

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

Tuesday 7 November 2023

Examination of proposed expenditure for the portfolio area

TRANSPORT

CORRECTED

The Committee met at 9:15.

MEMBERS

Ms Cate Faehrmann (Chair)
The Hon. Mark Banasiak
Ms Abigail Boyd
The Hon. Anthony D'Adam
The Hon. Sam Farraway (Deputy Chair)
The Hon. Dr Sarah Kaine
The Hon. Cameron Murphy
The Hon. Damien Tudehope
The Hon. Natalie Ward

PRESENT

The Hon. Jo Haylen, *Minister for Transport*

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 second hearing of the Committee's inquiry into budget estimates 2023-2024. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today.

I welcome Minister Haylen and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Transport. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today; however, it does not apply to what witnesses say outside the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness to inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures today. Welcome and thank you all for making the time to give evidence. All witnesses will be sworn prior to giving evidence. Minister Haylen, 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.

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Mr JOSH MURRAY, Secretary, Transport for NSW, on former affirmation

Ms BRENDA HOANG, Group Chief Financial Officer, Transport for NSW, on former affirmation

Ms TRUDI MARES, Deputy Secretary, Greater Sydney, Transport for NSW, sworn and examined

Mr HOWARD COLLINS, Coordinator General, Transport for NSW, sworn and examined

Mr PETER REGAN, Chief Executive, Sydney Metro, affirmed and examined

Mr MATT LONGLAND, Chief Executive, Sydney Trains, affirmed and examined

Ms SUSAN CARROLL, Chief of Staff, Transport for NSW, affirmed and examined

Ms BENEDICTE COLIN, Chief Executive Officer, Transport Asset Holding Entity, affirmed and examined

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session, from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. In the afternoon we'll hear from departmental witnesses, from 2.00 p.m. to 5.30 p.m., with a 15-minute break at 3.30 p.m. During these sessions, there will be questions from the Opposition and crossbench members only, and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. Having said all of that, we'll go straight into things. We'll begin with questions from the Opposition.

The Hon. NATALIE WARD: Minister, welcome. Congratulations on your appointment. Thank you for your officials coming along today and for all their hard work. Minister, why did your chief of staff resign on Friday?

Ms JO HAYLEN: Firstly, I want to thank my chief of staff, Scott Gartrell, for his service to my office and to the Government. He is a dedicated and absolute professional, and he was always going to be in my office for a limited period of time.

The Hon. NATALIE WARD: Thank you. Why did he resign?

Ms JO HAYLEN: Sorry, let me just complete my answer. I was going to say that he decided that it was the right time to leave my office. He offered his resignation and I accepted it.

The Hon. NATALIE WARD: On Friday?

Ms JO HAYLEN: Yes, that's correct.

The Hon. NATALIE WARD: He didn't give notice of that earlier? He didn't say, "I'm thinking of going"? He just suddenly on Friday said, "Time to go"?

Ms JO HAYLEN: As I said, my chief of staff was always intending to be in my office for a limited period of time. He offered his resignation to me and I accepted it last week.

The Hon. NATALIE WARD: What were the reasons he gave?

Ms JO HAYLEN: He has other interests and things to pursue in life. I understand he's feeding some goats at the moment. He offered his resignation.

The Hon. NATALIE WARD: Is he getting a payout?

The Hon. Dr SARAH KAINE: Point of order—

Ms JO HAYLEN: He offered his resignation—

The Hon. NATALIE WARD: Thank you.

Ms JO HAYLEN: —and I accepted it.

The CHAIR: A point of order has been taken by Dr Kaine. We will hear that.

The Hon. NATALIE WARD: I'll move on.

The Hon. Dr SARAH KAINE: I think that everyone in the room understands the base political tactics that will be engaged in by the Opposition today, but I would ask the Chair to remind the Hon. Natalie Ward that she has to afford the Minister the chance to answer the question in accordance with the resolution about the treatment of witnesses.

The Hon. NATALIE WARD: I did so.

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The CHAIR: I've heard the point of order. I won't uphold this one. I will say from the outset that I remind the member to allow the Minister to answer the question, but I also won't tolerate point of order after point of order after point of order by Government members to waste or use up time. If we have a system where the member asking the question is able to hear from the Minister and the witness, I think we should be doing fine, so let's start with that principle.

The Hon. NATALIE WARD: Thank you, Chair. Minister—

The Hon. ANTHONY D'ADAM: You're still a bit faint. Would you be able to bring the microphone—

The Hon. NATALIE WARD: You're wasting my time.

The Hon. ANTHONY D'ADAM: No, I'm not.

The Hon. NATALIE WARD: I'm speaking into the microphone.

The Hon. ANTHONY D'ADAM: I'm just asking you if you could bring the mic forward.

The Hon. NATALIE WARD: Stop running cover. We're here to ask questions.

The CHAIR: Order!

The Hon. NATALIE WARD: Minister, did Mr Gartrell get a payout?

Ms JO HAYLEN: I don't think that's the case, but I'm happy to take that on notice.

The Hon. NATALIE WARD: You don't know, you don't think so or you're not sure?

Ms JO HAYLEN: As I've said, I'm happy to take that on notice.

The Hon. NATALIE WARD: If he's resigned, he wouldn't be entitled to a payout, would he?

Ms JO HAYLEN: As I've said, I'm happy to take that on notice.

The Hon. NATALIE WARD: You don't know?

Ms JO HAYLEN: I've answered your question.

The Hon. NATALIE WARD: All right. So we're not sure if he's got a payout, but we're sure that he's left and we're not sure why. That's correct?

Ms JO HAYLEN: That's not the case. I answered your earlier question. He offered.

The Hon. NATALIE WARD: Okay.

Ms JO HAYLEN: Sorry. He offered his resignation and I accepted it.

The Hon. NATALIE WARD: Thank you. Minister, do you agree with the Premier that Ministers are responsible for the conduct of their officers?

Ms JO HAYLEN: My name is on the door as the Minister for Transport, and I take those responsibilities incredibly seriously. As a former Minister, I'm sure you appreciate the importance of that role. Every day I am focused on the big issues that people across this State care about, and that includes the delivery of the essential public transport services that they need. People want to be able to know that their train, bus, ferry or light rail is going to turn up on time—

The Hon. NATALIE WARD: Thank you.

Ms JO HAYLEN: —to be able to get to work and get home in time to pick up their kids safely.

The Hon. NATALIE WARD: Thank you. Can I ask about your office?

Ms JO HAYLEN: That is what I'm focused on—

The Hon. NATALIE WARD: Great.

Ms JO HAYLEN: —and that's what my role is all about.

The Hon. NATALIE WARD: Great. I'll move on. Minister, do you agree that when senior executives speak to a Minister's chief of staff, the department considers the Minister briefed if the chief of staff is briefed?

Ms JO HAYLEN: I sign off on determinations in my office. It is my responsibility to sign briefs. That is my approach. But, yes, there are processes across offices where information is passed, as you would know as a former Minister.

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The Hon. NATALIE WARD: It's not about me, Minister; it's about you. These are really simple questions—really very straightforward. There are no tricks here.

Ms JO HAYLEN: And I'm answering them—

The Hon. NATALIE WARD: Please do.

Ms JO HAYLEN: —to say that those processes take place every day, and it's really important that—

The Hon. NATALIE WARD: So you agree?

Ms JO HAYLEN: —there is an important flow of information between the department and a Minister's office. Yes, those communications involve public servants. They involve ministerial staff, including my chief of staff.

The Hon. NATALIE WARD: Great. So when a senior executive from your department speaks to your ministerial chief of staff, the understanding is that they are conveying that to you, that they consider that you are briefed?

Ms JO HAYLEN: No, they are conveying that to my chief of my staff. That does not necessarily mean that that has been conveyed directly to me.

The Hon. NATALIE WARD: So if they are speaking with your chief of staff, they can't consider that you're briefed. Is that what you're saying?

Ms JO HAYLEN: As you would know—

The Hon. NATALIE WARD: It's not about me. I'm asking you.

Ms JO HAYLEN: —how an office works is that there are lots of communications each and every day. What I am focused on is the events that I need to be at, the engagement I need to have with the public transport workforce, with my public servants, with the elements of my role that are of concern to passengers each and every day. That's what I am focused on.

The Hon. NATALIE WARD: Let's get to the specifics of that, if we can, Minister. I've got limited time.

Ms JO HAYLEN: Can I just complete my answer?

The Hon. NATALIE WARD: No, I've got limited time, and I did let you go. Thank you for that. That's very helpful. But I was quite specific in the question, and I would ask that you address the question that I've asked, and that is—

Ms JO HAYLEN: I'm entitled to answer the question as I see fit, and I was providing information. I'm just trying to assist the Committee.

The Hon. NATALIE WARD: So you're saying that, as a Minister in the Government, unless someone speaks directly to you, you can't be accountable or responsible for what occurs. Is that what you're saying?

Ms JO HAYLEN: I didn't say that.

The Hon. NATALIE WARD: What are you saying?

Ms JO HAYLEN: I answered your earlier question—that there a range of ways to communicate information. If there's a determination that I make, I sign a brief. That's the processes of government.

The Hon. NATALIE WARD: I'm not asking about briefs. I'm asking about when someone speaks with your chief of staff, you said that you can't consider that that's conveyed to you. So I'm saying, unless it's directly communicated to you, you are saying that you can't be accountable or responsible for what occurs. Is that what you're saying?

Ms JO HAYLEN: I didn't say that.

The Hon. NATALIE WARD: Well, I'm trying to understand, for the fulsome opportunity for you to answer. Which is it?

Ms JO HAYLEN: As you would know—

The Hon. NATALIE WARD: No, it's not about me.

Ms JO HAYLEN: As you would know, as a former Minister—

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The Hon. NATALIE WARD: When my chief of staff was briefed, I was briefed.

The CHAIR: Order! Ms Ward, just allow the Minister to be heard.

Ms JO HAYLEN: I think any reasonable person would understand a Minister's office is a fast-paced, busy place, with lots of communications occurring each and every day. Some of those communications occur directly with the Minister; some of those communications occur with staff. That is the usual process of an office. When a determination is made, I sign a brief. That's how the processes of government work.

The Hon. NATALIE WARD: Minister, were you aware Kieren Ash was doing political work while employed in your office?

Ms JO HAYLEN: The public servant that you refer to did undertake a DLO role in my office. As a result of some email communication that came to my attention last week, I have referred those emails of concern to the department for investigation. I was not aware of those emails until last week, and as soon as they came to my attention—they are of concern; I acknowledge that—they were referred for investigation by the public servant's employer. That's the appropriate course of action.

The Hon. NATALIE WARD: Thank you. You've outlined that. We've heard that, and that's clear for the record. Were you aware that Kieren Ash was doing political work while employed in your office?

Ms JO HAYLEN: Firstly, as soon as these emails came to my attention, I referred them for investigation. Now, that's the appropriate course of action because we're talking here about a public servant, and they need to comply with their obligations, obviously, under DLO circular—

The Hon. NATALIE WARD: We know that. So you've—

Ms JO HAYLEN: But also their broader employment obligations.

The Hon. NATALIE WARD: So twice you've said about the emails, but I'm not asking about the emails. Twice we've heard that. What I'm asking about is your awareness. I remind you that you are under oath on this Committee, so I'm asking you to be clear—

Ms JO HAYLEN: Thanks for that reminder.

The Hon. NATALIE WARD: No, I'm asking you to be clear. I'm giving you the opportunity.

Ms JO HAYLEN: I am answering your questions.

The Hon. NATALIE WARD: You agree that you're responsible for your office; you agree that you're under oath. I am asking you were you aware Kieren Ash was doing political work?

The Hon. Dr SARAH KAINE: Point of order: The Hon. Natalie Ward has asked the exact same question three times.

The Hon. NATALIE WARD: I'm entitled to. You don't need to run cover. I'm entitled to ask it 15 times.

The Hon. Dr SARAH KAINE: You won't interrupt me, Ms Ward. It's inappropriate—

The Hon. NATALIE WARD: You can run cover all you like.

The Hon. Dr SARAH KAINE: It's inappropriate and disorderly, and that's not how I think the Chair would run—

The CHAIR: Order! Dr Kaine, if you could just make your point of order through me.

The Hon. Dr SARAH KAINE: My point of order, Chair, is that Ms Ward has asked the same question—and she may ask it as deliberately as she likes; she's still asking the same question. She has had an answer from the Minister.

The CHAIR: I've heard the point of order. There is no point of order. Members are entitled to repeat the questions, as the Minister is entitled to answer the question as she wishes and to repeat her answer. Continue, Ms Ward.

The Hon. NATALIE WARD: Minister, I'm not asking about his emails. I'm asking about your knowledge. Were you aware that Kieren Ash was doing political work while employed in your office?

Ms JO HAYLEN: My experience of the public servant's work that you refer to was that it was in line with his role. Now, we're talking about a relatively junior public servant, but he came to serve in my office as a DLO. He is from the national policy and intergovernmental relations team within the department. He is a policy specialist within that area, and my engagement with him was around those issues, around Cabinet processes and

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also around the processes for the Infrastructure and Transport Ministers' Meetings. That's our intergovernmental relations. Obviously, within the first couple of months of becoming—

The Hon. NATALIE WARD: Thank you.

Ms JO HAYLEN: I'm just going to explain the nature of my engagement with the public servant. That's what you asked me about. I attended the Infrastructure and Transport Ministers' Meeting in Perth, and I needed to ensure that I was properly across the issues that I needed to advocate for on behalf of the people of New South Wales—that we were receiving the Commonwealth funding that we need to deliver the public transport that people are relying on, and with that we need to build for the future growth of our city and our State. I was briefed accordingly, and the bulk of my engagement with this public servant was on those matters.

The Hon. NATALIE WARD: When you say the bulk, did you have any conversations with him that were political?

Ms JO HAYLEN: Not that I—first of all, talking to a politician isn't inherently political. I appreciate that you're going to have one interpretation of "political" here, I understand that, but the work that I engaged with this relatively junior public servant on was policy based and was in line with his responsibilities as a public servant advising government on the areas that he was working on. So the intergovernmental relations, Cabinet processes—

The Hon. NATALIE WARD: Yes, you've said that.

Ms JO HAYLEN: My engagement with him was positive, and I would describe him as a policy workhorse.

The Hon. NATALIE WARD: But, you see, I didn't ask about his outlook. I didn't ask whether he was positive. I'm going to ask you again: Can you categorically rule out that you were aware he was doing political work in your office?

Ms JO HAYLEN: My experience of this public servant's work was that it was in line with his responsibilities. But, as I have said, emails of concern came to my attention last week, and I referred them for investigation to his employer.

The Hon. NATALIE WARD: I'm not asking about the emails. You've said that four times now. He organised—

Ms JO HAYLEN: You've asked the same question four times.

The Hon. NATALIE WARD: I'm entitled to ask them. This is how estimates works, Minister.

Ms JO HAYLEN: And I'm entitled to answer it as I see fit.

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: Minister, can I ask this of you: Did this public servant in fact prepare briefings for you in relation to Cabinet meetings?

Ms JO HAYLEN: This public servant's responsibilities included briefing me about Cabinet, yes.

The Hon. DAMIEN TUDEHOPE: So he would prepare recommendations to you in relation to Cabinet briefs?

Ms JO HAYLEN: No, he was briefing me about what Cabinet was considering.

The Hon. DAMIEN TUDEHOPE: That would in fact include, potentially, recommendations?

Ms JO HAYLEN: He was a public servant briefing me about the Cabinet process. That is wholly within the realm of the responsibilities of public servants. In fact, within the team, within Transport, there is a Cabinet team.

The Hon. NATALIE WARD: Minister, I'm going to ask you this once again. When you've got a DLO in your office inviting people to a barbeque to thank volunteers who campaigned for you, do you truly think it's credible to say that he was not doing political work or that you weren't aware of him doing political work when you're going to a barbeque with a volunteer who's a campaign organiser?

Ms JO HAYLEN: Firstly, the email that you are referring to in relation to the community barbeque—

The Hon. NATALIE WARD: I'm not referring to an email. I'm asking you your knowledge. That's why you're here.

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Ms JO HAYLEN: That event has come to my attention in this context via an email. That email, along with all of the other emails, as requested under the SO 52 standing order, has been made available to the department for investigation to determine this matter, which is about this public servant's employment.

The Hon. NATALIE WARD: Minister, if we were to ask your staff or senior members of your staff in your office what they saw, what they participated in, whether they were aware of Kieren Ash doing political work or work that was not appropriate under the Cabinet memorandum, what would they say?

Ms JO HAYLEN: I'm answering questions here today and I've made very clear that emails, including the one that refers to the community barbeque, have been referred for investigation.

The Hon. NATALIE WARD: On your oath, the first time you became aware of Mr Ash's behaviour was last week? Is that what you're telling this Committee?

Ms JO HAYLEN: The emails that have brought this to our attention—

The Hon. NATALIE WARD: I'm not talking about the emails; I'm talking about your knowledge.

Ms JO HAYLEN: —were referred last week.

The Hon. NATALIE WARD: Minister, I'll ask it again.

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: In my experience, the work that this public servant was doing was in line with his role as a DLO. That is my experience up until those emails came to my attention last week, which I referred to his employer for investigation, as is appropriate. We've got to remember here that we are talking about a small number of internal emails that may have blurred the lines between this public servant's role as a DLO and their personal political views. I acknowledge his well-known personal political views. Those lines may have been blurred. These emails have been referred to his employer for investigation. That is the appropriate course of action. I am not going to prejudge that investigation. That public—

The Hon. NATALIE WARD: Ms Haylen—

Ms JO HAYLEN: Ms Ward—

The Hon. NATALIE WARD: I'm not asking about the investigation. I'm asking questions of you and your knowledge and I'm asking you to provide fulsome responses.

Ms JO HAYLEN: That public servant is entitled to due process. That process is underway.

The Hon. NATALIE WARD: Chair, I'm going to redirect because I have limited time. Ms Haylen, I ask that you answer the question that's put to you. I will be repeating it if not.

The Hon. Dr SARAH KAINE: The same question again? Come on, Natalie.

The Hon. NATALIE WARD: I don't need running commentary.

The Hon. Dr SARAH KAINE: Get creative. Ask something else.

The Hon. NATALIE WARD: How could a volunteer event, Minister, only come to your attention by the email?

Ms JO HAYLEN: Your question asks about whether or not this event occurred. Yes, the event occurred. It was a community barbeque. I think about 100 people were there. My role was to thank those community members to make a speech and to have a sausage sizzle. As all members of Parliament would know, we attend many of these types of community events. I came to the event, I gave a speech—

The Hon. NATALIE WARD: I'm not asking about the event.

Ms JO HAYLEN: —and I thanked community members—

The Hon. NATALIE WARD: Minister, I'm not asking about the event.

Ms JO HAYLEN: I didn't give it much forethought.

The Hon. NATALIE WARD: I'm not interested in the barbeque.

The Hon. Dr SARAH KAINE: Point of order—

Ms JO HAYLEN: Actually, you did ask about the event.

The Hon. NATALIE WARD: I'm going to redirect.

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The CHAIR: A point of order has been taken, which I assume is about the member allowing the Minister to answer the question. Having said that, if the Minister is talking beyond what the member is seeking, the member is also entitled to continue asking questions. There has to be a little bit of give and take here. I think the Minister was finished with her response.

The Hon. NATALIE WARD: Minister, for the record, when did you become aware that Mr Ash's behaviour was not appropriate?

Ms JO HAYLEN: A number of emails were brought to my attention last week that were of concern. As soon as those emails were brought to my attention, I sought advice and I subsequently referred those emails—

The Hon. NATALIE WARD: Were you aware? It's a very simple question.

Ms JO HAYLEN: —for investigation to that public servant's employer. That is the appropriate course of action.

The Hon. NATALIE WARD: Were you aware? You can rule it in or out right now. Were you aware?

Ms JO HAYLEN: I have answered your previous questions that are very—

The Hon. NATALIE WARD: You haven't. That's the problem.

Ms JO HAYLEN: Yes, I have. I said—

The Hon. NATALIE WARD: That's the problem. You haven't. Were Mr Ash's behaviours ever brought to your attention prior to last week?

Ms JO HAYLEN: My engagement with the public servant that you refer to was—my experience of his work was that it was within his responsibilities as a public servant in my office.

The Hon. NATALIE WARD: Were Mr Ash's behaviours ever raised with you prior to last week?

Ms JO HAYLEN: As I've said, my experience of this public servant's—

The Hon. NATALIE WARD: I'm not asking about your experience. I'm asking if it was raised with you.

Ms JO HAYLEN: —behaviour and conduct was in line—

The Hon. NATALIE WARD: You're not answering the question, are you?

Ms JO HAYLEN: Yes, I am. It was in line—

The Hon. NATALIE WARD: Were they raised with you?

Ms JO HAYLEN: —with his responsibilities as a public servant.

The CHAIR: We will move to questions from the crossbench now. Minister, in relation to the volunteer barbeque, who organised it for you?

Ms JO HAYLEN: I don't recall who organised it. I suspect a range of volunteers and staff organised the event. My engagement with it was, as you would know, that you turn up to these events and you're there to thank people. I didn't get to thank everybody that was at the event, but I turned up and gave a speech and had a sausage sizzle.

The CHAIR: Was there discussion and emails in your office about the event?

Ms JO HAYLEN: The emails that you refer to, some of those have been brought to my attention. I acknowledge that they have been raised through the SO 52 process.

The CHAIR: When you say they were brought to your attention, you hadn't seen those emails before they were brought to your attention?

Ms JO HAYLEN: That's correct.

The CHAIR: To what extent, Minister, were you involved in any requests for DLOs for your office? What was your involvement in that?

Ms JO HAYLEN: All the arrangements in my office, in terms of both personal staff and the secondment of public servants—DLOs to my office—is managed by my chief of staff. My employment function is delegated to my chief of staff, as would be the usual practice in most ministerial offices.

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The CHAIR: How many DLOs have you got at the moment or have you had since your appointment as Minister?

Ms JO HAYLEN: I currently have four DLOs in my office. Of course, all DLO appointments are temporary and come in and out as required for the office. I don't have in front of me, sorry, the particulars of how many DLOs were in my office at particular times. But I'm happy to provide that if the Committee requires.

The CHAIR: Do you sign off on the DLOs joining your office?

Ms JO HAYLEN: No. Those processes are managed by my chief of staff.

The CHAIR: At no point did you request or promise Kieren Ash a job in your office during the election campaign?

Ms JO HAYLEN: No. The management and secondment—so the arrangement between my office and the department—has been managed by my chief of staff.

The CHAIR: You had met Kieren Ash before he commenced in the position of DLO?

Ms JO HAYLEN: Yes. The public servant that you refer to is known to me and I'm sure known to many people here. He previously worked in this building, so yes.

The CHAIR: What about the other DLOs? Did you know them before they started work in your office?

Ms JO HAYLEN: Some of the DLOs were known to me and to my office. The vast majority—

The CHAIR: Through political party work?

Ms JO HAYLEN: Not necessarily, no. But, as you would know, we all move in similar professional and political circles. Some of them were known to me.

The CHAIR: You've got four currently working for you. When you say "some", how many do you know through the Labor Party circles?

Ms JO HAYLEN: Again, I would reiterate that those arrangements were made by my office.

The CHAIR: How many, Minister?

Ms JO HAYLEN: Again, they were made by my office. I guess a handful of them were known to me prior to them serving in my office. But the vast majority of those DLOs that have come in and out of my office were not known to me. I would say that they are all excellent public servants, and I'm very grateful for the work that they have done and continue to do to help our Government implement our policies.

The CHAIR: In the time I have, I want to move on to a different issue. Minister, are you comfortable with the fact that there are senior directors within Sydney Metro who are running their own recruitment companies and then employing people from those recruitment companies into Sydney Metro at more than \$2,000 a day, largely?

Ms JO HAYLEN: Firstly, I'd say that I assume you're referring to some recent reports about these issues and, yes—

The CHAIR: If there's others, please let me know. But, yes, those recent reports.

Ms JO HAYLEN: They are of concern to me, and I have asked metro to not only engage with us actively about these matters but I would say that it is Government policy to reduce reliance on consultants. That's incredibly important, because we value the work of the public service and we want to ensure that when we are moving through projects like this—and I do acknowledge that projects like the metro have an employment profile that goes up and down depending on the period of construction, that would always have some contract workers. However, we want to make sure that, for example, if a role exists over the life of a project, that that role is held by a public servant. Because obviously we get the value of that in the long term. I just wanted to provide, though, the action that I have taken in relation to the use of consultants, because I acknowledge it is of concern.

I have asked Sydney Metro to look at the use of their consultants, because we want to make sure it is an effective use of resources. We've put in place some additional protection, some additional checks and balances while an overall review of contract engagement is underway. That includes any professional services contract or labour hire engagement or variation between \$50,000 and \$250,000 will need an additional executive sign-off, and any engagement or variation worth more than \$250,000 will need the endorsement of the CEO as well. There are some additional protections.

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The CHAIR: Thank you, Minister. Mr Regan, most of that was already in place, wasn't it? I mean, the question really is how was this able to thrive for so long at Sydney Metro with senior directors that are employed as contractors with their own recruitment companies employed within Sydney Metro getting tens of millions of dollars worth of contracts as directors of Sydney Metro? At any stage, were you concerned about this practice?

PETER REGAN: If I could just start by saying, to be very clear, there were no employees of Sydney Metro who were recruiting staff through their own companies.

The CHAIR: The issue is, you know very well, I'm not talking about employees of Sydney Metro. That's the issue, isn't it?

PETER REGAN: Well now, to be very clear—

The CHAIR: The people who are under investigation—I understand, we'll get to that later—actually aren't full-time employees of Sydney Metro, are they?

PETER REGAN: No, they are contractors supplied through companies.

The CHAIR: That's the issue, Mr Regan.

PETER REGAN: And they have not been involved in making decisions to award contracts, to either own companies or to other companies. Those decisions are taken by employees.

The CHAIR: How do you ensure that those senior directors, for example, don't have access to certain files where they gain information about their competitors, for example, who are bidding, and then underbid them? How do you make sure that Paul Rogers, Barry McGrattan and James Hayward don't have access to those files?

PETER REGAN: The processes around procurement are operated separately to the work that those contractors are performing elsewhere in the business. There are probity rules in place so that they do not have the ability to either make those decisions or to receive information on those. To your earlier question, we have put in place additional controls while we undertake a very detailed review, to ensure that all the contractor arrangements that we have in place are appropriate, especially those that are historic contracts, legacy contracts. We have been working over the last two years to move Sydney Metro's workforce resources to a different model, as there has been a greater degree of long-term certainty as the business of Sydney Metro has grown.

The CHAIR: Thank you. I can get some of this off you this afternoon as well. In terms of that inquiry or investigation you were referring to, formal investigation has been set up internally, established internally, has it, in relation to the allegations that have been aired in *The Sydney Morning Herald* as well as the Public Accountability and Works Committee? Mr Murray, are you aware of this?

JOSH MURRAY: I'm aware of all the work that has been done that's just been covered by Mr Regan in terms of covering off the new processes. We also declare all of the public services contractors. We are conducting similar areas of improvement through the Transport ranks as well in terms of project delivery, which I'm happy to detail later if that's of assistance.

The CHAIR: Are you aware of an investigation into those allegations that's being undertaken at the moment?

JOSH MURRAY: No, I'm not aware of that.

The CHAIR: Mr Regan, is there one?

PETER REGAN: Well, of course, I can't comment on the specifics of individual investigations or whether things are being investigated. One of the very important matters here is that when items are brought to our attention we are required to protect the privacy of the person who makes such an accusation. So, clearly, I can't comment on the specifics, but I am required, if I become aware of any information that there is impropriety or corrupt conduct, or even perception of corrupt conduct—I am required to take action under law, and I do that, and that includes, where appropriate, referral to ICAC.

The CHAIR: We will go to questions from Mr Mark Banasiak.

The Hon. MARK BANASIAK: Minister, when and how was the decision made to pursue an appeal in the class action Sydney light rail court case?

Ms JO HAYLEN: I appreciate the member's interest in this issue, and these are some of the significant challenges that we've inherited across public transport, in particular, in relation to light rail. I'm happy to hand to the secretary for further information about that.

CORRECTED

The Hon. MARK BANASIAK: I'm more interested in your involvement in terms of making the decision to actually appeal the case. So if you're saying you don't have any involvement in that?

JOSH MURRAY: Perhaps I could add, Mr Banasiak, that the department was briefed by its insurer, who has the ultimate carriage in this case. A number of discussions were held about the insurer's position and the position legally as it relates to Transport for NSW. We concur with the insurer's approach and the viability of an appeal in this case, and these matters are now back before the court.

The Hon. MARK BANASIAK: Minister, what involvement did you have in the decision, or was the decision solely weighed up with the department?

Ms JO HAYLEN: These decisions are dealt with in the department. It's an ongoing legal matter.

The Hon. MARK BANASIAK: So you had no sign-off as to whether the department took your Government to court again and wasted taxpayer dollars?

Ms JO HAYLEN: These matters are dealt with by the department. There's an ongoing legal matter. I would say, though, this is one of the many messes that we have inherited from the former Government, and I appreciate your interest in the matter.

The Hon. MARK BANASIAK: How much did the first court case cost taxpayers?

Ms JO HAYLEN: I would refer your question to the secretary for further information.

The Hon. MARK BANASIAK: Mr Murray, do you have that?

JOSH MURRAY: I don't have that information to hand.

The Hon. MARK BANASIAK: Can you take that on notice?

JOSH MURRAY: I am happy to take that on notice. I would just reiterate that in this matter the carriage of the matter is in the hands of the insurer in concurrence with Transport for NSW.

The Hon. MARK BANASIAK: While you're taking it on notice, can I just intimate that I won't accept an answer back saying, "Go ask Treasury." I've done this before.

Ms JO HAYLEN: It's fair enough.

The Hon. MARK BANASIAK: Someone in Transport for NSW must know how much it cost the taxpayers. Minister, were you briefed at all on the decision to appeal?

Ms JO HAYLEN: Not directly, that I recall, but I'm happy to come back to you and ensure that that's completely accurate. I have received briefings about a range of issues that we have to deal with, in particular regarding light rail. Of course, the member will recall the cracking of the light rail trams in the inner west and the subsequent impacts. Obviously, those same types of trams are also across the networks. I have been briefed on a range of those issues. But, as the secretary has made clear, the earlier matter that you refer to is before the courts and being handled by the insurers.

The Hon. MARK BANASIAK: So, help me understand, Mr Murray, the insurer says, "We don't want to pay out potential claims. We want you to go back to court." What risk assessment did they present to you as part of this decision to appeal?

JOSH MURRAY: Mr Banasiak, I'm sure that you could accept that we cannot play out any of the legal strategies or discussions, even in this hearing.

The Hon. MARK BANASIAK: Surely there would have been a risk assessment as to whether you're going to win or lose and whether it's a viable option to go back to court again? You have these obligations under the model litigant policy in terms of not taking up frivolous court cases that you don't think you can win, or not taking up court cases, or pursuing court cases where the issue is about a quantum, a figure, that you may have to pay out. I'm curious as to what drove this decision from the insurer to go back to court again, waste another two years, waste more taxpayer money on a case that you highly likely may lose?

JOSH MURRAY: I absolutely understand your question. I know that you'll accept that I'm not going to stipulate as to what legal advice was given to the insurer.

The Hon. MARK BANASIAK: Can you stipulate whether a risk assessment was done?

JOSH MURRAY: Absolutely a risk assessment was done. A discussion about elements of the appeal was covered off in terms of the insurer's assessment, and the eligibility to take forward an appeal was considered and put before the department.

CORRECTED

The Hon. MARK BANASIAK: Did the department consider the further emotional and financial stress that you placed on the small business holders that won the court case after five years?

JOSH MURRAY: There are a number of matters at law that are under consideration, in terms of the appeal, as well as the high-profile nature and, of course, all of the litigants involved. I'm not going to canvass any more about the strategies or the discussions that were held.

The Hon. MARK BANASIAK: This is not about strategy. Did you consider that impact when you were weighing up the decision to go to court or not?

JOSH MURRAY: All elements were weighed up by the insurer and Transport for NSW, including the significant cost to the taxpayer as well as the impact on the litigants.

The Hon. MARK BANASIAK: Minister, can you see how this looks? Your Government, when they weren't in government, were very critical of the previous Government about the handling of this matter. The shadow Minister at the time was Chris Minns, the now Premier. You had Minister Daley, you had Minister Hoening, all out there kicking the former Government for their treatment of small business owners. One of the first things that happens when you come in is an appeal for a decision that you lost—and, obviously, quite rightly lost—to go and kick those small business owners again. Can you understand how they'd be feeling right now? What do you say to those small business owners?

Ms JO HAYLEN: Firstly, as you would appreciate, Mark, I can't comment on the legal matter. It's before the courts. But I would absolutely recognise the difficulty and long protracted issues that these small business owners have been dealing with. I acknowledge the impact on them personally, their families and financially.

The Hon. MARK BANASIAK: Surely, somewhere within Transport there's someone that can build a bridge and get over it.

JOSH MURRAY: I should stipulate that efforts were made at mediation in this matter. The plaintiffs also changed their legal representation multiple times, which has extended the process. But efforts were made to settle in these discussions and, in the end, this has been the appropriate action taken forward.

The Hon. MARK BANASIAK: With all due respect, barristers yelling across the table saying, "We're going to win no matter," isn't my idea of mediation. I might move on to Kamay ferry wharves for a minute, Minister. In March 2023, following the election, your Government announced that they would be reviewing all current and future infrastructure projects to ensure they represented worthwhile investments. At that time, the Kamay ferry wharves had only received final approval from the Federal Government when the New South Wales Government was in caretaker mode. Can you confirm that this project was actually thoroughly reviewed in order, in terms of you guys giving it the go-ahead?

Ms JO HAYLEN: I can absolutely confirm that this was one of the many mismanaged projects that we inherited from the former Government. As I'm sure you're aware, Mark, this project was first estimated at a cost of \$18 million and the cost has—

The Hon. MARK BANASIAK: I spent four years outlining it to your department, how many fleas it had on it—Mr Collins would know that. What was the actual date that your Government officially decided to proceed with this project?

Ms JO HAYLEN: I'm very happy to come back to you with the specifics of that. I would say that I share your concerns here. It's one of the reasons why I engaged on this project—and indeed many other projects—that, as I said, were mismanaged by the former Government. Within weeks of taking office, I was informed that the costs had blown out on this project again—so by another \$13 million. The total cost of the project went from, at that time, \$65 million to \$78 million. But, as we've discussed and we've made clear in media, the cost to actually cancel the project at that point was \$46 million. Now, to put it simply, it was too late to cancel the project. That would also have an impact on some hundreds of jobs as well. I did ask whether we could re-use any of the components—for example, the steel piles, whether we could prevent wasting that money. It was clear to me that that was not a possibility, and so that project is proceeding.

The Hon. MARK BANASIAK: Do you have confidence in your department being able to give you frank advice when clearly they weren't able to give the former Government frank advice that this was a dog of a project? It's been a dog of a project since it was—

Ms JO HAYLEN: I think you and I, Mark, would agree that there were bad decisions made about this project. But as soon as—

The Hon. MARK BANASIAK: But are you confident that those decisions won't be repeated?

CORRECTED

Ms JO HAYLEN: I have confidence in the public servants at this table and the advice they provide to me. I am, every day, asking questions about projects like this and ensuring that we're getting value for taxpayer investment. In relation to this project, I've made very clear to the department that I want to ensure that not only is it delivered within budget—

The Hon. MARK BANASIAK: That's not going to work.

The CHAIR: Order!

Ms JO HAYLEN: —but also that construction is done sensitively, involving the environment around it, and ultimately that there is a good outcome for recreational users at the wharf, that it engages people to be able to drop off at the wharf. Fishing from the wharf will be permitted. It's my intention to ensure that we get best value but acknowledge that there have been problems with this project.

The Hon. MARK BANASIAK: I'm conscious of the Opposition time. We'll pick this up in the next round.

The Hon. NATALIE WARD: Minister, do you categorically rule out being aware of Mr Ash's behaviour prior to last week?

Ms JO HAYLEN: I've answered this question previously. I'll answer it again in the same way, and that is to say that my experience of the public servant's work was that it was in line with his role.

The Hon. NATALIE WARD: I'm going to redirect, Minister.

Ms JO HAYLEN: As I have said, as soon as conduct that he made in relation to emails that was of concern, I referred those emails for investigation.

The Hon. NATALIE WARD: Thank you. You've said that and the Committee is aware of that evidence. We'd like to understand your evidence about your awareness, so I'll ask you again. Do you categorically rule out being aware of Mr Ash's behaviour prior to last week?

Ms JO HAYLEN: My engagement with this public servant was that his activity was within his role as a public servant on secondment. I want to make very clear here that I understand, as I'm sure you do, the difference, the distinction, between a ministerial staffer—a personal staff member—and a public servant on secondment. I am aware, as I'm sure you are, of the obligations under the DLO circular—

The Hon. NATALIE WARD: That wasn't my question though. I'm going to redirect. I have limited time, so thank you for that. Was Mr Ash's behaviour raised with your office prior to last week?

Ms JO HAYLEN: All I can provide to you is my experience of this public servant. I have answered that question to say that my engagement with him was within his responsibilities as a DLO seconded to my office, with, of course, again acknowledging that the emails of concern have been referred for investigation.

The Hon. NATALIE WARD: We've heard that—to your Labor mate, to investigate your appointment of a Labor mate. Mr Collins, can I ask you did you ever raise concerns about Kieren Ash with the Minister's office?

HOWARD COLLINS: My office, the office of the secretary, raised concerns about the initial request and subsequently to the extension, brought obviously—the first request, I think I was three days into the job. A couple of individuals were requested by the Minister's office. I was given some information about the individual's political background, which was useful. On a number of occasions, and certainly in July, when the extension was made, concerns were raised. I think people have cited emails which I said I would speak to the chief of staff. I thought it was appropriate, as he was, in effect, the employee manager, to just make sure that the individual did keep to those rules which he signed for in terms of being a DLO.

The Hon. NATALIE WARD: You had concerns about the work that he was doing—that it was not within the confines of the DLO role—didn't you?

HOWARD COLLINS: Initially, personally, I didn't have concerns, but my office staff did raise them on a couple of occasions. Obviously they have more detailed dealings with those individuals. I assured the chief of staff of my office that I would speak to the chief of staff in the Minister's office, and I remember having that conversation. It was really about advice and making sure that this person did keep to the rules.

The Hon. NATALIE WARD: That was prior to last week, wasn't it, Mr Collins?

HOWARD COLLINS: Absolutely. I think I have on record the occasion in July when that was spoken about.

CORRECTED

The Hon. NATALIE WARD: Ms Carroll, did you raise concerns with Ms Haylen's office about Mr Ash's behaviour?

SUSAN CARROLL: I had a conversation with the Minister's chief of staff in May. We had some early indication. It wasn't—

The Hon. NATALIE WARD: Sorry, did you say in May you raised it with the Minister's office?

SUSAN CARROLL: In May. It was part of a broader conversation with the Minister's chief of staff on other matters relating to DLOs. General information had been put to me, so I raised it with the Minister's chief of staff and sought assurance that he would review the tasking to ensure compliance with the apolitical role of our DLOs.

The Hon. NATALIE WARD: Minister, I'll ask you again. You've had concerns raised by the acting secretary. You've had concerns raised by Ms Carroll. Do you still say to this Committee that you cannot categorically rule out knowing about Mr Ash's behaviour? Is that your evidence?

Ms JO HAYLEN: I absolutely respect the public servants at this table, and they're doing exactly what I would expect of them, and that is to provide frank and fearless advice to government.

The Hon. NATALIE WARD: I'm asking about your understanding, Minister, and you've refused to answer, so I'm going to redirect you once again—

Ms JO HAYLEN: I'm not refusing to answer.

The Hon. NATALIE WARD: —and give you another opportunity.

Ms JO HAYLEN: What I am doing is answering the question. And if you would—

The Hon. NATALIE WARD: I'm not asking about the public servants.

Ms JO HAYLEN: —allow me to do that, I'm happy to assist the Committee.

The Hon. NATALIE WARD: Please do.

Ms JO HAYLEN: Happy to assist the Committee. I want to make clear that these public servants are doing their job.

The Hon. NATALIE WARD: I know that, but I'm asking you.

The CHAIR: Order!

Ms JO HAYLEN: And I'm answering your question.

The CHAIR: These are serious questions with obviously quite a lot of impact on the Minister. If we could please allow her to get her words out and responses out to your questions, that would be very much appreciated, Ms Ward.

The Hon. NATALIE WARD: Thank you. I apologise. Minister, questions were raised with your chief of staff. Are you seriously telling this Committee under oath that they were not raised with you, you didn't discuss it, you had no awareness at all until last week about the political activities of this political operator, the person that had run your campaign in Balmain, the person that you hand-picked from the department? Are you seriously telling us you were not aware that he was undertaking political work until last week? Is that your evidence?

Ms JO HAYLEN: I have answered this question multiple times now. As I have said previously, my engagement with this public servant was within my expectations of his role as a DLO. I respect the public servants for doing their job, which is to ensure that policies are being followed, that they are providing frank and fearless advice. That's exactly what I would expect of them, and I would say that those processes have been taken into consideration by the office and, when the concerns were raised with me last week, I referred them for investigation. Now, I would also say that the public servants' evidence here today was not conveyed to me at the time.

The Hon. NATALIE WARD: So you were not aware—is the evidence that you are giving to this Committee today under oath—until last week of the political behaviour of Mr Ash? Is that what you're telling us?

Ms JO HAYLEN: I've answered your question. That is that my engagement with this public servant in my experience was that he was doing his job as a DLO.

The Hon. NATALIE WARD: He organised the barbeque for volunteers.

Ms JO HAYLEN: But I appreciate that these public servants are providing their advice. That's exactly what I expect them to do and continue to do.

CORRECTED

The Hon. NATALIE WARD: Minister, you posed in a photo with Anthony Albanese after the election with Kieren Ash. You posted emoji love hearts on his LinkedIn when he joined your office. Why were you celebrating when he joined your office with emoji love hearts?

Ms JO HAYLEN: We're really going to talk about social media posts?

The Hon. NATALIE WARD: Yes, we are, because this is public money, Minister. You may not choose to understand this or appreciate that you need to be fulsome in your evidence—

Ms JO HAYLEN: You want to discuss social media posts?

The Hon. NATALIE WARD: We actually do, Minister. Because what we'd like to do—and I know where you're going, but my question to you is about a very serious matter about misuse of taxpayer funds. This is not a joke. This is very serious.

The Hon. Dr SARAH KAINE: You want to talk about behaviour—

The Hon. NATALIE WARD: That's why we're asking these questions. We would like to understand how you can tell this Committee—

The Hon. Dr SARAH KAINE: A person from the Greg Pearce school of ministerial behaviour—

The CHAIR: Order!

Ms JO HAYLEN: My social media is about engaging with the community about public transport—

The Hon. NATALIE WARD: So love hearts for Kieren Ash?

Ms JO HAYLEN: —and, yes, engaging with public servants that serve this Government. It's not about photos of fresh produce, for example.

The Hon. NATALIE WARD: Minister, your chief of staff knew, your deputy chief of staff knew, the department knew, the Premier's office knew—

The Hon. Dr SARAH KAINE: Point of order—

The Hon. NATALIE WARD: —and you are saying you did not. Is that your evidence?

The CHAIR: A point of order has been taken by Dr Kaine again.

The Hon. Dr SARAH KAINE: I have lost a little bit of count, but I think we're well into double figures of the exact same question being asked, which I know is within certain rights or the latitude of the Chair, except that it's really becoming badgering now. The Minister has answered the question on multiple occasions. I'd ask that you ask the Hon. Natalie Ward to—

The CHAIR: I uphold the point of order at this time just to remind the member to treat the witness with respect. Of course, they are able to answer the question any way they see fit—and perhaps direct the member to go on at your direction.

The Hon. NATALIE WARD: Minister, the evidence before this Committee today is that the department knew, your chief of staff knew, your deputy chief of staff knew, the Premier's office knew, and you are seriously telling this Committee that you did not know Kieren Ash was undertaking political work?

Ms JO HAYLEN: I've answered that question, but I would also say that it is appropriate to seek clarification. It's appropriate for public servants to seek clarification from the chief of staff and that assurance was given. Now, I reject your characterisation that somehow everyone knew. I reject that characterisation of his work. As I have said, my engagement with this public servant was in line with his role as a DLO.

The Hon. NATALIE WARD: So you've got the acting secretary, Howard Collins, raising concerns. You've got Kieren emailing the Premier's office. Your chief of staff signed documentation and was aware. Your deputy chief of staff was aware. And you are seriously saying that all these people knew what Kieren was doing and you did not?

Ms JO HAYLEN: I reject the characterisation that you are making of the DLO's work, and I reject the assertion that somehow there is some grand conspiracy here. I reject that assertion. What I respect is public servants doing their job. They did their job.

The Hon. NATALIE WARD: Do you respect the ministerial code of conduct and the requirement for you to comply with it?

Ms JO HAYLEN: Absolutely.

CORRECTED

The Hon. NATALIE WARD: Have you complied with it?

Ms JO HAYLEN: Yes.

The Hon. NATALIE WARD: Did Mr Ash advise you on the independent bus and train review, or was that a different adviser?

Ms JO HAYLEN: I'm sorry, would you repeat your question?

The Hon. NATALIE WARD: Did Mr Ash, Kieren Ash, advise you on the independent bus and train review, or was that a different adviser?

Ms JO HAYLEN: I can't recall a range of people who've been involved in dealing with a range of issues that our Government has confronted, including the massive maintenance backlog across our train network. It's one of the reasons why we commissioned the independent Sydney Trains review, because passengers have lost confidence in public transport and, in the month of March alone, the train network ground to a halt multiple times, including on election day—

The Hon. NATALIE WARD: Thank you. It's a fair question though.

Ms JO HAYLEN: —so of course in coming into office, we commissioned independent reviews to assist us to meet those challenges, because people want to know that they can get home on time to pick up their children.

The Hon. NATALIE WARD: Over 30 reviews, I think, are actually being undertaken by your Government at the moment, but I'll move on. Did Mr Ash advise you or did another adviser advise you on the independent bus and train review?

Ms JO HAYLEN: Firstly, the independent train review—

The Hon. NATALIE WARD: I'm not asking about review.

Ms JO HAYLEN: —is being undertaken by Carolyn Walsh, the chair of the National Transport Commission—

The Hon. NATALIE WARD: I'm aware of the review, Minister. Please answer the question.

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: —along with a panel of independent experts.

The CHAIR: I know what the point of order is going to be, so just let the Minister answer the question you've just asked. Continue.

Ms JO HAYLEN: Thank you, Chair. I have engaged with multiple public servants and staff about this review, because it is absolutely critical work of our Government to understand how we can improve the reliability of our public transport network and in particular the Sydney Trains network, because we know if it is not functioning well our city doesn't function well.

The Hon. NATALIE WARD: Thank you, Minister. We are aware of those things and we're aware of the reviews, so thank you for that. We were just interested in which adviser was advising you on them, but you can't seem to recall. Is that a correct characterisation of your evidence? You just don't know who advised you on it?

Ms JO HAYLEN: Is there a question?

The Hon. NATALIE WARD: Yes, do you know who advised you on the independent bus and train review?

Ms JO HAYLEN: I have answered that question and I have said—

The Hon. NATALIE WARD: Which of those, Kieren Ash or another?

Ms JO HAYLEN: —the independent Sydney Trains review is undertaken by a panel of experts—

The Hon. NATALIE WARD: Not the review, Minister; your office.

Ms JO HAYLEN: —and I have been advised on that review, as it takes place. I have already received the interim report and released it. I've subsequently received further advice from the independent Sydney Trains review and I am being advised by both public servants and my Minister's office, as is appropriate, because every single day I am focused on the issues that matter to the passengers who rely on our public transport system. We are talking about a Sydney Trains system that carries over a million passengers each and every day.

CORRECTED

The Hon. NATALIE WARD: Chair, I'm going to redirect now because I have limited time.

Ms JO HAYLEN: I am focused on ensuring that it works.

The Hon. NATALIE WARD: Why then was Mr Ash, as a public servant, listed as a key contact for the Labor caucus concerning the bus and rail review on behalf of your office?

Ms JO HAYLEN: Firstly, in relation to the allocation of tasks or responsibilities across the office, those are managed by my chief of staff. I think it's understandable that with huge challenges in front of us—and yes, you have alluded to the train mess that was left to us. That is one of the challenges that we confront. But those allocations of responsibilities are dealt with by my office, as is appropriate. I don't run the administration of my office.

The Hon. NATALIE WARD: So you don't know who is advising you on each of these policy areas, you don't know what's going on in your office, you don't know that he was the key contact for the Labor caucus on behalf of you on the bus and rail review—pretty big issues. It's everyone else's fault but yours, isn't it, Minister?

Ms JO HAYLEN: As you would know, Natalie, as a former Minister, there is an extraordinary amount of work that goes on in a Minister's office. It is a fast-paced environment, dealing with many issues—short term, long term, issues of the day, and ensuring that our public transport network is operating. We know there are challenges that we confront on that each and every day. It is completely unreasonable for you to expect me to be across every single email or detail of the administration of my office. No Minister, no CEO, no boss would be aware of that. Processes are in place to ensure that those things are managed. In my office, the administration, including the allocation of tasks, responsibilities, the management of the daily workflow and processes, was dealt with by my chief of staff.

The Hon. NATALIE WARD: I do know how a ministerial office works. What we do expect you to do, Minister, is be accountable for the use of taxpayers' money in your office. That's what people do expect.

The Hon. Dr SARAH KAINE: Is there a question?

The CHAIR: Order!

The Hon. NATALIE WARD: You can't seem to tell us who is advising you or what's going on in your office or how these taxpayer dollars are being used.

The Hon. Dr SARAH KAINE: No question then.

The Hon. NATALIE WARD: That's correct, isn't it? You just don't know.

Ms JO HAYLEN: What is your question?

The Hon. NATALIE WARD: Do you know what advisers were advising you in your office on each policy area, or do you not?

Ms JO HAYLEN: I have answered that question.

The Hon. Dr SARAH KAINE: She has just answered it.

The Hon. NATALIE WARD: You haven't.

The Hon. DAMIEN TUDEHOPE: Minister, can I ask you this: Did you request that Kieren Ash be assigned to your office?

Ms JO HAYLEN: No, those arrangements—as I've outlined previously, the arrangements of both personal staff and public servants seconded as DLOs—were managed by my chief of staff. That is my employment function.

The Hon. DAMIEN TUDEHOPE: Did you have any conversation with your chief of staff in relation to Mr—

Ms JO HAYLEN: My employment function is delegated to my chief of staff.

The Hon. DAMIEN TUDEHOPE: Did you have any conversations with Mr Gartrell about Mr Ash being engaged in your office?

Ms JO HAYLEN: No, he managed those arrangements.

The Hon. DAMIEN TUDEHOPE: But did you have any conversation with him?

Ms JO HAYLEN: Not that I recall, no.

CORRECTED

The Hon. DAMIEN TUDEHOPE: But you may have?

Ms JO HAYLEN: Not that I recall.

The Hon. DAMIEN TUDEHOPE: But you may have?

Ms JO HAYLEN: Not that I recall.

The Hon. DAMIEN TUDEHOPE: But you're not denying that you may have had a conversation.

Ms JO HAYLEN: As I said, Damien, these arrangements were managed by my chief of staff. I think we also need to remember that the transition of government is a very busy, fast-paced time where, unlike the United States of America, for example, we don't have a transition period. As you would appreciate, Damien, as you were a Minister, you are required to set up your office almost overnight. Those arrangements, including the liaison between the department and my office, were managed by my chief of staff. That's appropriate and completely, I'm sure, understandable to you and to the Committee.

The Hon. DAMIEN TUDEHOPE: They are understandable, but you would appreciate that there is a process for the engagement of DLOs, and a specific request may be made for the engagement of a specific DLO. Are you aware that that might well have been in Mr Gartrell's mind?

Ms JO HAYLEN: I've made public comment in relation to these issues, and I'm happy to reiterate that for the Committee now. That is to say that I acknowledge that the practice of requesting particular DLOs may have contributed to a blurring of the lines here, and that's one of the reasons why I have absolutely said that that practice will not continue in my office. I am taking this opportunity to reset my office. I acknowledge that we could have done things better, but we were setting up an office rapidly. I think I was impatient to get on with the job. My chief of staff was putting that office together quickly to make sure that we were dealing with the challenges that, as a new Minister, you are immediately responsible for. We know that there were many big problems across the transport portfolio. In every single mode of public transport, we have a challenge, and that's what I was focused on at that time, and that is what I am still focused on each and every day.

The Hon. NATALIE WARD: Do you accept that three DLOs were requested from your office specifically with known Labor links? Do you accept that?

The Hon. Dr SARAH KAINE: It's not a crime.

Ms JO HAYLEN: As I said, those arrangements were managed by my former chief of staff. As I have answered to previous questions, some of those DLOs were known to me or to my office, and I have acknowledged—

The Hon. NATALIE WARD: You're his boss, Minister.

Ms JO HAYLEN: I have acknowledged that—

The Hon. NATALIE WARD: You're his boss. He answers to you.

Ms JO HAYLEN: I have acknowledged that requesting particular DLOs, while not against the rules, may have contributed to a blurring of the lines. It's not a practice—

The Hon. NATALIE WARD: So who's the Minister here? Is it Mr Gartrell or is it you? Who is the Minister? Who is running this?

The Hon. Dr SARAH KAINE: Your time is well done. Your time is done, Ms Ward.

The CHAIR: Order! Ms Ward, you'll get your time later.

The Hon. MARK BANASIAK: I will pick up from where we left off, Minister. So you say that we had to pay out \$46 million—that was the payout for the contract if we abandoned it. But we have Randwick council passing a motion on 28 March asking you not to proceed with construction, and construction didn't begin until July. So there is a four-month window there where we could have actually maybe reduced our payout cost. What would have been the payout cost if we had actually acted properly in March, when you came to power, and stopped this project?

Ms JO HAYLEN: I completely appreciate your concerns here and acknowledge the motion from Randwick council and the engagement of local community in this issue.

The Hon. MARK BANASIAK: But you didn't respond to it.

Ms JO HAYLEN: It has been long running. My office was engaged in relation to this issue very early on in the new days of the Government. I was advised that the cost had already escalated at that time. I think in my

CORRECTED

previous answer I made clear that that cost had already gone up by \$13 million. I want to assure the Committee and you, Mark, that we asked all the questions that the community would expect us to ask. The advice that I was provided made clear that it was simply too late to cancel the project given that the cost—

The Hon. MARK BANASIAK: But you cancelled other projects that were just as deep in the hole because you didn't see them as worthwhile. You've admitted that this is a bad project. In June you talk about it being a 333 per cent increase in cost. Are you familiar with the term sunk-cost fallacy, Minister?

Ms JO HAYLEN: Forty-six million dollars.

The Hon. MARK BANASIAK: Are you aware of that term?

Ms JO HAYLEN: This was the advice that I was provided, Mark, and I want to make clear that we interrogated it completely.

The Hon. MARK BANASIAK: Are you aware of the term, though, Minister—where an individual or organisation just keeps ploughing ahead even though the benefit of actually continuing isn't there either? We now have a \$78 million ferry wharf with no public ferry service.

Ms JO HAYLEN: I acknowledge that.

The Hon. MARK BANASIAK: It's the epitome of white elephants.

Ms JO HAYLEN: I acknowledge that. Sometimes decisions are 50-50. This one—the evidence in front of me was cancel it for \$46 million and cost an estimated 162 jobs, or proceed with the project and get the best value that we possibly can out of it. I acknowledge all your concerns and the community concerns, but my ambition here is to ensure that the cost does not further escalate, that we get a wharf that enables recreational users to access it to drop off and pick up, and that fishers are able to use it. I would also say that we are engaging with the National Parks and Wildlife Service and, indeed, First Nations landowners to ensure that this investment can deliver benefits for the community. We are doing our best to ensure that we get value for the taxpayer for this project, but I acknowledge that sometimes when you inherit these challenges, they are difficult to—

The Hon. MARK BANASIAK: You knew these challenges in 2021. Michael Daley was very aware of these challenges in 2021. You've had ample time to establish that this was a dog of a project. The Treasurer was in estimates for four years sitting here listening to me say how much of a dog of a project it was. Then you've got your Federal counterpart in June this year talking about how good a project it is and how it's nature positive. I don't know how ripping up environmentally protected seagrass is nature positive.

You can't honestly sit here and tell me that you're making the best out of a bad decision when, to me, it looks like you're complicit in this bipartisan agreement to pursue a dog project that's costing us \$78 million and not delivering anything. It's not delivering a public ferry service. Okay, some people might be able to put up a boat against it. The designs show limited access for recreational fishing. You're going through a recreational fishing haven that cost us \$20 million to buy commercial fishermen out of. How do you respond to that, Minister? To me it seems like there's bipartisan agreement to pursue this project.

Ms JO HAYLEN: I completely understand where you're coming from, Mark. I would say in response to your question that the difference here is that we weren't in government in 2021. If we were, I suspect we would have been able to manage this project in a different way, but that's the nature of changes of government. What I have done is, now that I've inherited this project in the state that I inherited it in, I've made clear to the department that the focus must be on delivering the remainder of the project without additional cost overruns and that we do it in an environmentally sensitive way—because I acknowledge the concerns in relation to seagrass and other sensitive wildlife in the area—that we respect and ensure that users considered that they can access this facility and that Transport for NSW works with the National Parks and Wildlife Service and with First Nations landowners across the precinct to ensure that investment delivers benefits for the community. In the end, we want to make sure that the community gets a value here.

The Hon. MARK BANASIAK: Do you have a quantified value? Have you done any work to quantify the value that it will deliver in its current state?

Ms JO HAYLEN: I'm not aware of the specific pieces of work that might have been done. Secretary, do you have any further information on that?

The Hon. MARK BANASIAK: Mr Murray, do you have a dollar figure as to how much value a ferry wharf without a public service ferry will deliver the community?

CORRECTED

JOSH MURRAY: No. I'm happy to take that on notice in terms of the assessment there. Certainly I have viewed the progress of the current constructions, as I know our coordinator general has in the last week, and engaged with some of the stakeholders.

The Hon. MARK BANASIAK: Minister, do you see the irony or hypocrisy when you talk about protected seagrass when you have two of the biggest supporters of the project then receiving grant funding—well, prior to receiving grant funding they were out there saying, "There's no issues with the seagrass", and then they receive grant funding from your department to run a research project on how they can protect and retain seagrass in that area. Do you see the irony or the hypocrisy in providing a grant to Professor Vergés and the Gamay Rangers to do this research when they're the ones that said, "No, no, there's going to be no issues with protected seagrass", but now they're saying, "Give us money and we'll tell you how we can protect the seagrass we're ripping up and destroying"?

Ms JO HAYLEN: I appreciate your views. In relation to work done and engagement undertaken, I'd again refer to the secretary for further information.

The Hon. MARK BANASIAK: Mr Collins, you're shaking your head as if you disagree? You don't see the irony in that?

HOWARD COLLINS: You and I have had many a conversation about this, Mr Banasiak. I appreciate your views. I certainly remember my days of training about sunk costs. But I do believe, having been there on Friday and having examined the site, having seen what has happened, that whilst in the short term it may feel that there was no choice for the Minister, which is the case—\$46 million was going to be the price that we'd have to pay, making a good deal out of this—the seagrass and the fish are alive and well.

The Hon. MARK BANASIAK: For the moment.

HOWARD COLLINS: In fact, we've covered up a pipeline that was installed in the sixties that ripped through the seagrass by previous building of a huge oil terminal that, if you remember, is right next door.

The Hon. MARK BANASIAK: Do you stand by your—

HOWARD COLLINS: And we've planted more seagrass than there was before.

The Hon. MARK BANASIAK: Mr Collins, do you stand by your department's decision to award a contract to McConnell Dowell nine months before you even received Federal approval? The then transport secretary at the time said that was highly unusual and wouldn't normally be done. If we hadn't signed the contract before we had Federal approval, we probably could have saved this Government \$48 million or \$46 million, would you agree?

HOWARD COLLINS: There was significant delay by the Federal Government in providing the information. We were promised detail on several occasions. I think it was nine months' delay. But I would say I do take—

The Hon. MARK BANASIAK: But if you don't have that approval, you don't sign the contract. Even the former transport secretary admitted that was highly irregular. Why would you do that?

HOWARD COLLINS: This project was actually part of national parks. It wasn't something that we came up with. It was part of a project to improve that area. I think the other thing, which I feel is a little bit—

The Hon. MARK BANASIAK: So I should be blaming national parks for signing the contract?

HOWARD COLLINS: —disrespectful for those Aboriginal people who've supported this project, is to call it "a dog of a project". I really believe this is a project that, in the long term, if you want to come down and stand on the wharves—there are two of them—will be a benefit. The Government made the right call to continue and not waste \$46 million.

The CHAIR: I wanted to go back to Sydney Metro. Mr Regan, I understand a fraud and corruption investigation unit was established at Sydney Metro. When was that?

PETER REGAN: I can't recall exactly when. It's within the last couple of years. But I'm happy to take on notice precisely.

The CHAIR: It was April 2022, in questions provided on notice to—

PETER REGAN: Yes, that would be about right. That's correct.

The CHAIR: —the Public Accountability Committee. Why was it established in 2022? Why was the fraud and corruption unit established? Who suggested it and why was it established at that point in time?

CORRECTED

PETER REGAN: Obviously, we take our obligations very seriously in ensuring that not only do we operate commercially with high degrees of probity but we have the ability to deal, as we're required to do under various legislation, with any complaints or concerns that any of our staff have. We have a broad-based department that covers legal and integrity areas, which includes internal audit, corporate investigations and fraud and corruption prevention. We felt it was appropriate, given the growing scale of Sydney Metro, to have a dedicated focus on fraud and corruption prevention, training and the ability to investigate issues that may come up from time to time. Transport for NSW has something similar, so we put that in place simply to ensure that we have the appropriate integrity functions.

The CHAIR: Complaints received before that in relation to any allegations of potential corruption, what happened to those?

PETER REGAN: Do you mean beforehand?

The CHAIR: Yes.

PETER REGAN: If they hadn't been investigated within Sydney Metro, they would have been investigated at Transport for NSW or at ICAC, if appropriate.

The CHAIR: With the fraud unit, how many formal investigations have been undertaken within Sydney Metro into allegations of—whether it's maladministration, corruption, poor behaviour or whatever, how many investigations have been undertaken so far to date?

PETER REGAN: Could I take that on notice as to the number of investigations? I'm happy to come back with that; I just don't have that number with me.

The CHAIR: Let's put it a different way. How many of the investigations that have been undertaken by the fraud unit have provided you with a report or a briefing note about the outcome?

PETER REGAN: All of the investigations that are undertaken conclude with a report, and they determine whether or not the allegations were substantiated or not substantiated. You asked a question earlier, and I can confirm that there is no evidence that we have seen, in terms of the investigations that have been undertaken or that we're aware of, around contractor pricing information moving from one tenderer to another. So that has been investigated and those allegations were not substantiated.

The CHAIR: So that's one investigation that has taken place around the allegations. In some ways, I assume what you're talking about are the allegations of directors who were professional service contractors.

PETER REGAN: Yes. I was referring to your previous question.

The CHAIR: Is that what you mean?

PETER REGAN: Correct. Yes.

The CHAIR: So that's been undertaken. When did that complete? When was that investigation completed?

PETER REGAN: There have been a number of investigations. I can't comment on the specific investigations themselves, but the issues that were raised and in the media were not new issues. They had already been investigated and no evidence was found to support them.

The CHAIR: So Sydney Metro has undertaken those investigations. Since these allegations occurred—well, facts, actually—which have been covered by *The Sydney Morning Herald* and discussed extensively as well in the inquiry that the Public Accountability and Works Committee is undertaking—I might go to you, Mr Murray, or the Minister even—nothing has happened within Sydney Metro to further investigate what I understand are more allegations that have arisen?

PETER REGAN: If I could say, we are required to investigate any allegations that are made around behaviour. We do those on a protected basis so that we don't prejudice the supplier of the information.

The CHAIR: Is there another investigation ongoing now then?

PETER REGAN: I'm sure you'd appreciate that I can't comment on the individual investigations. What I can confirm is that after those reports, we did want to ensure that we are fully comfortable and that there are no examples where things historically—legacy issues—are outside of policy. We continue to do that. We're doing a full review of all of the professional service contract investigations.

The CHAIR: Can I check in terms of one investigation that I understand is occurring as a result of the upper House's call for papers, which we got a partial return from Transport for NSW on—and I certainly hope

CORRECTED

they'll return all of the documents that they need to. At this point I have an email from 13 September from the senior manager of corruption assessments and investigations that talks about a draft investigation scope—this is in September—and another email from the director of workplace conduct investigations that says:

... there are a number of engagements for Pro Consultants in 2021. I think 2 years would be sufficient—

to pull together a spreadsheet of that engagement. That does sound like—just to be clear—there is an investigation currently underway into the tenders of James Hayward, Paul Rogers and Barry McGrattan. It sounds like that's what this investigation is, if they're looking into pro consultants.

PETER REGAN: Chair, if I could confirm—and I'm sure you would appreciate this—that I cannot comment on the specifics of individual investigations, and whether they are happening or not happening, without potentially prejudicing those investigations. The particular allegations made around the consultants you mentioned were investigated and no evidence was found to support those allegations. We have put in place an additional review and we continue to investigate, as we're required to do, any material that is brought to our knowledge that suggests inappropriate behaviour or contracting. So we do investigate, and when those investigations are completed there is always a report. In some cases we request Transport for NSW to undertake the investigation. In other cases, as required under section 11 of the ICAC Act, we refer it to ICAC for consideration. So we do take it very seriously. I can't comment on the specifics of things that are either under investigation at the moment or that involve individuals, but certainly those allegations have been looked at more than once and we have not found evidence to support them.

The CHAIR: Minister, in terms of you being the Minister responsible for what is occurring at Sydney Metro, do you think it's acceptable that there are a number of people—I think there are eight—who are engaged as professional service contractors within Sydney Metro in senior positions who have their own companies who then tender to Sydney Metro for millions of dollars worth of business, and often get that business and win those tenders?

Ms JO HAYLEN: Firstly, I think the CEO has answered that the matters that are of concern are being investigated and the process for that.

The CHAIR: I'm not sure we got that from his evidence, actually.

Ms JO HAYLEN: I would say that my clear expectations are that metro is transparent because taxpayers need to have confidence that they are getting value for money. That's one of the reasons why not only are we undertaking the independent Sydney Metro Review but also that I have directed metro to assess its contracting and to tighten up its hiring practices. I outlined earlier the measures that are in place in the interim period while that review is occurring. My expectations are that any issue that is raised, including those ones that have been reported on that you are raising and that the CEO has addressed, are investigated, and that the appropriate referrals occur, if necessary.

The CHAIR: Can I check—when you're referring to a review, Mr Regan, is it the same wideranging review into Sydney Metro or are you saying there's a separate review into the way in which Sydney Metro works and deals with tenders and the way in which directors are employed? Is it a separate review?

PETER REGAN: Yes, it is a separate review. It is looking at—

The CHAIR: Who's undertaking it?

PETER REGAN: That is being undertaken internally within Sydney Metro. It is looking at, in multiple phases, all of the professional service contractors and their contracts. We're looking at the value for money and the longevity of those contracts and reconsidering the need for contracts, particularly those that are longer term contracts or that have involved parties who've been contracting in different capacities to metro for a long period of time. We take really seriously—

The CHAIR: Thank you. That's fine. If you could provide on notice who's undertaking that, in terms of the names of the people within the agency—I think you'll understand that's important here—in terms of the review?

PETER REGAN: I can answer that. The executive director of people and culture, the chief financial and commercial officer and myself.

The Hon. DAMIEN TUDEHOPE: Minister, in relation to Mr Gartrell, was it you who engaged him as your chief of staff?

Ms JO HAYLEN: Yes. I've known Mr Gartrell for many years, including when we worked together in the now Prime Minister's office when he was the former Minister for transport and infrastructure.

CORRECTED

The Hon. DAMIEN TUDEHOPE: You say that at the time you engaged him, you had a conversation with him in relation to the longevity of that employment?

Ms JO HAYLEN: Yes. Mr Gartrell is semi-retired. As he has shared with committees before, he has a range of other pursuits, including raising goats. I think that involves llamas as well—maybe alpacas. His intention was never to stay more than a couple of months, and definitely not beyond the end of the year. I thank him for the work that he did. He offered his resignation and I accepted it last week.

The Hon. DAMIEN TUDEHOPE: Was his decision to resign as a result of the information he had received in respect of Mr Kieren Ash and the work he had been doing in your office?

Ms JO HAYLEN: Mr Gartrell offered his resignation and I accepted that resignation last week.

The Hon. DAMIEN TUDEHOPE: Did you have—

The Hon. Dr SARAH KAINE: Time.

The Hon. DAMIEN TUDEHOPE: —a conversation with him at the time as to the reason why he was resigning?

The Hon. ANTHONY D'ADAM: Point of order: That last question was asked after the time.

The CHAIR: No, sorry, I'm doing the time. It's fine. We gave them—

The Hon. ANTHONY D'ADAM: It's contrary—

The CHAIR: No, it had a minute. It said a minute.

The Hon. ANTHONY D'ADAM: It's contrary to—

The CHAIR: No. We should have set—

The Hon. ANTHONY D'ADAM: It's contrary to the resolution of the House—

The CHAIR: No.

The Hon. ANTHONY D'ADAM: Chair, the allocation—

The CHAIR: Excuse me, Anthony. No, I'm sorry. I should have got them to put on another minute, but I didn't. But I was ready to at 10.45 a.m.—

The Hon. ANTHONY D'ADAM: The House resolution—

The CHAIR: No, we are doing according to the House resolution.

The Hon. ANTHONY D'ADAM: —does not permit the Committee to hear Opposition or—

The Hon. MARK BANASIAK: It is only 10.45 a.m. now.

The Hon. ANTHONY D'ADAM: That's right.

The CHAIR: Exactly.

The Hon. NATALIE WARD: Yes, we started late.

The CHAIR: Now we're going to go to questions—

The Hon. ANTHONY D'ADAM: That's right. At that point, it's Government question time.

The Hon. MARK BANASIAK: Now, yes.

The Hon. ANTHONY D'ADAM: The resolution does not permit—

The Hon. NATALIE WARD: You are running your protection racket.

The Hon. MARK BANASIAK: The 10.45 a.m. ticked over after the question.

The CHAIR: Yes, it just ticked over as he was asking his question, which is usual. Anyway, we are coming back after the break. We will go to the Government now for questions. Let's just do that.

The Hon. CAMERON MURPHY: No questions.

The Hon. Dr SARAH KAINE: No questions.

The Hon. DAMIEN TUDEHOPE: Can the Minister just answer the question that I did ask her?

CORRECTED

The Hon. ANTHONY D'ADAM: No, the Minister doesn't get to answer questions that you asked out of the time.

The CHAIR: No, I think at this point we can come back after the break, and you will get the first—

The Hon. Dr SARAH KAINE: There are actually rules that apply to you as well.

The CHAIR: Any questions from Government members?

The Hon. CAMERON MURPHY: No questions, Chair.

The CHAIR: Okay. We have an early 15 minutes. We will see you back at 11.15 a.m.

(Short adjournment)

The CHAIR: Welcome back. We'll proceed straight to questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Minister, you'll recall I asked you a question just before the break, and I'm sure you've had a chance of thinking about the answer to that question. What conversation did you have with Scott Gartrell when he offered you his resignation?

Ms JO HAYLEN: I accepted the resignation. As I've shared with this Committee before, I'm very thankful for Scott's work in government, and I recall that I made remarks to that effect.

The Hon. DAMIEN TUDEHOPE: Was there any other reason offered why he was resigning when he did?

Ms JO HAYLEN: As I've said, I received his resignation and accepted it.

The Hon. DAMIEN TUDEHOPE: Minister, this defies credibility a bit. In a week where the decision-making in relation to the performance of and what a DLO in your office was doing in relation to political material, your chief of staff resigns. Are you seriously telling us that in relation to that resignation there was no discussion in respect of the issues relating to that DLO? You are seriously telling us that?

Ms JO HAYLEN: I'm not going to recount details of a private conversation. What I have and am happy to convey to you and to this Committee is that Mr Gartrell offered his resignation, and I accepted it. I have also conveyed my—

The Hon. DAMIEN TUDEHOPE: Appreciation for his—

Ms JO HAYLEN: —appreciation of his work for both to me and to the Government.

The Hon. DAMIEN TUDEHOPE: So the answer you are expecting us to receive today for the purposes of this Committee is that the conversation relating to his resignation is a private conversation and did not contain anything in relation to Mr Ash?

The Hon. Dr SARAH KAINE: So you were listening.

Ms JO HAYLEN: I'm not going to elaborate further on a private conversation.

The Hon. DAMIEN TUDEHOPE: And that's the problem, isn't it, Minister? In fact, what you have done here is Mr Gartrell has become the scapegoat for the performance of this DLO.

Ms JO HAYLEN: I reject your assertion there. I have made very clear, both in my public comments and my comments and evidence to this Committee today, that as soon as emails from the public servant that you raise were brought to my attention that are of concern, that may have blurred the boundary between his private political views and his role as a DLO—as soon as those emails came to light, I referred them to the department for investigation. That's the appropriate course of action.

The Hon. DAMIEN TUDEHOPE: When you referred them to the department, who did you refer them to?

Ms JO HAYLEN: My chief of staff wrote a letter to the secretary.

The Hon. DAMIEN TUDEHOPE: The secretary who was your Labor mate, who you appointed.

The Hon. Dr SARAH KAINE: Come on!

Ms JO HAYLEN: I reject that assertion. My name is on the door as the Minister for Transport; Josh Murray's name is on the door as the Secretary for transport. I appreciate you don't like that, Damien, but they are the facts.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Minister, would you accept it's a bad look for having your secretary investigate an issue relating—

The Hon. Dr SARAH KAINE: Why don't we ask Natalie about Greg Pearce's ministerial record?

The CHAIR: Order! Let the member continue.

The Hon. DAMIEN TUDEHOPE: That it's a bad look in relation to your secretary, who was under a cloud in relation to the manner in which he was appointed, investigating the political activity of one of his staff members?

Ms JO HAYLEN: Firstly, I reject your characterisation, and I appreciate that's your view. However, the facts are I am the Minister; he is the secretary. Secondly, it is absolutely appropriate that issues in relation to a public servant's employment obligations be investigated by their employer. Also, let's be very clear here: That investigation is not being undertaken by Mr Murray; it's being undertaken by the chief people officer and the general counsel, as would be appropriate. I'm happy to pass to the secretary for further details about that.

The Hon. NATALIE WARD: No, we know what that is. It's your Labor donor mate investigating your Labor donor mate.

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: That's your grab for TV. I appreciate that, Natalie. But that's not the facts here.

The CHAIR: A point of order has been taken. We will hear—

The Hon. Dr SARAH KAINE: Get the grab, Natalie. Get the grab.

The Hon. NATALIE WARD: Did Kieren Ash make donations as well?

The CHAIR: Order!

The Hon. NATALIE WARD: Did Kieren Ash make donations as well?

The Hon. CAMERON MURPHY: Chair—

Ms JO HAYLEN: I can't hear anything. If you want to take up your time by doing that, that's fine. You keep going, Natalie. Off you go.

The Hon. NATALIE WARD: It's just a stitch-up, isn't it?

The CHAIR: Order! We do have a point of order that's been taken, surprisingly, about that exchange.

The Hon. CAMERON MURPHY: Under the resolution of the House in relation to procedural fairness for witnesses, all witnesses, including this Minister, must be treated with courtesy and respect. Making comments that cast aspersions on the Minister's character instead of the proper process of simply asking questions is out of order and should be ruled so.

The Hon. ANTHONY D'ADAM: To the point of order: The shadow Minister should withdraw the assertion. It's not appropriate to use this forum to make those kinds of characterisations of another member of the House.

The Hon. NATALIE WARD: You are deliberately wasting our time. Can we move on, Chair?

The Hon. ANTHONY D'ADAM: You should probably think about the way you're engaging in the inquiry.

The CHAIR: If you could direct your points of order through the Chair. I will uphold the point of order in terms of treating witnesses with respect, while acknowledging—

The Hon. NATALIE WARD: We'll move on. We are wasting time.

The CHAIR: —that I think both sides are able to handle things pretty well by the looks of it. Let's just keep going to see how we can—

The Hon. ANTHONY D'ADAM: The member should withdraw the comment.

The Hon. DAMIEN TUDEHOPE: Minister, I will finish with this. I just want a yes or no answer, if possible. Did you ask Mr Gartrell to resign?

Ms JO HAYLEN: No, I did not ask Mr Gartrell to resign. He offered his resignation and I accepted it.

The Hon. DAMIEN TUDEHOPE: After a conversation with him?

CORRECTED

Ms JO HAYLEN: He offered his resignation and I accepted it.

The Hon. NATALIE WARD: Will you assure this Committee that Mr Gartrell will not get a payout, given he's resigned?

The Hon. Dr SARAH KAINE: We've had this question before. Broken record.

Ms JO HAYLEN: I took that question on notice previously. You've asked me, I think, three times now. I've said I will come back to the Committee about that.

The Hon. NATALIE WARD: Just to be clear, Mr Murray was a donor to your campaign—a small donor, but he was a donor nonetheless. That's correct, isn't it? It's not offensive. That's a fact, isn't it?

Ms JO HAYLEN: What is your question?

The Hon. NATALIE WARD: It's not offensive; it's a fact that Mr Murray—your appointment, your choice for secretary—was a donor to your campaign. That's correct, isn't it?

Ms JO HAYLEN: Firstly, these issues have been canvassed widely—

The Hon. NATALIE WARD: Yes or no?

Ms JO HAYLEN: —by an inquiry and in the public. In relation to his appointment, that process was undertaken by the Department of Premier and Cabinet in conjunction with my office. The appointment was made by the Acting Secretary of the Premier's department, Mr Peter Duncan.

The Hon. DAMIEN TUDEHOPE: This is your first opportunity of answering questions, Minister. You'll appreciate that, won't you?

Ms JO HAYLEN: If you'd like to ask me questions about the process—

The Hon. DAMIEN TUDEHOPE: We are.

The Hon. NATALIE WARD: We are.

Ms JO HAYLEN: I know you're making a series of assertions, and I reject the way that you are asserting them.

The Hon. NATALIE WARD: So you are saying he's not a donor?

Ms JO HAYLEN: These issues have been canvassed previously.

The Hon. NATALIE WARD: Yes or no? He was a donor or he wasn't.

Ms JO HAYLEN: The process has been interrogated by an inquiry and I have answered questions about this both in the Parliament and in public forums. I reiterate that that process was a proper, robust process, which was undertaken by the Department of Premier and Cabinet, which is appropriate.

The Hon. NATALIE WARD: Ms Haylen—

Ms JO HAYLEN: I appreciate you don't like the outcome, but that process was interrogated by an inquiry.

The Hon. NATALIE WARD: Minister, I will redirect. You have said that twice. I will redirect the question.

Ms JO HAYLEN: Public servants gave up their time to provide evidence and made very clear that that process was robust and—

The Hon. NATALIE WARD: You are wasting time now. You have said that. Thank you, Minister. Did Mr Murray donate to your campaign?

Ms JO HAYLEN: These issues have been put on the public record previously. Yes, the inquiry received evidence from Mr Murray that he purchased a couple of tickets to a dinner some months before the election. If your questions are whether or not that influenced me—

The Hon. NATALIE WARD: So the answer is yes.

Ms JO HAYLEN: If your question is whether it influenced me—

The Hon. NATALIE WARD: No, that wasn't the question.

CORRECTED

Ms JO HAYLEN: —in my advice to Mr Duncan about Mr Murray, then the answer is no. And that is a ludicrous assertion. I know where you're going with this, Natalie.

The Hon. NATALIE WARD: Well, Jo—

The Hon. Dr SARAH KAINE: That will be "Minister", thanks.

The Hon. NATALIE WARD: She's opened the door.

Ms JO HAYLEN: —and these issues have been dealt with ad nauseam, and I have answered these questions in the public domain previously.

The Hon. NATALIE WARD: Were you aware Mr Murray attended your fundraising dinner?

Ms JO HAYLEN: I am aware that, as this Committee is aware and as we have answered both questions here in the Parliament, Mr Murray has given evidence to confirm—

The Hon. NATALIE WARD: I'm asking you, Minister, because you haven't attended previously. This is the opportunity to ask you.

The Hon. Dr SARAH KAINE: The irony of you going "conflict of interest".

The CHAIR: Order! Allow the Minister to answer the question and everything will be okay.

The Hon. Dr SARAH KAINE: It's just so ironic, you two prosecuting this.

The Hon. NATALIE WARD: I might phrase it this way—

The CHAIR: She was responding, if you just maybe let the Minister answer. Continue, Minister.

Ms JO HAYLEN: These issues have been well canvassed. It is well known that Mr Murray purchased a couple of tickets to a dinner some months before the election. Those issues are not related to the appropriate robust process that occurred for his appointment. They have been well canvassed before. I am more than happy to take questions today about transport matters because I believe that's what people—

The Hon. NATALIE WARD: We have lots of questions. We would like the opportunity to ask them.

Ms JO HAYLEN: —actually care about and whether or not their train, bus, ferry, light rail is going to turn up on time.

The Hon. NATALIE WARD: Minister, thank you for that diversion. When did you become aware that questions were being asked about Mr Ash and his employment?

The Hon. Dr SARAH KAINE: Back to this old chestnut.

Ms JO HAYLEN: I have answered these questions previously.

The Hon. Dr SARAH KAINE: I can give you some other questions if you want, Natalie.

The Hon. NATALIE WARD: Chair, I ask you to draw members to order.

Ms JO HAYLEN: I have answered these questions previously. I'm happy to reiterate for the Committee that my dealings with the public servant—

The Hon. NATALIE WARD: Yes, you have said that. Thank you.

Ms JO HAYLEN: —were in line with their role as a DLO and what a DLO should do.

The Hon. Dr SARAH KAINE: If you ask the same question, you are going to get the same answer.

The CHAIR: Order! I had a little bit of latitude there but—

The Hon. NATALIE WARD: Minister, I have a new line of questioning. I'd appreciate the opportunity to put them to you. I have a new line of questioning—

The Hon. Dr SARAH KAINE: That'd be great.

The Hon. NATALIE WARD: —I will preface it that way—without the commentary of those running interference. In May—

The CHAIR: Asking about the trains.

The Hon. NATALIE WARD: —concerns were raised by the department of transport to your office. That's correct, isn't it?

CORRECTED

Ms JO HAYLEN: Public servants have answered your previous questions about that—

The Hon. NATALIE WARD: Just say yes.

Ms JO HAYLEN: —and, as I have said, I respect their advice and I thank them for that because that's what I would expect them to do.

The Hon. NATALIE WARD: It's a yes/no answer. In May the bureaucrats in the public service—Transport for NSW—raised concerns about your office. That's a yes. On 1 or 2 September a media inquiry—

Ms JO HAYLEN: Sorry, I won't have you put—

The Hon. CAMERON MURPHY: Point of order—

The CHAIR: A point of order has been taken.

The Hon. NATALIE WARD: They have given that evidence today. I will move on.

The CHAIR: Ms Ward, I will hear the point of order.

The Hon. CAMERON MURPHY: The honourable member is entitled to ask a question—

The Hon. NATALIE WARD: I'll move on.

The Hon. CAMERON MURPHY: —and then the Minister is entitled to answer it. We can't have a situation where they are asking a question and answering it for the Minister.

The CHAIR: Yes, it is groundhog day. I'm aware of what the point of order is. You know the response.

The Hon. NATALIE WARD: In May concerns were raised. We've established that today. It's not a trick; it's just a fact. On 2 September a media inquiry went to Transport for NSW and your office concerning Mr Ash's employment. That's correct, isn't it?

Ms JO HAYLEN: Firstly, I would say public servants provided advice to my office in May, as has been canvassed, and my chief of staff responded to that advice. In relation to further media reports, what is your question?

The Hon. DAMIEN TUDEHOPE: On 2 September there was a media inquiry directed to your office and to Transport for NSW in relation to Mr Ash's employment.

Ms JO HAYLEN: I don't have details or records of that inquiry, but I assume that that resulted in some media reports that you're about to now refer to.

The Hon. DAMIEN TUDEHOPE: Correct.

The Hon. NATALIE WARD: A media inquiry comes to your office about staff in your office and you're not aware of it. Is that what you're saying?

Ms JO HAYLEN: I'm going to go back to my previous comments in relation to how a Minister's office works. I don't know how your Minister's office worked, Natalie—

The Hon. NATALIE WARD: I was aware of media. I was all over media. That's your job.

The Hon. Dr SARAH KAINE: Because that's all you care about—the grab.

Ms JO HAYLEN: —but mine is a very busy place.

The Hon. NATALIE WARD: That's fine.

Ms JO HAYLEN: I understand the media reports—

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: —you are about to refer to canvass the matters that public servants previously addressed.

The Hon. NATALIE WARD: I will move on. On 3 September an article concerning questions about Mr Ash's employment is published. You are aware of that, aren't you?

Ms JO HAYLEN: Sorry, what was published?

The Hon. NATALIE WARD: Were you aware of an article concerning Mr Ash's employment being published on 3 September?

CORRECTED

Ms JO HAYLEN: By *The Sydney Morning Herald*? That one?

The Hon. NATALIE WARD: Yes.

Ms JO HAYLEN: Yes.

The Hon. NATALIE WARD: So you were aware of that one—the media article about Mr Ash's employment?

Ms JO HAYLEN: I read the media. Sometimes I don't read all of it and necessarily like reading all of it, but, yes, I recall that media report.

The Hon. NATALIE WARD: That was on 3 September. On 11 September Mr Ash's secondment ends. That's correct, isn't it?

Ms JO HAYLEN: Those media reports that you refer to canvassed the same information that was provided by public servants earlier in this hearing and that was dealt with by my office.

The Hon. NATALIE WARD: I will redirect. That question was not about the media.

Ms JO HAYLEN: I want to be very clear that those reports reflect exactly what public servants have provided as evidence to this inquiry. I respect the work that they do and value it.

The Hon. NATALIE WARD: That's just not correct, is it, Minister? Do you want to reconsider that evidence?

Ms JO HAYLEN: I respect the work that public servants do and value it.

The Hon. NATALIE WARD: *The Daily Telegraph* published on Sunday 3 September. That's correct, isn't it? That was in confidence before any Standing Order 52s were issued. That's correct, isn't it?

Ms JO HAYLEN: You're referring to a series—

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: —of media reports. I don't have the dates of them—

The CHAIR: I will take this point of order, Minister.

Ms JO HAYLEN: —nor do I have the copies of them.

The Hon. NATALIE WARD: You are running for cover now.

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

The Hon. NATALIE WARD: This is the biggest protection racket.

The Hon. Dr SARAH KAINE: Come on, Natalie.

The Hon. CAMERON MURPHY: As a matter of fairness, if the honourable member is going to refer to an article or a document and ask for the Minister to comment, a copy of that ought to be tabled and provided to the Minister.

The CHAIR: There is no point of order. It's usual practice to do that, but it's not a point of order. You don't have the document there, Ms Ward?

The Hon. NATALIE WARD: The Minister has said that she was aware of the document.

The CHAIR: Continue.

The Hon. NATALIE WARD: After that, two Standing Order 52s were passed in the Legislative Council. What steps did you take regarding the Standing Order 52s—those documents that were called for by the House?

Ms JO HAYLEN: These matters have been well canvassed. I'm not going to give evidence on public reports that were in newspapers, nor the actions of the upper House. You would be better placed to comment in relation to that.

The Hon. NATALIE WARD: We are here at budget estimates. We're asking you. This is the opportunity for you to be clear and answer these questions in evidence under oath about what steps you and your office took. The Standing Order 52s—are you seriously telling this Committee that you didn't know about a call for documents about employment in your office?

CORRECTED

Ms JO HAYLEN: I didn't say that. What is your question?

The Hon. NATALIE WARD: Please tell us—

The Hon. Dr SARAH KAINE: Well, ask a question.

The Hon. NATALIE WARD: —what steps you took when the Standing Order 52s were issued.

Ms JO HAYLEN: My office undertook processes to meet the obligations as outlined by the standing order requirements of the upper House, as did the departments.

The Hon. NATALIE WARD: But I'm asking about your steps.

Ms JO HAYLEN: That's the processes of my office.

The Hon. NATALIE WARD: But I'm asking about what—

Ms JO HAYLEN: My office responded to the call for papers, which is why there are thousands and thousands of documents available, as is required by the standing order.

The Hon. NATALIE WARD: Thank you. Can I redirect you, though, Minister, to what steps you took. A Standing Order 52 is passed by the House. It comes to your office. What steps did you take?

Ms JO HAYLEN: These questions don't make any sense. I have answered that we responded to the call for papers.

The Hon. NATALIE WARD: Did you take any steps at all? Did you take any steps at all regarding the Standing Order 52s or the media? Any at all?

Ms JO HAYLEN: Firstly, I've addressed the media issues. All of those issues have been already canvassed by this Committee and they were published in *The Sydney Morning Herald*. Secondly, your questions don't make sense about upper House orders. We've complied with them.

The Hon. NATALIE WARD: Minister, did you personally go and attend on members of the Legislative Council to discuss the terms of the Standing Order 52s?

Ms JO HAYLEN: That's the business of the upper House.

The Hon. NATALIE WARD: I'm asking you.

Ms JO HAYLEN: I think you're best placed to provide information—

The Hon. NATALIE WARD: I'm asking you, Minister.

Ms JO HAYLEN: —about SO 52s.

The Hon. NATALIE WARD: It is your job and your office and your documents about your staff.

Ms JO HAYLEN: My staff have spent time—

The Hon. NATALIE WARD: Did you go and lobby members of the Legislative Council?

The Hon. CAMERON MURPHY: Point of order—

Ms JO HAYLEN: —collating thousands and thousands of documents. We are meeting our obligations as required under the upper House.

The Hon. NATALIE WARD: Did you go and attend on members of the Legislative Council in respect of the Standing Order 52s to try and get them reduced?

Ms JO HAYLEN: My office is complying with the call for papers to the upper House, as are the relevant departments. I respect those processes and we are complying with them. In fact, we have provided thousands and thousands of documents. What I would prefer public servants and my office to be doing is focusing on the things that matter to people each and every day, and that is delivering the public transport services that people need, so that they can actually rely on a service to get them to work on time, get them home, pick up their kids—actually focus on the things that matter. If you have questions about those issues, I'm very happy to answer them, as are the excellent public servants here that dedicate their lives to delivering those services.

The Hon. NATALIE WARD: You see, Minister, that's exactly the point. You would not attend the public inquiry into—

Ms JO HAYLEN: I appreciate you have no interest—

CORRECTED

The Hon. NATALIE WARD: Can I finish my question, please?

Ms JO HAYLEN: —in the transport portfolio whatsoever.

The Hon. NATALIE WARD: Can I finish my question?

Ms JO HAYLEN: Clearly you have no interest in the actual issues.

The Hon. NATALIE WARD: You don't know what's going on in your office. Minister, you've said you don't know what's going on with the media inquiries.

The Hon. Dr SARAH KAINE: Looking for another grab, are you, Natalie? Is that what this is about?

The Hon. NATALIE WARD: You said you're not dealing with the Standing Order 52s.

Ms JO HAYLEN: I'm more than happy to answer questions about my portfolio. I have answered these other questions.

The Hon. NATALIE WARD: It seems you're not, though. It seems you don't have an interest in following the code of conduct. You don't—

Ms JO HAYLEN: I absolutely have—

The Hon. NATALIE WARD: Can I finish?

Ms JO HAYLEN: —an interest in delivering for the passengers of New South Wales.

The Hon. NATALIE WARD: Minister, you don't know what's going on in your office. You can't—

Ms JO HAYLEN: Well, I don't know if you knew what was going on in your office, Natalie, but I have an interest in ensuring—

The Hon. NATALIE WARD: You don't know what's going on. You don't know what your staff are doing. You're not responsible.

The Hon. CAMERON MURPHY: Point of order—

The CHAIR: Order!

The Hon. NATALIE WARD: You don't know why your guys resigned.

Ms JO HAYLEN: —that the passengers of New South Wales have a public transport service that they can rely on—

The CHAIR: Firstly, this does not work for Hansard.

The Hon. NATALIE WARD: Your DLO has resigned. Your chief of staff has resigned.

The CHAIR: Order! Ms Ward.

Ms JO HAYLEN: —because under your Government they didn't.

The Hon. CAMERON MURPHY: I have a point of order.

The Hon. NATALIE WARD: At what point will you resign, Minister?

The Hon. Dr SARAH KAINE: Come on, Chair!

The CHAIR: Ms Ward, order!

The Hon. NATALIE WARD: When are you responsible?

The CHAIR: Ms Ward, order!

The Hon. NATALIE WARD: When will you take responsibility?

The CHAIR: Order! Ms Ward, I think you heard me quite a few times then. It's not okay that you continue to ask questions when I am trying to call this room to order. You have 35, 33, 32, 31, 30 seconds left.

The Hon. CAMERON MURPHY: I have a point of order, Chair.

The Hon. NATALIE WARD: Of course you do. You are wasting my time and running points of order deliberately.

The CHAIR: Ms Ward, order!

CORRECTED

The Hon. NATALIE WARD: Well, the Minister interrupted me, Chair.

The CHAIR: Order! Yes, but you—

The Hon. NATALIE WARD: The Minister interrupted me.

The CHAIR: You heard the calls to order and didn't listen. I will hear the point of order.

The Hon. CAMERON MURPHY: Chair, as a matter of fairness, the Minister needs to be provided with the opportunity to answer the question without the honourable member talking over her.

The CHAIR: Yes, I'm well aware.

The Hon. CAMERON MURPHY: I ask you to call the honourable member to order.

The CHAIR: Clearly, it is not good for anybody to be talking over each other. The Opposition's time has expired.

The Hon. NATALIE WARD: You requested Kieren Ash, you empowered him and then you cut him loose.

The CHAIR: Order! Ms Ward, that is your time.

The Hon. NATALIE WARD: That's right, isn't it, Minister?

The CHAIR: Ms Ward, order!

The Hon. Dr SARAH KAINE: You've got nothing.

The Hon. NATALIE WARD: You can't answer any questions here because you don't know what's going on in your office. We would love for you to run Transport. You're too busy appointing your mates.

The CHAIR: Order! Ms Ward, this is—

The Hon. ANTHONY D'ADAM: The shadow Minister should be called to order.

The CHAIR: Are we good? Have you got what you needed to get, Ms Ward? You're all fine?

The Hon. NATALIE WARD: They're interrupting.

The CHAIR: Have you done your performance?

The Hon. NATALIE WARD: They're interrupting.

The Hon. Dr SARAH KAINE: No substance at all.

The Hon. NATALIE WARD: The running commentary from the member is extraordinary.

The Hon. Dr SARAH KAINE: Well, if she gets to do it, I do. No substance at all—it's so disappointing.

The CHAIR: Dr Kaine, you're also actually becoming—

The Hon. Dr SARAH KAINE: Like Natalie?

The CHAIR: Yes. Let's ask some questions about actual transport issues. I will kick off. We will go back to Sydney Metro, if we can. Minister, I'm just after what your views are on the issues that I've raised this morning in terms of Sydney Metro and the fact that there are quite a few people employed within Sydney Metro—many for years, actually—in PSC roles who have their own companies, who are then winning tenders to employ dozens of people, sometimes, within Sydney Metro. That's not okay, is it?

Ms JO HAYLEN: I want to make very clear that people need to have confidence in the investment of taxpayer money in Sydney Metro.

The CHAIR: How have you, as Minister, made it clear?

Ms JO HAYLEN: I have directed the CEO of Sydney Metro to investigate the use of contractors—what I view as an over-reliance on contractors. As I acknowledged previously, these are projects that have a life cycle and that will rely on some short-term staffing arrangements.

The CHAIR: That's right. That's what you said the first time I asked the question, but I want to break it down a bit. There's contractors and then there's the situation that we have people in senior management positions, in director positions, who are operating their own companies. Upon investigation, it would seem that these companies are kind of established to do just this: They get the gig with Sydney Metro and then proceed to win tenders and skim off the top of these tenders. That situation is absolutely outrageous, isn't it?

CORRECTED

Ms JO HAYLEN: If there is a practice where—

The CHAIR: There is.

Ms JO HAYLEN: —these arrangements are not appropriate or above board, I would expect that they—

The CHAIR: When is it appropriate and above board, what I just explained?

Ms JO HAYLEN: Firstly, I would say the CEO has made clear that any issues that come to his attention or are referred by others are investigated—have been investigated—and reports are provided. I'm happy to hand over to Peter to say that.

The CHAIR: That's okay. We can do that this afternoon.

Ms JO HAYLEN: My expectation is that any of those issues would be referred for investigation, but most importantly that taxpayers should have confidence in the transparency of what is an expenditure of billions of dollars, and also my Government's expectations that we reduce our reliance on consultants.

The CHAIR: It's also about making sure there's value for money, that there's not all of these contracts out there for perhaps many millions of dollars more than what the Government should be paying for them. Are you satisfied with hundreds of contractors within Sydney Metro being paid far more than what you're paid to do your job?

Ms JO HAYLEN: I appreciate there are a number of specialist roles that are required to build these projects, but the Government's policy is that there has been an over-reliance on consultants and that's why we have directed that this review occur and why there are other additional protections in place while it occurs. My expectation is that there is transparency and that the public should have confidence. That's my expectation.

The CHAIR: So is your expectation, as well, that people who are in senior positions within Sydney Metro should not have companies that are tendering and profiting from Sydney Metro contracts?

Ms JO HAYLEN: I'm happy to pass to the CEO to provide the detail of that.

The CHAIR: I'm asking for your opinion, Minister, in terms of this extraordinary cost blowout, extraordinary conflict of interest, people within Sydney Metro being in these position—as PSCs—for six years while they are bidding and winning tenders for millions of dollars worth of business that people within Sydney Metro have raised multiple concerns about. You're in the position now, as Minister, with billions of dollars of cost blowouts in Sydney Metro—possibly there's something to look at here and possibly these companies, these individuals, should not be able to do what they're doing. Surely that's the basics, isn't it?

Ms JO HAYLEN: I absolutely acknowledge your concerns and that people should have—

The CHAIR: Are they your concerns, though?

Ms JO HAYLEN: I acknowledge your concerns. If instances like that are occurring, they should be investigated. The CEO has made clear that they are being investigated. But if there are further issues or allegations that need to be brought to my attention, I would welcome—

The CHAIR: So you don't think there needs to be any kind of policy change or direction from you as Minister to say, "This does not cut it. This does not pass the pub test"? We have people, in these positions—again, you're aware of what they are, aren't you?—earning \$500,000 or \$600,000 a year, contracting out other individuals to also earn \$500,000, \$600,000 a year to do project management, interface management, third-party agreement negotiations. I mean, we're all in the wrong business—well, some of us anyway—sitting around this table. It's absolutely extraordinary. It doesn't pass the pub test.

Ms JO HAYLEN: I would say, as I said before, that sometimes these roles are specialist roles. But I've also said that our Government's expectation is that, for example, if there is a role that lasts the duration of a project, our expectation is that those roles be undertaken by public servants. Ultimately, we want to increase the skill base and create quality government jobs. We're talking about longevity here. That's what should be occurring. I want the public to have confidence. That's one of the reasons why we have asked that this review of the use of consultants occur but also why, on coming to government, we initiated the independent Sydney Metro Review undertaken by respected professionals in the transport infrastructure sector: Mr Mike Mrdak and Amanda Yeates.

The CHAIR: Is it usual within agencies for senior directors to have companies, be directors of companies—no kind of murky links here and there that you've got to chase too much—be in senior positions and put in bids for government tenders within their own agency? Is that standard practice?

Ms JO HAYLEN: Not that I'm aware of, and I appreciate your concerns here. I'm happy to pass to the secretary for further information.

CORRECTED

The CHAIR: It's not just my concerns. The way you're framing that, Minister, I just need to object to that.

Ms JO HAYLEN: I'm sorry. I share your concerns.

The CHAIR: Good, I certainly hope so.

Ms JO HAYLEN: If those practices are occurring, I absolutely share your concerns. Can I hand to the secretary for further information?

The CHAIR: They are occurring, and I'm after your view in terms of setting direction and setting policy to stop what really is blatant rotting by these individuals. In terms of everything I've seen in these papers and what has been reported to the media and what people are talking to me about, it's blatant rotting, and the only person who can really stop it is probably you.

The Hon. Dr SARAH KAINE: Who was the previous Minister?

The CHAIR: It's going on now.

Ms JO HAYLEN: I acknowledge the interjection which is to say, look, we inherited a project—

The CHAIR: Well, fix it!

Ms JO HAYLEN: —which is why we initiated the Sydney Metro Review, which is really important. I would also say, if there are concerns that have been brought to your attention that you would like to bring directly to my attention, I would absolutely welcome that. I want the public to have confidence in what is the country's biggest investment.

The CHAIR: I brought the concerns to your attention, Minister, and I'm asking you if there is going to be a policy change or direction. I brought them to your attention here in budget estimates. The question is—these are directors who are engaged by Sydney Metro as professional services contractors on \$500,000, \$600,000 a year then setting up companies, employing people through those companies, skimming 15 per cent off the top of those—12 people, 14 people, 20 people, all on \$500,000, \$600,000 a year. Do you think that's okay? If not, how are you going to fix it?

Ms JO HAYLEN: Again, if those practices are occurring—

The CHAIR: They are.

Ms JO HAYLEN: —they are of serious concern because that would absolutely undermine the public's confidence in the transparency that we need when we are talking about the expenditure of billions of dollars. But I do want to hand to the secretary for further information because these are serious allegations.

The CHAIR: Thank you, Mr Murray. Hopefully you've got the direction or vision to put a stop to this practice. Is that, hopefully, what you'll say?

JOSH MURRAY: This is a matter that has been discussed with me and the CEO in my time in the role. We are conscious of the pressure that the current infrastructure pipeline has on all of these specialist roles. This professional services contractors issue—and it is an issue within the industry—is not unique to government delivery.

The CHAIR: Mr Murray, you know what I'm referring to here. I'm aware that there's all these employment difficulties in the infrastructure pipeline, hence the need for PSCs. Yes, I think there's way too many of them. But the specific issue I'm referring to that you're all avoiding is the fact that Sydney Metro has these senior people, senior directors—and I've said it three times now. Why are they able to be in those positions as PSCs for years and years, set up their own companies and then hire people within Sydney Metro? How is that okay? How is that going to be fixed? Mr Murray, Minister, please.

JOSH MURRAY: Let me assure you that that specific issue that you've just raised and repeatedly given the impetus to is something that Mr Regan and I have been discussing. We are concerned about it.

The CHAIR: It's not that hard to put a stop to it.

JOSH MURRAY: We are concerned that the pressure on the pipeline has grown in this area of skill shortages. It's one of the reasons why State and Federal governments are currently stepping back the infrastructure pipelines to a more manageable level.

The CHAIR: That's got nothing to do with my question.

CORRECTED

The Hon. MARK BANASIAK: I might just finish some questions on Kamay ferry for the moment. Minister, the former secretary agreed that awarding multimillion-dollar contracts before Federal approvals was not proper process. Do you agree with the former secretary's comments regarding that—that it's not proper process to award multimillion-dollar contracts before approvals are given?

Ms JO HAYLEN: I'd have to look into those comments and the specifics of them.

The Hon. MARK BANASIAK: Prima facie—

Ms JO HAYLEN: Obviously you'd want to ensure that there are funding streams available, and that those are locked in before you sign further contracts.

The Hon. MARK BANASIAK: It's less about the funding—

Ms JO HAYLEN: However, I would say that we are currently in an infrastructure review with our Federal counterparts. Sometimes they change their minds and settings. I'm not excusing the actions of the former Government, but I would just provide some context to my answer to you.

The Hon. MARK BANASIAK: What things are you going to put in place to ensure that we don't get ourselves into this pickle again where we issue multimillion-dollar contracts for projects that don't stack up and don't have Federal approval?

Ms JO HAYLEN: I can't change the past—

The Hon. MARK BANASIAK: I'm not asking you to change the past. I'm asking you to project into the future. What are you putting in place?

Ms JO HAYLEN: I appreciate that. Nor am I responsible for the decisions of the former Government. What I am doing in relation to this project is working closely with the department to ensure that the rest of the delivery of the project doesn't incur additional cost overruns.

The Hon. MARK BANASIAK: I'm more concerned about other projects going into the future, Minister. I accept now that we're going to flog this dead horse. Other projects going into the future, multimillion-dollar contracts—are we going to sign them before we have approvals?

Ms JO HAYLEN: I would say that there are currently conversations underway with the Commonwealth Government about what projects they are seeking to fund and not.

The Hon. MARK BANASIAK: So you're not committing one way or the other?

Ms JO HAYLEN: No, I am absolutely engaged with our Commonwealth partners because I acknowledge that if we're going to deliver the transport infrastructure that people need—be it a wharf, a metro line, a road, a bridge—we need to work with our Commonwealth partners efficiently. I acknowledge that we want to make sure that there is—

The Hon. MARK BANASIAK: Can I move on to another topic because you haven't really answered whether you're going to commit to proper process. Can I talk about Glebe cycleway? Have you provided funding to build this permanent cycleway on Bridge Road, Glebe, in the current budget?

Ms JO HAYLEN: All projects that are currently funded and underway in the active transport space are being honoured and progressed by the Government.

The Hon. MARK BANASIAK: It was a Labor election commitment to consult better or more broadly prior to any permanent cycleway being constructed on Bridge Road in Glebe. Are you aware of that election commitment?

Ms JO HAYLEN: I'd have to check that particular language for you, but obviously it's our desire to ensure that we continue to engage with stakeholders—be they community members, businesses—when any infrastructure is built, whether it's a cycleway, a wharf or a metro line.

The Hon. MARK BANASIAK: Have you met with the community members in Glebe that are concerned about this cycleway at all? Or has your department met with them?

Ms JO HAYLEN: I understand that the department has had communications with the community members that are concerned about this. I haven't met with them personally. But I understand the department has. Perhaps the secretary might be able to provide some further information about that consultation.

JOSH MURRAY: The project team is updating community information for October and November and is making sure that we are feeding that back into the process. We'll be sending that out to all the registered stakeholders in that zone.

CORRECTED

The Hon. MARK BANASIAK: Have you had any personal correspondence with concerned residents, Mr Murray?

JOSH MURRAY: I have. I've received a number of letters from people involved in that project seeking further information and which are being responded to by our active transport team.

The Hon. MARK BANASIAK: Would it be fair to say that some of that consultation or some of that correspondence indicated concerns about former officials of Transport for NSW and RMS having significant ownership in companies that received contracts for tenders in this project?

JOSH MURRAY: As I said, I've received a number of pieces of varied correspondence in that matter. I've referred those on to get responses to the people who've written to me about the Bridge Road cycleway. I would say that many of those letters have not been particularly friendly in terms of the way in which we engage. So there clearly is an issue in the way that the stakeholder relations have been managed with these stakeholders in the past. That's what I've asked for information on.

The Hon. MARK BANASIAK: I'll be more direct. Are you aware of CCHD Pty Ltd being engaged by your department to do work on this project, given that they are also made up of former Transport for NSW and RMS officials?

JOSH MURRAY: I know these matters—

The Hon. MARK BANASIAK: It doesn't seem a proper tender process was being followed.

JOSH MURRAY: I'm not aware of the companies that you mentioned. I know that matters relating to the project tendering have been asked to be looked at.

The Hon. MARK BANASIAK: So those people didn't write a letter to you outlining these concerns about CCHD Pty Ltd?

JOSH MURRAY: As I said, I've received a number of letters. I can't quote back to you exactly who's been mentioned in those letters. I know that the matters—

The Hon. MARK BANASIAK: You want to take it on notice and see whether you have been made aware of CCHD Pty Ltd, just to be completely honest and frank with this Committee?

JOSH MURRAY: Rather than that, what I'd say to you is all the letters that I've received have been referred on to be fully looked at and a proper response referred back to the letter writers.

The Hon. MARK BANASIAK: When we talk about proper process, do you think it's proper process or good process to advertise a tender three days out from a State election while you're in a caretaker mode? Do you think that's good process?

JOSH MURRAY: Mr Banasiak, I couldn't comment on that. I'm not aware of the timing of that detail.

The Hon. MARK BANASIAK: Generally speaking, Mr Murray. I'm not asking you to comment on specifics. Do you think it's good process to advertise a tender for a project three days before a State election during a caretaker mode, noting that one of the parties that's vying for government has said that they want to consult better on that project?

JOSH MURRAY: Since you've asked me the direct question, I don't believe that that is in keeping with the caretaker provision, but I'd have to seek advice about the procurement.

The Hon. MARK BANASIAK: Have you brought the Minister to attention on any of these issues that have been corresponded to you through these community members?

JOSH MURRAY: No, I haven't.

The Hon. MARK BANASIAK: Minister, are you aware of CCHD Pty Ltd?

Ms JO HAYLEN: No.

The Hon. MARK BANASIAK: You're not aware that they comprise of former transport and RMS officials?

Ms JO HAYLEN: I'm not aware of those issues. I'm more than happy to seek some further information in relation to it. I would just say that these projects are ones that this Government inherited from the former Government, acknowledging that the cycleway on Bridge Road is a critical link on our cycleway network.

CORRECTED

The Hon. MARK BANASIAK: Which doesn't connect to any other cycleway on either end. I'd like to save you the embarrassment. It's not really a critical link at this point because it doesn't link up with any other cycling infrastructure on either end—unless the design is going to change under your Government.

Ms JO HAYLEN: Putting the other issues that you've raised aside—and I will endeavour to get back to you about that. But I would say that our Government is committed to improving cycling and walking connections across our city and across our State, not just in the inner city but across regional areas as well. I want to make sure that those investments are made and done correctly because we know that actually everybody wins, Mark, when we get more people out of their cars onto public transport and onto safe, connected cycleways.

The Hon. MARK BANASIAK: Are you committed to improving processes within your department? Because it's not just me that has outlined concerns about processes within your department. Obviously, I have in terms of awarding contracts without proper approvals. The Chair has raised concerns about officials running side businesses. I've just then raised questions about advertising tenders during a caretaker period. What are you putting in place to control your department? It seems to be out of control.

Ms JO HAYLEN: I'm absolutely open to looking at issues that obviously may warrant investigation. I appreciate these issues being brought to my attention and to the department's attention through the budget estimates process. I would say that we have a large range of challenges in transport that I have inherited and that's why we have instituted a series of reviews to understand those and to examine them and to put in place remedies and actions to deal with them. But I appreciate that this is the forum where you can bring forward these issues, and I'm happy to take them on and address them.

The Hon. MARK BANASIAK: When will we see those remedies put in place?

JOSH MURRAY: Mr Banasiak, I understand that Transport for NSW has offered to connect the two disparate parts of the projects, as you've described them, with some additional trenching works. In regard to your concerns about the manner in which they were procured, I can absolutely give you an assurance that, as that information is provided back to me, it will be explored.

The Hon. DAMIEN TUDEHOPE: As much as you don't like these questions, Minister—

Ms JO HAYLEN: I'm here to answer your questions, Damien.

The Hon. DAMIEN TUDEHOPE: Minister, will you agree that when the report is, in fact, delivered to your office in respect of the manner in which DLOs were appointed and actually what their tasks were—will you make that report public?

Ms JO HAYLEN: I'm sorry, you're asking about the investigation that the department is undertaking?

The Hon. DAMIEN TUDEHOPE: At your request.

Ms JO HAYLEN: That investigation is a matter for the department. It's regarding the employment matters of a public servant. So I'd defer to the secretary about that process.

The Hon. DAMIEN TUDEHOPE: No, I'm asking you will you make it public?

Ms JO HAYLEN: I'd take that on—I'd have to take advice on that. Therefore, I'd take it on notice because we're talking about the employment arrangements of a public servant. They're obviously entitled to due process and also, I think, probably some level of privacy. But, again, I'd refer that to the secretary—and happy to take it on notice.

The Hon. DAMIEN TUDEHOPE: You have told us, in fact, that you were aware of a media article on or about 3 September. I think there was another media article on 13 October. One in *The Daily Telegraph*—I think the Hon. Natalie Ward referred to it—and the other one in *The Sydney Morning Herald* on 13 October. You would agree that you were aware of both those articles, were you not?

Ms JO HAYLEN: I'm not going to give evidence about public reports. They're in the public domain.

The Hon. DAMIEN TUDEHOPE: In fact, I think you made a concession that—

Ms JO HAYLEN: I read the newspapers.

The Hon. DAMIEN TUDEHOPE: —you do read the media. Some of it good, some of it bad.

Ms JO HAYLEN: As we all do.

The Hon. DAMIEN TUDEHOPE: Indeed. Why did you take until last week to ask for an inquiry to be done when there were clearly issues which were being raised certainly with your department back in May but,

CORRECTED

in fact, publicly in September and then again on 13 October? You waited till last week to instigate an inquiry in circumstances where, I think, you were aware of the issue?

Ms JO HAYLEN: Again, to be absolutely clear, my dealings with this DLO that I recall were all within their relevant work as a DLO. That was my engagement with this public servant that was working in my office, as seconded under their arrangements. The media reports that you refer to canvassed issues that were provided evidence to in this inquiry earlier, and those issues were addressed. I reject the assertion that somehow I haven't taken action, because I have taken action. When emails of concern—and I acknowledge they are of concern—came to my attention that may have breached this public servant's employee obligations, I referred them for investigation. That's the appropriate course of action.

The Hon. DAMIEN TUDEHOPE: Minister, I know that's your answer. The credibility question just arises. You're the Minister. There is an allegation being made by two media outlets, and the first that you actually do anything about it is when you become aware of an email. You rely instinctively just on, "Well, my experience is that he's doing his job."

The Hon. Dr SARAH KAINE: A bit of a witch-hunt.

The Hon. DAMIEN TUDEHOPE: But there is certainly media which suggests that he may have, in fact, been breaching his obligations in respect of acting apolitically, as is required by the agreement that he signed. Yet you waited until you actually saw an email. Why wouldn't you have asked the transport secretary immediately to investigate to make sure in your own mind? This could give rise to a potential breach of the ministerial code of conduct.

The Hon. Dr SARAH KAINE: Which you know all about.

The Hon. DAMIEN TUDEHOPE: Surely you would be concerned about that.

Ms JO HAYLEN: Well, I reject your characterisation and interpretation of events here, Damien. I have answered these questions. I have acted appropriately to ensure that if there has been a breach of this public servant's employment obligations, then that will be dealt with in the appropriate way through an investigation by his employer. That's the appropriate way to deal with these matters. I have acted—I appreciate you don't like my answer, but I have acted and that is my answer.

The Hon. DAMIEN TUDEHOPE: I'm saying it defies credibility, Minister.

Ms JO HAYLEN: That's your interpretation, Damien. I appreciate that. But I have answered your question and I have taken action. I don't want to be dismissive about this. I'm not being coy or cute here. I have taken action and referred—it's not an insignificant issue to refer a public servant for investigation by their employer. I don't want to prejudge that investigation. That person is entitled to due process, and I've answered your question in relation to that.

The Hon. NATALIE WARD: I have one quick question on that, if I may, and then I will move on to something else. On what day were you told about the emails?

Ms JO HAYLEN: The emails were brought to my attention early last week.

The Hon. NATALIE WARD: What day?

Ms JO HAYLEN: Early last week. I can't remember exactly whether it was Monday or Tuesday, but early last week.

The Hon. NATALIE WARD: By who?

Ms JO HAYLEN: By staff in my office.

The Hon. NATALIE WARD: Who specifically?

The Hon. Dr SARAH KAINE: Don't interrupt.

Ms JO HAYLEN: Staff in my office.

The Hon. Dr SARAH KAINE: You don't need to name staff.

Ms JO HAYLEN: Staff in my office, including my chief of staff.

The Hon. NATALIE WARD: So your chief of staff told you on Monday or Tuesday last week?

Ms JO HAYLEN: The emails in question were brought to my attention by staff in my office, and I took action to refer them for investigation.

CORRECTED

The Hon. NATALIE WARD: Sorry, just one member of staff, or more?

Ms JO HAYLEN: Sorry, can I finish my answer, please? As I said earlier, I sought advice in relation to those emails and subsequently referred them for investigation. That's the appropriate course of action. I appreciate you don't like the answer, but that is the answer.

The Hon. NATALIE WARD: You can see how that is a bit vague, though, can't you, Minister? You can see that—

Ms JO HAYLEN: It is not vague at all. No, I reject your characterisation.

The Hon. NATALIE WARD: No, I haven't finished the question. Can I finish my question?

Ms JO HAYLEN: No, your commentary about my answers—I am answering them. It's not vague at all. I am providing you with the information you were requesting.

The Hon. NATALIE WARD: On that—providing the information—you said you got advice and then you referred it. What was the advice?

Ms JO HAYLEN: That advice is privileged, but I followed the advice and referred those emails.

The Hon. NATALIE WARD: What privilege applies to that advice?

Ms JO HAYLEN: I'm entirely entitled to seek advice confidentially. I think that that's reasonable. I'm sure, as a Minister, you would have done the same and taken action. That's what I have done.

The Hon. NATALIE WARD: So you're certain that the advice is in the privileged section of the documents that will be produced?

Ms JO HAYLEN: No, I sought advice about the action that I should take.

The Hon. NATALIE WARD: In relation to Mr Murray's review of this incident, you've said you won't resign if Mr Murray makes negative findings against you. What's the purpose of the review being undertaken then?

Ms JO HAYLEN: Firstly, I referred these emails that are of concern, that may have breached this public servant's employment obligations. I referred them to the department for inquiry, for investigation. The chief people officer and legal counsel within the department will undertake that investigation and provide a resolution, provide an outcome. That's appropriate, and it will be undertaken by the department. It's an employment matter. It's not Mr Murray's review. It's the public servant's employer's review in relation to their employment obligations. It's an employment matter.

The Hon. NATALIE WARD: Got that clear. Now it's just Mr Ash.

Ms JO HAYLEN: Sorry, what's your question?

The Hon. NATALIE WARD: Do you stand by that process? Are you confident about the robustness and probity of that process?

Ms JO HAYLEN: Is your question implying that the Department of Transport is not going to meet their obligations in relation to their employees—some 30,000 employees, who are public servants, who serve the people of New South Wales?

The Hon. NATALIE WARD: You can see how there are concerns, though, can't you, Minister? You're asking someone to investigate an appointment from the department.

Ms JO HAYLEN: I think your question is absolutely appalling. Your question is implying that public servants—

The Hon. NATALIE WARD: You may well, but that is not the question, Minister. Very clearly, you can see there are questions raised, and some community concerns have been raised, that perhaps this should go to the Public Service Commissioner, who is the appropriate independent person appointed to investigate this. You can see how those concerns would be raised, couldn't you?

The Hon. Dr SARAH KAINE: I think you said that.

Ms JO HAYLEN: I have absolute confidence in the public servants who undertake their duties and will investigate this matter appropriately. It is an employment matter and, yes, it will be investigated appropriately.

The Hon. NATALIE WARD: But you won't resign, no matter what the outcome? If there are findings that you knew about this, you won't resign?

CORRECTED

Ms JO HAYLEN: Let's be very clear here: This investigation is not into my office; it is into whether or not a relatively junior public servant, in a relatively small number of emails, may have breached their employment obligations. That is being investigated by their employer, as is appropriate. Now, I can confirm that the secretary of transport has also consulted with the PSC and sought advice on the matter. I'm happy to hand to the secretary to further add information to your question.

The Hon. NATALIE WARD: I have him in the afternoon. I will move on.

Ms JO HAYLEN: If you're actually interested, rather than just making statements, then—

The Hon. NATALIE WARD: I am. I have been asking questions all day. I think I have demonstrated that I am very interested.

The CHAIR: Order!

The Hon. NATALIE WARD: In fact, the public is interested.

The Hon. Dr SARAH KAINED: She's got nothing else—absolutely nothing. Bereft.

The Hon. NATALIE WARD: It's really just a fishing exercise. We will just see where that rolls. Ms Carroll, can I direct some questions to you, if I may. Are you aware or have you got any knowledge of the ministerial office ever requesting specific people to work on particular policies in the actual department other than the ministerial office?

SUSAN CARROLL: Can you repeat the question for me?

The Hon. NATALIE WARD: Certainly. Are you aware of the ministerial office making a request for specific people in the department to be working on policy?

SUSAN CARROLL: Requests were made by the Minister's chief of staff in relation to Transport staff, not on matters of policy.

The Hon. NATALIE WARD: Sorry, could you say that again?

SUSAN CARROLL: Not specifically on matters of policy.

The Hon. NATALIE WARD: Could you elaborate on what you mean by that? If you don't mean matters of policy, what do you mean?

SUSAN CARROLL: The Minister's chief of staff did have discussions with Transport in relation to certain work being undertaken at Transport.

The Hon. NATALIE WARD: What were the questions? Who was asked? What were they asked to do? What specifically?

SUSAN CARROLL: The work was in relation to the transition office at Transport, and those conversations were raised with the former secretary.

The Hon. NATALIE WARD: Did he request that specific public servants work on these issues?

SUSAN CARROLL: With respect to the transition office, yes.

The Hon. NATALIE WARD: He requested specific public servants?

SUSAN CARROLL: Correct.

The Hon. NATALIE WARD: To do specific work?

SUSAN CARROLL: Correct.

The Hon. NATALIE WARD: What did he ask? They are public service positions, correct?

SUSAN CARROLL: There was a request made of the former secretary for a transition office to be established and for that transition office to be led by a particular Transport executive.

The Hon. NATALIE WARD: Who was the particular Transport executive requested by the ministerial office?

SUSAN CARROLL: It was one of our executive directors.

The Hon. NATALIE WARD: May I ask you to provide that to the Committee, if you can do so, privately? So that request came through. Were you aware of that at the time? Did you raise concerns about that?

CORRECTED

SUSAN CARROLL: We had a discussion when the matter was raised with the former secretary in relation to this, and advice was taken on that.

The Hon. NATALIE WARD: Who provided the advice?

SUSAN CARROLL: Legal advice was provided.

The Hon. NATALIE WARD: Why did you have to obtain legal advice?

SUSAN CARROLL: The matter that was raised with the former secretary related to the appointment of an officer to establish that transition office. The former secretary was alive to considerations relating to the employee functions.

The Hon. NATALIE WARD: To clarify that, the ministerial office chief of staff requested the public service to appoint specific public servants to make those appointments within the GSE within the department to that so-called transition office?

SUSAN CARROLL: That's correct.

The Hon. NATALIE WARD: There were concerns raised by the acting secretary at the time.

SUSAN CARROLL: Not by the acting secretary.

The Hon. NATALIE WARD: Sorry, by you.

SUSAN CARROLL: There was a discussion with the former secretary in relation to the requests that had been put to Transport, and advice was taken.

The Hon. NATALIE WARD: Such that legal advice was, in your view, prudent and necessary at that time given questions around that, that's correct?

SUSAN CARROLL: That was a matter that was discussed with the former secretary and that course was taken.

The Hon. NATALIE WARD: Can I confirm that the ministerial office gave that direction?

SUSAN CARROLL: Yes, that's correct.

The Hon. NATALIE WARD: Thank you. Minister Haylen, were you aware of this?

Ms JO HAYLEN: Firstly, I want to again say that here is a public servant doing exactly what their role is—that is, to provide advice. I thank them for that and value that advice. My understanding is that subsequently a recruitment process was run to head the transition office. That advice was sought on establishing that office and a recruitment process was run. That's the appropriate course of action. Again, I think it illustrates the value of robust and frank advice from a public servant to ensure that proper processes are followed, and in this case—

The Hon. NATALIE WARD: Thank you, Minister, I'll redirect.

Ms JO HAYLEN: In this case, that's exactly what occurred.

The Hon. NATALIE WARD: Thank you.

Ms JO HAYLEN: A proper recruitment process was run, an appointment was made and the transition office is a critical function within the department of transport so that, as our Government, we can deal with the mess that we inherited across each and every—

The Hon. NATALIE WARD: Thank you, Minister. I have four minutes left. I'll redirect—

Ms JO HAYLEN: Well, I would like to actually talk about some public transport issues. The transition office—

The Hon. NATALIE WARD: I'm getting to that, Minister. I have four minutes.

Ms JO HAYLEN: —that you raised—I'm giving context here. The establishment of a transition office was critical and remains critical because it is the place where each of these independent reviews that are coming forward to Government are then centrally dealt with and responded to.

The Hon. NATALIE WARD: Thank you. Minister, I'm going to redirect you now—

Ms JO HAYLEN: It's actually a critical way—

The CHAIR: Order! Minister—

CORRECTED

Ms JO HAYLEN: —for us to deal with the mess that we were left.

The CHAIR: Minister, Government members will be able to ask questions. I throw to the member to continue asking questions.

The Hon. NATALIE WARD: Thank you, Chair. We'll return to this in the afternoon, but just to be clear: Your chief of staff requested the public service to put certain people in the public service?

Ms JO HAYLEN: I've just made very clear that a proper process was run, a recruitment process, to ensure that the critical functions of the transition office were in place and continue to assist Government to deal with the mess that was left.

The Hon. NATALIE WARD: Thank you, you've said that. Can I go to back to Ms Carroll, please? I have three minutes left. Ms Carroll, can I just clear about that: You were asked by the ministerial office to appoint certain people to public service positions within the department? That's your evidence, isn't it?

SUSAN CARROLL: The Minister's chief of staff raised with the former secretary that request and there was a conversation in relation to that request and legal advice was taken with respect to that request.

The Hon. DAMIEN TUDEHOPE: The advice sought or the request from the chief of staff—did that involve Kieren Ash?

SUSAN CARROLL: No, not to our knowledge.

The Hon. CAMERON MURPHY: Point of order: As I understand it, there was some discussion about this legal advice being privileged and I think these questions are—

The Hon. NATALIE WARD: We haven't asked on the legal advice. You're just wasting our time.

The Hon. CAMERON MURPHY: —canvassing what the nature of the legal advice was. It's skirting dangerous territory.

The CHAIR: Yes—

The Hon. NATALIE WARD: Identity isn't privileged.

The CHAIR: I've heard the point of order and I don't uphold it. I think everybody is aware, including the witnesses, what they can and can't say in this regard, being experienced senior public servants. I'll go back to the member.

The Hon. NATALIE WARD: We're not seeking to identify.

The CHAIR: Sure. Please continue.

The Hon. DAMIEN TUDEHOPE: Minister, in relation to the appointment of Josh Murray—you are transport secretary; I'm sorry it's taken us this long to get to that issue—did you have any discussions at all with Scott Gartrell before he appeared at that committee? You didn't appear, but he did appear.

Ms JO HAYLEN: I don't recall specific conversations that I had with my former chief of staff about it. I would say that during the appointment process he kept me up to date, but my involvement with that process was in two instances: at the beginning of the process, when Mr Peter Duncan, the then Acting Secretary of the Premier's Department, came to meet with me and my chief of staff about the process that was going to be undertaken; and then again at the end, when Mr Peter Duncan contacted me with the final candidates for my consideration and feedback. That was my engagement with the process. As I have said earlier, this process has been well canvassed in the public, in the Parliament and through the inquiry process. I am confident in the process that was run, as are the numerous public servants—

The Hon. DAMIEN TUDEHOPE: But he never told you that he was appearing before the PAC committee?

Ms JO HAYLEN: The numerous public servants that provided evidence to the inquiry—

The Hon. DAMIEN TUDEHOPE: But are you saying to us that he never told you he was going to appear before the committee? He just rocked up?

Ms JO HAYLEN: No, I knew that he was going to appear before the committee.

The Hon. DAMIEN TUDEHOPE: Did you have any discussion with him about that?

Ms JO HAYLEN: Not to my recollection. He was preparing his evidence and he appeared at the request of the committee.

CORRECTED

Ms ABIGAIL BOYD: I've been listening and I heard you say that you were only aware of these emails that came to your attention last week in relation to the Kieren Ash matter, and you then referred it for investigation. Is your evidence here today that you saw no need to investigate this issue prior to last week?

Ms JO HAYLEN: The emails that have been referred—and I want to make clear, too, that all of the emails under the SO 52 order are available to the department for the investigation. Those emails did raise concern, and when I say "raise concern", they may constitute a breach of that public servant's employment obligations—a breach of his role as a DLO under the circular. As a result of that, I sought advice and subsequently asked that the department investigate whether or not there had been a breach or not. That is an employment matter.

Ms ABIGAIL BOYD: What about the first set of documents that came back from the first SO 52? That was the SO 52 that we passed in the House on 13 September. It came back in early October and clearly showed that this DLO had duties beyond their normal scope. Why weren't those emails sufficient for you to launch an investigation?

Ms JO HAYLEN: Well, I don't agree with your characterisation. Again, I would reiterate that my dealings with this public servant were within his role as a DLO. They were to do with Cabinet processes. They were to do with his expertise around intergovernmental relations, and I say that—

Ms ABIGAIL BOYD: The emails showed, though, in that first SO 52 that Howard Collins was concerned from that very first SO 52. We have very clear evidence, and you and I had a discussion about this. We discussed that I was willing to support and The Greens were going to support that second SO 52 on the basis that we were sufficiently concerned by what had come out of the first one. Why were you not sufficiently concerned to get ahead of the game and start the investigation then?

Ms JO HAYLEN: Firstly I would say that Mr Collins has responded to those questions here about those concerns and they were addressed by the chief of staff. Those matters were handled in my office by my chief of staff, who holds my employment functions, as is appropriate, and the daily administration of my office was managed by him. I respect that public servants were doing their job.

Ms ABIGAIL BOYD: It appears that Mr Collins was correct in his concerns.

Ms JO HAYLEN: No. I think he can answer for himself. He's provided evidence to the inquiry. Mr Collins didn't raise those things with me. He raised them with my chief of staff and they were dealt with at the time.

Ms ABIGAIL BOYD: Mr Ash's contract was extended until, I think, April next year. There was an extension request and that was approved. Why was he let go on 10 September, seven days after *The Daily Telegraph* article?

Ms JO HAYLEN: All DLO appointments are temporary and officers get the resources that they need at the time.

Ms ABIGAIL BOYD: Were you not involved in that staffing decision? Were you made aware at all that he was going to be let go and sent back to Transport on 10 or 11 September, just a week after *The Daily Telegraph* article with these revelations in it?

Ms JO HAYLEN: I provided evidence earlier to say that these roles are temporary. They're done on the basis of the requirements of the office at the time and employment arrangements—be they for personal political staff or for public servants seconded for the department—were dealt with by my chief of staff. My employment function is delegated to my chief of staff, as most Ministers would do. That's a reasonable arrangement.

Ms ABIGAIL BOYD: I understand that, but if there was a staff member who was connected to me in a *Daily Telegraph* article as potentially being employed in a role that was not appropriate, or doing things that were not appropriate for their role, I would be taking that very seriously and I would be speaking with whoever is responsible for staffing in my office to get to the bottom of it. Did you do that, Minister?

Ms JO HAYLEN: I have taken this very seriously. When emails of concern came to my attention, I referred them for investigation. However, I would say that the daily operation of my office, including those employment functions, was managed by my chief of staff, as is appropriate.

Ms ABIGAIL BOYD: This was an issue of huge political risk. How would you not have called in everybody to have a discussion about what you were going to do next? Are you saying you didn't do that?

Ms JO HAYLEN: Firstly, as I've outlined, the operation of my office—the daily tasks, the administration and the employment arrangements—are dealt with by my chief of staff. I'm focused on the issues in relation to public transport services, making sure that people have the services that they need.

CORRECTED

Ms ABIGAIL BOYD: Can I ask you which events you attended on 2 June this year?

Ms JO HAYLEN: I don't have my diary in front of me, I'm sorry.

Ms ABIGAIL BOYD: Can you tell me why your ministerial diary has not been disclosed for that period between April and June? We've got a ministerial disclosure before that and we've got one for after that, but when it comes to the period April to June 2023 there is no publicly available ministerial diary disclosure. Why is that?

Ms JO HAYLEN: All of my diaries have been declared. I'm happy to come back to you about that matter, but all of my diaries have been declared.

Ms ABIGAIL BOYD: As of today, you are not listed on the website for Ministers' diary disclosures. Why do think that is? Was it taken down, Minister? Was it ever there?

Ms JO HAYLEN: No, I think it's in the previous block. That's my understanding.

Ms ABIGAIL BOYD: So you think that it's part of—

Ms JO HAYLEN: It's in the section before.

Ms ABIGAIL BOYD: There is one of them there, from January to March 2023. Are you saying that that's actually March to June and we don't have a January to March one?

Ms JO HAYLEN: All of my diaries have been declared. I think there might be some administrative confusion, but I'm very happy to get back to you about that.

Ms ABIGAIL BOYD: If you could come back, that would be great. From the emails that have come back from this second SO 52, there's an email from Kieren Ash where he says that he is attending two events with you. He writes this to someone—and I won't name them, but they're apparently in your office—saying:

Could you please flick me the Minister's folder details for tomorrow?

So he wrote this on 1 June.

I'm accompanying her to a couple of events so just need to get across the details.

Do you remember what events Kieren Ash attended with you on that day?

Ms JO HAYLEN: Again, I don't have my diary in front of me, but I do want to make clear that DLOs have a much wider function than just pushing paper around. They can—in fact, I'll read from the department circular, which says:

DLOs are primarily assigned to perform agency contact roles supporting the relationship and communication between the agency and the Minister's office. DLOs may also be assigned to perform specialist advisory roles ...

As I've previously outlined, my engagement with this public servant was in relation to their roles, such as intergovernmental relations. Further, to provide this information for the Committee, as it's important, section 2.1 of the Transport DLO handbook specifically says that a DLO's key responsibilities are to attend meetings with members of Parliament and other ministerial offices, external stakeholders and government agencies, as required. So for a public servant seconded to my office attending meetings with me, that is exactly the kind of role and obligations they have. Attending events is not outside the rules.

Ms ABIGAIL BOYD: About five different people have now sent me—you're right, it was appearing. I don't know where your earlier ones are, but the June disclosures are under the January to March tab. There's no disclosure at all for 2 June and for those events. Why would that be?

Ms JO HAYLEN: I don't have my diary in front of me and I'm happy to get back to you about that.

Ms ABIGAIL BOYD: I understand your point that a DLO may accompany you to provide advice in relation to a particular matter in relation to, in your case, Transport, but in this case, Mr Ash is saying he needs to get across the details. It sounds very much like he's taking information rather than giving advice. Can you honestly not remember what those two events were on 2 June with your DLO?

Ms JO HAYLEN: Again, my diary is not in front of me. Secondly, it is absolutely legitimate for a DLO to attend an event with a Minister—or, indeed, with stakeholders—talk to members of Parliament and engage in those roles. As I've made clear—

Ms ABIGAIL BOYD: Did Kieren Ash go to Perth with you?

Ms JO HAYLEN: No.

Ms ABIGAIL BOYD: Did he accompany you to Perth?

CORRECTED

Ms JO HAYLEN: No.

Ms ABIGAIL BOYD: Did any of your DLOs go to Perth?

Ms JO HAYLEN: Sorry, I don't have the diary in front of me. It's about the Ministers meeting in Perth? No, the public servant you are referring to did not go to Perth.

Ms ABIGAIL BOYD: I'm not saying that happened on 2 June. I don't know what happened on 2 June.

Ms JO HAYLEN: As I've provided evidence to this Committee previously, the public servant in question's substantive role was in the national policy and intergovernmental relations team. One of their core functions is to advise government on intergovernmental relations, and that is exactly what the infrastructure and transport Ministers meeting in Perth is, with the Hon. Catherine King and Territory and State transport and infrastructure Ministers.

The Hon. MARK BANASIAK: Minister, your party supported all 10 recommendations from the inquiry into land acquisitions in major public transport projects. Nine out of those 10 recommendations related directly to the New South Wales Government taking action. When will we see your Government implementing those recommendations?

Ms JO HAYLEN: I don't have that report in front of me, Mark.

The Hon. MARK BANASIAK: Perhaps on notice, can you come back and tell us a time line for that schedule of work?

Ms JO HAYLEN: I'm very happy to come back to you on that.

The Hon. MARK BANASIAK: This might be to Mr Murray on notice. For the last five years, can you provide details as to how much we've spent on legal costs relating to land acquisition projects specifically?

JOSH MURRAY: I'm happy to take that on notice. Also, if I could come back to you on a previous answer around the caretaker conventions that you asked me about, I should stipulate and correct the record that the caretaker convention does not prevent the government of the day taking action that it has already committed to. It does require it not to make major decisions or ones that are politically contentious. That would be a matter for the government of the day to ascertain.

The Hon. MARK BANASIAK: Minister, can I switch to Maritime? How many staff does Transport for NSW have dedicated towards Maritime in FTE?

Ms JO HAYLEN: I don't have those figures in front of me. I'm happy to provide them to you.

The Hon. MARK BANASIAK: On notice? Mr Murray, you don't have those figures to hand?

JOSH MURRAY: I don't, but I'm sure I can get those to you very quickly during the hearing.

The Hon. MARK BANASIAK: If we could have that by the afternoon break, that would be really helpful. Minister, by my calculations, the Boating Now program revenue has achieved in excess of \$300 million from taxpayers' money yet only \$98 million of that has ever been expended. So, what, we're only expending 33 per cent of the moneys collected from that fund over its lifetime. Do you feel that that's a satisfactory use of funds, given that it's directly coming from recreational boat users, licences and fees, and it's meant to be supporting infrastructure for those people, and we're only spending 33 per cent of it? Do you think that's an adequate level of expenditure?

Ms JO HAYLEN: I would have to go into the particular figures, but I would say that we have inherited another issue here from the former Government in terms of the mismanagement of the Waterways Fund. The fact is that the current annual deficit that is forecast is \$17.2 million by financial year 2025. Now, the former Government used this fund for stimulus spending. It transferred a bunch of Crown land assets into the responsibility of Maritime without the appropriate financial support for the maintenance of those assets and continuation of management of them. We also have the Boating Now fund grant program that is currently under review. So I don't have the exact figure that you refer to in front of me, but I would acknowledge that there are issues for our Government to deal with in relation to this fund.

The Hon. MARK BANASIAK: So just rewind a second; I just want to clarify. The revenue from the boating licences averages around \$55 million. I'm saying that, on my calculation, there's about \$300 million collected. You are saying the fund is \$17 million in debt.

Ms JO HAYLEN: By year 2025.

The Hon. MARK BANASIAK: By year 2025?

CORRECTED

Ms JO HAYLEN: That's correct. That is largely as a result of unsustainable spending by the former Government and blowouts on a number of cost projects.

The Hon. MARK BANASIAK: And spending on projects that weren't supposed to be spent on out of that fund?

Ms JO HAYLEN: Yes. I would say that your expectations are right and so are the expectations of boat users that their licence fees that they provide need to be spent in a responsible and sustainable way, and that's why we will be looking into these issues. There needs to be a long-term sustainable pipeline of spending to maintain the wharves and other maritime projects, as well as build future projects that are needed. At the moment, that is the financial situation that we find ourselves in in relation to the Waterways Fund.

The Hon. MARK BANASIAK: How much money does your department receive from private moorings? I believe there are around 23,000 moorings in New South Wales. How much do we receive on average and where does that money go? Does that go into the Waterways Fund as well?

Ms JO HAYLEN: I'm happy to take that on notice, unless someone can provide that to us at this time.

The Hon. MARK BANASIAK: I'm getting a few nods from people on the side.

Ms JO HAYLEN: Does anyone have that? Mr Collins.

HOWARD COLLINS: Yes, I can give you a bit of a run-down. You asked some questions, which I can answer for you, which my colleague took on notice. There are about 300 Transport Maritime employees, 124 vessels—

The Hon. MARK BANASIAK: Sorry, 300 FTE employees?

HOWARD COLLINS: About 300 Transport Maritime employees. I can give you whether that's equivalent full-time or break down, if you want further detail.

The Hon. MARK BANASIAK: When you use the term "Transport/Maritime", are you saying that their duties are split between doing maritime work and other transport work?

HOWARD COLLINS: No, it's a colloquial term. Maritime employees, which work for Transport for NSW—I'm reading from the text here—it says, "300 Transport Maritime employees". There's a fleet of 124 vessels. We have, as you know, boating education officers, which go out and deal with a lot of education of our boating community.

The Hon. MARK BANASIAK: If you could on notice just give me a better breakdown of those 300 FTEs—so how many are boating safety officers, how many are in the Maritime Infrastructure Delivery Office—

HOWARD COLLINS: Boating safety officers, which do the patrols; MIDO is the infrastructure delivery team—yes, I can certainly give you more of a breakdown on that.

The Hon. MARK BANASIAK: And whether there are any vacancies across those 300 positions.

HOWARD COLLINS: Obviously, with an organisation of that size, sometimes there are vacancies, but it's a very popular job, and, certainly, we get a lot of high-quality people who work in the industry. Certainly, the delivery of some of those programs, Boating Now rounds one to four—four is out, actually, at the moment, as the Minister said, for application for grants for those projects. Obviously, we work very closely with the boating industry and community in that area.

The Hon. MARK BANASIAK: When you say they are out, are you saying the funds have been released?

HOWARD COLLINS: No. It says, "The Boating Now program is currently underway. Application for grants in the unfunded round four will be considered post this review." So very soon.

The Hon. MARK BANASIAK: Round four was the maintenance program, wasn't it?

HOWARD COLLINS: Yes.

The Hon. MARK BANASIAK: Which was \$2 million. My understanding is only nine councils applied for funding, which didn't exceed around \$375,000 in terms of attributed funds, which they haven't been given yet. So am I incorrect in—

HOWARD COLLINS: We're working through those issues. I think one of the challenges we have at the moment is obviously there is a high demand for all skilled employees, particularly in marine maintenance of

CORRECTED

wharfing. Of course, you are fully aware that we have inherited a huge amount of infrastructure from Crown Lands, which we are working through at the moment, which is important. This Government is prioritising on the safety of those Crown lands, which Maritime now have the responsibility for. It's a huge amount of work we do, in a very small team, and I can tell you that even—

The Hon. MARK BANASIAK: Do you need more in your team to deliver this money quickly? One of the complaints I received from fishing associations and councils is they've submitted the application, they don't hear anything for 12 to 18 months, and they don't get any funds for around that same time. They have put a projected estimated cost or got a quote; two years' time, they get the money, and obviously it has all blown out in terms of costs.

HOWARD COLLINS: One of the priorities for this Government is to ensure that those time scales are improved significantly and that we continue to engage, but I would say this team—we would always love more staff, but this team does an amazing job. From down from Eden to Tweed Heads, they do a professional job. What has been good in the last year is we have seen the number of boating fatalities reduce significantly.

The Hon. MARK BANASIAK: I'm more talking about the grants now. Perhaps on notice, can you tell me what the average time from approving a grant to releasing moneys is? Given that you want to improve that, what is your goal in terms of getting that down? What is the level in terms of time that you want to get to in terms of that processing and delivery of moneys?

HOWARD COLLINS: I'm always happy, as you know, Mr Banasiak, to discuss these matters. I know further items have been discussed outside of this particular meeting.

The Hon. MARK BANASIAK: Are you happy to take that on notice, in the nine seconds I've got?

HOWARD COLLINS: Absolutely.

The Hon. DAMIEN TUDEHOPE: Minister, have you travelled on the north-west rail metro?

Ms JO HAYLEN: Yes, I have.

The Hon. DAMIEN TUDEHOPE: How many times?

Ms JO HAYLEN: Three times.

The Hon. DAMIEN TUDEHOPE: When was the first, do you recall?

Ms JO HAYLEN: I think not long after it opened.

The Hon. DAMIEN TUDEHOPE: Why was one of your staff suggesting you travelled on it for the first time earlier this year?

Ms JO HAYLEN: I had previously never travelled on it all the way to Tallawong.

The Hon. DAMIEN TUDEHOPE: Do you know what the BCR for that project was?

Ms JO HAYLEN: No, I don't have that in front of me. I'm happy to take that on notice.

The Hon. DAMIEN TUDEHOPE: That's okay. Did you know what the budget for that project was?

Ms JO HAYLEN: Again, I don't have that in front of me. But, again, I can provide that to you. I assume, Mr Tudehope, you probably know it.

The Hon. DAMIEN TUDEHOPE: I have some idea.

Ms JO HAYLEN: I thought so, yes.

The Hon. DAMIEN TUDEHOPE: You would, of course, know what the discount rate which would have been applied to that project would have been?

Ms JO HAYLEN: I think these questions are best directed to the CEO of Sydney Metro—Peter, if you wanted to add further.

The Hon. DAMIEN TUDEHOPE: We can explore that later on. I want to ask the same sort of questions in respect of the south-west component of that project. Do you have any idea what the BCR was for Sydney Metro south-west?

Ms JO HAYLEN: I don't have the BCR to hand, but what I can say is that this is an important project that we are engaging with in detail, not only using the independent Sydney Metro Review but also—

CORRECTED

The Hon. DAMIEN TUDEHOPE: I accept that. In fact, I think a train ran on it this morning, did it not, or last night? There was a train that went from Tallawong to Sydney.

Ms JO HAYLEN: We are meeting some exciting milestones in the testing and commissioning phase, yes.

The Hon. DAMIEN TUDEHOPE: Minister, do you know what the estimated completion date for that project is?

Ms JO HAYLEN: We are in the testing and commissioning phase. Of the 11,000 hours, 2,000 have been completed. So there is still a long way to go. We are anticipating that a passenger service will commence mid-next year, but obviously we want to ensure that all the relevant testing and commissioning has taken place and that it is a safe and reliable service before we press go. The independent Sydney Metro Review made very clear that we want to learn the lessons from the northwest. Making sure that a service is fully ready for operation is absolutely critical, and we will be doing that on the city section.

The Hon. DAMIEN TUDEHOPE: I want to impress upon you the importance of these questions because we are in fact considering Sydney Metro West, of course. Do you have a figure in relation to the BCR relating to that project?

Ms JO HAYLEN: I don't have that in front of me. It is one of the reasons why—

The Hon. DAMIEN TUDEHOPE: And a discounted rate that you would apply to that project?

Ms JO HAYLEN: —the Government has commissioned the independent Sydney Metro Review. I look forward to informing you and everybody else soon about the future of that project.

Ms ABIGAIL BOYD: Minister, I have spent pretty much every Transport estimates over the last four years asking about the Transport Access Program. As you will know, there was an obligation for all States and Territories to make all transport fully accessible between 2022 and 2032—depending on the mode of transport—and we are woefully behind. I understand that you have inherited a lot of that. What was the decision-making process behind the merging of the Transport Access Program with the Commuter Car Park Program?

Ms JO HAYLEN: The Government has an ambition not only to improve accessibility for everybody to public transport and, as you rightly point out and have been an advocate for for a long time, that includes meeting our obligations under the standards. We have a long way to go on that front. Our ambition in combining those programs and adding an additional \$300 million is to do more than just a lift or a ramp but to make those stations and transport hubs the centrepiece of the community that people want to use and work for everybody.

We are looking at how we can do that—whether it be ensuring that there are bike storage areas, for example, or places to charge your phone—and the way that we could integrate with other government services but also look at the simple, small things that actually make people take the leap to try public transport and use it and use it again, like ensuring that there is somewhere well lit and dry to wait when it rains. It's a holistic approach that says that we want to lift the standard of these critical community interfaces with public transport.

Ms ABIGAIL BOYD: I fully endorse that objective but, unfortunately, people with disability are constantly overlooked and were constantly overlooked by the previous Government. Advocates have raised concerns with me about this merging that we are going to end up with, for example, targets being met in the Commuter Car Park Program being celebrated while we continue to have a lack of accessibility of train stations and bus stops et cetera. Did you consult with any disability advocates before making that decision to merge the programs?

Ms JO HAYLEN: In opposition I met with a range of disability advocate groups about the issues that you are discussing, which is about not only the challenges that they face in accessing public transport—including point to point, for example—but also issues around legibility and engagement.

Ms ABIGAIL BOYD: But did you consult with them on this particular merger of funding?

Ms JO HAYLEN: Not in the specifics of that. But I want to make clear that we will be providing information about the shape of that program soon and we have an advisory council to government on these issues. I'm happy to confirm that I will ensure that they are consulted in the development of that program. They are critical stakeholders in the expenditure of significant government money, but for a very important purpose.

The CHAIR: Minister, you will be pleased to know that we are out of time. Thank you for appearing.

Ms JO HAYLEN: I have something further to add to a previous question, and that was in relation to Natalie's question, that my former chief of staff will have any remaining entitlements paid out like any resignation but will not receive a further payout.

CORRECTED

The CHAIR: Thank you. We will see the public servants at 2.00 p.m.

(The Minister withdrew.)

(Luncheon adjournment)

Ms CAMILLA DROVER, Deputy Secretary, Infrastructure and Place, Transport for NSW, on former affirmation

Mr RICHARD HOST, Acting Deputy Secretary, Customer, Strategy and Technology, Transport for NSW, on former oath

Ms SALLY WEBB, Acting Deputy Secretary, Safety Environment and Regulation, Transport for NSW, on former affirmation

Mr ANTHONY WING, Commissioner, NSW Point to Point Commission, sworn and examined

The CHAIR: Welcome to our afternoon session. We will go straight to questions, if we're ready, from Ms Natalie Ward.

The Hon. NATALIE WARD: Thanks, everybody, for coming this afternoon and for your hard work. Can I clarify, to anybody appropriately, did Transport for NSW officials participate in practice sessions with the Minister prior to this session?

JOSH MURRAY: As per the protocol, we did have some budget estimates practice sessions or rehearsal of items, as is the custom each year.

The Hon. NATALIE WARD: I understand, thank you. Mr Murray, documents provided to Parliament show that you receive a daily media report, which is also the usual custom, as part of the normal course of business for the agency. That's usual, isn't it?

JOSH MURRAY: Yes, it is.

The Hon. NATALIE WARD: Can I confirm you do still receive them?

JOSH MURRAY: I receive multiple of those a day, yes, as they come through.

The Hon. NATALIE WARD: Yes, many of those. Thank you. On 13 October—this has already been traversed today—*The Sydney Morning Herald* reported a story entitled "Transport Minister Jo Haylen embroiled in new staffing row". Since 13 October, what steps did you take following that media article?

JOSH MURRAY: Thank you for the question and the opportunity to discuss this. In regards to the media reports in that October time frame, I understand the officer that we've been talking about earlier this morning—

The Hon. NATALIE WARD: Sorry, I don't mean to interrupt you. I'm just going to clarify there. Did you say end of October?

JOSH MURRAY: No, I was quoting the time frame you provided.

The Hon. NATALIE WARD: Yes, 13.

JOSH MURRAY: Thirteenth of October.

The Hon. NATALIE WARD: Yes, thank you.

JOSH MURRAY: I recall that there were two news stories at the time. One of them referred to files or background questions that were being raised about staff members in Parliament House, and the other one related to the call for papers discussion that we've had earlier this morning. In regards to those, the staff member that we have discussed already today was back in Transport for NSW and we had determined that a refresh of the DLO handbook would be an appropriate step, because it hadn't been updated for some time. That was done over the course of the next few weeks and it was reissued to DLO staff members across any of the Transport offices. In regards to that, we also commenced a further EOI of DLO staff interest across the organisation. Now, I should say, EOIs had been done on a semi-regular basis. At least two EOIs had already been conducted by the team, but it was decided to go again and just see what other skill sets were available of people who may like to do a secondment in any of the Minister's offices.

CORRECTED

The Hon. NATALIE WARD: It's quite a good role, isn't it? Sort of almost—not a reward, but it's considered to be a good role, an incentive role to senior positions to apply for a DLO position in a Minister's office?

JOSH MURRAY: The advice that I had from one of our senior leaders was that staff in their department saw it as a learning opportunity and that, being a temporary transfer, it was a good option to see if there were areas of interest.

The Hon. NATALIE WARD: Thank you. The handbook was updated, but the handbook was updated following the election, wasn't it?

JOSH MURRAY: Not to my understanding. I think the handbook had been—

The Hon. NATALIE WARD: Ms Carroll, can you confirm the DLO handbook was updated after the election?

SUSAN CARROLL: No, it wasn't immediately updated. The process, I think, began a little while after that, and it was issued in September.

The Hon. NATALIE WARD: So the response to the Kieren Ash media and the response to the call for papers was to update the handbook and reissue an expression of interest?

JOSH MURRAY: That's correct.

The Hon. NATALIE WARD: Any other action taken?

JOSH MURRAY: No, there was no other action taken. The department has also been, over that time period, producing a lot of documentation to meet Standing Order 52s. I should note also that in terms of us managing the DLOs that come out of Transport for NSW, we also have a two-weekly check-in process with each of those staff members.

The Hon. NATALIE WARD: Great. In what form and on what day did Minister Haylen refer the matter to you for investigation?

JOSH MURRAY: That was received by me on Wednesday night between the hours of 9.30 and 10 o'clock in an email from Mr Gartrell.

The Hon. NATALIE WARD: Mr Gartrell emails you and says, "There's a problem. You need to look at this. Can you investigate?" Is that right?

JOSH MURRAY: I had already had a discussion with the Minister's office earlier in the week.

The Hon. NATALIE WARD: Did you discuss it with the Minister?

JOSH MURRAY: Yes, and—

The Hon. NATALIE WARD: How?

JOSH MURRAY: Sorry?

The Hon. NATALIE WARD: How, by phone?

JOSH MURRAY: No, in person.

The Hon. NATALIE WARD: When was that? On the Wednesday?

JOSH MURRAY: No, that was earlier in the week. I believe it was—

The Hon. NATALIE WARD: Monday or Tuesday?

JOSH MURRAY: —Monday.

The Hon. NATALIE WARD: So you had a discussion with the Minister on Monday or Tuesday, raised the concerns, and you are referred the investigation on the Wednesday night?

JOSH MURRAY: The discussion on the Monday was that there was a number of items that were being looked at by the office and that there may need to be a further discussion with me later in the week. On Wednesday, Mr Gartrell called me with the detail of what had been looked at. As I say, both our department at Transport for NSW, the Minister's office and, either earlier that week or the previous week, Treasury had already been handing over documents, which were being discussed in terms of what that was—

The Hon. NATALIE WARD: The call for papers.

CORRECTED

JOSH MURRAY: Exactly, and how they were being produced.

The Hon. NATALIE WARD: Thank you.

JOSH MURRAY: So—

The Hon. NATALIE WARD: Sorry, I will come back to that, if I may. I'm just mindful of time; I'm not trying to cut you off. In relation to the new handbook, will you provide that on notice to the Committee—the DLO handbook?

JOSH MURRAY: No concerns. I think it may have been captured in the call for papers. But if not, no problem.

The Hon. NATALIE WARD: The email referring it to you for investigation—will you produce that on notice as well?

JOSH MURRAY: Yes, that's no problem.

The Hon. NATALIE WARD: As at today, is it your understanding that the only issue concerning the duties or actions of department staff while employed in Ms Haylen's office are the concerns regarding Mr Ash?

JOSH MURRAY: I have asked that question of the team at Transport for NSW. We are not aware of any other complaints or concerns against other staff members. The matters have been contained in these emails, are now being investigated, as has been discussed this morning, and we will report on that.

The Hon. NATALIE WARD: You're not aware of any other department staff acting improperly while employed by Ms Haylen's office?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Is the department aware of any other examples of other department staff acting improperly in breach?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Can I ask, Ms Carroll, are you aware of any other department staff acting improperly while employed in Ms Haylen's office?

SUSAN CARROLL: No, I'm not.

The Hon. NATALIE WARD: Not aware of any other department staff acting improperly—

SUSAN CARROLL: No, I'm not.

The Hon. NATALIE WARD: —or breaching these rules? So, no other DLOs, to your knowledge, have breached the memorandum?

SUSAN CARROLL: No.

The Hon. NATALIE WARD: Mr Collins, can I ask the same of you? You are not aware of any other improper DLO activities?

HOWARD COLLINS: Not that I'm aware of, no. Correct; no other persons.

The Hon. NATALIE WARD: Are you aware of any other department staff acting improperly?

HOWARD COLLINS: I'm not aware of.

The Hon. NATALIE WARD: What are the terms of reference, Mr Murray, for the investigation?

JOSH MURRAY: The investigation is my responsibility under the Transport Administration Act and the employees of the transport service. To enact that investigation I contacted immediately the chief people officer, who is a deputy secretary, and I asked the general counsel to also assist and sit in on that discussion. I then provided the material that had been referred to me by Mr Gartrell in its entirety to those two individuals to have a look at and asked that that be done, obviously, in the standard processes for Transport under the code of conduct. At the same time I alerted Simon Draper, the Secretary of the Premier's Department, and subsequently I also sought the advice of Kathrina Lo, the Public Service Commissioner, to ensure that any other lessons being learnt from this process could be followed up appropriately.

The Hon. NATALIE WARD: Who will sign off on those findings? You?

CORRECTED

JOSH MURRAY: No, they will not be handled by me. I'm not the decision-maker in this process. They will come through the disciplinary or otherwise processes of Transport.

The Hon. NATALIE WARD: So who will sign off on the findings of the investigation?

JOSH MURRAY: The chief people officer, who's the deputy secretary.

The Hon. NATALIE WARD: Who is that?

JOSH MURRAY: That is Tracey Taylor.

The Hon. NATALIE WARD: Mr Collins, can I ask you, as acting secretary, how often did you engage with Minister Haylen?

HOWARD COLLINS: Generally on a weekly basis.

The Hon. NATALIE WARD: Weekly meetings?

HOWARD COLLINS: We had a weekly meeting with all the departmental heads of—for example, Ms Mares and others, discussing operational performance but anything connected with the Transport office. I also met weekly, before that, with Scott Gartrell as the chief of staff.

The Hon. NATALIE WARD: So you'd have a pre-meeting with the chief of staff, and then you go into the main meeting with the Minister, heads of, the usual agenda—

HOWARD COLLINS: Generally, yes. Seven o'clock in the morning on a Monday, we will get together and then normally a meeting would be held on that day, on that morning.

The Hon. NATALIE WARD: Mr Collins, documents reveal that you raised concerns with the Minister's office regarding Kieren Ash and his responsibilities and duties in the office. That's not in dispute; that was in the documents. What were your concerns?

HOWARD COLLINS: As I probably said earlier, I did not have, initially, any personal concerns or any knowledge for me to be concerned with. But obviously I do liaise with my staff, and the chief of staff for the office raised her concerns, along with a number of others. So I gave the assurance to the chief of staff that I would talk to Scott Gartrell, the chief of staff of the Minister's office, which I did. Certainly I can recall doing that at least once, if not twice, just to ensure—and it was really about advice for someone who started in that office and making sure they kept to the DLO brief.

The Hon. NATALIE WARD: What were the concerns that were raised?

HOWARD COLLINS: I think it was initially about perhaps things, for example, that they may well have been getting involved in areas which were not directly Transport matters. Also, general demeanour—this is a relatively young man in an office who's got this role. Scott and I have probably seen the same sort of tenure. It was giving him some advice about making sure that he's stuck to that and didn't, perhaps, get above his thought processes in that respect.

The Hon. NATALIE WARD: Do you agree that these actions could potentially be a breach of the GSE Act?

HOWARD COLLINS: I think certainly my conversations with Ms Carroll highlighted to me and confirmed that we must make sure these people—and they sign the document to ensure that they do keep within those parameters.

The Hon. NATALIE WARD: That's non-political and bipartisan?

HOWARD COLLINS: Absolutely.

The Hon. NATALIE WARD: The Minister's office requested that his appointment be extended or his secondment be extended.

HOWARD COLLINS: Correct.

The Hon. NATALIE WARD: You signed off on that?

HOWARD COLLINS: I did. Again, originally it was for a shorter period of time and then the request for a longer period of time—

The Hon. NATALIE WARD: A second one?

HOWARD COLLINS: I remember having a further conversation with a chief of staff, just talking through the reasons for that and making sure that the individual was sticking to the DLO brief.

CORRECTED

The Hon. NATALIE WARD: Mr Collins, did you raise these issues with Minister Haylen?

HOWARD COLLINS: No, I did not. My main contact, particularly in terms of departmental matters—as I said earlier, the chief of staff, Scott Gartrell, was, in effect, the employing manager. I thought it was appropriate to talk to him directly. I did not raise this with the Minister.

The Hon. NATALIE WARD: Was it your understanding that he would convey them to the Minister, by your conversation, or he would be the decision-maker alone?

HOWARD COLLINS: I believed he was the decision-maker because, obviously, he has responsibility for the office. He has been long experienced in this matter.

The Hon. NATALIE WARD: When you considered you spoke to Scott Gartrell as chief of staff, did you consider that you were only speaking to him and that that would not be conveyed to the Minister? Was that your understanding from your conversation—that he would deal with it and it wouldn't be going to her at all?

HOWARD COLLINS: I think it's difficult for me to speculate, other than the fact that I thought I was talking to the appropriate person and the person who could speak directly with the individual. What matters were discussed between the chief of staff and the Minister, obviously is for them to discuss.

The Hon. NATALIE WARD: But it wasn't your understanding, was it, that he would not convey anything? You didn't say, "This is confidential. This is not to be conveyed. This is between you and I. This is something that we will deal with." There was no express statement that it would not be taken to the Minister. Is that correct?

HOWARD COLLINS: I think my understanding of this was that, look, if I thought it was something which couldn't be dealt with, I would have raised it with the Minister. I didn't believe that it wasn't being dealt with. There were many other matters that we were dealing with at the time. I thought my decision and the advice—and obviously my chief of staff had already spoken to Scott in the past about this matter, I think in May of that year. So I was comfortable that I'd discharged my duties and made sure that they were doing the right thing.

The Hon. NATALIE WARD: When you speak to the chief of staff about operational matters—some disruption, for example, during a world cup game—you would expect that your conversation with the chief of staff would be conveyed to the Minister effectively, wouldn't you?

HOWARD COLLINS: Some of those serious matters—obviously we had a few during my tenure—I would speak directly to the Minister.

The Hon. NATALIE WARD: You're very familiar with a number of those crises, aren't you, Mr Collins?

HOWARD COLLINS: Absolutely. There's never a dull day in Transport. But I do think at that time it was the appropriate thing to do. Obviously, it's up to the chief of staff of the Minister's office to share that with who he thought appropriate.

The Hon. NATALIE WARD: When you speak to Scott Gartrell about operational matters, you would expect that he would convey that to the Minister. But in this case, there was some different conversation or some different expectation that informed you that he would not be conveying that to the Minister?

HOWARD COLLINS: I had only known Scott a short time, but he seemed highly professional. He's certainly a very experienced individual. I imagine he would discharge his responsibilities as well.

The Hon. NATALIE WARD: Were you ever provided with advice from department staff objecting to Mr Ash joining the office or cautioning against it?

HOWARD COLLINS: No.

The Hon. NATALIE WARD: If the concerns raised by you to the Minister's chief of staff were in July, did the Minister first become aware last Friday? Are you concerned that you raised this in July and the Minister seems to have conveyed to this Committee that she's only become aware of this last week, in relation to Mr Ash's conduct?

HOWARD COLLINS: I just share with you some time lines. I think on 13 July I was notified that I wasn't the candidate and that my colleague next to me was the successful candidate. I finished as the acting secretary on 14 August. So as far as I'm concerned, it was probably only a week or so after the advice I'd given to the chief of staff, Scott Gartrell, that things changed.

The Hon. NATALIE WARD: Did you have a handover to Mr Murray?

CORRECTED

HOWARD COLLINS: We did. We actually spent a week together where we worked alongside each other, as we would do.

The Hon. NATALIE WARD: Good, I'm sure there was lots to cover. Did you cover off on this? Did you raise concerns with Mr Murray on some issues in the office?

HOWARD COLLINS: We talked through a number of items about the role of DLOs and that the office of the secretary had raised some concerns and that I had spoken to the chief of staff about it.

The Hon. NATALIE WARD: Can I just go back, though? Can I just be clear—I just remind you that your evidence here today is important to this Committee's deliberations. You're a very experienced public servant, Mr Collins. Can I just be clear, were you ever provided advice from department staff objecting to Mr Ash or cautioning you about Mr Ash joining the ministerial office?

HOWARD COLLINS: So that's a different question from the last one where I said no. Let me just answer that clearly. Obviously, as I've explained to you earlier, we had a conversation—Ms Carroll and myself—where there were concerns raised about Mr Ash. No-one said, "Do not appoint him" or "He's not suitable." What was concerns were about perhaps his behaviour or him straying into areas which were not in the DLO. Therefore, I thought it appropriate that this wasn't about the individual not doing the role. This is about giving him advice, through the chief of staff, Scott Gartrell, to ensure that he adhered to those processes. He was quite an experienced person—

The Hon. NATALIE WARD: And you raised those concerns with Mr Gartrell?

HOWARD COLLINS: Yes, I did. Certainly I've got on record an occasion in July, but there may have been other conversations earlier than that.

The Hon. NATALIE WARD: So perhaps earlier than July but at least at July you raised those concerns directly?

HOWARD COLLINS: Yes. I'm sure you have papers as well where an email was sent by my chief of staff to the team. I wasn't copied in on that, but it did reflect the conversation that the chief of staff had with me and the conversation I had subsequently with Scott Gartrell.

The Hon. NATALIE WARD: Ms Carroll, can I ask you whether concerns were raised within the department with you directly about Mr Ash's appointment to the ministerial office?

SUSAN CARROLL: When the request was made to the acting secretary in April—the request was made for a couple of officers to be appointed. At the time I was alive to possible risks relating to the officer. When the request was relayed to me, some context relating to his recent activity was drawn to my attention. I looked at that material. I shared that material with the acting secretary at the time. I was also alive to the fact that I had received a notification a couple of days after the election from the officer's direct line manager that the Minister's chief of staff would be requesting that officer be seconded into the office. It wasn't specified to be in a DLO role. The role specified was different, but I was alive to the fact that there had been conversation in late March. That request was not raised with myself or the former secretary at the time. It was raised with the acting secretary in April. So those two considerations rose to my mind. A level of risk—

The Hon. NATALIE WARD: Can I just clarify that? Was it on or about 28 March that that request was made?

SUSAN CARROLL: It wasn't a request. It was—

The Hon. NATALIE WARD: A heads-up that they will be asking for Kieren Ash to join?

SUSAN CARROLL: —a heads-up. Indeed.

The Hon. NATALIE WARD: Thank you, I'll come back to that.

The Hon. MARK BANASIAK: I might just go back to the questions I was asking on the Glebe cycleway, Mr Murray. Just a general question—how long do successful tenders stay up on your website for?

JOSH MURRAY: I'd have to take the specifics of the different projects on notice. They would be different time periods based on the scale of the project.

The Hon. MARK BANASIAK: So there's not a set time period that you have to keep them publicly available on your website?

JOSH MURRAY: No, but I would ask Ms Drover, who's with us in the seats today, if she could provide extra detail.

CORRECTED

The Hon. MARK BANASIAK: Happy for her to come up if she can shed some light on this.

CAMILLA DROVER: Sorry, just clarify the question again.

The Hon. MARK BANASIAK: The question was how long do successful tenders stay up on your website for? Is there a set time period that you have to keep them publicly available before you delete them?

CAMILLA DROVER: I'll have to check exact time frames. But, just to clarify, we put tenders on the eTender website when it's an EOI and then we announce the shortlist-for-tender process. I'm not sure that we actually put on there the successful tenderer, but I will take that away and confirm.

The Hon. MARK BANASIAK: Can you also then perhaps explain why tenders that were awarded to CCHD Pty Ltd in the last three years—they've progressively started to disappear off the website as of Sunday night. Is there an explanation as to why that would occur? Even the one for the active cycleway that we're talking about now—why that tender would disappear off the website mysteriously?

CAMILLA DROVER: I'm not aware of the general issue you raise. I do have some information on the cycleway.

The Hon. MARK BANASIAK: There were 15 tenders, from what I could see, that were awarded to CCHD Pty Ltd in the last three years. As of Monday morning, only 10 of them were up. Five had been removed. One of the five that had been removed was the tender covering the work on the Bridge Road cycleway. It seems strange, if that work still hasn't been completed, that you would remove that from the website.

CAMILLA DROVER: I'm happy to take that question on notice and see what information we can bring back.

The Hon. MARK BANASIAK: Sure. Perhaps on notice and to help you—with limited detail, can you provide all the successful tenders that have been awarded to CCHD Pty Ltd by Transport for NSW? When I say "limited detail", all I want is the name, the dollar amount and a loose description of what it's for.

CAMILLA DROVER: Yes, happy to provide that. Just one point of clarification, I understand—and this is information I've received this morning—that CCHD was a subcontractor to Celtic Civil, who was appointed for the concept and detailed design phase of that project.

The Hon. MARK BANASIAK: Sorry, what was that main contractor's name?

CAMILLA DROVER: Celtic Civil. Their engagement was not directly to Transport. It was via a subcontract to Celtic Civil.

The Hon. MARK BANASIAK: So you have no oversight when a contractor subcontracts the work at all?

CAMILLA DROVER: I don't have that information with me today, but happy to take on notice and see what information we can bring back. But in that particular instance it was a subcontract, not a direct engagement.

The Hon. MARK BANASIAK: When you're coming back with that detail, can you just break it down to how many times were they awarded without a full tender process, a competitive tender process, versus the other modes of awarding limited tender—I think is the phrase or term.

CAMILLA DROVER: Yes, there's a select tender process, but generally it's an open tender process for any material project.

The Hon. MARK BANASIAK: Are you the person to ask about the cycleway in general? Or should I—

CAMILLA DROVER: I have some limited information about the project.

The Hon. MARK BANASIAK: Was there an independent road safety audit completed on the proposed design?

CAMILLA DROVER: That is part of our normal concept design and design development process. I anticipate that did occur, but I'm happy to take that on notice and confirm that was undertaken.

The Hon. MARK BANASIAK: Just on notice, can we get the date that that was done, who it was done by, whether there were any elements excluded from that independent safety audit and the reasons why you would've excluded elements from that safety audit, and, as part of that safety audit, whether there was any work done on night-time road safety as well? That would be good.

CORRECTED

CAMILLA DROVER: Yes.

The Hon. MARK BANASIAK: Can we go to Kamay Ferry Wharves again, Mr Collins. The Minister was quite frank in saying that she wants to make the best out of a bad situation with this project and try to extract as much value out of it as possible. There's been conflicting evidence at this inquiry about whether there will be a public ferry service or whether there was ever an intent for a public ferry service. When the Minister says that she's trying to extract as much value out of this project as possible, does that include a public ferry service?

HOWARD COLLINS: I think in past times there was a view that initially these two wharves wouldn't provide a public ferry service. I understand this Government has asked us to explore the possibility of a long-term strategy which could provide some form of public ferry service. As you know, the Fisher family up until 1974 provided a public transport ferry service between the two wharves. Obviously the wharf provides excellent boating facilities for people to use the wharf for other purposes. I think by the number of fishermen I spoke to when I was there on Friday—quite excited about the fact that the wharves will provide excellent fishing opportunities for people to use the wharf.

The Hon. MARK BANASIAK: Back to the ferry service, you said there's a long-term strategy to provide a ferry service. What do we mean by long term?

HOWARD COLLINS: I understand we have been asked to look at a proposal, to look at the opportunity of providing a future ferry service. That doesn't mean to say that that will be in place on day one of the wharves opening next year. But this Government has asked us to have a look at what those possibilities could be. It could be an Aboriginal immersion ferry service. I know my good friends in Tribal Warrior have done it on the Sydney Harbour. It could be a number of other, as we do on the Gunnamatta service—provide sunset cruises and morning teas. It could be something similar to that nature. It's a pretty beautiful spot, which obviously the national parks are very keen to improve upon.

The Hon. MARK BANASIAK: Just to be clear, when we talk about a public ferry service, we are not necessarily talking about a regular one that you are exploring. It could be a regular one, it could be the *Rainbow Warrior* model, it could be—

HOWARD COLLINS: Absolutely. I think the important thing is, obviously, the consultation with a number of groups—the Aboriginal Land Council and local councils—because in June of this year Randwick council did support the construction of the wharf. I know you mentioned earlier that in March they were concerned about it, but in June I understand that they were supportive of the wharf now that they understood the benefits. But I think this is a very open and early stage exploration of what services could be provided between—I think it took me 55 minutes to drive around from La Perouse to Kurnell. I think it will take about 10 minutes on a ferry service of the future. For a lot of people that might be a benefit.

The Hon. MARK BANASIAK: Particularly if it was a regular ferry service, not just a sporadic—

HOWARD COLLINS: Absolutely. We want to explore what those options could be and obviously understand the costs and the operational criteria.

The Hon. MARK BANASIAK: Do you have a time line for that exploration?

HOWARD COLLINS: No. We've initially started that investigation. I can certainly share later, on notice, if there are time lines involved, but I'm not aware of any, personally.

The Hon. MARK BANASIAK: In the 30 seconds I've got left, the Behaving Ethically guide talks about when you're dealing with Ministers that you provide frank and fearless advice. Given the concerns I outlined for the last four years on this project, Mr Collins—and you might disagree with those concerns—what frank and fearless advice did you provide to the previous Government as to the concerns I was raising?

HOWARD COLLINS: I think, obviously, this project, as you know, has a long history. It had a number of Ministers during its tenure and certainly other senior officials from both Federal Government and also State Government. Certainly, one of the frank and fearless advices I gave was that whilst it may not seem suitable for spending such money on a ferry service—I think my frank and fearless advice was about the absolute significance of this connection between these two lands, particularly for Aboriginal people. I was very passionate about ensuring that we didn't lose that connection, particularly for the La Perouse land council and those people who were transported across from Kurnell forcibly. That was a significant factor. Employing Gamay Rangers, Aboriginal people—to see those people working on those jobs—I think that was my frank and fearless advice. If we lost that, I think the community would be quite upset about it.

The CHAIR: Mr Murray, is there any word on when the final report into the review of metro west will be released? Can you give us any word today?

CORRECTED

JOSH MURRAY: I cannot. I believe those matters are before the Government with a number of discussions ongoing.

The CHAIR: Expecting it any day potentially now, given media reports, I think, is the—

JOSH MURRAY: It's certainly not within my knowledge to give any kind of time frame around the issues under discussion.

The CHAIR: I just thought I'd try my luck.

The Hon. NATALIE WARD: We're all with you, Cate.

The CHAIR: Mr Regan, just on that, I understand that Macquarie was awarded nearly \$30 million to assist in the establishment of a partnership—the financial structuring services of that metro west partnership—that media reports suggest will be scrapped. Firstly, is it your understanding that the partnership will be scrapped?

PETER REGAN: Look, there are a couple of things there. Firstly, Macquarie were engaged to provide advice on quite a range of delivery models, not just public-private partnerships. We are required by Government policy, by Treasury policy, to look at public-private partnerships for projects of this scale and complexity, and we've worked with NSW Treasury on that over the last couple of years. The role that Macquarie has been performing has looked at a range of options, which include PPP structures and a hybrid of that for metro west. The Mrdak-Yeates independent review into metro is looking at the delivery models for metro west, and that is part of what the secretary has referred to as what the Government is considering at the moment as to what the delivery model for the project will be. So that's under consideration by the Government at the moment.

The CHAIR: Can I get a sense of that? If the work that Macquarie is doing is no longer required in terms of that two-year contract—again, because media reports suggest that the tender documents show that they are 12 months into a two-year contract. If they've done that work and it is no longer required, is there an out clause or will Sydney Metro need to pay that full \$30 million?

PETER REGAN: I can give you some clarity on that. The work that Macquarie has been doing isn't just on that partnership; it's on delivery models. Once a decision is made on the delivery model, we will then—

The CHAIR: And it's just for metro west—just to be clear?

PETER REGAN: That is for metro west, correct. Once a decision is made on the delivery model, we will then work out how we will go through the balance of the procurement for that process and which advisers we will be using. The Macquarie contract is structured with a series of options and payment arrangements that only reflect us paying for what we buy, and if elements of what were considered in those options are not taken forward, then we don't have to pay for that. To be really clear, to date we've spent around \$5 million in developing the delivery models under that contract, and there is no obligation to pay out that full amount if we don't proceed to use all the services.

The CHAIR: So the \$30 million was, in some ways, depending on what delivery model was chosen and then they would—

PETER REGAN: Absolutely, and it had a number of different options for different bits of work and different permutations of what the delivery model outcomes would be. So it's structured on that basis.

The CHAIR: What work—I suppose we are needing detailed work at this stage—has Sydney Metro done on identifying any additional stations for metro west? It would be great if you could tell the Committee what work has been done on identifying particular stations. I know you've talked about the additional time and complications of additional stations, but if you could just talk the Committee through that work.

PETER REGAN: Sure, Chair, and I'll try to do that in the context—obviously I gave evidence to the parliamentary inquiry as well.

The CHAIR: That's right.

PETER REGAN: So a lot of work was done historically, looking at different route options and station options. We have continued to look at alternative options for the project and I think, in support of the work that the independent review is doing, we have provided both historic information and also some further considerations, including different potential combinations for the stations on the line. They are part of what the Government is considering at the moment, and that's been part of the scope of the review. I can't comment specifically on where they are because that is what the Government is considering at the moment—as to what the findings and recommendations of that metro review are. But certainly, as I mentioned to the parliamentary inquiry, we've been very conscious of ensuring that the tunnelling works on the project that have been taking place have not precluded

CORRECTED

the ability to insert stations in certain locations, and there would ultimately need to be a Government decision if there were to be additional stations added. But certainly, those options remain open.

The CHAIR: Just to be clear, the agency would have done a fair bit of work on particular locations and options, such as, for example, Camellia has been touted, as has Zetland. Have you provided quite detailed costings and options for, for example, Camellia and Zetland?

PETER REGAN: What I would say is that a lot of the work has been done in two phases. Originally, when the business cases for metro west was developed, there was a lot of work done then, looking at different options, and then through the review into metro west we've looked, again, at some of those options, as per the terms of reference that were set out for the metro review—to look at the scope of the project, the alignment and potential station locations. We are continuing to do that and we are awaiting a Government decision on where they want us to focus.

The CHAIR: Could you clarify for the Committee as well—because there are multiple reports about this in terms of the additional expense of those additional stations—what has Sydney Metro costed the additional stations at? You can do an average, if you like, but any indication.

PETER REGAN: Perhaps if I could talk in general terms, the costs associated with a station clearly depend on whether it's an underground service or an above-ground station. There's a property cost. There's the cost of excavating the station box, if it's an underground station, and then the costs of building the station and potentially what is built on top of and around the station and the other services facilities. Those costs can range, depending on what they are. A station can be in a range of half a billion dollars to a billion dollars.

The CHAIR: When you're costing these stations, do you have the budget range of stations and the ridiculous, beautiful, architectural prize-winning stations that it seems that we are getting in Sydney in terms of Sydney Metro? I was just looking at the one, I think, at Waterloo, is it?

PETER REGAN: Yes.

The CHAIR: But are there options for the Government to consider—I like beautiful design as much as the next person, but do you provide options to say, "Look, we're just going to do an ordinary station here. It doesn't have to win awards"?

PETER REGAN: Yes, we do.

The CHAIR: That's provided, is it?

PETER REGAN: Yes, we do. There's a number of things that impact the cost of the station—the size and the capacity of the station, but there's also considerations around the finishes of the station, the design.

The CHAIR: Did you give the Government a budget version of how to complete?

PETER REGAN: We give them a range, correct. There's a range of outcomes that are considered. I think, importantly, along with the station it's also the precinct around the station itself and how the station interacts with the community and the precinct around it, both in terms of interchange with kinds of other transport, but also the active transport, the walkability and the accessibility are all really important factors. There are different examples of stations that have been built historically with different degrees of specification on the aesthetic. Certainly there are opportunities to look at a range of options there.

The CHAIR: I just wanted to ask a couple of questions about buses and U-Go Mobility's contract. Who should I direct that to?

JOSH MURRAY: It's likely to be the coordinator general, who has been liaising with U-Go Mobility over the last few months.

The CHAIR: Great. I understand that they needed 70 more drivers to meet the requirements of their contract with Transport for NSW; this is dated 9 August. I am wondering how that has gone, how many drivers they have now and whether they've met those conditions.

HOWARD COLLINS: Certainly I've spent a lot of time dealing with U-Go Mobility. We have a twice-weekly meeting. I've attended a number of those meetings as well to ensure that they have now focused on the delivery of the bus services for the combined regions. I can share with you the detail, but it is progressing. They have now—I will give you the number. I will come back to you before we finish with the actual number of vacancies, but it's around about 50. They have a lot of people in recruitment as well, following a number of incentives to encourage people to sign up, bonus payments for arriving and also they've done a lot of recruitment campaigns along with ourselves, trying to encourage more people to attend.

CORRECTED

U-Go Mobility at the moment, on 29 October, was 60 and we have 47 drivers in training. That goes down by two or three a week, the numbers of people who actually—vacancies appealing at that stage. We have changed some of their routes. We've given some of the work to Transit Systems. We've shared some of the other activities with other providers. They're now starting to perform not as I expect but in a better direction, as I think the local Leader paper said two weeks ago, that things have somewhat improved. They've flown in a couple of really good people from Singapore and a couple from Ireland who've really focused the attention on this.

The CHAIR: I might come back to that.

The Hon. NATALIE WARD: I have some questions for Mr Regan from Sydney Metro. I won't name the person, Chair, but I will refer to the role. The head of communications role for Sydney Metro is being paid, I think, a TSSE band 2A level, which equates to a salary of over, let's say, \$250,000 at a minimum. That's correct, isn't it?

PETER REGAN: I believe that's right. I don't have the exact details of salary in front of me.

The Hon. NATALIE WARD: But it's actually probably—I know it's more than that but I'm just going to say over \$250,000 at that level.

PETER REGAN: Yes.

The Hon. NATALIE WARD: Is this typically what a DLO is remunerated at, or would you say this is an exceptional circumstance?

PETER REGAN: This particular circumstance was a request to provide someone to fill a temporary position in the Minister's office while a recruitment was undertaken. It is for a senior role, the director of communications role. I was asked whether we had someone we could suggest for that role, which we did. That person has been on that secondment fulfilling that role.

The Hon. NATALIE WARD: Scott Gartrell specifically requested that person, didn't he?

PETER REGAN: No.

The Hon. NATALIE WARD: Who did?

PETER REGAN: Scott Gartrell asked me if there was someone I could suggest from within metro, if we had anyone available to fulfil a role like that.

The Hon. NATALIE WARD: I just want to give you the opportunity to revisit that and check, if you need to. There may be a document that states it's at the request of the Minister's office. Would you like the opportunity—

PETER REGAN: No, to be very clear, Mr Gartrell called me and asked me on a phone call whether there was a possibility that metro might have someone available. I said I would consider that. I went back to Mr Gartrell with a suggestion and then he arranged it from there.

The Hon. NATALIE WARD: The request for a comms person was not just for an ordinary DLO comms person; it was for the head of Sydney Metro communications, wasn't it? Is that correct?

PETER REGAN: No, the request was as to whether or not Sydney Metro would be able to provide someone for a limited period of time for the director of communications in the Minister's office.

The Hon. NATALIE WARD: Was it your suggestion that the head of communications for Sydney Metro go to the Minister's office, then?

PETER REGAN: I suggested that that person may be appropriate.

The Hon. NATALIE WARD: All right. And that position was extended, as well?

PETER REGAN: That has been extended for a short further period while that recruitment process is undertaken. But my understanding is that that secondment will finish by the end of this year.

The Hon. NATALIE WARD: Is that an ordinary arrangement for a DLO role—for the head of comms to be in a DLO role?

PETER REGAN: We followed the process that is in place to be followed.

The Hon. NATALIE WARD: I'm not asking that, though, with respect.

PETER REGAN: No, I don't know what you mean.

The Hon. NATALIE WARD: Are you aware of that before?

CORRECTED

PETER REGAN: I don't know what you mean by "is it ordinary". It's the only—

The Hon. NATALIE WARD: Well, the head of communications being a DLO.

PETER REGAN: It's the only DLO that Sydney Metro has placed in with the Minister's office in my time at Sydney Metro.

The Hon. NATALIE WARD: That wasn't my question, with respect, but I'll move on. Mr Collins, can I ask you about your role? When did you become aware that Mr Murray was the successful candidate for the Secretary of Transport for NSW position?

HOWARD COLLINS: I think it was early morning. It might have been the thirteenth or fourteenth. I had a conversation with the Acting Secretary for Premier and Cabinet, Peter Duncan, the previous evening. He said, "I'll give you a call later." I assumed it was some form of communication regarding that matter. In fact, I didn't hear from him until first thing in the morning. He advised me that I wasn't the successful candidate. I said to him, "Look, it would be good if the team I was looking after, the executive team, if perhaps even 10 minutes before the public announcement, if you could let me know who that person was so I can share with the team." He said, "Yes, I think that would be possible." That's what happened, and he shared that information. Funny enough, he shared that information and before I actually got in the room—and some of my colleagues will remember this—it was on the public sort of email. It was almost a second or so after I entered the room that the information was out in the public.

The Hon. NATALIE WARD: That was the first time you were aware—I'm sorry to go over this, but it's necessary for this purpose. Personally, I thought you would have been very good, Mr Collins, but it is what it is.

HOWARD COLLINS: I have no worries discussing this whatsoever, as my colleague does as well.

The Hon. NATALIE WARD: So that was the first time you were aware you wouldn't be appointed?

HOWARD COLLINS: Yes. I'd applied for the role and—

The Hon. NATALIE WARD: Yes, that's alright. That's fine.

HOWARD COLLINS: —I knew. That was the first time.

The Hon. NATALIE WARD: What was your level of contact between the date of the announcement and the date of Mr Murray starting in the role?

HOWARD COLLINS: I do remember that I was given my colleague Josh Murray's phone number. I think I spoke to him probably one or two days after that, and we agreed prior to him starting that we'd get together and have a discussion.

The Hon. NATALIE WARD: So the week prior to him starting? What dates?

HOWARD COLLINS: I'd have to check what that was. It might have been before that.

The Hon. NATALIE WARD: Mr Murray, do you recall the dates?

JOSH MURRAY: Yes. I just checked the note. It was 13 July that the public announcement was made. Before the end of that week Mr Collins and I had had, I think, a phone call.

HOWARD COLLINS: Yes.

JOSH MURRAY: And then it was conveyed to me by Mr Collins that he suggested I joined a leadership briefing that was happening on the Wednesday or the Thursday of the following week—

HOWARD COLLINS: The eighteenth.

JOSH MURRAY: —I think it was the Wednesday—at Macquarie Park, where he would be hosting a large gathering. He suggested that I come along and then he and I could spend some time from that day talking about his experience as the acting secretary and in his previous roles so that we could start that process. And I did; I joined that session exactly a week after my announcement.

The Hon. NATALIE WARD: So the announcement was on the thirteenth and then you said—I thought you had said that you had worked together for a week prior.

HOWARD COLLINS: Mr Murray didn't start until 14 August.

JOSH MURRAY: Yes, a month afterwards.

HOWARD COLLINS: So between that first week that Mr Murray started, 14 August or thereabouts—

CORRECTED

The Hon. NATALIE WARD: You shared that week together.

HOWARD COLLINS: Basically, I didn't return to my role until the following week.

The Hon. NATALIE WARD: Did Mr Murray receive documents and briefing notes—Cabinet material—prior to that, in that week handover?

JOSH MURRAY: I can answer that. I received, after a couple of weeks—nothing for the first couple of weeks—

The Hon. NATALIE WARD: As would be appropriate. There is no spin on it.

JOSH MURRAY: Yes, absolutely. It was mostly phone calls for the first couple of weeks, or maybe a sandwich with various members of the team—obviously, more regular contact with Mr Collins than anyone else. Then towards the end of my notice period for my prior employer, I received a folder of high-level handover notes.

The Hon. NATALIE WARD: So it's four weeks—if I can be clear on this—between the announcement and you starting?

JOSH MURRAY: Yes.

The Hon. NATALIE WARD: And you worked together a week prior. Can I be clear on the dates of that week that you worked together?

HOWARD COLLINS: No. That was when Mr Murray started. On that first day of employment—

The Hon. NATALIE WARD: On 14 August?

HOWARD COLLINS: Yes—I actually—

The Hon. NATALIE WARD: A week prior to the date he started?

HOWARD COLLINS: No. The day he started—

The Hon. NATALIE WARD: Instead of me guessing and asking, why don't you tell me the dates of the week that you worked together?

HOWARD COLLINS: Okay. Mr Murray started, I believe, on the fourteenth.

The Hon. NATALIE WARD: So 7 August?

HOWARD COLLINS: Instead of returning to my role immediately, I thought it would be good if we had a week handover. So we sat together and—

The Hon. NATALIE WARD: So 7 August?

HOWARD COLLINS: No, on 14 August. That's when Mr Murray started—that week.

JOSH MURRAY: Started.

The Hon. NATALIE WARD: Sorry, I thought you had said the week prior. I want to be clear on this. There is no trick. He started on the fourteenth and for that week you worked together?

HOWARD COLLINS: Correct.

JOSH MURRAY: We went to the rail operations centre and we went to the traffic management centre, and we had a number of sit-down meetings.

The Hon. NATALIE WARD: I'm sure you did. There's a lot to take in.

JOSH MURRAY: In the time—

The Hon. NATALIE WARD: I'm sorry, I have limited time.

JOSH MURRAY: I would just like to finish it. In the weeks before, we had a couple of meetings and a number of phone calls. Then I came into the office on the Friday before I started on the Monday.

The Hon. NATALIE WARD: What date?

JOSH MURRAY: The twelfth.

The Hon. NATALIE WARD: So the twelfth was a Friday and you started on Monday the fourteenth?

JOSH MURRAY: Correct.

CORRECTED

The Hon. NATALIE WARD: And the week prior to that—there's no innuendo; I'm just trying to be clear on the dates and the handover—

JOSH MURRAY: It's no problem.

HOWARD COLLINS: I'll get my diary out.

The Hon. NATALIE WARD: —you received documents in that week—

JOSH MURRAY: I believe it was that week. That's right.

The Hon. NATALIE WARD: —prior to the twelfth?

JOSH MURRAY: Correct.

The Hon. NATALIE WARD: So the seventh onwards?

JOSH MURRAY: During that week.

The Hon. NATALIE WARD: Mr Collins, who told you that you were being appointed to the coordinator general role?

HOWARD COLLINS: I believe the formal appointment was made by Mr Murray on the first few days—if I remember rightly—of him starting work.

The Hon. NATALIE WARD: Yes, but that's not what I asked. I said who told you that you were getting appointed to the coordinator general role?

HOWARD COLLINS: Who told me? I think I was told formally by the secretary.

The Hon. NATALIE WARD: I don't want you to think. I want you to be very clear, because you're under oath, Mr Collins.

HOWARD COLLINS: Yes, absolutely.

The Hon. NATALIE WARD: Who told you that you were going to be appointed to the coordinator general role?

HOWARD COLLINS: Mr Murray told me that I was going to be appointed to this, what is an extension to my current role as chief operating officer. I still hold the majority of those responsibilities, and these were additional functions.

The Hon. NATALIE WARD: So there were no other conversations prior?

HOWARD COLLINS: It's not an appointment.

The Hon. NATALIE WARD: But in relation to the role, there were no other conversations prior to your conversation with Mr Murray telling you that you would be appointed or would somehow have this coordinator role?

HOWARD COLLINS: I was asked to look at the options of extending what I do at the moment in the chief operating officer's role, and I had various conversations with a number of people—the chief people officer, people in the Minister's office, Scott Gartrell—about the possibility of that role. But I was officially told that I was doing the coordinator general's role by Mr Murray.

The Hon. NATALIE WARD: Sure, but my question wasn't who officially told you. It was when did you first find out? Can I take you back to that? When did you first find out, and from whom, that you would be getting this role?

HOWARD COLLINS: I don't think it was finding out about the role. The chief operating officer role that I was doing—there were a number of conversations prior to Mr Murray starting about extending the role—

The Hon. NATALIE WARD: Who with?

HOWARD COLLINS: With Mr Gartrell. I think I can remember one meeting directly with the Minister.

The Hon. NATALIE WARD: And Minister Haylen?

HOWARD COLLINS: There was also a discussion with the chief people officer about extending my roles and responsibilities.

The Hon. NATALIE WARD: So you spoke to Minister Haylen about this potential extension?

CORRECTED

HOWARD COLLINS: Yes, though at the time I think the name "coordinator general" didn't exist. I think they were talking about extending my role as the chief operating officer.

The Hon. NATALIE WARD: So you spoke to Minister Haylen about the extension of your role and the creation of—let's call it a new role, because there wasn't an existing role.

HOWARD COLLINS: There were some discussions about retaining my skills in my current role, of which I've had a little bit of experience in the operational world.

The Hon. NATALIE WARD: You certainly have.

HOWARD COLLINS: Therefore, people were keen to ensure that I continued. I was very keen to continue.

The Hon. NATALIE WARD: Great.

HOWARD COLLINS: I was very keen to work with Mr Murray, so that was very useful. Truthfully, that's as far as I can remember it.

The Hon. NATALIE WARD: And at that time you were acting secretary?

HOWARD COLLINS: I know I had limited life as an acting secretary, because that discussion was after the fact that I was advised that I hadn't got the role.

The Hon. NATALIE WARD: Yes, but at the time—the question is not a trick question; it's very simple—

HOWARD COLLINS: Yes, I was still acting secretary.

The Hon. NATALIE WARD: —you were acting secretary. You had a conversation with the Minister. There will be this new role. It's not an existing role; there will be this new role.

HOWARD COLLINS: Extension of my current role, yes.

The Hon. NATALIE WARD: Extension, appointment. So she spoke to you about a role—extension—in the public service. Is that correct?

HOWARD COLLINS: Yes, extending my current role in the public service.

The Hon. NATALIE WARD: There wasn't an existing role of coordinator general. We'll call it that.

HOWARD COLLINS: Yes, although if you look at it and you see what I do every day, I think 90 per cent of it is what I did previously, which is looking after bus, light rail, ferries and coordination of events. Obviously, that's what I've been doing.

The Hon. NATALIE WARD: But it's accurate to say, isn't it, Mr Collins, that there wasn't previously to that a role known as the coordinator general role? That's correct, isn't it?

HOWARD COLLINS: That's not accurate, actually.

JOSH MURRAY: There was.

HOWARD COLLINS: There was some time ago.

JOSH MURRAY: Ms Ward, if I could just—

The Hon. NATALIE WARD: Sorry, not an existing one at the moment but maybe in history.

JOSH MURRAY: Ms Ward, when I last worked in the transport portfolio there was a coordinator general, which was Ron Christie.

The Hon. NATALIE WARD: Some decade ago, though.

JOSH MURRAY: About 20 years ago.

HOWARD COLLINS: And I think Marg Prendergast.

The Hon. NATALIE WARD: So prior to you being in this role, in the last decade there hasn't been a coordinator general. For all intents and purposes it's a new role.

HOWARD COLLINS: Not true. There was, I think, when I first joined Transport from being the chief executive of—

CORRECTED

The Hon. NATALIE WARD: Thank you, Howard. I'm just talking about the existing roles. I'm not talking about—

HOWARD COLLINS: There was a coordinator general, and that was Marg Prendergast.

The Hon. NATALIE WARD: So back in time there was such a role.

HOWARD COLLINS: Yes,

The Hon. NATALIE WARD: But in the last five years, 10 years, there hasn't been such a role.

JOSH MURRAY: Marg Prendergast was in—

HOWARD COLLINS: Three years.

The Hon. NATALIE WARD: Did that come with a pay rise? I won't ask what it is.

HOWARD COLLINS: No. No pay rise.

The Hon. NATALIE WARD: No pay rise?

HOWARD COLLINS: No pay rise for acting secretary.

The Hon. NATALIE WARD: Shame. There should be points of order now. Mr Murray, at what time did you approve the role? On your first day in the role? When did you approve the role?

JOSH MURRAY: Yes, I did, although it's something that Howard and I had discussed in those weeks prior. As I mentioned, the reason I mentioned the Ron Christie element is when I was considering this role and when I was going through the process, that was one of the elements that I looked back on. It was structures in the transport portfolio in the past. One of the elements that I certainly spoke to the interviewers and the Minister about was my view that we needed to base changes around integration of services. At the same time, you had—I think it's Business Sydney calling for—

The Hon. NATALIE WARD: Thank you. I might move on. I'm sorry; I only have four minutes, Mr Murray. I'm interested in the history of it, but I will move on.

JOSH MURRAY: I appreciate that. There were other calls for a coordinator general. I had looked at that. It was the first—

The Hon. NATALIE WARD: Perhaps you might provide that on notice.

JOSH MURRAY: Provide what, sorry?

The Hon. NATALIE WARD: Sorry, you're clear about the date? So it was your very first day?

JOSH MURRAY: Yes.

The Hon. NATALIE WARD: Thank you. Mr Collins, when did you receive the Bus Industry Taskforce interim report?

HOWARD COLLINS: I would have to take that on notice, but, as you know, very shortly after the taskforce produced their findings, I was asked to chair the weekly meeting which reviews the progress of those findings. I could give you the date of when I received the report.

The Hon. NATALIE WARD: Will you take that on notice?

HOWARD COLLINS: Yes, definitely.

The Hon. NATALIE WARD: Sorry, I'm just in a rush and don't have much time. Did you read that report?

HOWARD COLLINS: I have, yes, and looked at the recommendations, and certainly a part of those—

The Hon. NATALIE WARD: At the time you were acting secretary, when you received that?

HOWARD COLLINS: I will need to validate that, but certainly I was aware that—

The Hon. NATALIE WARD: So you will come back to us with the date you received it and your role at the time—potentially as acting secretary, potentially not.

HOWARD COLLINS: Yes.

The Hon. NATALIE WARD: Mr Murray, when did you first see the report?

CORRECTED

JOSH MURRAY: I'm not sure when I saw the report, but I was aware in the discussions with Mr Collins that the announcement would be coming on my first day—also on my first day in the job.

The Hon. NATALIE WARD: Could you take on notice when you first saw the report?

JOSH MURRAY: I'll attempt to find out when I first saw it, yes.

The Hon. NATALIE WARD: Sorry, will you take it on notice and provide the Committee with the date on which you first saw the report?

JOSH MURRAY: Yes, of course.

The Hon. NATALIE WARD: Thank you. What was the announcement?

JOSH MURRAY: On the day that I was starting at the office for the first time, I knew that the Minister and the head of the taskforce were doing a press conference at Leichhardt Bus Depot to unveil the Government's acceptance of the first recommendations.

The Hon. NATALIE WARD: Of the report?

JOSH MURRAY: Of the bus taskforce's first report.

The Hon. NATALIE WARD: Did Mr Howard tell you that that would occur?

JOSH MURRAY: Mr Collins did tell me.

The Hon. NATALIE WARD: Sorry, Mr Collins; my apologies.

JOSH MURRAY: But I believe it was the office staff in the office of the secretary who let me know that a number of people would be tied up on Monday when I was starting because there was this major announcement occurring.

The Hon. NATALIE WARD: I might move to metro. Mr Murray, isn't it true that during the process that led to your appointment you claimed that you had landed the Sydney Metro concept? That's correct, isn't it?

JOSH MURRAY: No, it's not correct.

The Hon. NATALIE WARD: You didn't say that you had landed Sydney Metro?

JOSH MURRAY: I have never said that I had landed the metro or anything similar to that.

The Hon. NATALIE WARD: Are you sure about that?

JOSH MURRAY: I'm aware of the reference. It was made by the recruiter in the other inquiry, and it was a form of words that she used. It was not any words I have ever used.

The Hon. NATALIE WARD: Did you seek to correct that?

JOSH MURRAY: No.

The Hon. NATALIE WARD: You didn't seek to disavow anyone of that wrong understanding?

JOSH MURRAY: No, I didn't see that as my responsibility.

The Hon. NATALIE WARD: Well, they have accorded you with a qualification that you didn't have, and you didn't seek to correct the record to say that you hadn't landed Sydney Metro?

JOSH MURRAY: No, my—

The Hon. NATALIE WARD: You just thought you'd let that go through to the keeper and they could be under that misunderstanding?

JOSH MURRAY: Ms Ward, my understanding of how that word came about was under questioning from Mr Tudehope to the recruiter—I could be wrong, but that was how I was advised of it—and that she had made that comment, which then was discussed in the Committee. It is not anything that I have ever said or written down. I did make reference in my background material to the fact I had been working in the former Government on the original metro ideation.

The Hon. NATALIE WARD: Yes, it's in your documents, Mr Murray. It's in your interview documents, which were produced to the Legislative Council.

JOSH MURRAY: I have never said that I landed the metro, because that just is not correct.

The Hon. NATALIE WARD: But you didn't tell anyone that wasn't correct, did you?

CORRECTED

The Hon. Dr SARAH KAINE: Chair—

The CHAIR: Sorry, what was that?

The Hon. Dr SARAH KAINE: I was just going to say—

The CHAIR: If it's not a point of order, we will just continue.

The Hon. Dr SARAH KAINE: It would have been a point of order, but it seems to have lapsed.

The CHAIR: Yes, the time has lapsed. We will see if you need to make the point again, but now it's crossbench time.

The Hon. Dr SARAH KAINE: I will, yes. I will avail myself of that opportunity later.

The CHAIR: Mr Regan, just some more questions on Sydney Metro, if I may. The position of "director interface and project delivery"—does that make sense to you?

PETER REGAN: I think so.

The CHAIR: That's a position, is it, "director interface"?

PETER REGAN: There is an interface management team; that's correct.

The CHAIR: So the role description "director interface", who's in that position within Sydney Metro?

PETER REGAN: I'm not sure at the moment. I will have to take that on notice.

The CHAIR: I think it's—this is one of the PSCs. I think it's James Hayward in this position; is that correct?

PETER REGAN: Can I come back on that? I'm not sure that is the case. I just want to check that.

The CHAIR: Okay. If you're able to come back, because I can't keep going on any of those questions until you do get back to me. If you can get back to me this afternoon, that would be appreciated.

PETER REGAN: Will do.

The CHAIR: I wanted to turn to a position that is called "senior project manager third-party agreements" for Western Sydney airport. Are you aware of these positions and contracts for that?

PETER REGAN: No, not the specifics.

The CHAIR: Are you aware of what a Sydney Metro/Western Sydney airport senior project manager would do in terms of third-party agreements?

PETER REGAN: Broadly, yes.

The CHAIR: There is a contract that, I understand, has been extended recently. There are three people that were awarded these positions—so three separate people. This is somebody from Bellgrove Advisory, one of those companies that I referred to earlier. The director of Bellgrove Advisory, of course, is Barry McGrattan. One of the people was employed—and their contract has just been extended—for \$250 an hour, \$2,000 a day, \$502,000 for 250 days. A second person was employed at \$295 an hour, \$2,360 a day, \$592,360 a year. The third person was employed—I think the same jobs, but \$315 an hour, \$2,520 per day and \$642,600. What type of probity would be undertaken for this contract here for hiring these three people?

PETER REGAN: All of the contractors that are hired, companies that supply services to us—the process is that there is a process for selection of either through an open tender or a select tender process for those people to be hired. To be very clear, contractors themselves and the companies that supply them do not have a role in the selection of or the ability to give work to their own companies. I know that allegation has been made, and it's an allegation we take very seriously, but that is not the case. Contractors to Sydney Metro do not appoint other contractors.

The CHAIR: So contractors broadly don't appoint other contractors?

PETER REGAN: That's correct. When we hire professional service contractors, we're hiring a company to provide a service, and that service often includes the provision of staff from that company. They are employed by that company; they are not employed by us. Those people do not have the ability to award contracts to those companies or to any other companies. All decisions around awarding contracts are made by employees.

The CHAIR: I understand in terms of probity for something like these three people I just mentioned, the contractors, that there's no—it says on the procurement plan for this that a probity adviser is not required; the

CORRECTED

recommended threshold is \$15 million, in terms of probity. It does say, "Where the total value of the procurement is less than 15 million, engagement of a probity adviser may be considered where one or more of the following conditions apply." Then number (c) is "To avoid a perception of bias or favouritism". I just want to kind of push that a little bit.

PETER REGAN: Yes, sure.

The CHAIR: When you have a company like Bellgrove Advisory, plus others, applying where there are senior managers in place, surely that must be managed to avoid a perception of bias or favouritism.

PETER REGAN: Yes.

The CHAIR: Why aren't probity advisers involved in this?

PETER REGAN: Absolutely, and I totally agree with you. The reference to probity advisers is in relation to the use of external probity advisers—specialist probity advice firms—who tend to deal on larger transactions. You asked earlier today around the fraud and corruption prevention team that we have. We also have a probity and integrity team. We have insourced some of the functions that historically were outsourced to probity advisers so that we have an internal capability to provide probity advice. We also have systems set up to ensure separation of the people making decisions around appointments, of contractors and companies to provide advice, from the people who are the ones who are requesting the work. I will also answer that the three individuals you mentioned before, they are no longer working with Sydney Metro—the contracts you mentioned before, the interface managers. That information is historic, but they are no longer in those roles.

The CHAIR: So those contracts have not been extended?

PETER REGAN: The contracts have either not been extended or alternative resources have been provided by those companies. I could come back and confirm that on notice but, just to be clear, that information is historic.

The CHAIR: I will come back to that because I think I also have information that it's been extended. I wanted to ask about the changes that have been made. I note that, again, in the call for papers to the upper House you sent an email to Sydney Metro staff on 11 September after the media, I think, to reassure them of your professionalism and everything else—I think you've said in the email. What changes were made to the schedule of delegations? What changes specifically were made after those allegations?

PETER REGAN: To make sure you've got the proper context, I also was very concerned at the allegations that were being made and wanted to ensure that we made a very strong statement that those kinds of allegations that were being made were very, very serious, indeed. As it turns out, those particular allegations have been investigated and subject to investigation and found to be unsubstantiated. We have provided the details of that investigation to the Independent Commission Against Corruption, who I understand have not taken any further action. To set the record on that one, we have not been able to substantiate the allegations that were made, and clearly we have asked that if anyone does have any further information to support that then we would really appreciate knowing that. Because we think it's very, very serious, what was alleged, and we haven't seen any evidence that it is actually substantiated.

The CHAIR: That was a while ago. Just to be clear, when you are saying there's no evidence, that's in relation to an earlier investigation. Is that correct?

PETER REGAN: That related to the same allegations. But if there is more information more recently, I haven't seen it but I would certainly like to, if there is evidence.

The CHAIR: Are you suggesting that, when you're saying "relates to an earlier investigation", it's the same allegations, that there's no current investigation taking place?

PETER REGAN: The allegations in relation to professional service contractors awarding contracts to their own companies is what I'm referring to, yes.

The CHAIR: Just to be clear, in terms of the changes, it says here around who needs to endorse what.

PETER REGAN: Yes.

The CHAIR: You've got "endorsement by ED, people and culture, and the CFCO"—the chief financial control officer, I think. Is that it?

PETER REGAN: The chief financial and commercial officer.

The CHAIR: Commercial officer.

CORRECTED

PETER REGAN: Correct.

The CHAIR: "For values up to 250" and then you're included in that if it's over 250. What was it before?

PETER REGAN: There are two separate things here. There are the existing financial delegations that remain in place, so where individual members at different levels in the organisation have different approval rights. This is an overlay. We did not change the existing arrangements. We added an additional set of approvals that are required. In order to be able to exercise that financial delegation, you have to first have approval from this new approval step. That is to create a further separation between BAU and then to bring it to the CFCO and the chief people officer and myself for larger contracts, for any variation or for any new contract. That's done deliberately—without changing the underlying delegation, which is the way that the intel system works—but to create an additional requirement with additional meetings where people have to submit their requests and their justifications. It's to provide an extra crosscheck and an extra certainty, particularly while we go through the review process that we're going through.

We were quite clearly concerned by the allegations that were being made and wanted to make sure that not only did we test that everything was in place appropriately and that our systems were working—that actually we went through and did a proper review to look at those individual allegations. We have not been able to substantiate those allegations but, certainly, if there is more information available we always encourage our employees or anyone else to provide it to us. But we have been unable to substantiate those allegations.

The Hon. NATALIE WARD: Chair, I can announce that the Melbourne Cup winner was Without A Fight.

The CHAIR: I've been holding on so tightly for that information.

The Hon. NATALIE WARD: All over. I know; I'm sure—just breaking news.

The Hon. MARK BANASIAK: We return to our regular programming. Mr Murray, who within Maritime would be responsible for the day-to-day running of the management of the Waterways Fund or the Boating Now fund?

JOSH MURRAY: The executive director of Maritime is Mark Hutchings.

The Hon. MARK BANASIAK: Is he still in that role?

JOSH MURRAY: Yes, he is.

The Hon. MARK BANASIAK: Was he recently promoted into that role?

JOSH MURRAY: No, he's been in that role for some time. He has recently shuffled his team around as development opportunities, but he is the executive director.

The Hon. MARK BANASIAK: We heard some pretty startling news before the lunchbreak that that fund, which should have accrued at least \$300 million—possibly closer to \$440 million—has been mismanaged to the point where it has a deficit of \$17 million by 2025. That is the Minister's evidence. My question is what level of oversight was Mark Hutchings applying to the management of those funds to the point where it got itself into that position?

JOSH MURRAY: As we've said, we'll take the exact treatment of those funds and the progress of that account on notice.

The Hon. MARK BANASIAK: Are you questioning the Minister's answer? She seemed pretty confident. She even outlined some examples of maladministration or misallocation of funds from that fund. She seemed pretty confident in her critique of it.

JOSH MURRAY: That would have to be a question for the Minister. I'm not aware of the ins and outs of that fund over that recent period. Ms Hoang, did you have further information on that regard?

BRENDA HOANG: Perhaps I can provide some clarification there. I think the Minister was talking about the Boating Now program and not necessarily the Waterways Fund. To the best of my knowledge, the Waterways Fund is not in deficit.

The Hon. MARK BANASIAK: But the money that's accrued for the Boating Now program comes from boating registration fees. I put to the Minister that every year that should accrue around \$55 million, and that goes into the Waterways Fund. What's the current financial position of the Waterways Fund?

BRENDA HOANG: Did you want year by year or just this financial year?

CORRECTED

The Hon. MARK BANASIAK: Let's start with this year and then I'll see if my concerns are satisfactorily allayed.

BRENDA HOANG: For the current financial year, we are forecasting a surplus of \$348.3 million in the Waterways Fund, \$192 million in FY 24 and I can continue on. At this point in time, the closing balance for the foreseeable future is not in deficit.

The Hon. MARK BANASIAK: So when the Minister was talking about a deficit of \$17 million, she was talking about the Boating Now—

BRENDA HOANG: Program, not the Waterways Fund in general. There are a number of funding sources that go into the Waterways Fund.

The Hon. MARK BANASIAK: My understanding is there is only one source that goes into the Boating Now program, which is the registration or licence fees for boats, which should accrue \$55 million a year, which would put us up around that \$300 million to \$440 million. So my question remains, how has that been whittled down to have a deficit of 17 million?

JOSH MURRAY: Perhaps Mr Collins could come in on some of this detail.

HOWARD COLLINS: Yes. Forecasts for next four-year revenue breakdown—boating fees actually only account for 47 per cent of the revenue income; 4 per cent comes from the Queenslanders paying for the sand bypass recovery; mooring lease is 8 per cent; channel fee is 8 per cent.

The Hon. MARK BANASIAK: What is the total figure per annum on average?

HOWARD COLLINS: It's around about 100-and-something million a year. I think for the forecast 2024 to 2027 is 561, that's the forecast. I share with you what I think—

The Hon. MARK BANASIAK: How much of that goes into the Boating Now program?

HOWARD COLLINS: We start off with an opening balance, I think, for year 2023 of \$400 million. So that's a surplus—\$413 million. Revenue for year 2023 was \$123 million, expenditure was almost \$200 million—\$194 million—obviously a lot of maintenance activities and new wharves and all sorts of stuff. The closing balance, as my colleague has indicated, is \$348.3 million.

The Hon. MARK BANASIAK: Are you talking about the Waterways Fund or the Boating Now?

HOWARD COLLINS: This is the Waterways Fund. This is what the Maritime hypothecated fund does. All the income, including boating fees, which is about 47 per cent, comes in to Mark Hutchings and the Maritime team and they use that fund for funding obviously a lot of activity when it comes to expenditure, whether that's maritime activities or even other activities. But the closing balance this year was \$348 million.

The Hon. MARK BANASIAK: But I'm specifically looking at the Boating Now component. I want to know how that's been whittled down to being \$17 million in debt by 2025?

HOWARD COLLINS: Let's double-check that figure for the Boating Now fund. We'll take that on notice and give you an accurate figure of what has been spent on those various activities. I don't believe, unless Ms Mares is able to tell me from the days of her being responsible, that the fourth round has been budgeted so far this year.

TRUDI MARES: Thank you, Mr Collins. I think we'll need to clarify the Minister's comments because the data I have on Boating Now is that of the \$98 million allocated, 84.2 has been spent up to the end of last financial year through rounds one, two and three. One and two are closed. Three—there's outstanding projects that are in construction, but not complete, and as you know, round four has not been allocated. So 86 per cent of the \$98 million has been spent for Boating Now.

The Hon. MARK BANASIAK: So just on that, particularly round four, on 24 July 2020, a media release was circulated announcing \$28 million being allocated for that round for the Boating Now program. Then in December 2020 Andrew Constance, when he was the Minister, also announced that same \$28 million for upgrading the boating facilities for round four. Then on 16 December 2021, Rob Stokes made that same announcement, and then 2 August 2022, Minister Elliott also made that announcement for \$28 million. You have essentially three Ministers making the same announcement from July 2020 to August 2022 for that round, and you still haven't allocated funds for that round. Mr Collins, I come back to my comments about you not getting this money out quick enough. Would you agree that that's absurd, that you have three Ministers making the same announcement? You might not be able to comment on that absurdity.

HOWARD COLLINS: No, definitely.

CORRECTED

The Hon. MARK BANASIAK: Do you think it's absurd that you had this money allocated, \$28 million, since 2020, people have applied for it and they still haven't received it?

HOWARD COLLINS: What I comment on that is what I see. I've been all the way down to Eden, I've been all the way up to Tweed and I've seen immense wharves which were neglected for years, facilities which were left for years.

The Hon. MARK BANASIAK: I put to you that there's still—

HOWARD COLLINS: Funding has—Coffs Harbour, Tweed Heads, Eden.

The Hon. MARK BANASIAK: Coffs Harbour's another one we will get to because it's managed by Transport.

HOWARD COLLINS: Even where I live in the shire, fantastic opportunities.

The Hon. MARK BANASIAK: Eurobodalla Council is one of the councils that is whinging to people that they can't get this money quick enough. You talk about Eden. That council is screaming out for the money that they applied for, three years ago. How is that a satisfactory delivery of service?

HOWARD COLLINS: If you look at the number of projects, there are hundreds of individual projects either in progress now or have been completed. The MIDO team has been flat out on making sure that we can recover and bring back to—you and I share the same passion, to ensure that these waterways—

The Hon. MARK BANASIAK: How many are in the MIDO team?

HOWARD COLLINS: I've got a total number for you, by the way, of 287.4, I think it is, people are in the Maritime team. There's another 14.74, or something around about that, of people who actually sit in Ms Webb's area under boating safety. Again, I can probably give the breakdown of the MIDO team, but it is a fairly small team, and they have been delivering—

The Hon. MARK BANASIAK: No wonder they have to work so hard.

HOWARD COLLINS: They do work pretty hard. I was out with the former leader of that team on Friday examining the work they've been doing.

The Hon. MARK BANASIAK: No wonder we're four years behind in delivery.

HOWARD COLLINS: There's probably about 50 years of catching up.

The Hon. MARK BANASIAK: That's comforting.

The Hon. NATALIE WARD: Ms Carroll, more questions to you, if I may. Can I just ask how many requests for staff across the whole of Transport are to come into the ministerial office or in senior roles in the department were made?

SUSAN CARROLL: There were four requests made for departmental liaison officers.

The Hon. NATALIE WARD: Any other requests for people to carry out senior roles in Transport?

SUSAN CARROLL: The only other one that I'm aware of is with respect to the transition office. There were two requests made in that respect.

The Hon. NATALIE WARD: For two separate, specific people?

SUSAN CARROLL: The first person we were not—the details of that identity were not shared with us. The second was the executive director within Transport.

The Hon. NATALIE WARD: When you say the identity wasn't shared with you, how did they indicate? Was it the role?

SUSAN CARROLL: The Minister's chief of staff raised with the former secretary a request for the transition office to be created and a role to head up the transition office and was advised that he would be providing the former secretary with a name for that role.

The Hon. NATALIE WARD: So create this role—"Can you please create this role in Transport, and I'll let you know who I want to head it up." Is that a fair summary?

SUSAN CARROLL: Yes.

The Hon. NATALIE WARD: Were they employment positions or moving positions? Was somebody being transferred or would they employ this person there?

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SUSAN CARROLL: We didn't get into the details of that. The former secretary raised the legal concerns and that matter didn't go any further. With respect to the executive director, it was transferring the executive director into that role.

The Hon. NATALIE WARD: The four requests for DLOs—were they carried out?

SUSAN CARROLL: Yes, they were.

The Hon. NATALIE WARD: All four of those.

SUSAN CARROLL: Yes, they were.

The Hon. NATALIE WARD: Okay, into the min office. I think that's my time, thank you.

The Hon. MARK BANASIAK: I know you've tried to take it on notice, Mr Collins, how many people are within MIDO. I put it to you when people from the amateur fishing association were liaising with MIDO, they actually asked the then manager of the Boating Now program how many personnel reported to him and the manager's answer was, "None." Can you explain if MIDO is a very small team—I accept it's a very small team—how does a manager have no-one reporting to him?

HOWARD COLLINS: Maybe I can clarify that. There was a manager responsible for boating now. MIDO is the Maritime infrastructure office which delivers a lot of those infrastructure projects. I will, before I leave today, provide to you the number of people who are currently in MIDO and Nicole Watts has taken up that responsibility in the last week or so. As Mr Murray suggested, we've had a change of personnel and there are a number of people in that team, and I will find that number for you and provide it for you.

The Hon. MARK BANASIAK: That would be good. Obviously, there's been talk of an audit or a review of that program. Can you on notice come back to us with how many councils have actually responded to that review? The correspondence that I've had with several councils, they didn't indicate they even knew about it. So I'd be interested to know how many have actually received that call for review, and how many have actually responded.

HOWARD COLLINS: Certainly. I think I said earlier, following your concerns about the time scale, that I would certainly look at that and provide information about how long those requests had taken and processed. I'll certainly do that. Again, as I said, outside of these meetings, obviously we can understand and work with you on any other concerns you have regarding the use and applications of the local councils.

The Hon. MARK BANASIAK: Thank you, and we've successfully talked ourselves to 3.30 p.m.

The CHAIR: Yes, we have. We'll break now for afternoon tea.

(Short adjournment)

The CHAIR: Welcome back to our final afternoon hearing. I believe it's questions from the Opposition.

The Hon. NATALIE WARD: Mr Murray, are you aware of the Government's commitment regarding reducing, by 15 per cent, senior executives in the public service?

JOSH MURRAY: Yes, I am.

The Hon. NATALIE WARD: How many people are there in senior executive roles in Transport for NSW?

JOSH MURRAY: We are currently doing the assessment with central agencies at the moment as to the targets around those. The original assessment that was done related to 2022 figures, so there is a whole-of-government effort to look at what the mid-2023 benchmark was across government and then assess what that whole-of-sector target will be.

The Hon. NATALIE WARD: Presently, how many senior executive roles are there? How many people are in senior executive roles as at now?

JOSH MURRAY: There are 1,300 in senior executive. There's another 2,100 in senior management.

The Hon. NATALIE WARD: What specific steps have you taken since coming to your role, and what criteria will you use to make this commitment?

JOSH MURRAY: We've been obviously looking—as I've mentioned in sessions before—at the operating model of Transport. That's a piece of work that's been going for some time. We believe that unlocking the structures will help achieve greater efficiencies. There was a longstanding reform process that was taken in

CORRECTED

Transport, and we are just ensuring that the efficiency of that matches the operations of today. That's the key piece of work at the moment. That isn't yet ready to be launched in the organisation. But getting that structure right, and the operating model of how the hand-offs go between operations and support functions, will enable us to effect some efficiencies, through the organisation, towards the Government's target.

The Hon. NATALIE WARD: That doesn't really address the specific steps or criteria. When do you hope to achieve the reduction in staff head count?

JOSH MURRAY: The Government's target is by, I believe, the end of financial year 2025. That is something that's under consideration across the Executive. We're doing work on that operating model concurrently.

The Hon. NATALIE WARD: Concurrently with what?

JOSH MURRAY: We've been doing it over the last few weeks. Concurrently with this inquiry and these discussions this week.

The Hon. NATALIE WARD: Will it involve redundancies?

JOSH MURRAY: The Government has a policy which is mobility first, and the consideration of how best senior public servants can be redeployed across agencies. That will take into account, obviously, attrition and other departures into different roles. For example, I can advise that since June this year, 46 executives—their number has been reduced by 46 in the executive ranks, 19 in the senior manager ranks and about 400 in the overall ranks of the organisation.

The Hon. NATALIE WARD: But you'd accept, wouldn't you, that redeployment doesn't reduce staff head count, does it?

JOSH MURRAY: As I said, that's the first priority of the Government. That is the policy that was taken to the election, has been confirmed throughout the sector and that's what we'll be working towards to make sure that we can get the most benefit from skills that may not be able to be housed in their current agencies.

The Hon. NATALIE WARD: Do you intend to keep your 13 direct reports?

JOSH MURRAY: That's a discussion that's part of the operating model. We are looking for efficiencies across the entire structure.

The Hon. NATALIE WARD: On my understanding, you'd need to fire two deputy secretaries—but a matter for you. It's an operational matter, I suppose. What steps will you take to identify who those individuals will be?

JOSH MURRAY: I understand both sides of politics went to the last election with similar commitments around reducing some of the weight of the senior public service. They are the commitments of the day and we will find our way through to enable those during the time frame.

The Hon. NATALIE WARD: I'm not asking about election commitments. With respect, I'm asking about your role as secretary. I'm asking about what steps you are taking. I understand there are reviews underway and all those high-level things, but I'd like to understand what steps you will take to identify or put in place criteria for those roles.

JOSH MURRAY: There are a range of processes within the public sector employment that affect a number of the people in the top ranks of the organisation. That is different from person to person and it also relates on the roles that they're doing at the moment. That's why I can't give you an exact definition of how we will be taking that forward, but we are starting with the organisational design principles and we are flowing that through to the size and scope of the Transport for NSW we will need going forward. Already a number of changes, Ms Ward, as you know, have been made, which include the coordinator general and the CEO of Sydney Trains both being put around as members of the executive.

The Hon. NATALIE WARD: But, again, that's not reducing staff headcount, is it?

JOSH MURRAY: No, but it unlocks the structure for us to be able to do more with other functions.

The Hon. NATALIE WARD: The last Transport for NSW annual report—some of us do read it—had 111 executive directors listed. In relation to the 16 public servants you would need to sack to make the Premier's promise, what steps have you taken? When do you plan to implement them?

JOSH MURRAY: This is all part of the same process. We are starting with the organisational design. That work is progressing. I had a very good session with members of the executive last Friday, where we talked about some of the principles that need to be embodied in that change.

CORRECTED

The Hon. NATALIE WARD: So we're talking principles and high level. Mr Murray, as you're probably aware, external reviews by the Minister had provided recommendations that new individuals report directly to the secretary.

JOSH MURRAY: Correct.

The Hon. NATALIE WARD: Can we take from that that they are safe from the reduction in headcount?

JOSH MURRAY: The structure will be administered as per the recommendations that have already been accepted. If you're talking about the Sydney Trains CEO and the coordinator general roles, they are members of the executive for the structure going forward, that's correct.

The Hon. NATALIE WARD: So it wouldn't make sense to reduce headcount in the Minister's own reviews when they've said they need to promote those people, would it?

JOSH MURRAY: That's correct. Those roles are critical to the operating model going forward.

The Hon. NATALIE WARD: In relation to the budget, Ms Hoang—thank you for coming today. Employee-related expenses are increasing by \$200 million this year compared to last year. Why is that?

BRENDA HOANG: Without knowing the specifics, I'd like to take that on notice if that's okay. What I would say generally—as you can appreciate, we've had a number of flood-related items in the last financial year. That's caused some increase in additional labour-related costs. In addition, we also have capital projects as well. That will very much be dependent on the capital projects' needs at any point in time. But I'm happy to take that on notice and come back to you on the specifics of what's driving that.

The Hon. NATALIE WARD: If you could take that on notice, that would be helpful. If you could perhaps also take on notice—do the forwards expect a year-on-year 15 per cent increase on employee expenses by Transport for NSW? That would be helpful, thank you. Can I turn to the Opal card—whoever is responsible for the Opal card.

JOSH MURRAY: Yes, I can take that, Ms Ward.

The Hon. NATALIE WARD: Thank you, Mr Murray. Do you have one?

JOSH MURRAY: I do.

The Hon. NATALIE WARD: Great. The 2022-23 budget—before your time, I accept. But I'll get to how this is relevant to you. The former Government invested \$568 million over three years on the Opal Next Gen ticketing system. Can you confirm if the full amount of funding is still in the budget this year?

JOSH MURRAY: Yes, it is. We still have that put aside for Opal Next Gen. We are going through processes at the moment to identify the next steps for the program. It has been through a number of internal reviews and some of that work is continuing with the hope that early in 2024 we could be back in the market for the next stage of procurement.

The Hon. NATALIE WARD: So it's still in the budget. You're reviewing it or have reviewed it, but it's still in the budget and you intend to spend it?

JOSH MURRAY: That's right. We're ensuring that that is the correct assessment for that major project. It obviously has a long piece still to go in terms of its design parameters. It has been out for the initial market testing, which has helped us firm up the next path forward, and we would then hope to firm that up further internally and be back in the market early next year.

The Hon. NATALIE WARD: Has the funding been pushed back? Is that correct?

JOSH MURRAY: No, it hasn't. That's still the same assessment of funding.

The Hon. NATALIE WARD: When do you expect to have the procurement complete for the new Opal ticketing system?

JOSH MURRAY: What we have is the current supplier, which was on a long-term contract, and it has two two-year extensions available to it. We anticipate using the first two-year extension to enable the detailed design and deployment, which would have us with a viable product in 2026—that is my understanding.

The Hon. NATALIE WARD: It's not a trick question. That's a short turnaround time, isn't it, for a new ticketing system?

JOSH MURRAY: It is and we'll be relying on the significant impacts of the internal team that we have of expertise but also our market partners.

CORRECTED

The Hon. NATALIE WARD: The contract runs out in less than 12 months. So it's a short turnaround time to procure it, test it, roll it out, implement it.

JOSH MURRAY: That's why we'd be using that first two-year extension: to give us that extra time.

The Hon. NATALIE WARD: Keep the existing team in place.

JOSH MURRAY: We will need that first one, yes.

The Hon. NATALIE WARD: When will that go out to tender—the next part?

JOSH MURRAY: We'll be back in the market for the next part early in 2024.

The Hon. NATALIE WARD: Early 2024?

JOSH MURRAY: Based on current projections.

The Hon. NATALIE WARD: In time for supplementary budget estimates. What's the project budget for the upgrade?

JOSH MURRAY: It's as you identified. It's around \$550 million.

The Hon. NATALIE WARD: Can I go to signalling staff? I don't know who deals with signalling staff. Mr Collins?

JOSH MURRAY: I think it's probably Mr Longland in this regard. We have just had a graduation, so it's a good time to discuss this issue.

The Hon. NATALIE WARD: Mr Longland, there hasn't been a hiring freeze on signalling staff. I think it was indicated that there was a hiring freeze under the last Government. That's not correct, is it?

MATT LONGLAND: With reference to signallers, we are actively recruiting and training signallers. We've got 288 signallers currently on duty. They operate, as you know, 24/7 right across the rail network. We've got a commitment to train 60 additional signallers. So we've currently got 12 that have recently graduated. We've got another school coming out later this year and then we've got further recruits that we will train into next year.

The Hon. NATALIE WARD: With respect, that was not my question. My question was very specific. There was not ever a hiring freeze on signallers in your experience?

MATT LONGLAND: Not that I'm aware of. Certainly not in my time since the middle of 2021 when I've been in this role, that's correct.

The Hon. NATALIE WARD: There was a LinkedIn post put up by Minister Haylen saying:

This week, a shortage of specialised signalling staff brought [our] lines ... to a halt ... We're ramping up the hiring ... After [years] of no new hires ...

Talking about a signalling hiring freeze—that's just not accurate, is it? There was never a recruitment freeze on signallers.

MATT LONGLAND: I can't comment specifically on the Minister's post. I haven't seen it. But in terms of the reference to a freeze, there's certainly been no freeze in my period that I've been leading Sydney Trains since June 2021. I am aware that there was a period from around 2012-13 to around about 2017 when we didn't recruit or train signallers in that period. That, to the best of my understanding, wasn't about a deliberate freeze; it was about the transition of technology into what we call the ATRICS system—it's a technology system that signallers use—and the consolidation of signal boxes into the ROC, the Rail Operations Centre.

The Hon. NATALIE WARD: But if you were aware the Minister had put something that was not correct out publicly in any format, you would take steps, I would have thought, to alert her or her office that that was incorrect, would you not?

MATT LONGLAND: If I was aware, and certainly I'm not aware of the reference to a freeze—

The Hon. NATALIE WARD: I'll give you the quote, in fairness. On 13 August Minister Haylen put on LinkedIn:

We're ramping up the hiring of signal operators. A highly specialist role that was subject to a hiring freeze under the last Government.

That's not correct, is it?

MATT LONGLAND: Based on my time in the role, there has certainly not been any freeze on signaller recruitment. That is correct.

CORRECTED

The Hon. NATALIE WARD: You didn't tell the Minister or raise that with anyone? This is not a criticism of you. I'm just factually checking that that wasn't raised by anyone to say, "Hey, that's not accurate"?

MATT LONGLAND: Not by me, no.

The Hon. NATALIE WARD: Can you make that clarification now, going forward?

MATT LONGLAND: Certainly since June 2021 there has been no restriction on the hiring of any operational roles, whether that is train crews, signallers or anyone else in the railway.

The Hon. NATALIE WARD: Mr Murray, if that came to your attention, you would certainly alert the Minister to that misinformation, would you not?

JOSH MURRAY: I'm not aware of it, but I'm happy to look into it.

The Hon. NATALIE WARD: Can I go to NSW Trains. When will the procurement process for new trains to replace the Tangara fleet commence?

MATT LONGLAND: There is a project which I'm working on closely with Ms Drover from Infrastructure and Place in Transport. It's work that we are doing hand in hand. The program is known as the future fleet program. That will commence with the replacement of the 55 eight-car Tangara trains, which are now approaching—in the mid-eighties they were produced—almost 35 years old.

The Hon. NATALIE WARD: When will it start?

MATT LONGLAND: The plan is to commence procurement in the next 12 to 18 months in terms of the process. That might be a multistaged process in terms of working through the detail with proponents, but the intention is to bring those trains into service in the early 2030s.

The Hon. NATALIE WARD: We'll probably have flying cars by then. That's not a criticism. That is a fair way off for the procurement process to start. Is it a requirement for those trains to be fully built in New South Wales or in Australia?

MATT LONGLAND: The work we're doing at the moment—and the reason why this is taking a little longer is that we are not following an extension of any orders that are currently in place with any of the train manufacturers, like the Waratahs or the NIFs or any of those trains.

The Hon. NATALIE WARD: Sorry, I've got limited time so I'm going to draw you back. Is it a requirement for them to be fully built in New South Wales or in Australia?

MATT LONGLAND: We're working through the detail at the moment but, certainly, the commitment of Government is that there will be a locally made train. Whether that's 50 per cent, 75 per cent, 100 per cent—that's the detail we need to work through in the coming months.

The Hon. NATALIE WARD: So the commitment is not for all components; it's for a part of it. That could be the rear-view mirrors on it.

MATT LONGLAND: My understanding is it's a significant commitment. It would be, looking at—

The Hon. NATALIE WARD: How much?

MATT LONGLAND: I would have thought a minimum of 50 per cent, but that's the detail we're working through.

The Hon. NATALIE WARD: Will that be in New South Wales or in Australia?

MATT LONGLAND: Locally produced. So whether that's in Western Sydney, Central Coast, or whether it might be on the east coast of Australia, that's the detail we need to work through.

The Hon. NATALIE WARD: So Tasmania?

MATT LONGLAND: Look, what's determined local, I think, probably—the commitment was for a locally built train. Now, whether that's local to New South Wales or local to Australia, that's the detail we need to work through. We're doing a lot of work with industry at the moment. Certainly, there have been a number of forums. I've been to the Central Coast myself, with Ms Drover, to actually meet the supply chain and look at some of the facilities. The intention is that—

The Hon. NATALIE WARD: It's not out of the question to have it outside of New South Wales, though, just to be absolutely clear. Are you looking at Queensland?

MATT LONGLAND: We haven't determined that detail.

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The Hon. NATALIE WARD: But it's not confined to only New South Wales?

MATT LONGLAND: We are looking in New South Wales at the moment. But as to what goes to market and what is considered local, that detail is yet to be developed.

The Hon. NATALIE WARD: We don't know how much and we don't know where. We know potentially 50 per cent in Australia, at a guess.

MATT LONGLAND: A minimum of 50 per cent.

The Hon. NATALIE WARD: Are you sure about that?

MATT LONGLAND: Yes.

The Hon. NATALIE WARD: In order to deliver the new fleet, and after making it clear that the Government hasn't put a figure out publicly, what's this expected to cost?

MATT LONGLAND: We haven't yet got that detail. We're working through a development phase at the moment. So the funding that has been allocated in the budget—I might ask if Ms Drover wants to add any detail—is funding that will be for the team to do that work around looking at the design of the train, working with our staff around the sort of train we think would best meet the needs of passengers, and then also looking at local industry around what industry could support, in a sustainable way, so we can create industries that will roll into the future—not just for the Tangara replacement, but for the Millennium and ultimately the Oscar replacements. There are quite a few trains in that pipeline. We want to create a program of work so that we can sustainably manufacture local rolling stock.

The Hon. NATALIE WARD: I'll come to Ms Drover shortly, but in your experience, for procurement of transport assets, what impact does local content have on the final cost?

MATT LONGLAND: I couldn't comment specifically. I do know that across other States in Australia there has been a significant focus on local content. Queensland, for instance, have recently procured their new train. That is yet to be built, but that will be built in Maryborough. Western Australia are building trains in Perth.

The Hon. NATALIE WARD: Yes, but my question was about cost. What is the implication for cost for the locally built component, in your experience, having procured a number of these things and looking at going forward to procuring a number of them? What is the quantum? Is it billions? Is it millions? Is it 50 per cent?

MATT LONGLAND: I wouldn't want to speculate or generalise about the additional cost. It is really about whole of life—so it's the train build and then it's the train maintenance over the life of the train. So it's linked together.

Ms ABIGAIL BOYD: I wanted to come back to that Transport Access Program. Do we have any more detail then on when we are going to get the full accessibility of trains, buses and ferries? I think they were in the first—I can't remember now—tranche of things, and then the second tranche is covering everything else. When will that be done by? Do we know?

JOSH MURRAY: We did, in fact, have a good discussion about this in the break in terms of the progress being made—in particular, recent stations to roll out of the program, but also the next stage of planning. Your earlier question, in fact, about disability groups—we do have a reference group that works very closely with Transport for NSW and is being engaged very tightly on the next round of planning. I know your question was about the integration of the car park fund but, certainly, we are prioritising that liaison with the reference groups. I might ask Ms Drover, who is still at the table with us, to talk more about the planning of that second-phase program.

CAMILLA DROVER: At the end of the current tranche of the TAP program, TAP 3, we will have 57 stations that will be classified as not accessible. We're now looking at the additional \$300 million that was allocated in the recent budget as to where and how we will spend that additional \$300 million. There are criteria for which stations get funding. That criteria is actually on the Transport for NSW website. We look at a range of factors—the demographics of an area, where there are other accessible stations or alternative locations, and we also look at what other complementary works we might be doing at those stations. All those factors go into allocating which are the next tranche of stations that we'll take forward with that \$300 million. I can't give you a definitive answer. I do appreciate that we have not met the original requirement, but we are diligently trying to deliver as many stations as we can with the allocated funding.

Ms ABIGAIL BOYD: New South Wales, along with the other States and Territories, signed this agreement in 2001 for this 20-year time frame. I understand that a number of the other States and Territories are also woefully behind meeting this target. The agreement was that we would end up with every single station being

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accessible and every single mode of transport being fully accessible. Do we have any idea what the deadline will be in terms of—

JOSH MURRAY: Ms Boyd, I might take that. It was the subject of a recent discussion with all the States and Territories—it was held in Adelaide—about how the next level audit of sustainable infrastructure and disability access can be rolled out. Certainly the States expressed their concerns at the size of the audit that would need to be undertaken under that current existing agreement, which the Federal Government agreed to take on notice. There is a meeting of transport Ministers scheduled for Hobart in December, where the item will again be raised on the agenda, and a discussion about how each State and Territory can take that forward and give the Federal Government assurance that they are progressing at the right pace.

Ms ABIGAIL BOYD: Some of the disability advocacy groups have been calling for the introduction of an independent body to monitor accessibility standards and compliance and enforce these time lines and mechanisms because, as much as everyone says that they're trying, people with disability do continually end up at the bottom of the priority pile across all States and Territories, and federally. Do have you any intention in New South Wales of changing the way we've been doing things and setting up an independent body to monitor this work?

JOSH MURRAY: We've not discussed the idea of an independent body, but certainly with that work that's destined for discussion with the Federal Government we are well advanced in New South Wales in preparing our next report. We are sharing the methods of our compilation of that data with the other States, and certainly we're aligned in using that as a way to benchmark State-by-State performance in actually getting through the backlog.

Ms ABIGAIL BOYD: As I say, people with disability tend to be at the bottom of the priority pile, and then within different types of groupings of people with disability we tend to—unfortunately, people with intellectual disability tend to be overlooked even more than those with a physical disability. Are you aware of how changes to the public transport symbols can affect people with intellectual disabilities? I understand that recently there was a change. Instead of just a picture of a train, we ended up with a "T"; instead of a ferry we ended up with an "F". The feedback we've got from intellectual disability advocates is that is incredibly confusing and upsetting. Was any consultation done before those changes were made?

JOSH MURRAY: We have a highly expert Wayfinding unit within our customer services branch at Transport for NSW. They have been consulted on those elements, and they obviously then again have their stakeholders that they take information from. I'd have to take further advice on how much community feedback was given. I know it's an issue that's been discussed in the bus taskforce in terms of ensuring that accessibility, legibility and proper wayfinding all goes hand in hand.

Ms ABIGAIL BOYD: Can I ask a dumb question? What's "wayfinding"? What's that?

JOSH MURRAY: It's the overall signage protocols that are used and the advancements in the science behind that to ensure that people are very clearly linked from precinct to precinct and mode to mode.

Ms ABIGAIL BOYD: I understand. When you mentioned in previous answers—and I think the Minister mentioned as well—that there is a disability reference group, does that consist of disability advocacy group representatives or is it individuals representing?

JOSH MURRAY: I'm going to ask my colleague Ms Mares to come in on this one.

TRUDI MARES: We have an Accessible Transport Advisory Committee. Representatives are from both disability and aging organisations, and individuals. We also consult with our own Enabled network within Transport. We work with them on programs, do site walks and visits but also project-specific, so it's a mixed group that we engage with. The Wayfinding team would have accessed that committee also.

Ms ABIGAIL BOYD: Does that committee, for example, include a representative from People with Disability New South Wales or the Physical Disability Council?

TRUDI MARES: I would need to take the composition of the committee on notice, but we can certainly provide that.

Ms ABIGAIL BOYD: Did you consult with the Council for Intellectual Disability in relation to the wayfinding changes?

TRUDI MARES: I'm not sure on that particular one. Mr Host? No, he doesn't know. We'll have to take that on notice also.

CORRECTED

HOWARD COLLINS: If I may, this was way back in 2014 that the Ts, Bs and Ls were introduced. Deputy Director General Tony Braxton-Smith, I think, was involved. Certainly there was a lot of consultation about colours, signing and wayfinding.

Ms ABIGAIL BOYD: So there haven't been any more recent changes? Or was it just begun in 2014?

HOWARD COLLINS: No, the only thing I can think has changed is some of the very sad-looking bus stops that were put in for the Olympics—those what they call "hockey sticks", if you know the ones, which curve around—have been changed out for what they call the B pole. That may be the area which the taskforce has raised, where the symbol of the bus—which, to be honest, from about 50 metres you can't even see what it is—was changed for the B. We were considering that as part of the taskforce recommendations as to whether we provide additional wayfinding. Of course, a lot of work has been done in city trains with hearing loops and the wonderful Sunflower Program, which Matt has been involved with, to deal with people with learning disabilities.

Ms ABIGAIL BOYD: I do love that one.

JOSH MURRAY: And, of course, the M has been added to those motifs over the last few years.

HOWARD COLLINS: Yes.

Ms ABIGAIL BOYD: Can I ask what kind of disability awareness training is given for Transport staff?

JOSH MURRAY: I would have to take that on notice. As Ms Mares has said, we have a network within the organisation and we have, obviously, communication of significant engagement. But I'd have to get formal advice for you on exactly what's done from a formal basis.

Ms ABIGAIL BOYD: That would be really useful. Again, if you could confirm whether there is specific training in terms of awareness for people with intellectual disability as well as physical disability?

JOSH MURRAY: Yes, happy to do that.

MATT LONGLAND: If the secretary's comfortable, I'm happy to add on the Sunflower lanyard program, 90 per cent of Sydney Trains and NSW Trains customer service staff have now been trained in assisting customers with non-visible needs. As you mentioned, obviously, the physical needs are easier to spot. The wearing of a lanyard, looking out for customers that might be in need—it might be assistance with navigating transport; it might be on board a service, so train crew; or it might be loud noises at a station, bright lights, those sort of things. We've actually got that program nominated for a Premier's Award, which is being judged next week. The team has done an excellent job and all of our staff are very much focused on the needs of customers, particularly the needs that you may not see immediately.

Ms ABIGAIL BOYD: Thank you. It sounds like progress is being made.

The Hon. MARK BANASIAK: Mr Collins, I might just pick up where I left with the Boating Now grants, particularly round four, which I'm particularly concerned about. Port Macquarie Hastings Council applied for a grant on 12 October 2022 for \$246,725 plus their own co-contribution of \$82,245. They still haven't received confirmation as to whether they are successful with the grant. I note that under the guidelines, projects will need to be delivered and final grant claims received by December 2024 or the grant agreement may be terminated. Would you agree it's going to be very difficult to meet that deadline if you haven't even told them whether they're successful or not? Many of these councils have forward work schedules for multiple years. I know that the Eurobodalla Shire Council is in a similar boat. They've actually informed us that it's not in their work schedules for the next three years. They will be unsuccessful, won't they?

HOWARD COLLINS: I'll answer the first part and, as I promised, give you a couple of numbers you asked for previously. In the last 12 months alone we've delivered 36 projects as part of that program. In addition to Boating Now, the Waterways Fund—

The Hon. MARK BANASIAK: Is that round four?

HOWARD COLLINS: No, round four has not had budget yet. I will ask my colleague Ms Hoang to give us some information on that. But we have been delivering a number of projects; I think \$14 million has been delivered by MIDO. You asked how many people are in MIDO. There are currently 40 people. There are six vacancies which we're holding at the moment. To the other question you asked about Boating Now, there is one principal manager and five other staff who are in Boating Now, just to cover those questions off.

In terms of funding for four, earlier the Minister talked about going into deficit over a five-year period. We have a lot of projects we wish to do but don't have the funding for. If we put all those projects up, which are unbudgeted, plus also the expenditure we've got to date on a bigger portfolio, it will be true that in the next—well, until 2025 there may be a case of us being in deficit by \$17 million, as the Minister said. But I will ask my

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colleague the CFO to talk through what the current financial position is and where we are with Boating Now, the fourth round.

The Hon. MARK BANASIAK: Ms Hoang, we're not going to satisfy that requirement that these round fours be spent and claims be put by December 2024, are we, if we haven't even approved those grants?

BRENDA HOANG: I can answer that. At this point in time, round four is not yet budgeted and that's why it's been delayed. The new Government has requested that we do a review of the Boating Now program. The review was completed recently and a final report has a set of recommendations in it. That report, I understand, will soon be shared with the Minister, but, at this point of time, round four is unfunded at the moment.

The Hon. MARK BANASIAK: If round four is to be funded, will those guidelines be changed to extend that date from December 2024 to something later?

HOWARD COLLINS: If funding is available, I think that's a commonsense approach.

The Hon. MARK BANASIAK: You know what they say about common sense.

HOWARD COLLINS: As you know, these things take time—as you quite rightly indicated—so, therefore, if funding is delayed and then we get the decision of the recommendations, then we would extend those deadlines.

The Hon. MARK BANASIAK: Can I go to disability access as well, but obviously more from a maritime perspective? I note that in 2023 there was supposed to be a Maritime Infrastructure Plan review, and that was supposed to include an inclusion plan as well. I don't believe anything has happened in that regard. I draw your attention to a GIPAA request raised by the Recreational Fishing Alliance on 9 January 2023, and they received a reply on 7 February. They asked for all information available on every public boat ramp in New South Wales. It came back with "not held". They asked for information relating to the advertisement of specifications of boat ramp facilities. You said you didn't have that. They asked for information relating to the engagement with disabled trailer boat owners. You said you don't have that either. They asked for any information relating to the representation of disabled trailer boat owners on committees or advisory groups for Transport for NSW and other agencies handling boating and marine. You said you didn't have that either. They asked for policy and planning documents and any publicly available information relating to trailer boats and disabled people. You didn't have any of that.

Information relating to the process of engaging with the disabled community with regard to boat ramps—you didn't have any information on that. Information from the disabled community with regard to the lack of disabled access—you said you didn't have any information regarding that. And detail of how disabled access is dealt with and managed within the NSW Boat Ramp Facility Guidelines—that was also "not held". The question to whoever it's relevant to—perhaps Mr Murray, as the secretary—is how can you develop a Maritime Safety Plan, which includes an inclusion plan and Boat Ramp Facility Guidelines, when you clearly don't have any data with regard to these matters? How can you develop an inclusion plan when you don't hold any data regarding disabled access in your policies regarding that? It seems to be a bit difficult.

JOSH MURRAY: As I said a little bit earlier, I'm very happy to come back and answer your questions. I don't have that information in front of me at the moment, but agree that we need some further data to answer those and also hope to put together a comprehensive position for you by the end of the session.

The Hon. MARK BANASIAK: Can I go to the Coffs Harbour boat ramp, because, Mr Collins, you raised it in earlier questioning. What's the total cost so far to deliver that boat ramp?

HOWARD COLLINS: I will have to take that on notice. Obviously, it not only delivers a boat ramp. There are other facilities there as well which we share with the fishery and other parties. But it is certainly a vast improvement from the much-neglected area of Coffs Harbour. I understand—to add to Mr Murray's comments—that there is a meeting tomorrow, I believe, with the Australian fishing association. I think Dennis is attending tomorrow. Certainly, the Recreational Fishing Alliance meets every quarter as well. But I'm happy to take on notice the total cost of the Coffs Harbour facility—it's not just a boat ramp—and share that with you in due course.

The Hon. MARK BANASIAK: My understanding, according to the website, is that you're at stage two, which includes car parking facilities, but you're still trying to resolve the sand build-up issue, which I think is obviously the biggest—

HOWARD COLLINS: I think there's been quite a useful discussion with the experts in terms of permanent sand removal. As you know, you're as knowledgeable as I am—

The Hon. MARK BANASIAK: The latest news from September 2023 says there's a sand pump trial continuing. Is that the permanent solution?

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HOWARD COLLINS: As you know, quite often sand pumps of a permanent nature are very useful for dealing with the continual build-up of sand. Certainly, I understand from the latest discussions I had with Mr Hutchings only a couple of weeks ago that they're exploring the possibility of this being a more permanent feature and are working with the local community to ensure the minimum impact on boaters who need to access that area.

The Hon. MARK BANASIAK: Perhaps on notice while you're taking some of the details, how much is that sand pump costing us on a monthly basis to run? Do you foresee that changing or being reduced if we go to a more permanent solution?

HOWARD COLLINS: I think you're dead right. It's almost a given that if you're doing something on a temporary basis, it often costs more than if you provide capital funding.

The Hon. MARK BANASIAK: On notice, what is it costing us now versus what would it—

HOWARD COLLINS: I'll find that information for you and take that on notice. I'm certainly happy to share that with any of the interested parties.

The Hon. NATALIE WARD: Ms Carroll, going back to the transition office, did Mr Gartrell ask for the transition office to be established?

SUSAN CARROLL: He did.

The Hon. NATALIE WARD: Was it established?

SUSAN CARROLL: Yes, it was.

The Hon. NATALIE WARD: Was Minister Haylen in the room or was it discussed with her, to your knowledge?

SUSAN CARROLL: I can't answer that definitively. What I can say is that the secretary had a meeting with Mr Gartrell. I was not at that meeting, so I don't know who attended that meeting. I attended a meeting with the former secretary and the Minister's chief of staff. The Minister certainly was not involved in that.

The Hon. NATALIE WARD: And that request was made by Mr Gartrell at that meeting?

SUSAN CARROLL: I understand he may have made reference to that request being forthcoming to the former secretary when he initially met with him. It was certainly raised directly at the meeting that I attended.

The Hon. NATALIE WARD: Was it your understanding that it was Mr Gartrell's idea?

SUSAN CARROLL: I don't know.

The Hon. NATALIE WARD: Did he say in the meeting, to your knowledge, that the Minister would like this established or did he say, "We would like this"? How did he phrase it?

SUSAN CARROLL: I can't recall the specifics of it. I am aware that he made reference to transition offices having been established in his previous experience.

The Hon. NATALIE WARD: In his previous experience as a staff member for a Minister?

SUSAN CARROLL: As a chief of staff previously.

The Hon. NATALIE WARD: Could you elaborate on what he said to give that context?

SUSAN CARROLL: I remember he indicated to the secretary that he had seen transition offices established previously. The secretary noted at the time that he had some issues with that and he wasn't familiar with the concept—it was in that context.

The Hon. NATALIE WARD: So in that context he said, "We would like you to take steps to establish a transition office?"—or words to that effect?

SUSAN CARROLL: As I said, it was raised, to my understanding, initially with the former secretary at a separate meeting, but the discussion followed at the meeting that I was at.

The Hon. NATALIE WARD: Rather than me making up the words, why don't you tell the Committee the words that were said, to the best of your recollection?

SUSAN CARROLL: I think it was a continuation of that initial discussion. My recollection is that the Minister's chief of staff said to the former secretary, "We would like you to create an executive director role to head up that transition office", and then indicated that he would be providing the former secretary with a name for that role.

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The Hon. NATALIE WARD: Did that require a reorder of the public service or a cost to create to meet those requests?

SUSAN CARROLL: We didn't have a transition office established at that point, so yes.

The Hon. NATALIE WARD: So, yes, there would be costs incurred by that?

SUSAN CARROLL: I guess it really depended on whether or not you were reallocating staff to that, but we didn't have a transition office at the time.

The Hon. NATALIE WARD: So establishing a new transition office and the request to put someone into that role, an executive director role. Then he asked to get a public servant appointed to that role? Who was that person?

SUSAN CARROLL: That was raised subsequently. I should also clarify that he did make clear that it was only, in his anticipation, a six-month period to support the transition of the incoming government. The former secretary raised with the Minister's chief of staff that he had legal concerns with that request. There was some discussion around that, and the former secretary indicated that I would continue those conversations with the Minister's chief of staff to work through those legal issues.

The Hon. NATALIE WARD: Nonetheless, that was done?

SUSAN CARROLL: Yes.

The Hon. NATALIE WARD: It was carried out?

SUSAN CARROLL: As in, the conversations did take place. The legal advice was shared, and subsequently a request was made. I think the request was made, from memory, from the Minister's deputy chief of staff to me for—

The Hon. NATALIE WARD: For a specific person to fill the newly created role of "executive director, transition office" of the newly created transition office?

SUSAN CARROLL: That is correct.

The Hon. NATALIE WARD: That's accurate. So Mr Gartrell had no positional or legal authority, neither did the deputy. Why were those requests or orders carried out?

SUSAN CARROLL: The Minister's chief of staff did indicate that he had authority to make that request of the secretary. The secretary received that request and considered it, and, as I said, there were legal issues with the first request, so that was not progressed.

The Hon. NATALIE WARD: How did he indicate he had that legal authority?

SUSAN CARROLL: I think he was having the conversation with the secretary. As the Minister indicated this morning, he was exercising the employer-related functions for the office at the time.

The Hon. NATALIE WARD: So he, as the chief of staff to the Minister, was exercising some form of authority to direct you to set up or Transport for NSW to set up a new transition office and appoint a particular person to an executive director role. Is that correct?

SUSAN CARROLL: Yes.

The Hon. NATALIE WARD: What was your understanding of what authority he was exercising in doing that?

The Hon. CAMERON MURPHY: Point of order: We've heard in evidence earlier that there was legal advice requested.

The Hon. NATALIE WARD: It's not about the legal advice.

The Hon. CAMERON MURPHY: I just think these questions are skirting extremely close to matters of legal professional privilege.

The Hon. NATALIE WARD: It's not at all.

The Hon. CAMERON MURPHY: I just caution that these questions, I think, are putting the public servant in a position where they are trying to inveigle out of her the nature of that legal advice.

The Hon. NATALIE WARD: Chair, I'm not in any way seeking the legal advice.

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The CHAIR: I won't uphold the point of order, but it is a reminder. Of course, the witness can also answer the question as she sees fit or take it on notice. I think she's aware.

The Hon. NATALIE WARD: I'll move on. Thank you for the diversion. So there was a cost associated with that, and we're unclear about the basis of the authority to order you to create that new office. Is that correct?

SUSAN CARROLL: The Minister's chief of staff represented himself to have the authority to make that request of the former secretary.

The Hon. NATALIE WARD: And they indicated a person that they wanted to be placed in that role?

SUSAN CARROLL: He indicated that he would provide the former secretary with a name. That was not done, to my knowledge.

The Hon. NATALIE WARD: The executive director role was in Transport, though; it wasn't in the ministerial office. That's correct, isn't it?

SUSAN CARROLL: Yes, it was in Transport.

The Hon. NATALIE WARD: Correct. So it was a public service role. That's correct, isn't it?

SUSAN CARROLL: Correct. That was a role that would be—as I indicated, it was foreshadowed it would be established for about a six-month period to support the transition, and it was a role that would be reporting to the secretary.

The Hon. NATALIE WARD: So it was a position within Transport for NSW, not a position within the ministerial office. That's correct, isn't it?

SUSAN CARROLL: That is correct.

The Hon. NATALIE WARD: The GSE Act, to the best of your knowledge, says that that is not permitted. That's correct, isn't it?

SUSAN CARROLL: I am aware of the relevant provision of the GSE Act. Yes, that's my understanding of it.

The Hon. NATALIE WARD: So this would be a breach of the GSE Act. That's correct, isn't it?

The Hon. CAMERON MURPHY: Point of order: I think the honourable member is now asking the public servant for a legal opinion, and it's well out of bounds.

The Hon. NATALIE WARD: To the point of order: The witness has indicated that she has an understanding of the Act. I'm only asking whether it is in compliance with her understanding of the Act. She has indicated that she's aware of the section. I'm asking whether it complies with her understanding of the section of the Act.

The CHAIR: I uphold the point of order. You are asking a public servant who's not here to give a legal opinion about whether something has been breached. I'll ask the member to be very careful about the questions that she's asking and potentially go a slightly different course.

The Hon. NATALIE WARD: I will rephrase. To the best of your understanding, Ms Carroll, a Minister or their staff member can't direct a secretary in their employment function. That's correct, isn't it?

SUSAN CARROLL: Yes, that's correct.

The Hon. NATALIE WARD: And that is the GSE Act. That's correct, isn't it?

SUSAN CARROLL: Yes, that's correct.

The Hon. NATALIE WARD: So it's set out in the GSE Act that a Minister or their staff cannot direct the secretary in their employment function?

SUSAN CARROLL: Yes, that's my understanding.

The Hon. NATALIE WARD: To be crystal clear, the chief of staff ordered the public servants—in this case, Transport for NSW—to create a public service position and then told you that he would provide a name to fill that position. That's correct, isn't it?

SUSAN CARROLL: The conversation was had with the former secretary. I was in the room at the time.

The Hon. NATALIE WARD: And then the deputy chief of staff, you've indicated today, told Transport for NSW who they would be appointing to that role. That's correct, isn't it?

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SUSAN CARROLL: They indicated to us a name that they would like considered for that role.

The Hon. NATALIE WARD: Sorry, could you say that again?

SUSAN CARROLL: They provided us with an executive director's name that they would like considered for that role.

The Hon. NATALIE WARD: To be appointed to that public service role, not a ministerial office role?

SUSAN CARROLL: That's correct.

The Hon. NATALIE WARD: Is that in line with the GSE Act?

SUSAN CARROLL: The question you're—

The Hon. CAMERON MURPHY: Point of order—

The Hon. NATALIE WARD: I withdraw that question.

The Hon. CAMERON MURPHY: This is again asking the public servant to provide an opinion in relation to a legal position.

The CHAIR: The member has withdrawn the question. Continue.

The Hon. NATALIE WARD: Has this occurred previously in your experience in this role? You are a well-experienced person in your current role. Has this occurred, to your knowledge, previously?

SUSAN CARROLL: Can you be more specific?

The Hon. NATALIE WARD: I'll move on. That's a bit of a hypothetical. Have you considered referring this matter to ICAC?

SUSAN CARROLL: The request was made to the former secretary. Legal advice was taken around that.

The Hon. NATALIE WARD: Given your concerns about an actual or a potential breach of the Act, would you, just to clarify, have given consideration to referring this to ICAC?

SUSAN CARROLL: The request was made to the former secretary. The former secretary asked for that legal advice to be given, and that was undertaken.

The Hon. NATALIE WARD: And public moneys were expended in the carrying out of this request by the ministerial office. That's correct, isn't it?

SUSAN CARROLL: Can be you be more specific?

The Hon. NATALIE WARD: Well, this caused public expenditure to occur.

SUSAN CARROLL: The role was filled by an existing Transport officer.

The Hon. NATALIE WARD: Was that person identified by the ministerial office?

SUSAN CARROLL: That was the executive director's name that I mentioned.

The Hon. NATALIE WARD: So there wasn't an open application process? There wasn't a recruitment process? That's our third of the day.

SUSAN CARROLL: Yes, there was. That was the name that was provided, and subsequently a recruitment process occurred to fill that role.

The Hon. NATALIE WARD: Did that person get the role?

SUSAN CARROLL: They did.

The Hon. NATALIE WARD: So the person that they nominated got the role?

SUSAN CARROLL: There was a recruitment process that led to that appointment.

The Hon. NATALIE WARD: So our third recruitment process of the day in which a person was identified and put through that process and got the role, the person identified by the ministerial office. That's correct, isn't it?

SUSAN CARROLL: The person that was requested by the Minister's office was in that role for a period of time. I can't recall exactly how long, but a decision was taken to run a recruitment process when the acting

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secretary joined, and that recruitment process had a panel composed. It went through the ordinary recruitment processes to make that appointment.

The Hon. NATALIE WARD: Did that recruitment process commence after the name was identified and provided to you by the ministerial office?

SUSAN CARROLL: Yes. That name led to the initial appointment, and then a recruitment process was subsequently undertaken.

The Hon. NATALIE WARD: So a name was identified, a person was put into a role, and then we retrofitted a recruitment process?

SUSAN CARROLL: A recruitment process was subsequently determined to take place.

The Hon. NATALIE WARD: After that, the result of that recruitment process was that that person got the job.

SUSAN CARROLL: There was a panel that considered applications. Applications were open. There were a number of candidates that applied for that role.

The Hon. NATALIE WARD: But, ultimately, the person that was successful after that recruitment process was the person that was identified by the ministerial office?

SUSAN CARROLL: That is correct. The recruitment process went through a merits-based process to make that appointment.

The Hon. NATALIE WARD: And they were already in that role?

SUSAN CARROLL: They were in that role initially.

The Hon. NATALIE WARD: So they essentially got reapproved?

SUSAN CARROLL: They were appointed as a result of the recruitment process.

The Hon. NATALIE WARD: To be absolutely clear, this was not a role in the ministerial office but it was requested to be created and filled by the ministerial office and at their direction. That's correct, isn't it?

SUSAN CARROLL: That's correct.

The Hon. NATALIE WARD: And the ministerial office directed you or the acting secretary to create the role and fill the role. That's correct, isn't it?

SUSAN CARROLL: The request was made to the former secretary.

The Hon. NATALIE WARD: Yes, the former secretary—quite right. Sorry, Mr Collins. Who approved the executive director appointment?

SUSAN CARROLL: That was a matter that was ultimately determined by the former secretary.

The Hon. NATALIE WARD: Who signed off on it after the name was given originally?

SUSAN CARROLL: Who signed off on it?

The Hon. NATALIE WARD: The appointment.

SUSAN CARROLL: The name was given, the secretary asked for inquiries to be made and then it was a matter for the former secretary.

The Hon. NATALIE WARD: I will remind the witness at this point that you can take questions on notice if you're unsure, in terms of the amount of questions that are being fired at you for detail.

SUSAN CARROLL: Sure. Thank you.

The Hon. NATALIE WARD: I'm just trying to be very clear; I'm not trying to—

The CHAIR: I know.

The Hon. NATALIE WARD: Ultimately, I'm not asking for your legal opinion, just to be absolutely clear, but I am asking, in your role and with your experience, whether you consider that there could be circumstances for an ICAC referral.

The Hon. CAMERON MURPHY: Point of order—

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The CHAIR: The point of order is something I would have made anyway. I think you've asked her to consider in terms of her opinion. We know that we don't ask public servants their opinion.

The Hon. NATALIE WARD: On what date was the order given?

SUSAN CARROLL: The meeting took place in late March. The meeting that I attended with the former secretary took place in late March.

The Hon. NATALIE WARD: What date was the position approved? So this was days after the election, essentially. It was late March and the election was 25 March. That's pretty much straight after the election.

SUSAN CARROLL: My understanding—as I said before, it was raised with the former secretary at the initial meeting that he had. The direct request was made by the Minister's chief of staff at the meeting that both the former secretary and myself attended with the Minister's chief of staff.

The Hon. NATALIE WARD: When was the executive director appointed?

SUSAN CARROLL: I'd have to take that on notice.

The Hon. NATALIE WARD: If you could get back to us on that, that would be helpful. I'm assuming it wasn't months after and it was, from memory, weeks after or days after.

SUSAN CARROLL: It wasn't months after.

The Hon. NATALIE WARD: So weeks after. How long was the recruitment process run for?

SUSAN CARROLL: I'd have to take that on notice.

The Hon. NATALIE WARD: From your recollection, was it days, weeks?

HOWARD COLLINS: Do you want me to answer that question?

The Hon. NATALIE WARD: No, I'm asking Ms Carroll. I can come back to you, if you like.

The CHAIR: She said she needed to take it on notice.

The Hon. NATALIE WARD: Certainly, that's fine. But the actual process, was it weeks, days?

The Hon. Dr SARAH KAINE: Point of order—

SUSAN CARROLL: I can't recall. I'd have to take that on notice.

The Hon. NATALIE WARD: That's fine. Was it later than mid-April?

SUSAN CARROLL: I'm sorry, I can't recall. I'd have to take that on notice.

The Hon. NATALIE WARD: Was that under you, Mr Collins?

HOWARD COLLINS: The role description was actually published on 4 April. That was during the former secretary's time, and was accepted as a role within Transport. I think just several days after I joined as acting secretary it was agreed that we run a proper process for selecting a role in the transition office. We had the rail review coming up. We knew that there would be other reviews. We ran a process. I had colleagues on that panel.

The Hon. NATALIE WARD: I'm interested in the date, Mr Collins.

HOWARD COLLINS: We shortlisted and the interviews, I think, were—résumés were given to me—let me just have a look at the date—on 17 April. That's three days after I started, and the interviews were towards the end of April. To correct the record, we appointed two people. There were two successful candidates because we felt that we knew this role of supporting both rail and other reviews would be more than one person and therefore that happened and three people were interviewed.

The Hon. NATALIE WARD: Mr Collins, I appreciate that. I have one minute left. The date you have actually avoided. You have given a lot of other detail, but not said the date the executive director was initially appointed.

HOWARD COLLINS: It was probably about, I would say, a week to 10 days of notification.

The Hon. NATALIE WARD: So 14 April?

HOWARD COLLINS: The interviews took place on 28 and 1 May.

The Hon. NATALIE WARD: But the initial appointment?

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HOWARD COLLINS: The interviews took place—

The Hon. NATALIE WARD: The initial appointment.

HOWARD COLLINS: The initial appointment?

The Hon. NATALIE WARD: Yes.

HOWARD COLLINS: That was in the former secretary's role—

The Hon. NATALIE WARD: Yes, and then there was a recruitment process and then a couple of weeks and then reappointed.

HOWARD COLLINS: —and the appointment was made, I think, probably that first week. The interviews finished on 1 May and, therefore, I believe, I told the successful candidates shortly after that. So it would have been that first week of May.

The Hon. NATALIE WARD: That they were staying in the job?

HOWARD COLLINS: Not staying in the job, that one was obviously continuing in their current role as the executive director of transition and that another candidate would be available to do other work that we knew was going to come our way with more reviews.

The Hon. NATALIE WARD: Mr Collins, my final question is did that candidate, to your knowledge—or, Ms Carroll, to your knowledge—have any connections to the Labor Party?

HOWARD COLLINS: I wasn't aware. I knew that candidate well from previous work. She'd done roles including Mr Wing's former role. She was a very experienced and long-serving executive member.

The Hon. NATALIE WARD: But were there any connections, to your knowledge, to the Labor Party?

HOWARD COLLINS: I wasn't aware of any.

The Hon. NATALIE WARD: Ms Carroll?

The CHAIR: Order! Ms Ward, we're moving on to crossbench questions now.

The Hon. NATALIE WARD: Running cover.

The CHAIR: I want to talk about opal cards and where it's up to, in terms of the potential of getting rid of the card altogether. I'm asking this because I've been contacted by people with disabilities and mobility issues who are concerned about the removal of the Opal card. I wanted to see where that consideration is, with the department's assessment of it.

JOSH MURRAY: Absolutely. We're aware of that exact scenario. In the early market testing that was done a few months ago, one of the stipulations is that the future Opal card will have to still provide a hard copy card those for users who would like it, notwithstanding that most products, we would anticipate, would move to an app or a new field reader type scenario. But we will always need, for those users, a physical card.

The CHAIR: That's great. I have written to the Minister about that quite a while ago and there is the response at budget estimates. I turn to air pollution targets and the role of Transport for NSW in the Government's overall ambitions—even though they are not as ambitious as we would like—to reduce carbon pollution. Firstly, has Transport for NSW set air quality targets in relation to transport emissions and what consultation has Transport for NSW had in relation to the Net Zero Commission that the Government is wanting to establish? I don't know who to direct that question to.

JOSH MURRAY: I'm going to invite my colleague Ms Webb to come up to the table. Obviously, we have, just in the last two weeks, unveiled a nation-leading policy around our emissions reduction targets, with both Ms Webb and Ms Drover being the authors of those policies.

SALLY WEBB: I'm not aware that Transport for NSW has set air quality standards, except in relation to our tunnels and—

The CHAIR: Yes, I don't believe you have.

SALLY WEBB: The Minister for Roads has asked the Chief Scientist and Engineer to review the air quality emissions data and literature regarding those tunnel emissions.

The CHAIR: That's just in relation to tunnel emissions that the Minister is requesting the chief scientist to examine?

SALLY WEBB: Yes, that's correct.

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The CHAIR: What's the time frame on that, do you know?

SALLY WEBB: Sorry, I will clarify that. No, the terms of reference are broader than that. They do relate to traffic-related air pollution and also a review of air quality monitoring data from operating motorway tunnels across the Greater Sydney network and the impact on air quality, and also looking at the effectiveness and costs of tunnel filtration, and they will look at some of the data from the existing tunnels. I'm not aware of when that review will be completed.

The CHAIR: Is that public, the terms of reference and everything that you have talked about? Is that on the chief scientist's website and has that been announced?

SALLY WEBB: I'm not aware that it's been announced.

The CHAIR: I think the other question was around has Transport for NSW been involved in any discussions within a broader government, whole-of-government perspective around the new Net Zero Commission and the role that Transport for NSW has in terms of reducing those emissions and setting emission reduction targets?

SALLY WEBB: In relation to air quality and carbon emissions, certainly my team within the environment and sustainability team has met with the EPA and the office of environment and climate change. We are having discussions with them and will support the Government, support their strategies in terms of reducing emissions and improving air quality.

The CHAIR: Is the expectation, I assume, that there will be a sector reduction target for the transport sector as part of the overall goal of net zero by 2050? Too late, but—

SALLY WEBB: There is currently government targets, and Transport's policy that we announced a couple of weeks ago fits within that policy, but we also contemplate within our policy that it will need to be reviewed and those targets increased if government policy changes.

The CHAIR: As part of that commission's work, potentially?

SALLY WEBB: Yes.

The CHAIR: I now want to move on to another topic of bikes on buses. At the regional transport hearing I asked about bikes on trains in terms of being able to wheel them on and not have to box them up. There was a bikes on buses trial, I understand—a trial of bikes on buses; this was in regional New South Wales, actually. Is this something that anybody can answer here about trying to get more buses to accommodate bikes?

HOWARD COLLINS: Yes, it is. As everyone knows, if you are in a suburban bus service—as I was this morning—the last thing you want is a bike appearing because it is a bit of a struggle. I know, for example, on rail we now see hundreds of Deliveroo cyclists who jump on the rail system. We tried the trial in regional New South Wales. Like many countries around the world, if you ever go to New Zealand, you'll notice there's a rack on the front of most buses which takes bicycles. It proved quite successful. The challenge for us is in those suburban areas. That is why we've been focusing more on active transport, providing facilities for people to cycle. It is not something we're going to rule out completely, but at this stage we wouldn't be extending it into outer metropolitan and suburban areas of Sydney

The CHAIR: Mr Collins, thank you. That is useful. Potentially there is an option for a trial of the type of racks on the front of buses that you are saying are in place in other countries?

HOWARD COLLINS: Obviously I take advice from my safety colleague, Sally Webb, about construction and modification of vehicles, which are important. But certainly the regional trials were very successful, and we'd probably look to further regional trials taking place in the future.

The CHAIR: Moving from bikes to pets—

HOWARD COLLINS: Nice. My favourite subject.

The CHAIR: We've got to satisfy everybody. Is the department doing work on accommodating pets on public transport? As we know, in Victoria, the ACT, many parts of Europe, other countries, it's very common practice. What work is being done to provide advice? Has the Government commissioned advice and what work is the department doing in this regard?

JOSH MURRAY: Chair, we are looking at it. Certainly, we are all aware of the recent publicity and the ongoing public debate around pets on transport. We have looked at the examples of corresponding international cities and how they have adopted similar processes. I think at the moment there is still an overriding concern as to how the impacts of our staff, in the first instance, other passengers and just the viability on the network of some

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of those elements. We haven't come to a conclusion around that, but certainly we have been looking at the impacts on staff if they were required to manage that. I know some of the schemes that have run overseas, while it has allowed dogs in bags and similar elements like that, it's not all been smooth running for the operators.

The CHAIR: Most pets are probably more well behaved than some humans on buses and trains, wouldn't you agree? Have you been in discussions with the Minister about this?

JOSH MURRAY: The Minister has made some comments to the team around being open-minded about the future, but also being very mindful of the impact on our operations. Our first priority—certainly the discussion has been—is about getting more humans onto public transport and out of their cars and that that should be seen always as the priority for this consideration.

The Hon. MARK BANASIAK: Chair, I'll resist the temptation of bringing my Shetland pony on the light rail. Can I go to the waterways funding. In 2020 Minister Constance withdrew \$205 million from that fund to do various projects. Perhaps on notice, can you come back with the breakdown of what that was spent on? Some of the projects listed were Bermagui Harbour and channel dredging, Brunswick Heads boat harbour upgrade, Coffs Harbour Marine Precinct, Coffs Harbour regional boat ramp—which you already took on notice—Crowdy Head boat harbour upgrade, Eden safe harbour, Greenwich Point wharf upgrade, Double Bay wharf, Darling Point wharf upgrade, Manning River entrance, Narooma wharf replacement, Port Macquarie breakwall, Swansea channel dredging, Tuncurry boat maintenance facility, the demolition of Marineland in Manly and the Manly wharf upgrade. Perhaps on notice?

HOWARD COLLINS: Take it on notice, thank you.

JOSH MURRAY: Happy to take it.

The Hon. MARK BANASIAK: This is just a bit of mopping up.

JOSH MURRAY: Thank you for the detail. We will summarise.

The Hon. MARK BANASIAK: Can I pick up on Ms Faehrmann's questions around emissions. How many vehicles within the Transport for NSW fleet actually comply with the vehicle emissions standards of Euro 5? Perhaps on notice.

JOSH MURRAY: I think it probably is on notice, but in regards to the Transport fleet, you mean the passenger fleet or the operational side fleet?

The Hon. MARK BANASIAK: Let's go both. I imagine there are some sedans running around emblazoned with the logos.

JOSH MURRAY: We do, and we have different targets for both types of vehicles. We'd be best to come back to you on notice on those targets.

The Hon. MARK BANASIAK: Sure.

The Hon. NATALIE WARD: Give us one. Have a stab.

The Hon. MARK BANASIAK: I won't get them to have a stab. Ms Webb, you were talking about some work around this in terms of electric vehicles et cetera. As part of that work, what's been done to understand the financial impact on the general public if you, as an agency, go all electric? Obviously that is going to place an upward pressure on the cost of charging vehicles across the board. Just market forces will generally tell you that, if you are prepared to pay a higher amount, that will force everyone to pay that higher amount. I am just wondering whether you've done any work in that space as to how much that would increase the overall average cost of people charging these electric vehicles for private use?

SALLY WEBB: In relation to all of our investments, we need to undertake business cases and spend the money to ensure there is value for money for the amounts that we spend. We have a number of renewable energy electricity contracts in place already and get very good value from those contracts. I will, however, defer to—we may need to take on notice the details of those contracts, as my colleagues here are unavailable.

The Hon. MARK BANASIAK: I'm just interested in terms of whether you've done any work on what the upward pressure on prices will be for the average consumer who's using an electrical vehicle for their private use, given that you're going to transfer your fleet over to a whole electric fleet.

JOSH MURRAY: I think we can take on notice. Treasury has done some whole-of-government work around that, and we are feeding into that process.

The Hon. MARK BANASIAK: Thank you. Anything will be good. Just on cameras, obviously there's lots of different cameras floating around for various purposes. Are those images that have been taken from the

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various cameras—whether it's speed cameras, mobile phone cameras or just the general traffic safety cams—being fed into AI or machine learning programs? For what purposes, if they are?

JOSH MURRAY: No. There are strict operating protocols around the different cameras. I should state that they all have different purposes. Our private motorway operators have different operating procedures around their cameras to the ones that we do. We obviously have the operational cameras on major intersections that feed into our traffic management.

The Hon. MARK BANASIAK: Those ones that feed into your traffic management system, are they being put through any AI programs for learning or modelling?

JOSH MURRAY: We have some systems like the SCATS smart traffic light system, which I wouldn't classify as AI, but we certainly use the data and then operate an optimised network through those cameras.

The Hon. MARK BANASIAK: How long is that data held for?

JOSH MURRAY: I'd have to seek that information. Many of the cameras don't allow us to actually keep data.

The Hon. MARK BANASIAK: Mr Wing, I don't want to leave you without having answered a question. During the regional transport hearing we heard from the Minister. She referenced that you've been out and about in the countryside talking to taxi operators and rideshare operators specifically around disabled taxis. Could you provide some detail as to where you've been and what you've heard? I'm happy for you to take some of this on notice if you'd like. What is the current state of play with the taxi industry in the regions and the disabled taxis?

ANTHONY WING: Thank you for asking a question. I'm delighted to have a chance to speak to it. I've been going around New South Wales, both regional and metro areas, talking about the changes to the taxi licensing regime, which began on 1 August. Generally, overall the industry has bounced back. The whole of industry is back to pre-COVID levels now, which is good. I am concerned a little bit about the number of wheelchair taxis on the road; those have not come back to the same level as was before the pandemic. I could get you some exact numbers here, but I can give you rough numbers.

The CHAIR: We did get some.

ANTHONY WING: We had perhaps 950 or so wheelchair taxis back in 2019, registered and on the road across New South Wales; we have a bit over 700 as of September.

The Hon. MARK BANASIAK: What was the figure just prior to the legislation passing, at the end of last year—perhaps on notice.

ANTHONY WING: I'll have to take that one on notice, yes. We need to do some work around—the biggest impact is always in regional areas because if you lose one taxi in the metro areas, there are actually a lot of other ones. If you lose one wheelchair taxi in a small town, it can well be the only wheelchair taxi. We have lost services, unfortunately, in some regional towns—Kiama and Queanbeyan are a couple of examples. I recognise we're short on time, so I won't go into detail about what we do on a case-by-case basis. But I do think we need to do more work at a broader policy level to address the underlining reasons. The Minister has called a roundtable of stakeholders for later this month—which includes representatives from disability groups, representatives of service providers, taxi companies and others—to talk through the various policy options. I think that's very good, to have that discussion with people because it is time and we need to have some approach which will address some of the underlining reasons why wheelchair taxis have not come back to quite the same extent as other vehicles have.

The Hon. MARK BANASIAK: Can you give any update on the level of unruly behaviour of operators out there? It's been in the media—turning their meters off, being very selective about who they pick up, basically saying, "We'll charge what we like because Uber does." Can you give an update as to whether that has settled down? I know there was a bit of a crackdown. Have you got any data as to whether it has reduced?

ANTHONY WING: It was particularly bad before Christmas last year. We did a lot of work around it. We have people in uniforms on the ranks. We have people doing plain-clothes operations as well. Can I just say that most drivers are good drivers doing the right thing. This is a subset minority.

The Hon. MARK BANASIAK: A small minority.

ANTHONY WING: Yes. We have people in plain clothes as well issuing fines. We also work very closely with the taxi industry because the taxi companies need to control their drivers as well. When they get complaints they need to deal with them, whether that is dealing with refunds or taking disciplinary action. We've

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set up a hotline as well and about 90 per cent of the complaints that have come in through there have so far been actioned by the relevant taxi companies. So all of that continues to go on. We're certainly not seeing it at the level that we were seeing it before Christmas last year. My desire is that we continue to keep pressing down on it so that we don't see a resurgence over summer.

The Hon. NATALIE WARD: There's supposed to be stickers in taxis, aren't there, about how to report those incidents? Have they been rolled out?

ANTHONY WING: Stickers are being rolled out. We've sent out about 30,000 stickers across New South Wales and following up on them to make sure that they are getting put in taxis by the service provider.

The Hon. NATALIE WARD: I'm yet to see them. It'd be great to see them out there.

The Hon. MARK BANASIAK: Is it a mandated requirement?

ANTHONY WING: It is. As of recently, it's a mandated requirement.

The CHAIR: We'll divide the next round. The Opposition has 3½ minutes.

The Hon. NATALIE WARD: Ms Carroll, the executive director position—is it your understanding that that position, that executive director, had any previous or current connection to the Labor Party?

SUSAN CARROLL: I don't have definitive information in that respect. It was raised to my attention—I couldn't say when—that the officer may have been an adviser in an office at one point in time. I was aware that the officer was a longstanding Transport employee.

The Hon. NATALIE WARD: So you're not aware or you're not able to clarify your knowledge?

SUSAN CARROLL: That's my response.

The Hon. NATALIE WARD: They were a Labor adviser?

SUSAN CARROLL: That information was indicated to me that that may have been some time ago, but I was advised that the officer was a longstanding Transport employee.

The Hon. NATALIE WARD: Sure. So longstanding—at some point, potentially, there may have been some notice that they had Labor—not that there's anything wrong with it, but that they had some Labor affiliation at some previous point.

SUSAN CARROLL: Yes. I think that indication was given to me at the time.

The Hon. NATALIE WARD: Mr Murray, you'd be aware of obligations under the GSE Act in your role now?

JOSH MURRAY: Yes.

The Hon. NATALIE WARD: Is it appropriate for the ministerial office to give directions on your employment decisions?

JOSH MURRAY: On the specific issue we're talking about, I'd have to seek further advice as to how this came about and the matters that were discussed at the time.

The Hon. NATALIE WARD: But under your understanding as the current Secretary of Transport for NSW, responsible for the GSE Act—

JOSH MURRAY: Yes, I'm aware of my obligations.

The Hon. NATALIE WARD: You're aware of your obligations, yes. So if a ministerial office sought to exercise a direction to your Transport for NSW directors to employ someone, would that be appropriate?

JOSH MURRAY: I think I'll do just as Ms Carroll has suggested, which is seek further advice on what is the request and what is the nature of how that would be undertaken.

The Hon. NATALIE WARD: If they were telling you that you had to employ someone, that's not appropriate, is it?

JOSH MURRAY: No—

The Hon. CAMERON MURPHY: Point of order: I've been listening carefully to see where this is going and, conscious of your earlier ruling, I think we're quickly heading back to a position where the witness is being asked for a legal opinion on these matters.

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The CHAIR: I won't uphold the point of order as such, but it was veering on asking for an opinion. If the member could continue in a slightly different method of questioning, that would be appreciated.

The Hon. NATALIE WARD: Mr Murray, you've indicated that you have an awareness of the GSE Act. That's correct, isn't it?

JOSH MURRAY: That's correct. I'm aware of my obligations.

The Hon. NATALIE WARD: You have obligations under that Act.

JOSH MURRAY: Correct.

The Hon. NATALIE WARD: That's not in dispute. You understand that's the Act by which government service employees are employed, retained and obligations are set out and met?

JOSH MURRAY: I am aware of my obligations, absolutely.

The Hon. NATALIE WARD: Is it your understanding that the Minister can give you directions regarding employment of public service employees in Transport for NSW?

JOSH MURRAY: The Minister cannot direct me on my obligations under the Act of the employer functions, that's correct, in terms of the transport service.

The Hon. NATALIE WARD: That's reasonably clear, particularly in relation to senior executives. That's correct, isn't it?

JOSH MURRAY: That's correct.

The Hon. NATALIE WARD: That's clear from the Act, isn't it?

JOSH MURRAY: Yes, that's right.

The Hon. NATALIE WARD: That's all I have.

The CHAIR: The airport station access fee has obviously been a tricky policy issue for some time—many years. Has any brief been prepared? Is any work being done internally to look at the benefits of removing that access fee? I understand the situation with the contractor and everything else, but the benefits—particularly in relation to the fact that Sydney airport workers are charged the fee. It's often quite expensive. The congestion around Sydney airport—the cost of that congestion. Has any work been done on that with the new Government?

JOSH MURRAY: Certainly we had a look at the airport access fee in relation to the consideration of the fares that were announced only in the last month—the fare changes that have gone through. With the changes, the new fare for, say, Town Hall to the airport would be around about \$20, \$21, which for a single traveller is obviously very beneficial in comparison to a taxi or an Uber. We also noted that in the last year the patronage on that airport line has really come back very strongly. It's about a 100 per cent increase in 12 months in terms of people returning to the train to get to the airport. That's certainly being monitored in the rollout of the new fares for this year. I'm not aware, Ms Mares, if there's any further work.

TRUDI MARES: No.

JOSH MURRAY: We're not aware of any further work at this stage to look at the future of the airport access charge.

The CHAIR: So there isn't anything that the department has done internally to look at the potential benefits of removing that in terms of congestion?

JOSH MURRAY: No, the focus—the current focus was on applying the 3.7 per cent fare increase and also looking at the impetus around fairer Fridays to get more patronage on the network.

The Hon. MARK BANASIAK: You'd probably have to take this on notice, but the budget included \$20 million to investigate extending Memorial Drive down at Bulli. Can you break down what that \$20 million will get us in terms of investigation? It seems quite excessive for an investigation. Given I travel on that route daily, I'm just wondering is that—essentially you're proposing to extend Memorial Drive through Bulli and connecting up with Bulli Pass?

JOSH MURRAY: I don't have the information to hand, but perhaps we could cover this in the roads hearing on Thursday. If not, I'm happy to take it on notice.

The Hon. MARK BANASIAK: Sure, if that's the better place for it, I'm happy to take it there.

JOSH MURRAY: We can do that.

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The CHAIR: Great. We can look forward to Thursday now.

JOSH MURRAY: Chair, excuse me, could I address one further supplementary? Ms Ward, earlier on you asked me about references in the other inquiry about landing the Sydney Metro, which I have—I'm not sure of the origination of that. But certainly I would just like to suggest that the original Sydney Metro—Peter would certainly kill me if I was out there trying to claim those sorts of claims through the process. The original Sydney Metro was announced in November 2009. I had left government by August 2008, so it would be a very strange claim to be making that I had been somehow involved in the execution of that contract.

The Hon. NATALIE WARD: It was in your interview documents. You didn't correct it.

The CHAIR: That's not an invitation for a discussion about it. Thank you for putting that on notice.

The Hon. Dr SARAH KAINE: Mr Collins, if I could ask you a question—

HOWARD COLLINS: You can.

The Hon. Dr SARAH KAINE: I just felt like we didn't get complete clarity on the process of appointing the head of the transition office. I think you were trying to explain the process. Can you just clarify the advertising of the role and what happened subsequently?

HOWARD COLLINS: Yes. I will try to make this clear. Shortly after I took up the position of acting secretary, I was aware that the transition role had been created and there was someone covering that role. We wanted to ensure that we had enough resources. I was very supportive of this role because it's certainly something I've been involved with in the past in assisting where there were, I think, five either ongoing or pending reviews at that time when I joined the acting secretary role. I discussed this with a number of people, including the chief people officer, and the best advice was, "We will advertise for this role. We'll do this internally. We will do a short process", because it was important to move forward that. There was already a job description from 4 April before I started. A shortlisting process took place using the HR function or the people and culture functions, and we carried out interviews, I believe, in the last week of April and, following the third interview on 1 May, two candidates were found suitable. In fact, all three candidates were of a high calibre and shortly afterwards I advised the current incumbent that she was successful but also advised a second person that we were needing to take up their time during this transition role.

The Hon. Dr SARAH KAINE: Just to confirm, there was a recruitment process?

HOWARD COLLINS: There was.

The Hon. Dr SARAH KAINE: There wasn't a direction for you to choose a particular person?

HOWARD COLLINS: In fact, nobody directed me to do anything. I reviewed the role of transition office in previous organisations. Particularly when government changes, it's very useful to have extra resources when you're doing reviews, so I thought it was appropriate. Certainly it was producing very useful, direct information for me as the acting secretary about those reviews. The rail review was in place. We had a number of other reviews. As the acting secretary, I wanted to be ensured that I was informed straightaway on that progress.

The Hon. Dr SARAH KAINE: Thank you, Mr Collins, that's very clear.

The Hon. CAMERON MURPHY: I've just got some questions for Ms Carroll. I was listening carefully to the questions that were asked by the Hon. Natalie Ward about this transitional office earlier. I just thought some things may have been lost in the rapid fire questioning that was going on. I just wanted you to make it clear for me. If you could just clarify—you were not present at the initial meeting?

SUSAN CARROLL: That's correct.

The Hon. CAMERON MURPHY: You were not present at the initial meeting to set this transitional office up, were you?

SUSAN CARROLL: That's correct.

The Hon. CAMERON MURPHY: So the evidence you were giving about these matters wasn't something that you saw or heard yourself. It was just your understanding relayed second-hand to you about what had occurred. Is that right?

SUSAN CARROLL: That's not correct. There was a first meeting with the former secretary, which I was not present at. My understanding is that the issues were raised at that time. I can't comment about the level of detail.

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The Hon. CAMERON MURPHY: So all of your evidence about that is just your understanding of what was relayed to you after the meeting?

SUSAN CARROLL: That's correct—from the former secretary. I attended the second meeting.

The CHAIR: That's the end of today's hearing. Thank you all very much for coming. I know it can be a long day, particularly for those of you who don't get any or many questions. I apologise. The secretariat will be in touch for questions you took on notice or any supplementary questions. Thanks again for everything you do.

(The witnesses withdrew.)

The Committee proceeded to deliberate.