we enter into a negotiation, there are individual factors that impact the potential circumstances and potential [inaudible] of each individual property. Overall [inaudible] pay a fair market value for each individual property, and we take into account the personal circumstances. The personal circumstances of one property holder are not the same personal circumstances as every other holder. So in order to ensure that we reach an appropriate agreement with each party and in the interest of ensuring we are also spending taxpayers' money wisely and fairly, we do not proceed on the basis that just because we make a particular offer on someone's individual circumstances that that necessarily applies to everyone else. [Disorder].

The Hon. DANIEL MOOKHEY: Mr Regan, the Chair is reminding me that we are about to go on a break, so I am going to leave you with two questions that perhaps you can take on notice. The first question is: How many agreements has Sydney Metro entered into in the last 12 months that contain any form of a non-disclosure agreement and for which postcodes, so that we can understand in terms of the lines that you are building? Secondly, what is your response to residents who say that they otherwise would not have been able to reach a settlement with you if they had refused to sign a non-disclosure agreement?

Mr REGAN: That is fine. I am happy to take on notice the number of agreements. On the second one, I do not understand the premise of the question.

The Hon. DANIEL MOOKHEY: Residents have complained to me that they would not have been able to reach an agreement with you unless they signed a non-disclosure agreement. What is your response to that claim?

Mr REGAN: As I have said, it is our standard practice to request, for the reasons I advised. If unable to reach an agreement, then those property owners and our negotiations—if they are not concluded—get referred to the Valuer General and then the price determination is made there. Actually, I think I have answered your question.

The Hon. DANIEL MOOKHEY: I appreciate that.

The CHAIR: Thank you. We will take our COVID-safe afternoon break.

(Short adjournment)

The CHAIR: Welcome back. We will begin with questions from the Opposition.

The Hon. JOHN GRAHAM: Mr Sharp, I might first give you the opportunity to come back with any answers to any of those questions you took on notice earlier in the session.

Mr SHARP: One that I have here is a copy of the terms of reference of the OTSI audit. I am tabling that.

Document tabled.

The Hon. JOHN GRAHAM: Thank you for that. We might get a copy of that, if that is possible. Are you in charge of tolls information?

Mr SHARP: As I indicated, it is extremely complex. The answers to your questions will come to you.

The Hon. JOHN GRAHAM: Let us return to that shortly. I might return to Parramatta Road. We asked the Minister some questions this morning essentially about when the conditions that he placed, as planning Minister, might come into effect—principally, when will dedicated public transport exist on Parramatta Road in the way that was requested in 2016? What other information would you like to give us about that time line?

Mr SHARP: I will pass to Ms Bourke-O'Neil to give you an update on those conditions and the status.

Ms BOURKE-O'NEIL: Thank you. Thanks for your question. Certainly, we have got an opportunity to rethink public transport along Parramatta Road, particularly as the new infrastructure is delivered. WestConnex

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will obviously remove a whole lot of traffic from that corridor, and is already for the sections that have opened. In the future, metro will particularly remove end-to-end trips. We are really aware of how much can change and transform in this corridor. We are already working through those opportunities. The Minister spoke this morning about a strategic business case that is being prepared, and that is advancing. That will allow us to think about both the transport changes that will occur as well as the land-use development that is coming and have a long-term approach to this. We do have the planning conditions in mind as we work that through. The planning condition was an open one, so it did not set a time frame. I do not want to interpret what the then planning Minister had in mind, but potentially it was because we knew this major infrastructure was coming which would open up opportunities.

The Hon. JOHN GRAHAM: I am almost certain that the then planning Minister regrets leaving it open ended. I am almost certain.

Ms BOURKE-O'NEIL: I could not comment. But the original condition about dedicated lanes, it does specify that, so it leaves it open for an alternative transport solution. That gives us an opportunity to think properly about this to evaluate the opportunities, in particular, really recognising that we are already doing a few things on Parramatta Road now that we have had some traffic come off. We have already introduced more bus services, particularly in the Haberfield to Leichhardt part of the corridor. Eighty new services have gone in, in addition to some early works around bus priority. We can learn some lessons from that—how well or not that is going.

The Hon. JOHN GRAHAM: Just give us a sense of the time lines from here though. I accept the view, and Transport has put this publicly, that there will be short-term, medium-term and long-term actions here. That makes sense. When will the short-term actions take place?

Ms BOURKE-O'NEIL: We have already implemented some. The next stage for us will be the delivery of the strategic business case, which is due in 2022. We will work through the opportunities from there.

The Hon. JOHN GRAHAM: When is it due in 2022?

Ms BOURKE-O'NEIL: I will check. I think I will be able to provide this to you. I believe it is quarter two, but I will check that and come back.

The Hon. JOHN GRAHAM: Thank you. Certainly, until that business case is assessed, Parramatta Road will not be in compliance with the conditions that were placed on the approval of the WestConnex by the then planning Minister.

Ms BOURKE-O'NEIL: I do not think we are not in compliance, actually. It is an open condition, and we are working it through. We know it is an important priority. It is important to our transport Minister. We are in discussions with the Department of Planning, Industry and Environment [DPIE] as we actually develop the strategic business case.

The Hon. JOHN GRAHAM: What have you actually been asked to do by the incoming Minister? We had an exchange where he indicated that he had given a direction, perhaps a relatively informal one. But he clearly expressed his view—as we had expected him to—to say, "I want this looked at properly." What is the agency's understanding of what it has been asked to do by the incoming Minister?

Ms BOURKE-O'NEIL: I will revert to the secretary in a moment. In terms of what I have discussed with the Minister, we presented him on the work we are doing on Parramatta Road.

Mr SHARP: No direction, but clearly this is a priority area for us. The expectation was very clear that we would be prioritising work in this space, which we are.

The Hon. JOHN GRAHAM: But that will not see dedicated public transport corridors until the business case is complete?

Mr SHARP: Correct.

The Hon. JOHN GRAHAM: It might be some time after that. How long after that?

Mr SHARP: The business case, as Ms Bourke-O'Neil said, will be around quarter two of 2022. That is my understanding as well. That business case will set out the plan and the funding allocations to it. We will not know until we complete the business case as to what those time frames would be, but it is in the context of the new infrastructure coming in. There are bookends obviously in terms of, once those pieces of infrastructure are in place, you would expect to see these initiatives rolling out. I think the last piece is in 2023.

The Hon. JOHN GRAHAM: What is that piece of infrastructure that you are referring to?

Mr SHARP: I think it is the M4.

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Ms BOURKE-O'NEIL: That is the completion of WestConnex.

The Hon. JOHN GRAHAM: Of the M4-M5.

Ms BOURKE-O'NEIL: Yes.

The Hon. JOHN GRAHAM: That is one of my questions. One of the community concerns is we are not going to have to wait until the west Metro is built before Parramatta Road is dealt with, are we?

Mr SHARP: No. There will certainly be actions taken before then.

The Hon. JOHN GRAHAM: Understood. In relation to those questions about the sort of public transport that might be considered, rapid bus transit on the outer lanes are perhaps travelling at 60 kilometres an hour next to pedestrian boulevards. Is that possible as part of the business case?

Ms BOURKE-O'NEIL: I think we are examining all options as part of our strategic business case. It is important to do. We know there is an opportunity to improve public transport and also active transport. I should just mention that. Some of the pieces of work that are being done in parallel and could be delivered sooner than WestConnex opening includes the \$198 million Parramatta Road Urban Amenity Improvement Program, which we are partnering with DPIE on. Part of that will be looking at opportunities, working with the six councils along the corridor for active transport links, as well as open space. There are quite a few moving parts around Parramatta Road and we will develop the options for public transport through the Strategic Business Case work.

The Hon. JOHN GRAHAM: That \$198 million urban amenity fund, what is the goal of the agency to have expended that money by? When do you want to see that out the door—urban amenity improved?

Ms BOURKE-O'NEIL: I will have to come back to you on time frame. I know we are working with DPIE and the six councils on the development of 32 projects in and around Parramatta Road.

The Hon. JOHN GRAHAM: Proposed bus services are clearly one of the options being considered.

Ms BOURKE-O'NEIL: As I said earlier, we have already delivered 80 extra bus services, Burwood to Leichhardt. We are certainly interested in the opportunity to do more in relation to bus improvement and before a final business case, if we can. We are looking into those opportunities now.

The Hon. JOHN GRAHAM: Is it possible they will still be diesel buses or will we be shifting to electric buses along Parramatta Road? Is there any consideration of that as part of the business case?

Ms BOURKE-O'NEIL: It is too soon to say. We are also developing the zero emissions bus business case as was discussed this morning.

The Hon. JOHN GRAHAM: In relation to the other conditions that were in place related to air quality monitoring and air pollution, air emissions standards, the assumptions within the original WestConnex business case were really based on the adoption of higher vehicle emission standards, a Commonwealth decision not really in the control of the State. That has not occurred. What implications does that have for the original WestConnex business case? How far short are we of what should have been the air emissions standards?

Ms BOURKE-O'NEIL: I am not able to answer that question. I might just ask the secretary whether—

Ms DROVER: I think you were asking about air quality along WestConnex.

The Hon. JOHN GRAHAM: Yes.

Ms DROVER: All the results of the monitoring are published on the website so that the community can see that. To date they have been within the anticipated limits, except where we have had a major bushfire or general air quality condition right across Greater Sydney. That says to me that although those changes have not been implemented, that we have not had any adverse impact beyond what was anticipated coming out of the conditions of approval.

The Hon. JOHN GRAHAM: Thank you. I might turn to my colleague at that point.

The Hon. MICK VEITCH: I have a few questions around cyclist safety, if I could, and particularly the metre matters, the legislative role of a rule. How much funding has been spent on educating drivers about the close passing and safe behaviour around cyclists on our roadways?

Mr SHARP: We took that question on notice this morning. I am not sure we have got an answer on that one yet. I will pass to Mr Carlon and check whether he has got that information.

Mr CARLON: Thank you for the question. The 2021-22 Transport for New South Wales investing around \$870,000 for bicycle safety through a range of communication and advertising programs. We are currently

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developing a cycling safety public education communication campaign. The campaign will target both cyclists and drivers and will aim to educate bicycle riders and motorists about their mutual road safety responsibilities and how to better manage those risks that can lead to casualty crashes in New South Wales. We have been conducting for a number of years the Go Together campaign, which focused on communicating that minimum passing distance rule to drivers. The proposed budget for the campaign is around \$540,000. It is anticipated that the campaign will launch in early 2022.

Examples of the other activities targeting cycling safety are being delivered on a behavioural road user program promoting cycling safety at community engagement events and also the use of the cycleway finder, database and cycleway infrastructure located throughout New South Wales. Our financial support for the Community and Road Education Scheme aims to develop children's road sense and includes information on helmets, bike maintenance and road safety introduced by Cycling NSW, Transport for NSW cycling information and resources to bicycle retailers. Certainly on our Facebook page we are regularly promoting the minimum passing distance, where we reach an average of 1.2 million people per week with key messages for both drivers and bicycle riders with a range of safety messages, including that minimum passing distance.

The Hon. MICK VEITCH: Thanks Mr Carlon. I am just looking at the mediums that you are going to use for these campaigns for motor vehicle drivers. There is one element here for cyclists and their safety, but instruction of drivers around the close passing of cyclists, you are talking about using Facebook. What are the other campaign mediums that you are looking at that will target motor vehicle drivers?

Mr CARLON: So we have been using mainstream radio advertising, as well as positional advertising in points around the network as well, so billboard advertising. Of course, we are regularly using the 360 fixed variable message signs around the network, around the State, to actually communicate that minimum passing distance rule as well. There is significant investment in the education around that particular area.

The Hon. MICK VEITCH: Those campaigns that you were just talking about, how do you engage with expert stakeholders on cyclist safety in developing those campaigns? Are you having regular meetings with stakeholders, and which stakeholders?

Mr CARLON: Yes, certainly. The Amy Gillett Foundation is part of the Road Safety Advisory Council, as well as Bicycle NSW. We are continuously inviting people to engage right down to any of the local bikes groups as well. We have had a significant engagement right across the community. Our regional road safety education staff are regularly engaging as well with local government road safety officers, with local clubs and local community organisations involved in cycling.

The Hon. MICK VEITCH: Those numbers that you gave a little earlier, that is for this financial year?

Mr CARLON: That is correct.

The Hon. MICK VEITCH: Is there a plan then to evaluate these campaigns and then roll them into the next financial year?

Mr CARLON: We are always monitoring any investments that we make in advertising in particular or community education more broadly. Certainly we monitor the effectiveness and adjust those messages and campaigns to make sure that they are getting to the right audience. As I say, when we introduced the minimum passing distance program and change to the legislation, we had a really successful and significant increase in the level of understanding of motor vehicle drivers. We have implemented as well in our Be Truck Aware campaign very specific messaging around the safety of cyclists. We are looking for opportunities to cross the whole of all of the systems for transport to ensure that we are getting the cycling safety messages to all forms of transport. It is critical that we encourage people to give that minimum passing distance at 60 kilometres and under, and the metre and a half above the 60 kilometre speed limits.

The Hon. MICK VEITCH: Mr Carlon, the proposed regulation for the food delivery sector includes regulation of clothing, footwear and training for those riders. What was the role of your organisation in developing those regulations? Did you have a role?

Mr CARLON: Absolutely. Senior members of the Centre for Road Safety were co-chairs of the task force working with SafeWork. We provided our expertise in a whole range of issues to do with safer vehicles in terms of the safety of both the scooter delivery part of the market as well as the e-bike and bicycle delivery components, as well as our detailed information and knowledge around visibility of riders on the road network and providing the information around the sorts of standards that need to be put into place in order to protect riders, but also the parameters for managing riders to maintain adherence to the road rules and that communication in order to make sure the people are staying safe and behaving safely on our road network.

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The Hon. MICK VEITCH: Mr Carlon, part of that regulation includes training for those riders. Are you involved in developing the training modules? Do you know how that training is going to be rolled out?

Mr CARLON: We provide advice to the industry as well via SafeWork. Our advisory role here in a safe systems approach to the education of riders is critical, but it really is the accountability of those employers to make sure that their employees and contractors are properly trained.

The Hon. MICK VEITCH: Okay, thank you. Mr Sharp, I know Mr Farraway here is going to roll his eyes again, but he knows what's coming.

The Hon. SAM FARRAWAY: Weeds. It's coming.

The Hon. MICK VEITCH: One of the critical pieces of legislation in New South Wales is the Biosecurity Act. I was just wondering what training is provided to the employees of your agency around their obligations under the Biosecurity Act?

Mr SHARP: I would have to take that on notice, unless—Ms McCarthy, are you aware of that? You are on mute. No, still on mute. Sorry, we will have to take it on notice.

The Hon. MICK VEITCH: Could I ask you to take that on notice? Also, what training does take place around obligations for individuals in your agencies for biosecurity?

Mr SHARP: Yes.

The Hon. MICK VEITCH: The second thing is that in this space I would like to know how much the agencies respectively spend on weed control and pest control on the land that you are responsible for in the area that you look after, Greater Sydney. I should say that I do ask this question on a regular basis. Some agencies have actually started taking it seriously and are now putting in line items so they can work out just how much they do spend on this extremely important area. Just so you know, it is about a \$2 billion a year, every year, constraint on productivity to the State economy, so it is pretty big. I am not sure that your agency does that, so I would really appreciate if you could—

Mr SHARP: I will take that on notice.

The Hon. MICK VEITCH: —take it on notice and have a look so it is much easier to account and to work out how much the State Government spends across it agencies on weed and pest control. I will put everyone out of their misery there. I will leave that. I think John has some more questions.

The Hon. JOHN GRAHAM: Great, thank you. I might turn to the M8 and to the network performance review plan. Can we get an update on the timing of this? We talked about it at a recent estimates, I think.

Mr SHARP: I will pass to Ms Bourke-O'Neil to provide the update on the M8.

Ms BOURKE-O'NEIL: Thank you. Thanks for your question. Yes, we did talk about it at the last estimates. We are really aware of this planning condition requirement, which was to undertake a full network performance review 12 months after the M8 opened, which fell at July this year. As we talked about at the last estimates, it has been very difficult to collect reliable data to complete the full traffic studies. We have obviously had some pieces of data in the preceding 12 months—actually, we have been monitoring the impact on the surrounding network since the M8 opened—but the pandemic has meant that there have been really unusual conditions almost all the way through. And then, of course, with the Delta outbreak we had lockdown, so there was reduced mobility on the roads and also limitations on our staff being able to go out and complete the studies.

We have recommenced and we need to—so we are collecting data. We are at near-normal conditions now. We do need to analyse that and come up with some preliminary findings. The planning condition requirement asks that we consult with the four councils involved here: Georges River, Bayside, Inner West and City of Sydney. We will do that. We have a plan to engage the councils before the end of the year. We will share preliminary findings with them, but we also need to understand their own local network observations, issues and challenges they have had, along Stoney Creek Road and Forest Road, in particular. Then we will incorporate that. We need to complete the report in early 2022 and also deliver it to the secretary of DPIE. I believe that is the obligation. We are on track to do that; that work will be completed in 2022.

The Hon. JOHN GRAHAM: Completed in 2022 and to DPIE in early 2022. When will residents—when will the community—actually see this plan?

Ms BOURKE-O'NEIL: Obviously the work may make some recommendations if there are measures that we need to implement. We need to deliver it first, I think, to the secretary. My understanding is that it will be public and government will need to make decisions on it. What I can confirm is that we will complete the work in 2022. My team has advised me—I think it is quarter two, but I will check that for you while we are in session.

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The Hon. JOHN GRAHAM: If you could check that while we are in session, that would be appreciated. Who is actually completing that? That is the agency—that is Transport—completing that plan?

Ms BOURKE-O'NEIL: Transport is undertaking this review.

The Hon. JOHN GRAHAM: Yes, as the former proponent.

Ms BOURKE-O'NEIL: Yes.

The Hon. JOHN GRAHAM: So, if I heard you properly, councils will be consulted before the end of 2021?

Ms BOURKE-O'NEIL: Yes. We have a plan to engage them with our preliminary findings before Christmas, yes.

The Hon. JOHN GRAHAM: You have referred specifically to the Stoney Creek Road and Forest Road areas. They are two of the key areas where the community is concerned. They are not actually named in the planning approval. There are 11 other areas named where this study will take place. The two you mentioned—the two that the community is concerned about—are not in the approval, but they are in the study. Is that correct?

Ms BOURKE-O'NEIL: I will confirm. I will take that on notice and confirm for you.

The Hon. JOHN GRAHAM: Okay. Just to emphasise that point, residents want to know is this actually looking at the area where they are really seeing trucks on suburban streets?

Ms BOURKE-O'NEIL: Yes. I would just add to my evidence, we have already made improvements along Stoney Creek Road last year, when we observed heavy vehicle increases. We implemented clearways. We made some adjustments to intersections. We are very aware of the community concern. I have taken on notice to come back and confirm that they are in the study.

The Hon. JOHN GRAHAM: On notice, could you set out the steps that you have already taken, including the areas where clearways have since been declared?

Ms BOURKE-O'NEIL: Yes, I will take that on notice.

The Hon. JOHN GRAHAM: Great, thank you. The planning approval conditions refer to potential mitigation measures to manage essentially any of the problems that arise. What are the potential mitigation measures that might be considered?

Ms BOURKE-O'NEIL: Well, there could be a number of options. We will consider them all. The data will tell us the extent of the problem. I think the consultation will be important to understand councils' views on possible solutions. So, yes, we will consider all options.

The Hon. JOHN GRAHAM: But just give us some sense of what can you do in a situation like that? If the community concern is, "Look, this isn't working how we expected it to work or possibly how we were told it was going to work; there are trucks on our streets," what are the sorts of potential measures? What are the tools in the toolbox that might be used?

Ms BOURKE-O'NEIL: Some of them we have already used, which is an infrastructure solution looking at intersection adjustments and traffic light sequencing. We have implemented clearways. So policy is another lever as well.

The Hon. JOHN GRAHAM: Yes. Any other levers that might be considered? I am asking now at a general level. What sorts of things could you do in a situation like this?

Ms BOURKE-O'NEIL: At a very general level you can look at infrastructure, non-infrastructure, policy and regulation.

The Hon. JOHN GRAHAM: Yes. Is changing, for this corridor, the three-times truck multiple a mitigation measure that might be considered?

Ms BOURKE-O'NEIL: It could be considered. That is a part of Government's policy framework for tolling and that would be a decision of Government.

The Hon. JOHN GRAHAM: Is it under active consideration as part of this discussion?

Ms BOURKE-O'NEIL: All options will be considered, but I do not have the detail. I am not able to share with you any more on that today.

The Hon. JOHN GRAHAM: Okay, thank you. I might, at that point, hand back to my colleague.

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The Hon. MICK VEITCH: Thank you. I just want to go back to the cyclist stuff with Mr Carlon, if I can, just very quickly. I know you spoke about money being spent on infrastructure or facilities for children to learn cycle safety. I was just wondering how much of that was actually going into schools?

Mr CARLON: This is Bernard Carlon. Thanks for the question. We are one of the few States that actually have a mandatory curriculum for road safety across the school network and we fund the private sector, the Catholic sector and the public sector schools across New South Wales to implement those programs. There is a significant program within that around travel safety to and from school, which promotes active transport or for walking to school and cycling to school. That is integrated into, for example, our Safety Town website, which is an interactive website with curriculum-based materials that are used within classrooms by teachers on the smart boards. That program is in excess of \$6 million a year that we invest in that program to have that complete from early childhood through to years 10, 11 and 12, consistent with the curriculum. Materials development and active transport is one of the key topics within all of those.

The Hon. MICK VEITCH: How do we evaluate that? Do we get the schools to actually evaluate or contribute to the evaluation, or is it a survey through the parents?

Mr CARLON: Those programs are run within the school and within classes. They connect to clearly the other community-based education programs that are happening with local councils from the road safety officers and others and there is an ongoing evaluation of the broader education program within schools. Those specific elements are constantly reviewed. We have experts within the education sector who are continuously reviewing the outcomes associated with the design of any of the modules. The active transport module in the Safety Town area is developed by experts in curriculum development, and feedback from teachers on the implementation of that within the classroom and within the school environment is continuously provided by teachers across the State.

The Hon. MICK VEITCH: Thank you. Mr Sharp, earlier this year, as I understand it, a large amount of private Transport for NSW data was dumped onto the dark web. Can you advise the Committee just how much was dumped on the dark web and the vulnerability that led to that? Has your organisation conducted any sort of investigation as to how it occurred and has it been rectified so it will not happen again?

Mr SHARP: Cybersecurity is a priority for us and we are investing heavily in it. In fact, we have got \$60 million allocated to it. In respect to that, that is associated, I think, with the Accellion incident, and that was a worldwide global issue that occurred. There was a New South Wales Government-wide approach to that. The New South Wales police got involved as well as Cybersecurity NSW. So there were a number of professionals involved immediately. The cyber team within Transport closed down the access to the systems. In terms of the dark web and the information that was there, those files were downloaded and that review is still underway. I believe there were about 194 licences that were replaced as a result of that—I am just looking up the exact number—and we are in the final stages of review through that particular process.

The Hon. MICK VEITCH: Is that information still on the dark web, do we know?

Mr SHARP: I do not know right at this moment. It was not that long ago. But what we do is advise any relevant stakeholder whose information was there and then work with them particularly around identity. As I mentioned, there were a small number of individuals that we replaced their licence and worked with them on their identity.

The Hon. MICK VEITCH: That \$60 million, is that an annual number now?

Mr SHARP: There is an uplift program. There is about \$100 million all up, but it is the \$60 million uplift program over the next three years that is geared specifically to improving our maturity level. So there is a number of essential controls that are well known, and what we are doing is working through the process of increasing the maturity of those. An example might even just be training awareness. We are about 65 per cent of the way through all Transport staff in terms of specific cyber training.

The Hon. MICK VEITCH: How many people do you have allocated within the agency just solely for cybersecurity?

Mr SHARP: I would have to take that on notice, but we do have a specific team. I will revert with the number.

The Hon. MICK VEITCH: Across both agencies or just within Transport for NSW?

Mr SHARP: There is a broader whole-of-government team as well and we meet regularly and present in terms of where we are at with our maturity path line. So there is quite a bit of coordination across whole of

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government, but we have a team specifically within Transport. We are one of the larger, more complex IT systems around, so we have our own team.

The Hon. MICK VEITCH: I am happy for you to take it on notice and get back to us at some stage about the numbers, the FTEs. Have there been any subsequent breaches?

Mr SHARP: There have been two breaches in the last 12 months: There was the Accellion, which I mentioned, and there was one other, which was to do with schools. This was the School Student Transport Scheme and there were 4,057 applications that were sent by the system to other customers effectively. That was, in fact, an error in the system, which was uncovered. So it was not a cybersecurity event but it is certainly a breach of privacy and we have closed that out with the relevant individuals. They received multiple emails effectively with some information in them.

The Hon. MICK VEITCH: So information-sharing across agencies poses its own risks; it is becoming more regular. What sort of training is provided to people who are involved in any parts of your agency that actually are involved in information-sharing with other agencies?

Mr SHARP: We have a number of standing mandatory training. Privacy protection and cyber are all on that list. I would have to revert specifically on that particular one, but there is a collection of these and certainly securing data and privacy is on that list.

The Hon. MICK VEITCH: I am told that in September 2020, Transport IT reported five enterprise-level cybersecurity risks rated as unacceptable or undesirable and that Transport IT has also identified a further seven divisional-level risks which are above the agency's risk tolerance. In the period since then, how many of these identified risks have been eliminated or mitigated?

Mr SHARP: I will pass to Ms McCarthy to provide some comments specifically and then I will add to that.

The Hon. MICK VEITCH: We cannot hear.

The CHAIR: We are not able to hear you. Can you maybe have a look on your end?

Mr SHARP: No, we still cannot hear you. In the interim, the Auditor-General reviewed New South Wales transport cybersecurity and there were two particular elements. One was to develop a plan to uplift on the essential eight controls. That project is well underway. The detailed plan will be completed in December this year and then there is a target of December 2023 to complete that entire program. So this is an uplift. In terms of vulnerabilities, there were vulnerabilities raised and the majority of the IT remediation is complete and the last of it will be complete by December this year. There are a couple of strategic projects that are involved and business cases are also nearing completion, and these are around physical controls such as CCTV, access alarming of perimeters and the physical hardening of controls around our assets. Those programs are well underway and on track with the commitments that we have made to the Auditor-General on her findings on these vulnerabilities.

The Hon. MICK VEITCH: When you talk about uplift for the Auditor-General's report recommendations, are you talking about additional funding to implement them?

Mr SHARP: Yes, the \$60 million and the \$100 million over the next three years is geared specifically to that. This is for enhanced IT systems and migrating systems across to the new cloud technology, and we have a number of legacy systems. That is well underway; it should be complete by December as well.

The Hon. MICK VEITCH: Do you now set aside some funds in the budget for the potential for litigation in an instance where someone's individual private information—mine or yours, for instance—is lost and finds its way to the dark web? Do we now make provisions for this sort of thing?

Mr SHARP: There is not a specific budget. We do have a legal team that reviews those, and as part of the cybersecurity program the aim is actually to not have the issue occur and, if it does occur, to remove it and remediate it very quickly. An example is in regard to the driver licences. Obviously it is quite serious if you have identity theft. That occurred very quickly and so it does mitigate the risk of actual physical loss, but that comes down to time frames. That is where the investments are occurring.

The Hon. MICK VEITCH: Have you assessed what the areas of highest risk are within your agencies?

Mr SHARP: Yes, we call them the crown jewels; it is not a term I particularly like. Those have been assessed and it is regularly reviewed. Each of the agencies has sat down with the IT systems and worked through which are the ones that are holding that high-risk data or are operationally critical, and we define them as crown jewels, and then we are investing the uplift controls around those and protecting those high-risk assets.

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The Hon. MICK VEITCH: When you say "regularly reviewed" can you maybe give us an indication? Are you talking quarterly or half yearly?

Mr SHARP: I get a monthly update and there are updates from the head of cybersecurity to my executive team on a regular basis along with safety. This is a high priority for us. In terms of the actual process itself, I need Ms McCarthy to talk to that but I am not sure her system is up and running yet.

The Hon. MICK VEITCH: If her system is not up and running, I am happy for you to take that on notice.

Mr SHARP: Okay.

The Hon. MICK VEITCH: I would really like to get exactly what is happening.

Mr SHARP: We will provide that information.

The Hon. MICK VEITCH: When you are talking about the funds for the Auditor-General's report—the \$60 million and then I think you said something about \$100 million—is that the total budget spend allocated to this or are there other elements of your budget going to this as well?

Mr SHARP: We have a sizeable IT team in its own right, and that technology team has a day-to-day function, and we also have the cyber team. So there are already large numbers of resources that are allocated to this. We have outsourced arrangements as well. It is a specialty area and so we do tap into best-of-breed specialists who day-to-day handle some of the aspects. The uplift is on top of that, specifically investing on additional controls that we need to lift the overall environment.

The Hon. MICK VEITCH: Just a little segue now to another part of this IT space. How many people do your agencies have working on data analytics?

Mr SHARP: We have a data analytics team and we are continuing to invest in that space. In fact, on the earlier conversation around freight, this is an area that would benefit from the data analytics. I would need to pass to Mr de Kock if he is there. The team sits in his area.

Mr DE KOCK: This is Joost de Kock. I am Deputy Secretary, Customer Strategy and Technology. We do indeed have a vast analytics and insights team that has been created as part of evolving transports. It has at least 150 or so experts in this area. The way we have set up this model in Transport is that we essentially created the hub and many of the other areas have what we call spokes, and the combination of the hub and spoke is there to really further the data agenda. As you appreciate, data is absolutely critical not only for making better decisions but also to make sure that we improve our service delivery for our customers. It is an area that we are continuously investing in and it is absolutely important to our business.

The Hon. MICK VEITCH: Do you in any way de-identify your data analytical results and onsell them?

Mr DE KOCK: In terms of the data, there are different types of data. Some of our data we actually make available through our open data hub and people can use that for innovation and it can be used by society more broadly. Obviously we do not provide any personalised information in that area. We do not onsell that information and that is free of charge, but it is de-identified so there is no personal identifiable information in that.

The Hon. MICK VEITCH: Is that treated almost like a community service obligation [CSO]?

Mr SHARP: Yes, it has actually had its 11 billionth download. It has a large amount of usage.

The Hon. MICK VEITCH: I guess what I am asking is: If it is a CSO, do you bring it to account as a community service obligation in your financial accounts?

Mr SHARP: I am not sure where it gets reported up to. I am not sure, Mr de Kock, if you are familiar with that.

Mr DE KOCK: I will have to take on notice how that gets reported and the financials but, as the secretary says, it is something that we offer as a free service and about 11 billion API hits have used these data sources including ourselves and there is a [audio malfunction] community of developers who actually leverage this information. We are continuously uploading further datasets for the benefit of the community as well as larger and smaller corporations to innovate in the transport technology space.

The Hon. JOHN GRAHAM: I might turn now to the Western Harbour Tunnel and Warringah Freeway upgrade. How many trees will be removed for the sake of these projects?

Mr SHARP: We do have an environmental consideration in terms of the tunnel. I will pass across to Ms Drover who is across the detail.

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Ms DROVER: The estimates for all the trees that will be removed were included in the EIS. There was one EIS for the combined Western Harbour Tunnel and Warringah Freeway upgrade projects. They were outlined. You would be aware that an EIS outlines the maximum impact of a project. As you know, we have started the Warringah Freeway upgrade early works and we have also awarded the main contract as well. On the early works, which are mainly the relocation of utilities to enable the main contract to be delivered, we are looking at every tree on a case-by-case basis. Although the EIS may have identified that trees may be subject to removal, we do not automatically remove them. We go through every single one of them. We work with tree specialists, ecologists et cetera to really assess whether that tree does need to be removed.

The Hon. JOHN GRAHAM: I understand it may have been 3,500 trees in the EIS. On notice, could you confirm an updated number of trees given the process you are describing?

Ms DROVER: Yes. I can also say that on our website for the Warringah Freeway upgrade early works, which are the only works that are currently on site, that information is provided on the website and is updated.

The Hon. JOHN GRAHAM: Can you also confirm either now or on notice that you are looking to replace those on a two-for-one basis?

Ms DROVER: That is right. That is the condition of approval that we need to comply with, and we are also working with the community and the council to work out the type of vegetation mix and the maturity of those trees that will meet that two-for-one commitment.

The Hon. JOHN GRAHAM: There was information provided at a North Sydney Council meeting about a land swap deal between Berrys Bay and Crown land at Cammeray Park or Cammeray golf course. Can you give us any information about what is proposed here?

Ms DROVER: I might need to take that on notice, unless you can give me a little further information. It was at Berrys Bay, did you say?

The Hon. JOHN GRAHAM: Yes. There has been community discussion about two areas, Berrys Bay and Crown land at Cammeray Park and around the golf course there. It now looks like one site will be exchanged for the other.

Ms DROVER: I can talk to Berrys Bay. We are obviously using that as a tunnelling site for the Western Harbour Tunnel. In fact, we have already got a community reference group established and the plan is to work with that community to work out what will be left at Berrys Bay when we have finished construction activity. I gather the community is quite pleased about the plans, as are North Sydney Council, because when we finish there is an opportunity to return that space for public open space. It will also mean that the historic shed there would also be available for development.

The Hon. JOHN GRAHAM: Could you perhaps, on notice, provide the Committee with the latest information on both of those sites?

Ms DROVER: Yes, can do.

The Hon. JOHN GRAHAM: Thank you. The contract that has been issued to a company that involves widespread relocation of utilities as part of the Sydney Program Alliance—can you give us any information about that company?

Ms DROVER: Yes. The Sydney Program Alliance, as the name suggests, is an alliance. It was engaged some years ago to do works associated with the Sydney Harbour Bridge. Some of those works are not in the public domain. The alliance—and it is an alliance between John Holland, Jacobs and Transport for NSW—was selected to do the early works for the Warringah Freeway Upgrade. It is not doing the main contract; it is just doing the services relocations, which gets the project ready for the main contractor to come along and do the main works on the Warringah Freeway Upgrade. Given they were already in the precinct, were already doing similar works, were familiar with the community and were able to be mobilised efficiently, and also from a value-for-money perspective, their contract was extended or a variation was let for the enabling works for the Warringah Freeway Upgrade contract.

The Hon. JOHN GRAHAM: Could we get the details of that contract on notice, please?

Ms DROVER: The original contract would have been disclosed on the eTender website and, therefore, the variation should have been as well. As I said, there was some sensitivity around the works of that alliance, given it was associated with the Sydney Harbour Bridge, so I will just need to check what was actually publicly disclosed.

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The Hon. JOHN GRAHAM: I would be happy for you to provide the details of the contract on notice, including the variation. I would not object if you provide some of that on a confidential basis, if that is required. The Committee could deal with it in that way.

Ms DROVER: That might be appropriate.

The Hon. JOHN GRAHAM: If you are able to provide us that, that would be helpful. I might turn to an update on mobile speed camera fines, following on from the Regional Transport estimates. I was hoping to direct these questions to Ms McCarthy, really to give Mr Carlon a bit of a break from answering these questions; although, given the audio difficulties, I am happy with whoever answers these questions. We were given what I took as a partial update for October for the fines issued in the Acusensus contract region, and I wanted a further update as it stands today for October for those regions. Who is best to answer that?

Mr SHARP: Is that you, Mr Carlon?

Mr CARLON: I do not have the breakdown of the fines up to date. I do have the hours of operation, if you would like me to provide that.

The Hon. JOHN GRAHAM: Thank you.

Mr CARLON: For the update in October, the total statewide is up to 13,709 hours of enforcement. So you can see that is on track to meet the 21,000-hour requirement. For the area covered by Redflex, the total is 7,978 hours delivered. For the area covered by Acusensus, there were 5,731 hours of enforcement during October.

The Hon. JOHN GRAHAM: Great. Thank you. So that is the hours, but you said you do not have updated information for the penalties for October.

Mr CARLON: We can provide that on notice.

The Hon. JOHN GRAHAM: If you could provide that on notice, as you previously did. I appreciate you providing that information. If you are able to give us a completed October number for both penalties and revenues for each of those regions.

Mr CARLON: I would note that the revenues—the face value of the fines—can include five times the value for corporations. At the point of publishing that data, within a three-month period we generally see around a 60 per cent reduction in the actual value of those fines.

The Hon. JOHN GRAHAM: Mr Carlon, I am familiar with the life cycle of the fine. We have been careful not to overstate those figures as a result.

Mr CARLON: I would also point out that we referred earlier to the changes that were made to the nomination of drivers by corporations—

The Hon. JOHN GRAHAM: I might come back to that because I do want to ask you about that. I understand you have taken those questions on notice. How many cars is Acusensus now operating?

Mr CARLON: The last figures I have were that they have 45 that are now certified and operating. Again, we can update that figure for you because they are on track to meet the requirements for the total delivery of their hours by the end of the year. A positive outcome, which I think is useful to get on the record as well, is that the rate of offending has significantly reduced, even though the numbers of fines are going up as we increase the hours of enforcement to protect the community from speeding drivers. In April we had one in 70 offending that were passing the vehicles, and now we are down to one in 100 in September.

The Hon. JOHN GRAHAM: Great. Thank you. You have said that we are on track, as a State, to meet that 21,000 hours. What month will we reach the 21,000 hours of enforcement?

Mr CARLON: That will be by the end of the year. It would be December.

The Hon. JOHN GRAHAM: In December you are expecting 21,000 hours of enforcement. Is that correct?

Mr CARLON: It was announced by the Government that we would get to 21,000 hours. At the moment we are on track.

The Hon. JOHN GRAHAM: Turning to your corporate fines issue, I got down what I thought were the numbers that you gave us as those new laws took effect on 1 July—the three measures that were passed by the Parliament. Can you just give me those figures again for July, August and September and talk us through those?

Mr CARLON: In July there were 3,131 failures to nominate.

CORRECTED

The Hon. JOHN GRAHAM: That is 3,131.

Mr CARLON: That is correct. That is information provided by Revenue NSW. In the month of August there were 1,565. The data for September indicates that there were 289. There are, on average, around 40 that are being referred with court notices, and since the beginning of the new regime the courts have issued \$1.4 million in fines to corporations for failure to nominate without a justifiable reason.

The Hon. JOHN GRAHAM: That is since 1 July

Mr CARLON: That is correct.

The Hon. JOHN GRAHAM: How long does the court process normally take?

Mr CARLON: I would have to get that information on notice for you.

The Hon. JOHN GRAHAM: No worries.

Mr CARLON: Sorry, I just note that if you are a corporation and you have had three offences, it is on the third or subsequent offence that you would get issued a court attendance notice instead of a penalty notice for that failure to nominate.

The Hon. JOHN GRAHAM: That is automatic.

Mr CARLON: That is correct.

The Hon. JOHN GRAHAM: Thank you for those figures. Can you just describe precisely what those are—the July figure of 3,131?

Mr CARLON: These are corporations who are detected—my understanding is that they are detected by camera offence and had failed to nominate the driver on three occasions and had received a court attendance notice from Revenue NSW. This is the new regime that was put in place and the magistrates have the ability to fine those corporations that do not have information around why they were unable to provide the nomination of the driver. They would have to provide due diligence provisions to capture the circumstances where driver licence number and date of birth details cannot reasonably be ascertained, and the magistrate [disorder].

The Hon. JOHN GRAHAM: Alright. So those figures are the actual number of court attendances issued in each of those months. Is that correct?

Mr CARLON: No, these are the figures for those who failed to nominate a driver in those months.

The Hon. JOHN GRAHAM: So they could be for only a single failure to nominate. Is that correct?

Mr CARLON: Yes. So you can see that that has dramatically decreased.

The Hon. JOHN GRAHAM: But those numbers do not capture corporations that might provide some reason why they were unable to nominate. These are the ones that are troublesome. Is that right? There was not an appropriate reason or, in the judgement of the delegate from the agency, the reason that was provided was not substantial enough to satisfy them?

Mr CARLON: These are just the total number of "failed to nominate" and there is a subset of those which are on the third strike, as you would call it, that were referred to the court. There will be a number of those where they attend court and they were unable to provide sufficient information, and those were then subsequently fined a total of \$1.4 million by magistrates. I do not have the numbers of those that actually did provide sufficient information in order to avoid the fine.

The Hon. JOHN GRAHAM: But it will be less than 3,131, for example, in July. Or will it be higher than that?

Mr CARLON: I would imagine it is less than that.

The Hon. JOHN GRAHAM: Yes. How many court attendance notices were issued in each of July, August and September?

Mr CARLON: I do not have that information at hand, but I can provide that to you on notice.

The Hon. JOHN GRAHAM: Great. Thank you.

The Hon. MICK VEITCH: Mr Sharp, as I understand it, there was a \$29.5 million program to trial bus electrification out of the Leichhardt depot. Can I just get a status report, I guess, on where that is up to?

Mr SHARP: Yes. I will hand across to Ms Fontana, who will be right across the current status of that.

CORRECTED

Ms FONTANA: [Audio malfunction].

The CHAIR: We cannot really hear you, Ms Fontana. Could you try speaking up?

Ms FONTANA: [Audio malfunction].

The Hon. MARK BANASIAK: We cannot hear you at all, Ms Fontana.

Ms COLIN: Madam Chair, some of us are having issues with our system. We can hear our speaking colleagues, but it seems that you can hear us. Ms Fontana has suggested that we pass the question to Ms Bourke-O'Neill.

The CHAIR: Thank you.

Ms BOURKE-O'NEIL: Thanks, Ms Fontana. Can I just get you to repeat the question? Was it about the trial at the Leichhardt depot?

The Hon. MICK VEITCH: Yes, the Leichhardt depot; the \$29.5 million that was, I believe, sourced from the Clean Energy Finance Corporation and the Australian Renewable Energy Agency for a trial.

Ms BOURKE-O'NEIL: Yes. I will take your question on notice. I think the part that I can answer is I am aware of the trial, I am aware of the upgraded infrastructure and all the trial partners are commissioning vehicles, but I do not have the details.

The Hon. MICK VEITCH: As I understand it, we have set a target to transition 8,000 buses to zero-emissions technology by 2030. Does that include looking at hydrogen?

Ms BOURKE-O'NEIL: We have put out a transition strategy to the industry on the transition of all 8,000 vehicles across the New South Wales bus fleet. We are looking in Greater Sydney particularly at battery electric, but in regional and rural parts of New South Wales hydrogen may very well be the right solution.

The Hon. MICK VEITCH: I guess this is pretty embryonic, but just how much work has been done so far on assessing the capacity for hydrogen to have a role to play in that public transport fleet—not just the buses, I guess, but broader than that?

Ms BOURKE-O'NEIL: We are developing a business case, which my colleague Ms Drover is leading, but we also put out the transition strategy in order to get industry's views about this to input into our business case. We know that there is a lot of interest also in the hydrogen trials. DPIE is leading work on hydrogen strategy, which is another input to this, but we will get feedback from industry through that transition strategy paper process and that will help us with our business case.

The Hon. MICK VEITCH: What is the time frame on that paper? It is out at the moment, I gather.

Ms BOURKE-O'NEIL: It is.

The Hon. MICK VEITCH: When will the consultation period close, and then when can we expect to maybe see some more work that we can peruse?

Ms BOURKE-O'NEIL: We have already received many submissions. My colleague Mr de Kock, who is running that process, might be able to give you the data, and we are assessing that right now.

The Hon. MICK VEITCH: If it is possible for Mr de Kock, I would like to hear that.

Mr DE KOCK: Thank you. Indeed, we did put out our zero-emission bus transition strategy in the middle of this year to get feedback from industry to inform the business case. We have received that information and now we are just in the midst of analysing that. Also, as Ms Bourke-O'Neill said, we are developing the strategic business case. This information will be used to inform the strategic business case. You also mentioned the hydrogen. As part of our zero-emission bus transition strategy, we actually put in a decision point in 2024 to get an understanding of how technology has emerged—in particular, hydrogen. At the moment, we are currently exploring options to run some trials for hydrogen buses. That is still underway, as we are very interested to learn more about those alternative fuel sources that especially will be useful for buses—potentially useful for buses operating from long distances. We are very much working together with DPIE and their two hydrogen hubs up in Newcastle and the Hunter area, as well as Wollongong.

The Hon. MICK VEITCH: Okay. I am particularly interested, as I think a number of members are, in the emerging technologies around hydrogen but also the jobs. When you were talking about a hub, are you looking at job creation that will support a hydrogen bus fleet as part of your strategic business case? Is that what you are looking at?

CORRECTED

Mr DE KOCK: Initially, we are really working to see whether it is possible to run and trial the running of, for example, a hydrogen fuel cell bus. Then, together with DPIE, we can see whether there are broader industry opportunities as well. It is still early days for this technology, but we are keen to explore that through trials in the coming years.

The Hon. MICK VEITCH: Is there any other jurisdiction in the world that you can look at to learn some lessons in this space?

Mr DE KOCK: Yes, there are other jurisdictions in the world that are, just like ourselves, transitioning buses to zero-emission buses, but we are actually doing this at a very large scale. As Ms Bourke-O'Neill mentioned, there are 8,000 buses across New South Wales, which is a very large fleet. Absolutely, we are going to be looking for lessons from across the world that can inform our trials and our work.

The Hon. MICK VEITCH: You spoke about developing a strategic business case. Does that mean funds are not yet set aside for this, or are there just some funds for this initial work, with a plan to use the business case to make a bigger bid to Treasury?

Mr SHARP: It is the latter.

Mr DE KOCK: I might pass in a minute to Ms Drover about the strategic business case. As part of that work, we want to make sure there are sufficient funds to run the trials for the hydrogen buses that I just discussed as well as trying to understand more about the smaller-format electric buses as well. Maybe Ms Drover can talk a little bit more about the process of the strategic business case that is underway.

The Hon. MICK VEITCH: Yes, please.

Ms DROVER: We are funded for the strategic business case. That will be considered when that gets its approval. If we proceed to a final business case, that will require an investment decision and then the investment will be made. The objective is zero emissions, so at this stage we are sort of technology-agnostic, if you like, and that is why we are looking at both battery technology and hydrogen technology, particularly for the regional areas where the distances are long and the infrastructure depot environment is different from Sydney.

The Hon. MICK VEITCH: Okay. Thank you.

The Hon. JOHN GRAHAM: I might follow on from that. Feel free to correct me on this, but I do not think we got an answer to when that business case will be complete.

Ms DROVER: For all the zero-emission buses?

The Hon. JOHN GRAHAM: When will the strategic business case be complete?

Ms DROVER: I would need to just double-check. I think it is early 2022, but let me just double-check that.

The Hon. JOHN GRAHAM: Okay. Thank you.

Mr SHARP: There is a commitment to Treasury for 2022.

The Hon. JOHN GRAHAM: That is really time to look at the budget cycle, isn't it? That is what you are trying to fit into?

Mr SHARP: Correct.

The Hon. JOHN GRAHAM: Yes. The scope of that strategic business case is that to look at the trials for the hydrogen vehicles and for the small-format battery vehicles or are you doing a business case for the full transition to 2030? Which of those two things are in scope for this business case?

Ms DROVER: The strategic business case looks at the replacement of the diesel buses—the 8,000. In parallel to that, there are some trials going on across New South Wales. You mentioned the buses. I think in regional New South Wales we have also got a hydrogen trial underway as well. Of course, engagement with industry is about understanding their appetite to be part of this program and also looking at what is happening overseas and different procurement models for how we might go about—

The Hon. JOHN GRAHAM: What is your current thinking about the scale of those trials? How big do those trials have to be to give you an idea of what is possible in this space?

Ms DROVER: We have embarked on a couple, which are fairly modest but fairly straightforward trials. I suspect the final business case stage would be an opportunity to expand the trials, but I think the existing trials will provide enough information for the strategic business case stage.

CORRECTED

The Hon. JOHN GRAHAM: For the full transition, what are the early indications about what the potential cost might be of that transition?

Ms DROVER: We are still working through that as we are still at the strategic business case stage. There are a number of different options, of course, and potentially different options for regional versus city. We are taking into account the industry feedback as well because that will give us some guidance about their appetite to participate and, again, how we might go about the procurement and the delivery strategy.

The Hon. JOHN GRAHAM: Again, referring to my colleague's question, have you been able to look at what cost this has meant in other jurisdictions?

Ms DROVER: We have done some work in that area, but obviously we will need to look at what it will cost in Australia and also the cost of green energy in Australia. That is quite different across different jurisdictions.

The Hon. JOHN GRAHAM: Acknowledging those differences and acknowledging that this certainly will not bind the business case, just give the Committee some sense of what those costs are in other jurisdictions.

Ms DROVER: I do not have that at hand. We are only at the strategic business case, so it probably would be incorrect to provide clear guidance on that at this stage.

The Hon. JOHN GRAHAM: I agree it would be incorrect to provide the strategic business case to the Committee. I do not agree that it would be incorrect to provide some guidance to the Committee or the Parliament about the order of magnitude of these costs in relation to other jurisdictions. I think that would be appropriate information for the agency to provide. That is really what I am asking for. Could you give us some sense of that either now or on notice?

Mr SHARP: Just to clarify the cost because, for example, there is the cost of procuring an e-bus, but then the maintenance is a lot lower. You are looking at the whole-of-life asset when you are comparing a new energy piece of equipment versus what is currently used. We are also then looking at it just the capital cost? It is quite complex in terms of what number you are after.

Ms DROVER: The other consideration is the time frame. Obviously, if you replaced all the buses tomorrow, we would be replacing fairly new buses. If you replace buses at the end of their useful life—for a diesel bus—that will have a different cost associated with it. There are a couple of complicated dimensions to what the actual cost will be.

The Hon. JOHN GRAHAM: I totally acknowledge that.

Ms DROVER: That is why the strategic business case will provide options to government.

The Hon. JOHN GRAHAM: That is why I am not asking you what the strategic business case says, but I am asking you for guidance about what other jurisdictions have found. I think it is appropriate that you are able to provide that advice to the Parliament on notice.

Ms DROVER: We can take that away and see what we can bring back in terms of information that might be available.

The Hon. JOHN GRAHAM: There is a range of things that you might need to take into account here, like procuring the fleet, maintaining the fleet and also, crucially, charging infrastructure, which will be very significant. Have you got any sense for both of those potential options—hydrogen vehicles or small-format electric battery vehicles—of what proportion of those costs might be over time, again, just in very broad-brush terms?

Mr SHARP: At the moment, the known infrastructure costs, for example, for e-buses is in the franchise contracts for seven, eight and nine because we specifically have a business case for those. Included in there is the actual infrastructure. It does vary by depot, depending on the footprint. There is quite a bit of complexity because it takes a larger footprint to actually include the e-charging. Those costs are known. In terms of the broader 8,000, we would not know that number at the moment because you have got to actually work through what the transition would be, where the buses are located, how you might phase them in to replace them and do you want to actually electrify whole areas and then move on to another. So there is a phasing there that would be very critical. That has actually come out from the current experience with the franchises, where it is actually really complex.

The Hon. MICK VEITCH: Are you trialling hydrogen buses now or is the trial just for the electric batteries?

Ms DROVER: The Haberfield depot—sorry, Leichhardt. I think they are buses.

Ms BOURKE-O'NEIL: The trials occurring in Greater Sydney are battery electric. I believe there is one regional hydrogen trial underway. Mr de Kock can correct me if I am wrong.

CORRECTED

Mr DE KOCK: We are still planning the trials for the hydrogen buses potentially in the Hunter, Newcastle and Wollongong. We are still scoping that work out.

The Hon. MICK VEITCH: Are these new buses or are these existing buses converted to the technology? I am talking about the hydrogen buses here.

Mr DE KOCK: I think that is still part of the work that the team is working on right now. I can take it on notice to provide you some more detail on that.

The Hon. MICK VEITCH: The other part of this is the skill sets required to maintain them. Hydrogen, being a new technology—this is an assumption, which is always dangerous—I would assume that the skill sets are not freely available in the New South Wales workforce to maintain hydrogen buses. What are we doing to encourage—

Mr SHARP: Perhaps I could take that question. The conversations I have been having with the New South Wales bus association indicate that there is a training element to this. The aim would be to keep the skills and upgrade the skills to the new technology. I am sure hydrogen would have its own unique challenges, not only from a training perspective but also from a safety perspective and infrastructure. Those supply chains for hydrogen, in particular, would be a key element of any trial. With the electric buses, it is becoming more mature. As a consequence, it is quite well known what that training package is. The industry was certainly keen to work with us on developing plans and supporting mechanisms to transition, effectively, the industry to that new world.

The Hon. MICK VEITCH: I sat on the upper House inquiry into the hydrogen, along with a couple of others at this table. There was a lot of evidence provided around the need for the State Government to provide leadership in the area of hydrogen but also to generate essentially a second-hand market. The Government had a role, because of the size of the fleet that we have, in actually purchasing and then, probably a little bit sooner than we would normally replace these buses, put them into the second-hand market. Is this a part of the strategic business case? It is a bigger issue—and I am not sure that Treasury would fully agree with the proposition—but are you looking at that role you may well play in propagating and generating a hydrogen bus market?

Mr SHARP: In terms of the supply chain, just initially we are working with DPIE in regards to how do you actually create the fuel and store it and how does that actually get to the locations. In respect to the second-hand market, I can only refer to the electric car initiative, where the commitment from the New South Wales Government was that all the fleets would move to electric. Part of the reason for that was to generate that second-hand market. There would be a benefit on the broader uptake in Australia through second-hand buses coming out from our initiative. That would be canvassed in the business case as a community benefit.

The Hon. JOHN GRAHAM: I might just ask you if you have yet got an answer to whether the transport agency is in charge of providing information on tolling or on toll relief?

Mr SHARP: Yes. Let me refer to the feedback. The first question was in regards to toll revenue collected by Linkt. Linkt is actually a private entity and we do not have responsibility in regards to Linkt. Who administers Toll Relief? It is administered by Service NSW. I have been asked to note that there was a similar question on notice to the Minister for Customer Service. He has apparently provided details on the total amount of toll relief paid by postcode and electorate, as well as the total number of customers who were eligible for free or reduced registration. I am not sure if you have got that. In respect to toll relief information by tag and account type, our understanding is that Service NSW does not hold that information. That is the amount that is paid to the Linkt customers, because it is a separate entity. It is a private entity.

The Hon. JOHN GRAHAM: Working through those, it is correct, isn't it, that that information is Linkt data but you agree it is provided to the New South Wales Government?

Mr SHARP: The traffic data, I know we get traffic data, but revenue is information that goes through to the actual recipients. In fact, I will ask Ms Drover to talk to that aspect of it in terms of how that element flows.

Ms DROVER: We do receive the traffic data. There are loops and other traffic measurement data and we get that. I believe that is publicly disclosed by the concession holders on their websites. In terms of the revenue, the revenue is collected by the retail toll collectors. Linkt is a major brand in the market obviously, which is privately held. They collect the revenue and then they disburse it to the relevant concession holder, the concessionaire.

The Hon. JOHN GRAHAM: They are providing the information about every toll road to the New South Wales Government on a daily basis. That is how I can go to Service NSW and plug in my toll account and check whether I am eligible for Toll Relief. The information that has been provided on notice previously says that information is flowing to Transport and to Customer Service. Do you agree with that?

CORRECTED

Ms DROVER: We definitely receive the traffic count data. I am not aware that we receive the revenue data.

The Hon. JOHN GRAHAM: But you agree that it has to be provided to government. Customer Service is saying on notice that you do receive it, but you are saying you are unaware of whether Transport is receiving that or not.

Ms DROVER: I am only aware that we receive the traffic count data.

The Hon. JOHN GRAHAM: If you could take on notice whether you are getting that data and whether you disagree with the answers that have been provided, that would be helpful. That is information provided to government about all toll roads, that is the roads operated by Transurban or otherwise—that is all flowing to the New South Wales Government, is the information we have been provided. Do you agree or disagree with that?

Ms DROVER: Just to be clear, there are a number of toll roads or, in fact, there are many toll roads where Transurban has an interest in those toll roads. They are not generally 100 per cent equity holder.

The Hon. JOHN GRAHAM: I agree, yes.

Ms DROVER: Over and above that they also own the Linkt retail toll business.

The Hon. JOHN GRAHAM: Correct, yes.

Ms DROVER: They issue their Linkt toll passes.

The Hon. JOHN GRAHAM: Yes.

Ms DROVER: They are used on any motorway concession, whether it is a Transurban one or not, so it can still be used on the Sydney Harbour Bridge, for example, which is a government-owned toll road.

The Hon. JOHN GRAHAM: Yes, correct.

Ms DROVER: They collect the data that their Linkt passes collect but then the revenue is then remitted back to the concession holder.

The Hon. JOHN GRAHAM: Yes, but it is that data about toll trips that I am asking about: about what government knows and what information government could be reasonably asked perhaps to tell the public about that aggregate toll data.

Ms DROVER: Yes, I am aware that we definitely receive the traffic count information, as I have said. I am not so certain that we receive the revenue data that comes.

The Hon. JOHN GRAHAM: So you know how many toll trips are taken and on what routes, but not what toll is paid for each of those.

Ms DROVER: Yes, because as it goes through the retail toll collector—

The Hon. JOHN GRAHAM: How do you calculate the toll relief that is eligible to me as a driver? How do you know when I have hit the \$800 or the \$1,300 toll limit if you do not know the revenue?

Mr SHARP: I do not know. Service NSW does the calculations. I would have to take that on notice. We are not aware of the revenue data coming to us, but the open question in terms of that other question, I do not know that—

Ms BOURKE-O'NEIL: My understanding is Customer Service, so Services NSW actually calculate the toll relief.

The Hon. JOHN GRAHAM: Yes, I agree with that. But it is: Where is this information flowing in government? These other agencies are referring this back to Transport. These are some of the answers I have been given. When I asked Minister Constance about what is the total toll burden for drivers, he said the toll rates are on the website. That is true of the individual toll rates. It is not true of the toll burden. The former Treasurer agreed to take the information on notice, but then supplied the individual toll rates—that is, the fact that you have got to pay a certain number of dollars to drive through the M8, for example. The Minister for Finance was categorical that he was not able to assist. It was not his department, it was back to Transport.

Treasury officials were really clear that this was a matter for Transport and the transport Minister. They were able to answer, of course, a number of questions about the sale of assets, including WestConnex. Obviously that is much closer to their interests. Any questions about tolling revenue were really directed back to Transport. That has also been the case with Customer Service when they have been asked on notice. They have answered some of those questions that are appropriately theirs about toll relief. They have actually been able to provide

CORRECTED

some answers about that. Much of the rest of the questions are referred back to Transport, but I keep drawing a blank when Transport is asked to provide answers to this question. Someone is responsible. This information is going to government.

Ms DROVER: Can we just clarify, are you trying to ascertain who is eligible for toll relief or the revenue arising out of toll concessions?

The Hon. JOHN GRAHAM: Essentially the two key questions, and I am very happy to actually provide these after the session on notice. I think that is probably the best way to deal with this.

Ms DROVER: Yes, we are keen to answer, we are just not quite sure which problem we are trying to answer.

The Hon. JOHN GRAHAM: It is essentially the two issues, total toll burden and then we have got a set of detailed questions about toll relief at the moment.

Mr SHARP: In terms of your burden question, you raised that this morning and I mentioned that there are a number of elements to it. As we indicated, the revenue actually goes back to the actual concessionaires and would be disclosed through their accounts. It is not something where the revenue comes to us and we can go to our set of accounts and say, "Here is the toll revenue." We will take the question on notice and just see what we can do.

The Hon. JOHN GRAHAM: I might put something to you immediately after this session. If you are able to take it on notice in the time frame, that would be appreciated.

Mr SHARP: Sure.

The Hon. JOHN GRAHAM: Are you also able to take on notice the maintenance budgets for each of the divisions of Transport, that is the total maintenance budget for 2021 for at least the Sydney Trains network, the NSW Trains network, the Sydney ferry network, the STA buses, the metro network, the Sydney Light Rail networks and any of the Roads divisions in whatever administrative way that makes sense—I imagine both regional and Greater Sydney.

Mr SHARP: Yes, correct.

The Hon. JOHN GRAHAM: Thank you.

The Hon. MICK VEITCH: Just a quick question about disability employment within your agencies. I know you report against that. It is a requirement of the public sector. If you could just take on notice and provide the profile across your respective agencies the disability make-up.

Mr SHARP: Yes, we will take that on notice.

The Hon. JOHN GRAHAM: In relation to the Accellion breach, the questions that my colleague was asking about cyber security, Cyber Security NSW has answered a question about when they were notified by Transport, but you might like to confirm that is also Transport's view, that you agree with that date of notification. Could you also confirm on notice, or now, the date at which Transport became aware of that breach?

Mr SHARP: We will revert with those details.

The CHAIR: We have made it to the end. I am just going to check if the Government members would like to ask any questions.

The Hon. SCOTT FARLOW: No, I think we will forgo our 15 minutes of questions.

The CHAIR: Oh, a great shame. Thank you very much for attending today. It has been a very long day. To everybody on Webex as well, I understand the significant amount of time you have given up to come and answer our questions, so thank you very much. The committee secretariat will be in touch in the near future regarding the questions that were taken on notice and also supplementary questions. I take the opportunity to thank the committee secretariat, as always, for their amazing work behind the scenes and also the ever hardworking Hansard reporters. Thank you very much.

(The witnesses withdrew.)

The Committee proceeded to deliberate.