

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Thursday 5 March 2026

Examination of proposed expenditure for the portfolio area

PREMIER

CORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

Ms Abigail Boyd

The Hon. Mark Buttigieg

Dr Amanda Cohn

Ms Cate Faehrmann

Ms Sue Higginson

The Hon. Mark Latham

The Hon. Tania Mihailuk

The Hon. Sarah Mitchell

The Hon. Bob Nanva

The Hon. John Ruddick

The Hon. Emily Suvaal

The Hon. Damien Tudehope

PRESENT

The Hon. Chris Minns, *Premier*

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**

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The CHAIR: Good morning, everyone. Welcome to the fourth Portfolio Committee No. 1 – Premier and Finance hearing for the additional round of budget estimates 2025-2026. 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 respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Jeremy Buckingham and I am the Chair of this Committee. I welcome Premier Minns and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of the Premier.

I ask everyone in the room to please turn their mobile phones to silent. I also note that this is a public hearing and disruptions from the public gallery will not be tolerated. I trust that everyone here will respect the Committee process that is underway. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of 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 for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Premier, 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. Mr Draper and Ms Boyd, you have previously been sworn before this Committee during this round of budget estimates. Therefore, you do not need to be sworn again.

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Mr SIMON DRAPER, PSM, Secretary, Premier's Department, on former affirmation

Ms KATE BOYD, PSM, Secretary, The Cabinet Office, on former affirmation

The CHAIR: Welcome and thank you for making the time to give evidence. Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Premier 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 will hear from departmental witnesses from 2.00 p.m. to 3.30 p.m., and integrity agency witnesses from 3.45 p.m. to 5.30 p.m. During these sessions there will be questions from Opposition and crossbench members only, and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 3.45 p.m. We will begin with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Good morning, Premier. Premier, it's fair to say you are headed for the exit. Isn't that the case?

Mr CHRIS MINNS: Hopefully not imminently.

The Hon. DAMIEN TUDEHOPE: You've told us that you're planning to retire after the next election, haven't you?

Mr CHRIS MINNS: No, I haven't. The only thing I've said is that—like everybody here—you're at the service of voters and, in the end, they decide whether you hang around or not. We've got a tough re-election in front of us but if we were to win, I'd love to serve a full term.

The Hon. DAMIEN TUDEHOPE: Have you had discussions with your wife about it? I have discussions with my wife all the time.

Mr CHRIS MINNS: What does she say about your future?

The Hon. DAMIEN TUDEHOPE: Have you had discussions with your wife about it? When she'd like you to leave?

Mr CHRIS MINNS: I think we've probably had discussions about my career and her career and the kids, and whether I've cleaned up the kitchen, and all kinds of stuff.

The Hon. DAMIEN TUDEHOPE: Have you had discussions with colleagues? Have you suggested to them that there is an exit strategy available, that you're planning to go at some time after the next election?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Are you aware, of course, that they're already having discussions, aren't they?

Mr CHRIS MINNS: Are they?

The Hon. DAMIEN TUDEHOPE: Yes.

Mr CHRIS MINNS: No, I'm not aware of that. Do they loop you in on it, do they?

The Hon. DAMIEN TUDEHOPE: Yes, they've looped me in on it.

Mr CHRIS MINNS: Okay, right—obviously not too discreet.

The Hon. DAMIEN TUDEHOPE: There's planning afoot, isn't there? Have you got a preferred candidate that you think should succeed you when you go?

Mr CHRIS MINNS: I understand the reasons for your questions. It has to do with a comment I made about the Metro West's expected completion date in 2032. The only point I was making is that it's a long way into the future and I think political leaders and Premiers, in particular, need to be humble about these things and recognise that it's not always in your own interests as to when you pack up or when the voters say, "We've had enough of you".

The Hon. DAMIEN TUDEHOPE: That's the point, Premier. You can't un-ring that bell now because when you were asked about that project, you said, "I won't be here." Effectively, you were telling everyone what was in the back of your mind. Probably, you'd had a discussion that morning with someone. It was something which is playing on your mind; when that project is actually delivered, you won't be here.

Mr CHRIS MINNS: Is that a question?

The Hon. DAMIEN TUDEHOPE: Isn't that the case?

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Mr CHRIS MINNS: No, it's not. I think I've explained it. I think fair-minded people would understand the context and the circumstance.

The Hon. DAMIEN TUDEHOPE: I'm a fair-minded person.

Mr CHRIS MINNS: It doesn't sound like it.

The Hon. DAMIEN TUDEHOPE: I heard you say it, and I'm sure lots of your colleagues heard you say it and immediately started to hit the phones. Isn't that the case?

Mr CHRIS MINNS: I don't know.

The Hon. DAMIEN TUDEHOPE: Premier, have you got any post-politics jobs lined up?

Mr CHRIS MINNS: No, I don't.

The Hon. DAMIEN TUDEHOPE: Have you had any discussions with Morris Iemma potentially about a post-politics job?

Mr CHRIS MINNS: No, I've never spoken to him about it.

The Hon. DAMIEN TUDEHOPE: Premier, there's been a number of Standing Order 52s relating to a sexual assault which occurred in the Parliament in 2015. Are you aware of that?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: You're not aware of it?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: A call for papers by the upper House in relation to a sexual assault which occurred on 25 June 2015.

Mr CHRIS MINNS: Was that a sexual assault, was it?

The Hon. DAMIEN TUDEHOPE: Yes.

Mr CHRIS MINNS: Is that right?

The Hon. DAMIEN TUDEHOPE: That's what I am saying.

Mr CHRIS MINNS: I'm asking you. I'm not aware of a sexual assault during that time, no.

The Hon. DAMIEN TUDEHOPE: You're not aware of allegations in relation to a sexual assault on Stefanie Jones?

Mr CHRIS MINNS: I am aware of those circumstances, yes.

The Hon. DAMIEN TUDEHOPE: Have you ever made a statement in relation to that?

Mr CHRIS MINNS: In relation to that matter?

The Hon. DAMIEN TUDEHOPE: Yes.

Mr CHRIS MINNS: At the time, I was asked to give information to the New South Wales police—during that period.

The Hon. DAMIEN TUDEHOPE: Did you make a statement?

Mr CHRIS MINNS: Yes. At their request, I did.

The Hon. DAMIEN TUDEHOPE: In relation the Standing Order 52, are you happy for that statement to be released?

Mr CHRIS MINNS: It's up to New South Wales police. I don't have the statement.

The Hon. DAMIEN TUDEHOPE: You don't have it?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Would you be happy to authorise the New South Wales police to release that statement?

Mr CHRIS MINNS: I'd take the question on notice, but I'd leave their judgement on those questions up to them.

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The Hon. DAMIEN TUDEHOPE: This is a question for you, Premier. Would you be happy to advise the New South Wales police to release the statement which you had made?

Mr CHRIS MINNS: No, I'd leave it up to them.

The Hon. DAMIEN TUDEHOPE: Why?

Mr CHRIS MINNS: Because they've got decisions to make about statements, processes, when they release statements, when they don't release statements.

The Hon. DAMIEN TUDEHOPE: It's your statement about what happened on that day. It is a document which you prepared, and which has been requested pursuant to the standing order issued by the upper House. You can release it.

Mr CHRIS MINNS: No, I can't. I don't have a copy of it.

The Hon. DAMIEN TUDEHOPE: But you can instruct the police to release it.

Mr CHRIS MINNS: I don't think I can. It's up to New South Wales police to make that decision.

The Hon. DAMIEN TUDEHOPE: Why is that the case?

Mr CHRIS MINNS: We've got a separation of powers. They've got an obligation—

The Hon. DAMIEN TUDEHOPE: But it's your statement.

Mr CHRIS MINNS: Again, I don't have a copy of the statement. It's held by New South Wales police. I'll leave it up to them to make a decision about it.

The Hon. DAMIEN TUDEHOPE: The fact of the matter is, if there was nothing to hide in relation to that matter, your involvement in relation to that matter, what you perceived as occurring on that day in relation to that matter, you can clear up today by authorising the release of your statement.

Mr CHRIS MINNS: I'll take that on notice. I'm not sure whether that's the case, but New South Wales police make—

The Hon. DAMIEN TUDEHOPE: Do you recall what you said in your statement?

Mr CHRIS MINNS: Sorry, can I get an answer out, Mr Chair?

The CHAIR: You certainly can. Please, Mr Tudehope. You've asked a question.

Mr CHRIS MINNS: I'll leave it up to New South Wales police to make that decision.

The Hon. DAMIEN TUDEHOPE: Do you recall what you said in that statement?

Mr CHRIS MINNS: Not really, no. It was 11 years ago or 10 years ago.

The Hon. DAMIEN TUDEHOPE: Do you recall the incident?

Mr CHRIS MINNS: No, I don't. I wasn't there.

The Hon. DAMIEN TUDEHOPE: Premier, you're also aware of an inquiry relating to the Kogarah by-election, are you not?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: The Kogarah election campaign in 2015?

Mr CHRIS MINNS: I'm aware of inquiries from an upper House committee, yes.

The Hon. DAMIEN TUDEHOPE: In relation to the Kogarah fundraising activities conducted in respect of the 2015 election?

Mr CHRIS MINNS: I'm aware of it, yes.

The Hon. DAMIEN TUDEHOPE: You are aware, are you not, that there was a fundraiser conducted in 2014? You were asked questions about it at a media conference.

Mr CHRIS MINNS: I'm aware of it.

The Hon. DAMIEN TUDEHOPE: You recall the questions that you were being asked at that time?

Mr CHRIS MINNS: I don't remember the questions at the media conference.

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The Hon. DAMIEN TUDEHOPE: If I can paraphrase it, you were asked, of course, whether you remember the event, and you said you didn't recall. "It was a long time ago." Do you recall that that was effectively your answer?

Mr CHRIS MINNS: I do remember that, yes.

The Hon. DAMIEN TUDEHOPE: Do you recall it was put to you that there was some 200 people there?

Mr CHRIS MINNS: Just to clarify your question, are you saying do I recall the fundraiser, or do I recall a couple of weeks ago being asked the question?

The Hon. DAMIEN TUDEHOPE: Do you recall a couple of weeks ago being asked that question?

Mr CHRIS MINNS: I do recall that.

The Hon. DAMIEN TUDEHOPE: Do you have any recollection of the fundraiser in question now?

Mr CHRIS MINNS: Not in its specifics. I think I went to quite a few fundraisers either there or subsequently across New South Wales. So, no, I don't remember the specific date, no.

The Hon. DAMIEN TUDEHOPE: Have you made any inquiries since that time in relation to the fundraiser in particular? Having been asked at the media conference about that particular fundraiser, have you made any inquiries since that time to just check the records to ascertain what occurred at that fundraiser, what documents were lodged in relation to the fundraiser activity?

Mr CHRIS MINNS: No, not particularly.

The Hon. DAMIEN TUDEHOPE: Have you made any statement to the Electoral Commission in relation to what occurred at that fundraiser?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Have you made any statement in relation to the fundraiser at all, to anybody?

Mr CHRIS MINNS: What does that mean? The media asked me about it.

The Hon. DAMIEN TUDEHOPE: Have you made any statement to any integrity bodies?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: In respect of the actual fundraiser itself, the disclosure was that the amount raised was some \$5,900-odd. Do you recall that was the disclosure which was made?

Mr CHRIS MINNS: Yes, I do remember that.

The Hon. DAMIEN TUDEHOPE: It was put to you that there were 200 people at the fundraiser.

Mr CHRIS MINNS: Put to me by who?

The Hon. DAMIEN TUDEHOPE: Put to you by journalists at the time.

Mr CHRIS MINNS: I guess that was part of the questioning from a couple of weeks ago, yes.

The Hon. DAMIEN TUDEHOPE: Do you accept that in the circumstances it would be not unusual that there would be more than \$5,000 raised in relation to a fundraiser where 200 people were at the fundraiser?

Mr CHRIS MINNS: It might be unusual; it might not be unusual. It probably depends on the ticket prices.

The Hon. DAMIEN TUDEHOPE: You made reference originally to the fact that this was a fundraiser which had been investigated by the ICAC. In fact, that was not the case, was it? That fundraiser had never been investigated by the ICAC, had it?

Mr CHRIS MINNS: I don't know it to be the case. I certainly believed at the time that Operation Aero was looking at fundraising checks from the committee called at the time Chinese Friends of Labor. What was your question?

The Hon. DAMIEN TUDEHOPE: What I put to you is that you in fact asserted that the matter had been investigated by the ICAC and that wasn't the case, was it?

Mr CHRIS MINNS: I don't know. I'm not sure whether it's been investigated or not. What I would say is that the fundraiser, the community engagement dinner, was organised by Chinese Friends of Labor, which was

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investigated by Operation Aero and the ICAC. I don't know the extent of their inquiry, or where it led to, or what the circumstances of it were.

The Hon. DAMIEN TUDEHOPE: A lot of the attention in Operation Aero related to what could colloquially be described as "straw donors". Is that not the case?

Mr CHRIS MINNS: It certainly was part of the inquiry. I don't know whether it was most of the inquiry or some of the inquiry. It certainly was part of it.

The Hon. DAMIEN TUDEHOPE: The issue of cash money potentially being available, you would recall, would you not, pretty vividly the \$100,000 which was allegedly delivered in a bag, and then an assertion relating to cash donors?

Mr CHRIS MINNS: I do remember that.

The Hon. DAMIEN TUDEHOPE: You'd agree with the submission, would you not, that if in fact straw donors were being used for the purposes of hiding the contribution of cash donors, that would be an illegal process?

Mr CHRIS MINNS: Sorry, can you repeat the question?

The Hon. DAMIEN TUDEHOPE: In the event that straw donors were being used to in fact hide the contributions to a campaign which were made in cash, that would be illegal, would it not?

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: So if in fact there had been a previous fundraising function in 2014 which was using straw donors, that would be an illegal activity, would it not?

Mr CHRIS MINNS: In any circumstances for any fundraiser if you use straw donors or you purport to present the donor as someone other than actually the financial contributor, it's illegal full stop in any circumstances.

The Hon. DAMIEN TUDEHOPE: Then in the circumstances if in fact the straw donors used for the function which was investigated pursuant to Operation Aero were identical to the same straw donors which were used in the 2014 function, that would be entirely coincidental, would it?

Mr CHRIS MINNS: I'm not following the—it's a serious topic.

The Hon. DAMIEN TUDEHOPE: It is a serious topic, Premier.

Mr CHRIS MINNS: I want to make sure that I'm actually answering the question.

The Hon. DAMIEN TUDEHOPE: Would you agree that if in fact the identical straw donors for 2014 were used in 2015—

Mr CHRIS MINNS: In what relationship?

The Hon. DAMIEN TUDEHOPE: In relation to the two fundraising activities.

Mr CHRIS MINNS: For who?

The Hon. DAMIEN TUDEHOPE: Both your campaign and the fundraiser investigated by Operation Aero. If identical straw donors were used in 2014 as in 2015, would that be entirely coincidental?

Mr CHRIS MINNS: I have no idea. I don't know what you're talking about.

The Hon. EMILY SUVAAL: It's very hypothetical, Mr Chair.

The Hon. DAMIEN TUDEHOPE: If in fact there was a model that the names of the people who were used to effectively be straw donors for the event in 2015, those were the same people who effectively were used for the purposes of covering up contributions in the 2014 Sunny Seafood event—

Mr CHRIS MINNS: It's a difficult question for me to answer because it's based on a hypothetical with knowledge I don't know. I don't know if that's the case. I just make the point, Mr Chair, that that fundraiser was organised by Chinese Friends of Labor. It's a fact that many of the committee members of Chinese Friends of Labor were subject to adverse findings by the Independent Commission Against Corruption as a part of Operation Aero. It may well be the case, and I believe it is the case, that they're further subject to criminal prosecutions. I'm reluctant to answer your hypothetical questions when it may well be before the court soon.

The Hon. DAMIEN TUDEHOPE: I accept that, Premier. A bill has been introduced in the lower House, sponsored by seven members of the crossbench, being the Road Transport Amendment (Medicinal Cannabis) Bill

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2025. It proposes to make it lawful for a person identified as having cannabis in their system to drive a motor vehicle or operate a vessel if they have a prescription for cannabis and are not behaving in an obviously drug-affected manner. Will the Government members be supporting this bill?

Mr CHRIS MINNS: We're not going to support that bill, but in full transparency to the Committee I think it's worth reporting that we are considering changes to the law in New South Wales in relation to medicinal cannabis use, impairment and roadside drug testing. The reason for that is that the latest indications suggest to us that we have, I think, about 400,000 people in the State who access medicinal cannabis via prescription. I think the latest information I have is that there were a million prescriptions in New South Wales. My understanding is it was largely driven by the former Premier of New South Wales, Mike Baird, who was a big driver of accessing medicinal cannabis, but as a result of those changes, we're seeing hundreds of thousands of people accessing it as a legitimate health alternative to even more powerful drugs. We think we need a fit-for-purpose regime on New South Wales roads so as we're not disenfranchising people, particularly in regional communities, from driving. I don't want to mislead you; we will draft our own legislation, but we're actively considering a change in the policy.

The Hon. DAMIEN TUDEHOPE: I assume that all of those sorts of matters have been considered by the expert working group, which, I think, you organised to be set up. Is that the case?

Mr CHRIS MINNS: Yes.

The Hon. DAMIEN TUDEHOPE: Have they provided a report for the Government? It was due to report by the end of 2025.

Mr CHRIS MINNS: I think they have.

The Hon. DAMIEN TUDEHOPE: Will you be releasing that report?

Mr CHRIS MINNS: Happy to divulge this: Cabinet is considering their recommendations.

The Hon. DAMIEN TUDEHOPE: Have you in your mind the test that you would use for the purposes of ascertaining whether someone is fit to drive a vehicle in circumstances where they are affected by cannabis?

Mr CHRIS MINNS: In my mind I do. But—

The Hon. DAMIEN TUDEHOPE: What does that look like, the test you have in your mind?

Mr CHRIS MINNS: We are not ready to release the policy. It needs to be tested inside Government, as per the normal Cabinet processes. When it is ready, I will release it.

The Hon. DAMIEN TUDEHOPE: But you have an idea about how it would work.

Mr CHRIS MINNS: I am not trying to pull the wool over your eyes. We are considering a change.

The Hon. DAMIEN TUDEHOPE: On 4 June 2025, in a second reading speech on the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025, the Minister for Agriculture said:

The Government will support the bill because it maintains the existing strong focus on ensuring that hunting is safe and well regulated, while encouraging better education and research, and further supporting the role hunting plays as part of an integrated pest management approach.

Will Government members still be supporting that bill on the second reading?

Mr CHRIS MINNS: It hasn't been presented for a vote as yet. But I think it is fair for me to report to the Committee that our approach to that bill and other measures in relation to firearms in New South Wales have changed since 14 December. We genuinely respect the input from the Shooters party, who put that bill up. They have been very, very good in communicating to us what the consequences of our proposed reforms that we put into Parliament at the end of 2025 would mean for the industry, and we want to make sure that there is an industry plan in place, both for those people who have been lawfully selling firearms before the change and also for those, in the community, that have firearms, so that there is a fair buyback scheme in place. I think that they have approached both their own policy, their own bill and the Government's bill with integrity—to be honest with you—with absolute integrity. But I made it clear after 14 December that we're going to take a different road when it comes to firearms in the State.

The Hon. DAMIEN TUDEHOPE: There was \$7.9 million set aside in the budget for the establishment of the hunting conservation authority. Has that money been reallocated?

Mr CHRIS MINNS: Not yet, no.

The Hon. DAMIEN TUDEHOPE: But that authority will not be established?

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Mr CHRIS MINNS: It is predicated on the bill passing.

The Hon. DAMIEN TUDEHOPE: Premier, in relation to the Anti-Discrimination Act, there is a proposal by the member for Sydney for the abolition of all exemptions relating to religious bodies who might have a particular ethos. Do you support the removal of those exemptions?

Mr CHRIS MINNS: No.

The Hon. ROBERT BORSAK: Welcome, Premier. I am a little bit croaky today. Premier, what advice has been issued to Ministers and other Government MPs about attending rallies where hate speech or extremist symbols may appear?

Mr CHRIS MINNS: I don't know whether advice has been issued. All members of my—did you say "Government members" or "any member"?

The Hon. ROBERT BORSAK: I said "Ministers and other Government members". In other words, all Labor MPs.

Mr CHRIS MINNS: We would expect all members of Parliament, my team and everyone else, to abide by the law. Wherever possible, we hope that they support Government policy, but—I'll be honest with you, Mr Borsak—that hasn't always been the case.

The Hon. ROBERT BORSAK: That they follow the law or they—

Mr CHRIS MINNS: I should be clear. Yes, they have followed the law, but, no, they haven't always supported Government policy.

The Hon. ROBERT BORSAK: So they are not instructed to avoid events where unlawful, inflammatory conduct is reasonably foreseeable?

Mr CHRIS MINNS: As you'd know, that is a difficult test to codify, because it presupposes understanding something will happen in the future and that is not an easy thing to do. I grappled with this a lot over the last three years or two and a bit years. In my view, a lot of the protests that have taken place—I assume you are referring to the Palestinian Action Group protests. A lot of those protests have resulted in violent behaviour, terrorist symbols, hate speech on Sydney's streets. But I genuinely believe that a lot of people have attended those marches with none of those intentions in place, that they have tried to exercise their democratic right to freedom of speech and expression, and they are concerned about the circumstances relating to civilians in Gaza. They are not part of the Palestinian Action Group leadership. My dilemma is those protests are organised by a pack of communists that just are intent on having a confrontation with police.

The Hon. ROBERT BORSAK: But, surely, it's not a good look for you to have members of the Government standing in the front row, under pictures of that disgusting human being the Ayatollah.

Mr CHRIS MINNS: I would say that none of my MPs would associate themselves with the Ayatollah. And, notwithstanding my longstanding, very public disagreements with my colleagues, I have never, ever seen any of them express sympathy, support or anything like it for the Ayatollah. I think I have got to be fair to them. But, to your second question, yes, it can be embarrassing for the Government, but we have been in a difficult situation. We have had to make difficult calls. They haven't been universally supported by Labor members of Parliament, but I think they have been the right decisions in difficult times.

The Hon. ROBERT BORSAK: Just turning to issues in the bush for a minute and just talking about drought. Nearly half of New South Wales is already officially under drought declaration. Farmers are carting water just to keep livestock alive. What are you doing to address the acute water shortages for livestock and feed supplies and communities in the bush?

Mr CHRIS MINNS: You are right. I have spoken to a lot of regional mayors who say to me that the changes in weather, particularly for regional communities, is unlike anything they have seen before. We have got a situation where some parts of the State could be affected by serious flooding and extreme weather events, particularly on the coast, and other parts of the State are in acute drought. Generally speaking, those things have worked in the same cycles, but now we have to deal with major flooding events, for example, on the Mid North Coast, while, at the same time, ensuring that we've got support programs in place for drought-affected community. I am advised that we've got \$250 million for the Drought Ready and Resilient Fund. That aims to increase sustainability and resilience for primary producers in the State. The New South Wales and the Commonwealth governments announced a joint \$45 million Farm Business Resilience Program, in addition to the funds that we have already put in place, and Ray Willis was appointed as the Drought Coordinator in late November 2025.

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The Hon. ROBERT BORSAK: Premier, you, obviously, know that many farmers are already heavily indebted and that these programs, if they were to result in loans, are just going to increase the burden on those farmers. The Country Mayors Association has advocated for direct subsidies, for example, for carting water and other things. Are you going to do that? Piling more debt on this sector is not going to help them in the long run.

Mr CHRIS MINNS: It's a good point. My understanding is late last year Minister Moriarty reduced the interest rate on those loans to 1 per cent, which is, obviously, well below the commercial return. You still have to pay the principal back, which is the point that you are making to us.

The Hon. ROBERT BORSAK: With respect, even with a 1 per cent interest rate, you are still carrying the debt, aren't you, and they can't pile on any more if it keeps getting drier and drier.

Mr CHRIS MINNS: We are actively looking at the situation. I don't have a silver bullet here. I think this was an issue that bedevilled the previous Government too. It is hard. It is a very difficult one to try and solve fully, other than to make sure that you've got programs in place and a safety net so that, when there is an ability to produce feed and export quality material, you can get it out the door and, hopefully, save for a more difficult environmental window that often comes immediately after. Our challenge is that those drought conditions are extending for longer periods and they are impacting earlier in the season than before.

The Hon. ROBERT BORSAK: Turning to the rushed legislation before Christmas, you obviously accept that the firearms legislation was rammed through in the final week before Christmas. That is what happened. But what was the urgency to have it done before Christmas?

Mr CHRIS MINNS: We had a situation where hundreds of thousands of guns were in our community. We had the worst terrorism event the State has ever seen. We had 15 dead citizens on Bondi Beach. They used weapons that were legally available to members of the community. We felt we needed to take decisive and immediate action both to set the rules of the road when it comes to accessing these very dangerous firearms but, secondly, if we delayed that legislation for a significant period of time, my concern is that more people would have gone into that window, purchased those at that point legal firearms and we would have had a far worse situation in terms of the quantity of those firearms in the community, say, for example, by July 2026. The window was closing. It was important that we sent a message and a reform quickly. We, in a sense, other than a minor change, grabbed legislation that was off the shelf as it applied to Western Australia. We were confident in their methodology and how they came about their reform plans, both for the buybacks, the quantity and the specific regulation changes for what firearms would be available. We went for it.

The Hon. ROBERT BORSAK: Do you accept that rushing complex firearms laws actually undermines public confidence in the process?

Mr CHRIS MINNS: I don't.

The Hon. ROBERT BORSAK: The firearms were legally owned. There are plenty of them out there in safe storage all over the State. Why do we have to always be subjected to propaganda talking about guns on the street? You know yourself that legally held firearms are not on the street, surely?

Mr CHRIS MINNS: Mr Borsak, I don't agree with that.

The Hon. ROBERT BORSAK: Do you believe that the firearms I have at home are on the street? That is propaganda.

Mr CHRIS MINNS: I am not making that claim about you. You shouldn't say that I am making that claim about you.

The Hon. ROBERT BORSAK: I am talking about myself as an ordinary shooter.

Mr CHRIS MINNS: What I am saying is that the sad reality for us is that the murders on Bondi Beach were committed by people who had legal firearms. That is the point I am making.

The Hon. ROBERT BORSAK: No-one disputes that. Wouldn't it have been better to take a more consultative approach and actually sort it out after Christmas rather than a kneejerk reaction to make a couple of phone calls to Western Australia for their consultation and then end up with what we have ended up with?

Mr CHRIS MINNS: My worry about that, and the reason for the legislation that was passed before Christmas—and I accept it wasn't slow—was that I believed that if we waited but signalled that there would be a big reform coming with restricting the quantity and the particulars in relation to firearms, you would have seen more people buy those firearms legally and then we would be both in a worse situation in terms of the number of those legal firearms out in the community and, secondly, the taxpayers would have been on the hook for more compensation and not less as part of the buyback proposals.

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The Hon. ROBERT BORSAK: Premier, you are oversimplifying the process. You cannot just simply buy firearms. The Government could just turn the PTA process off and no more would have been acquired. I'll just ask one more question. Why go from five to four? What was the logic in that?

Mr CHRIS MINNS: We had to draw a line in the sand somewhere.

The Hon. ROBERT BORSAK: Why not leave it at five?

Mr CHRIS MINNS: Why not 15?

The Hon. ROBERT BORSAK: You wanted the toughest gun laws. You acknowledged that Western Australia was tough. Why then go from five to four?

Mr CHRIS MINNS: As I said, we had to draw a line in the sand somewhere. We had to make a decision about what quantity number of firearms for legitimate use would be acceptable in the community. It is not for people who need it as part of their job. For primary producers, it's 10.

The CHAIR: Premier, the Great Koala National Park is in the heart of the Bellinger Valley in the Mid North Coast. The main arterial road through the Great Koala National Park that links those key parts of the park and the communities in that valley is Waterfall Way. Are you aware that, essentially, that highway has collapsed, to the great economic loss and detriment of the people of Bellingen, Dorrigo and Urunga?

Mr CHRIS MINNS: No, I am not aware of that.

The CHAIR: Would you undertake to look into what is a crisis in that community because of the landslip which has cut off heavy vehicle traffic and, in actual fact, light vehicle traffic east and west on that highway? There is a major detour that is causing incredible economic hardship in those communities and is apparently not going to be resolved for many months or years.

SIMON DRAPER: Mr Buckingham, just to reassure you, I was up there a couple of weeks ago and took that detour myself travelling from Armidale up to Bellingen. After speaking to the council after my arrival there, I am aware that Transport is working with the councils and other stakeholders. It is a very major job, as you know. It is definitely on the Government's radar and it's been a funded program.

The CHAIR: Premier, in the seminal work *Confessions Of A Faceless Man* by Paul Howes, the failed unionist and architect of the Abbott Government, he quotes you as saying, in reference to the Hon. Mark Latham, words to the effect of "That guy is a strange unit. I wouldn't be surprised if he's out there murdering backpackers on the weekend." Did you say that to Paul Howes? What caused you to say that?

Mr CHRIS MINNS: I don't remember saying that. I'm not saying I didn't. I don't remember saying that. If I did, I shouldn't have. I don't believe that.

The CHAIR: You are not aware of Mark Latham's—

Mr CHRIS MINNS: No, of course not.

The CHAIR: You take everything he says with a couple of buckets of salt, but he boasts about being an associate of Milat and drinking with Milat. You have never heard anything to that effect? It was just a turn of phrase, if you said it?

Mr CHRIS MINNS: It was probably a poor joke, and one I legitimately should not have made. I don't think I expected it to end up in a book.

The CHAIR: Never got a defo letter—a defamation letter?

Mr CHRIS MINNS: Maybe.

The Hon. SARAH MITCHELL: Not yet.

Mr CHRIS MINNS: Not yet.

The CHAIR: We'll see. Premier, are you aware of the situation of the independent journalist and podcaster Jordan Shanks, who had his house firebombed a couple of times in Bondi and then, subsequent to that, had death threats delivered by the former—or current, I am not sure—ABC journalist Mahmood Fazal?

Mr CHRIS MINNS: I'm not sure about the second part of your question, but I am aware of the first part, yes.

The CHAIR: Are you confident that those crimes are being adequately investigated by the New South Wales police?

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Mr CHRIS MINNS: I don't have a reason not to be, but I remember being very concerned about it when Jordan Shanks' house was attacked. I think I spoke to him at the time. It was horrifying. You will have to refresh my memory, but recent information indicates that it was a serious threat. My sense is that the New South Wales police have got a very high degree of confidence in their professionalism and diligence on a whole range of matters, particularly complex investigations like that.

The CHAIR: Essentially, it was an assassination attempt on Mr Shanks, wasn't it?

Mr CHRIS MINNS: I don't know what it was. It was serious, though.

The CHAIR: If someone burnt your house down, you would think that they were probably trying to do you considerable harm, wouldn't you?

Mr CHRIS MINNS: Yes.

The CHAIR: And you would hope that everyone that was involved in that, not just the person who threw the petrol bomb but also the people that were behind organising it, would be brought to justice?

Mr CHRIS MINNS: Jeremy, I would hope that for everybody. I would have empathy for anyone in that situation. I don't have to live it personally to realise that that is a serious situation and people would want justice and to feel safe in their homes. It doesn't have to be personally lived. It was a shocking crime and of course it needs to be investigated.

The CHAIR: Premier, we are seeing massive amounts of global unrest at the moment, with the war that has erupted in the Middle East and Iran. What sort of economic grief is this likely to cause to New South Wales if it is ongoing? What sort of briefings are you getting? What is your expectation of the impact of this conflict on the New South Wales economy, if it goes for many weeks or months or, potentially, years?

Mr CHRIS MINNS: It is serious. It's a dynamic situation, and one that we didn't necessarily anticipate, although changes to geopolitical situations in the Middle East are increasingly common. The immediate effect would be on energy prices, particularly as it relates to petrol. I think you will start to see that being experienced by motorists in the coming weeks. That will have an impact on inflation. Obviously the Reserve Bank is making decisions about where rates go, but this puts pressure on the governor's decision in relation to the direction of interest rates, which is a big issue for New South Wales families—of course it is. When you've got the level of indebtedness for young people in our State, simply by virtue of them trying to buy a home or having a mortgage, it's a serious question for us in New South Wales.

I think we are well balanced and ready, even for the rockiness of a geopolitical change in the Middle East. We are a resilient economy with diversified areas of exports, and we can expect to continue to grow during this period. But we need to make sure that we are looking out for households, in particular, and the impact on them and their family budgets. But this is a global issue, Chair. This would be the same question facing families in France, the US, Canada and Australia as well.

The CHAIR: Turning to another global issue, and that's declining global fertility rates and depopulation. Our major East Asian trading partners are facing a catastrophic collapse in their populations and are having to stimulate their economies. The new Japanese Prime Minister has just released a massive stimulus package, and they've got massive amounts of debt in Japan, which is affecting global bond markets. They are effectively stimulating their economy because their population is declining. What impact, in terms of trade and in terms of servicing our debt, is this issue going to have on New South Wales?

Mr CHRIS MINNS: International bond markets are robust marketplaces. The bond market, particularly if government debt is larger than the equities market, means there is access to capital and there are people who want to lend. We would expect there not to be too great a disruption to that. In fact, oftentimes there are opportunities when it comes to—

The CHAIR: But it's going to be at much higher rates. I understand there is about \$40 billion worth of debt that has to be refinanced in the short term that New South Wales holds at much higher interest rates. A lot of that was originally effectively at a 0 per cent interest rate, but interest rates are now at about 5 per cent. That's going to be a huge interest bill for the people of New South Wales, is it not?

Mr CHRIS MINNS: I think you'd have to look specifically at access to bond markets, and New South Wales' access to bond markets in particular. It is a big and open marketplace. There might be a situation where, in Japan, as a result of their ageing demographics, they've got a stimulus program that they're running for the next couple of years. But throughout Europe and other parts of the world, they are taking the reverse course: They have actually got austerity policies, they are pulling back on spending and, in effect, they are trying to get their balance

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sheets under control after post-COVID expansion. The leading reason for that is because they don't want to add stimulus on the demand side of the economy to drive up inflation.

What I'm trying to say is it's swings and roundabouts. The bond market is robust. We are not anticipating increasing borrowing costs as a result of ageing demographics in Japan, for example. There is probably more of a threat in terms of the growing economies in the years ahead. We would be looking to see whether they tamp down economic growth in the five- to 10-year range.

The Hon. SARAH MITCHELL: Premier, as you would no doubt be across, we've been made aware that there have been multiple patients escape from Cumberland Hospital in recent weeks, and at least two of them have allegedly gone on to cause the deaths of three innocent people and leave two others with pretty serious injuries. Do you still have full confidence in the Minister for Mental Health to manage the safety of the New South Wales community and mental health facilities?

Mr CHRIS MINNS: I do.

The Hon. SARAH MITCHELL: Does it concern you that two dangerous patients were able to abscond from that facility within a day of each other?

Mr CHRIS MINNS: Yes, that does concern me, of course.

The Hon. SARAH MITCHELL: Is it something that you have discussed with the Minister for Mental Health in terms of any interventions that were in place or what actions you took immediately after those incidents occurred?

Mr CHRIS MINNS: We did discuss it, yes.

The Hon. SARAH MITCHELL: Are you aware that yesterday at her budget estimates she said that there was not a full intervention or investigation launched until after the second incident occurred? Do you think that delay is acceptable?

Mr CHRIS MINNS: I don't have access to her answer, but could you tell me what she actually said?

The Hon. SARAH MITCHELL: You'd be aware that in the first incident that occurred somebody got out and allegedly was involved in a car crash where two innocent people lost their lives, and a few days later one of the second absconders was involved in the tragic stabbing incident at Merrylands. The Minister said that the first incident, where a staff member was overpowered and her swipe card was used to escape—which is pretty horrific—didn't automatically trigger any ministerial intervention. She has now put a team in place to oversight that hospital, but it wasn't until the second tragedy occurred. Do you think a normal member of the community would think that's acceptable?

Mr CHRIS MINNS: I think a reasonable member of the community would accept that there are big challenges when it comes to forensic hospitals or psychiatric hospitals in the system. The people that work in those hospitals are professionals who are responsible for not just keeping us safe but also hopefully returning those patients back into the community. They've got a difficult job in front of them. I think we've got one of the most dynamic and interested Ministers in this portfolio that we've had for a really long time. I know she cares passionately about it. I'd be struggling to think of a portfolio that is more complex and difficult than Mental Health, particularly at that acute end, because it has so many ramifications across our community—everything from a law and order response, to acute psychiatric care, to the resourcing that is required to help people so that they don't tumble into even further difficulties.

I have witnessed her, over the last three years, try to grapple with these issues—sometimes dealing with complex industrial issues, sometimes dealing with escaped patients—and I think she does it with an empathy and a focus that I've got a lot of faith in.

The Hon. SARAH MITCHELL: Premier, surely you would agree that, particularly in the last couple of weeks—we are talking about three innocent people going about their daily lives who are no longer with us because they have been killed, allegedly, at the hands of people who have absconded from these facilities. That's a pretty damning scenario that we're in. Is the mental health system in crisis?

Mr CHRIS MINNS: That's a fair question. I can only imagine the families of the people who have been killed are devastated, and they've got every right to demand answers and they've got every right to see a system that is far better than the one that currently exists. Particularly in relation to Cumberland, we are genuinely putting unprecedented capital funds into those projects, particularly at Westmead. I think the original plans were drawn up by the previous Government, but we are committing close to half a billion dollars for that new hospital for psychiatric care. That will replace the old Cumberland Hospital and we will see psychiatric patients moved from their existing location to the new facility. I know you're not alleging this, but we're not doing nothing.

CORRECTED

The Hon. SARAH MITCHELL: No, I'm not saying that, but you've had a pretty shocking set of occurrences in recent weeks that I think the community is pretty alarmed about. You wouldn't expect to have that scenario play out in New South Wales once, let alone twice in as many days. To find that those two people did abscond within a day of each other is pretty horrific, isn't it?

Mr CHRIS MINNS: It is, and I'm devastated for the people that have been affected. The only point I'm trying to make is that both the Minister and the Government are committing unprecedented funds to improve the system. Our challenge, and the challenge for the Government, over the next couple of years—until the new psychiatric ward has been completed at Westmead—is to ensure that we've got a safe facility at Cumberland in the meantime.

The Hon. SARAH MITCHELL: But it's not just Cumberland. You may be aware of reports in the media today that two more people escaped from a locked mental health ward from Hornsby Ku-ring-gai Hospital as well. That was on 15 February. They've been out for about three weeks. One of them has a criminal record. So this is bigger than just Cumberland. It's a bigger crisis in mental health, Premier. Are you across that particular issue?

Mr CHRIS MINNS: Sorry, someone is playing something in the background.

The CHAIR: Order! Can we make sure that there are no videos or phones going in the gallery. Could you repeat that?

The Hon. SARAH MITCHELL: Yes. I was drawing your attention to more reports today of two patients escaping from a locked mental health ward from Hornsby Ku-ring-gai Hospital in the middle of February. One of them, I believe, has a criminal record as well. Are you across that particular issue?

Mr CHRIS MINNS: Only from the media reports.

The Hon. SARAH MITCHELL: Does it concern you that there might be other escapees from other community facilities that are out that we don't know anything about? The Minister said yesterday that she's not informed on a regular, routine basis when you do have mental health patients abscond. Do you think that needs to be changed?

Mr CHRIS MINNS: I do, and it is. The sad reality for us is that abscondee from psychiatric facilities is not new. It has occurred because of what I would say are the inappropriate living conditions of old forensic and psychiatric hospitals. This was a reasonably frequent occurrence, certainly not just since March 2023. The briefings that I've got have suggested that the numbers were very, very high, stretching back 15 years. In response to that, and faced with evidence suggesting that abscondee from psychiatric hospitals is a reasonably common occurrence—and I have to be honest about that—the Government has decided to invest unprecedented funds in both new psychiatric facilities as well as security at those new psychiatric facilities. There's no easy solution to it. It's going to take both investment and time to build the new hospitals. The point I'm trying to make is that we've got to manage the old facilities until the new ones are up and running, but help is on the way. That is a major change to the way we both treat psychiatric patients in the State and keep the public safe if someone is a danger to the community.

The Hon. SARAH MITCHELL: With respect, the facility at Hornsby is relatively new. The issue there is staffing. My understanding—again from the Minister yesterday—is that of the more than 100 psychiatrists that quit over the dispute last year, they've only got about 50 per cent of them back. So there are serious challenges in mental health staffing as well. Is that something that, as Premier, you'll commit to turning your mind to, noting that we're in a scenario—I appreciate your point that abscondments are not new. But, with respect, Premier, we've also had those two horrific events in recent weeks that surely would change the Government's approach to managing those issues. If that's not the catalyst, then what is?

Mr CHRIS MINNS: I guess the point I'm making to you is that we have been making changes. It's not just about bricks and mortar—you're right. I'm also advised that the net number of psychiatrists in our system has increased since we had an industrial dispute last year. That is also as a result of the leadership of the Minister, who's looked at innovative ways of getting more people into the system to provide that acute psychiatric care for people in need.

The Hon. SARAH MITCHELL: I want to take you to the concerns about what happened at RPA as well: the fungal infection and the outbreak that, again, led to two patients passing away. The health Minister told us on Monday that he wasn't made aware of that until at least two months after it occurred. Do you think that's acceptable?

Mr CHRIS MINNS: I think in those circumstances the Minister was told about it. When he was told about it, he was given information that there was a comprehensive plan in place to deal with an obviously

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distressing situation. I'm sure Ryan, who's very diligent about these matters, will make sure that there are processes in place for him to get it sooner, but I'm not sure the end result would have—

The Hon. SARAH MITCHELL: But, with respect—

Mr CHRIS MINNS: I'm just going to finish my answer.

The Hon. SARAH MITCHELL: Sure.

Mr CHRIS MINNS: I'm not sure there would have been any alternative plan in place if he had known. Because he's got a lot of trust in Kerry Chant, and the Government does too.

The Hon. SARAH MITCHELL: There are great public servants in Health. I agree with you. But he is the health Minister and, at the end of the day, the buck stops with him. Otherwise, what's the point in having Ministers if it's all left to public servants? This cluster happened in December at a major hospital—there were two patients who passed away and another seven had that fungal infection—and the Minister was only made aware of it in early February because I put in a call for papers that was going to expose that that incident had occurred. That's not great practice, is it, Premier? You can't think that's acceptable.

Mr CHRIS MINNS: I will take what the Minister said, and that is that he will look at the processes to ensure that he gets the information quicker.

The Hon. SARAH MITCHELL: More generally across the public health system there have been reports—and you would have seen them—of mould outbreaks, pest infestations and maintenance failures. There have also been some concerns coming from families of children undergoing cancer treatment up in Newcastle, at John Hunter, about repeated mould outbreaks in hospital wards. Do you accept that those patients and families are upset that they're not being given the information transparently? Is that something you will look to improve?

Mr CHRIS MINNS: I think there's an important distinction to be made here, and that is that the clinical team that was responsible at RPA, for example, made the decision to close down the ward, do a comprehensive clean, speak with all affected parties, speak with the families of all affected parties, and have a clinical response up and running very quickly after the fungal infection had taken place. That is the case in other facilities across New South Wales.

I remember going through documents a couple of months ago. We've got 220 hospitals in New South Wales and something like 4,000 buildings across the public health capital inventory. It's one of the largest public health systems in the world, not just in Australia, because many jurisdictions are grouped in cities or tiny municipalities, whereas the New South Wales system is literally gigantic. We're investing \$12 billion in brand-new hospitals across the State. John Hunter is one where we're building a brand-new hospital. RPA is one where we're completely renovating it and putting half a billion dollars into it. The same goes for Westmead. The same goes for Canterbury. The same goes for Bankstown. The same goes for Fairfield. The same goes for Rouse Hill.

So, in effect, we are pulling down older buildings and building brand-new buildings. The challenge the Government has is that when we renovate a school, for example, or a metro station, there's not an active operating emergency department, ICU unit, transplant ward or oncology unit that's also running alongside it. It's literally like repairing an aeroplane mid-flight. It's a very, very difficult task to do, to run a hospital alongside a multibillion-dollar capital works program.

The Hon. SARAH MITCHELL: I appreciate that. But I think as part of that—and you may or may not be aware—there are actually protocols in relation to that in infection control.

Mr CHRIS MINNS: Of course I'm aware.

The Hon. SARAH MITCHELL: Patients should be moved if there's a risk and that didn't happen at RPA. That's the problem here, and that's what's being investigated. Will you commit to making sure that those protocols that are in place that are meant to prevent issues like this—the health Minister couldn't tell us on Monday that those deaths were avoidable, which is pretty catastrophic, for those families in particular. You said on Monday you want to do better when it comes to health. Will you commit to putting those measures in place and making sure they're actually followed when that construction is happening?

Mr CHRIS MINNS: Could you repeat what I'm committing to?

The Hon. SARAH MITCHELL: Making sure that the existing Health mandatory guidelines about taking proper infection controls, which can include moving patients before construction takes place—at RPA, that ward abuts the construction site in three places and had a balcony overlooking it, where you had organ transplant

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patients, who are amongst the most vulnerable. So the protocols weren't followed. Will you make sure they are followed in future so this doesn't happen again?

Mr CHRIS MINNS: I'm just not in a position to tell you categorically whether the protocols were followed or not. I'd be taking your word for it. But if there are mandatory protocols in place, of course I would expect them to be applied.

The Hon. SARAH MITCHELL: I want to move to the community of Lake Cargelligo. Obviously, it's been a horrific time for them with what happened in their community—again, with the alleged murders of three individuals. Do you have any update or information for the Committee or the community out there in terms of what supports will be in place long term? There are concerns about the mental health of the community, for young people. I'm not sure whether your agency has been involved, but if there's any sort of message or information you could give to that community, I'm sure it would be appreciated.

Mr CHRIS MINNS: I think they've been through a real trauma in relation to this shocking crime. I = personally spoke to the mayor about what was happening on the ground. I gave him my mobile number and said, "If there's anything you need at any time, call me immediately." I know the Premier's Department are on the ground to help as well. We've been working with—

SIMON DRAPER: Lifeline.

Mr CHRIS MINNS: —Country Mayors' Rick Firman, who's been fantastic at rallying the local—

The Hon. SARAH MITCHELL: And Lifeline as well, Mr Draper?

SIMON DRAPER: Yes, we've allocated some money out of our contingency fund to support Lifeline operating there as well.

The Hon. SARAH MITCHELL: Thank you. I know that will be very much appreciated. Premier, the Mid North Coast is obviously still recovering from the flood and the impacts of the flood up there. Are you able to tell me when you approached the Commonwealth Government for further supports for small business?

Mr CHRIS MINNS: I couldn't tell you.

The Hon. SARAH MITCHELL: But you have done that?

Mr CHRIS MINNS: I'd have to take it on notice, but we've certainly been into the Federal Government about giving us a lot more money, in particular for that natural disaster. But I don't know the dates. I don't know when.

The Hon. SARAH MITCHELL: Could you maybe take that on notice?

Mr CHRIS MINNS: Sure.

The Hon. SARAH MITCHELL: Because obviously the \$25,000 is available, but for more money—I think in Lismore they got \$50,000 for small business. The community is still waiting and just wondering why there was a delay. But if you could maybe come back on notice with when that approach was made to the Commonwealth.

Mr CHRIS MINNS: I will.

The Hon. SARAH MITCHELL: I also know that the local members, particularly Tanya Thompson, have been wanting you to come back up to the community. Obviously you went in the immediate aftermath of the flooding but you have not been back up recently. Will you organise to go and visit the Myall Lakes electorate again with Ms Thompson?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: The Waterfall Way, which Mr Buckingham just mentioned as well, in terms of the impact on the local community with the closure of that road—have you ever been up that way? Have you ever driven along that particular piece of road?

Mr CHRIS MINNS: Where is it?

The Hon. SARAH MITCHELL: Armidale and Coffs—

The CHAIR: It's between Urunga and Armidale.

The Hon. SARAH MITCHELL: Yes, but Dorriggo to Bellingen is the main part that's impacted.

The CHAIR: You'd remember it if you went there.

CORRECTED

Mr CHRIS MINNS: I have done it. I have.

The Hon. SARAH MITCHELL: Because obviously the local community, as Mr Buckingham said, has been very impacted. I think we're up to four road closures so far this year, and there are issues for the local community. I think you said before, Mr Draper, that there is a budget allocation for that particular road. Is that correct?

SIMON DRAPER: There is.

The Hon. SARAH MITCHELL: Do you know what that is, Premier, by any chance?

Mr CHRIS MINNS: No, I don't.

SIMON DRAPER: I don't know the exact allocation either. I know Transport is working with them. I also know there was a natural disaster declaration made, so that will trigger cooperation with the Commonwealth and funding arrangements for that as well. My understanding is—and you would know this better than I if you travel that area frequently—that you try to rebuild an area which is very prone to slippages and damage, while using it. As I said, I drove that route from Armidale to Bellingen with some work colleagues just a couple of weeks ago. It's a very inadequate route—I agree with that. Lots of it is unsealed, and it's probably still very vulnerable to heavy rainfall events. It's not a great situation, but I know that the councils and Transport, and those responsible for trying to get it back up, are working together. Now that we've got this natural disaster declaration, that will really open up participation from the Commonwealth and more funding avenues as well.

The Hon. SARAH MITCHELL: Premier, Moree Bail Accommodation—I think this is the third budget estimates that I've asked you about that particular project. I think last estimates you said that it wasn't open, even though it had been slated to be open in June 2025. Is it open yet?

Mr CHRIS MINNS: It's not open yet, but I think we're close to opening. Is that right, Kate? I might have to take the dates on notice.

The Hon. SARAH MITCHELL: The costings, the \$8 million for that project, that's for four beds for bail accommodation, that's correct?

Mr CHRIS MINNS: Correct.

The Hon. SARAH MITCHELL: Can you explain why four beds is costing \$8 million?

Mr CHRIS MINNS: I'll have to take it on notice. I actually don't know whether it is four beds or more, but let me take it on notice. I'll come back to you.

The Hon. SARAH MITCHELL: Did you know, Mr Draper? I think that was the evidence from Minister Dib earlier last week.

SIMON DRAPER: I haven't seen his evidence. It's not a big facility. It is quite a small facility. But the cost of the land acquisition—they bought a fairly sizeable property. They've got to make sure they bring it, probably, up to pretty high standards. I'm not sure whether the budget allocation is just for capital works or whether it includes some of the operational costs as well.

Mr CHRIS MINNS: By the way, we could have—

The Hon. SARAH MITCHELL: Would you be able to bring that back this afternoon if you've got any more information?

SIMON DRAPER: Yes, I can check that out. I'm happy to update you this afternoon.

Mr CHRIS MINNS: By the way, the reason for the delay—we could have opened it up last year or as soon as it was announced, but the mayor and the community were concerned about the location.

The Hon. SARAH MITCHELL: Yes. You mentioned that last time, but it's been several months since.

Mr CHRIS MINNS: It's been hard. A number of the sites that have been chosen, the mayor and other civic leaders have said, "We don't want it there." I think the local member—and I'm not knocking him for it—has had a say as well. Mr Chair, do you mind if I take a five minute break? I'm happy to stick around longer at the end, but I'm going to have to take a break.

The CHAIR: Sure.

SIMON DRAPER: I can just update—

The Hon. SARAH MITCHELL: Do you just want to do it this afternoon, Simon?

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SIMON DRAPER: Just to confirm that that money includes some of the ongoing programs, not just the capital works.

(Short adjournment)

The CHAIR: We will recommence with questions from Mr Borsak.

The Hon. ROBERT BORSAK: Premier, we had ongoing problems with youth crime, especially in the bush. Your Parliament—or our Parliament, I suppose—passed significant changes to the youth justice laws, including stricter bail tests for repeat offenders. Can you explain how these laws specifically improve community safety? Because it's not actually occurring in many places.

Mr CHRIS MINNS: It's not across the board, and there are particular areas that need to have a big focus and response. But I can report some good trends in some of the key areas that had experienced spikes in crime. We believe we've made a material change within those communities. One of them is Moree, which Ms Mitchell was asking about. The two-year trends for Moree show that there's been a 19 per cent decline in break and enter, and a 20 per cent decline in property crime in that community. Across regional New South Wales we've seen a 13 per cent decline in break and enters, and property crime is down 7 per cent. We've got a long way to go. There's no doubt about it. I don't want to have anyone believe that we're declaring victory or that we're going to wind up Operation Soteria.

The CHAIR: How do you spell that?

Mr CHRIS MINNS: You'd think you'd get the easier to pronounce names. We think these are good trends and they're heading in the right direction. They're directly as a result of the reforms that we did pursue in the Parliament.

The Hon. ROBERT BORSAK: You talk about trends. What KPIs are you actually measuring to indicate that there are trends that are going in the direction you want them to go in?

Mr CHRIS MINNS: The good news about New South Wales crime data is that we've got an independent agency that monitors it, reports regularly, does it in a completely transparent way. Our measure on all these things is BOCSAR.

The Hon. ROBERT BORSAK: I was expecting a bit more.

Mr CHRIS MINNS: To your point, you're right—I should say more on it. When I say BOCSAR, I mean independent statistics in relation to crime. We want to see them coming down.

The Hon. ROBERT BORSAK: BOCSAR is the gold standard for measuring what's going on in crime. You've really got to keep an eye on what's going on there. Given that regional and remote areas, especially very remote areas, have always much higher rates of young people criminally involved compared to metro areas, what are you actually doing to help support those young people? What are you offering that's going to help get them off the criminal roundabout?

Mr CHRIS MINNS: We had a good series of meetings at the end of winter 2025 with regional mayors that came to see me—and, I think, Simon—who were particularly worried about that exact point. They saw the social media ban coming, to be honest with you, they saw some modest but important declines in crime, and they wanted to make sure that summer didn't explode and that their communities weren't hit hard by a crime wave. I think they came in with the best of intentions. They were across the political spectrum, too, but it was all with a specific focus on ensuring that we had things for the kids to do in the summer months. We picked a few of those towns and Government grants were allocated to them directly in relation to fixing up the pools, particularly in the summer months, keeping PCYCs open later so that kids could have something to do after hours. There were a number of other measures. The report back from the mayors when we met again was that it was a big success, but over to you, Simon.

SIMON DRAPER: That's correct. In fact, we got a letter from the Mayor of Bourke just the other day confirming the success. That was an immediate focus for the summer—we allocated funding of \$80,000 to each of the councils to make sure there were activities for the kids over the holidays, including the pools, as the Premier said—paying to keep the pools open at night, keeping youth centres open at night, providing places for kids to go, running activity programs. The anecdotal feedback is that it's been very successful.

The Hon. ROBERT BORSAK: Are you doing anything specifically to help young Indigenous offenders?

SIMON DRAPER: A lot of the programs in those towns are clearly targeted at young Aboriginal people and run, in a lot of cases, by Aboriginal organisations, by ACCOs.

CORRECTED

The Hon. ROBERT BORSAK: Regarding Khamenei imagery and the bridge march, do you consider Ayatollah Khamenei an evil person? Or "was" he an evil person, I should say—you should use the past tense now.

Mr CHRIS MINNS: I do believe that, yes.

The Hon. ROBERT BORSAK: Why were police not directed to remove his portraits from the 3 August march over the bridge?

Mr CHRIS MINNS: We don't direct police. They've got to make operational decisions as they see it, and that's the separation of powers as it applies in the world. But you'd appreciate the Government and the Parliament's past significant measures in relation to hate speech, terrorist symbols and other signs and symbols that would apply today that may not have applied on that day. But, frankly, it was a shocking sign—to see somebody carry that portrait across the Harbour Bridge. I'm also conscious of the fact, and I completely accept, that there were tens of thousands of people that have got nothing to do with Ayatollah Khamenei, don't support the regime and were marching not because they support Iran or Hezbollah, but were worried about the human toll in Gaza.

The Hon. ROBERT BORSAK: Do you consider now that the Khamenei imagery, under current law, for example, that you've just mentioned, and other extremist symbols should be removed in the future, should be illegal?

Mr CHRIS MINNS: Terrorist symbols should be.

The Hon. ROBERT BORSAK: The Ayatollah was the chief sponsor of terrorism for the past 47 years, especially in relation to the Jewish community.

Mr CHRIS MINNS: You're talking to me; I agree with you. I've been under attack for the past three days for calling him out for being evil, as some kind of an attack on multiculturalism or an assault on the Muslim community, for saying what is blindingly obvious to millions of people around the world. He's responsible for killing 30,000 of his own people in the past couple of weeks. This is a situation where his regime murdered 12-year-old boys for the supposed crime of being gay. The regime is currently bombing Muslim countries. The biggest victims of the Ayatollah's regime were other Muslims. One mayor in particular was suggesting that it was an attack on Muslims to point out what was absolutely, abundantly clear: that he was evil and his legacy is evil. We should be able to say that in multicultural Australia without being accused of trying to sow disharmony. That is not what multiculturalism means in 2026 in Australia.

The Hon. ROBERT BORSAK: Having said what you said—and I agree, you have called out radicals in relation to mourning Khamenei—do you concede that the Bondi massacre was performed by radical Islam?

Mr CHRIS MINNS: That may well be the case, but I'm very conscious that that needs to be thoroughly investigated via the royal commission. Obviously, there is a criminal case that's taking place, too, but of course I've got a concern about it. Of course I do.

The Hon. ROBERT BORSAK: Do you expect police to act, in the future, against Khamenei portraits, ISIS flags, Hezbollah and Hamas flags, or chants such as the "global intifada" and "from the river to the sea" as hate crimes?

Mr CHRIS MINNS: We need to break them down. Hezbollah flags, yes. ISIS flags, yes. Hamas flags, yes. A portrait? I think that would be a breach of—as distasteful as I would find it, that would be a breach, I suspect, of constitutional provisions, and I'm not sure I would support it anyway. My description of the Ayatollah and his evil regime, I think, is appropriate. I don't think we should have a particular law, for example, that would outlaw someone having prayers for someone who's died. I think that would be a step too far. We live in a civic society and as the Premier of New South Wales I've got every right to comment about whether I think it's distasteful or antithetical to modern Australia—

The Hon. ROBERT BORSAK: What about "global intifada"?

Mr CHRIS MINNS: You just asked a few things, so I think I need a bit of time to break down my response. Yes, in relation to those terrorist banners. As it relates to "globalise the intifada", I do believe that's an incitement to violence in a place like Australia. As it relates to "from the river to the sea", I don't think that should be outlawed as part of the provisions in the bill.

The Hon. ROBERT BORSAK: But "from the river to the sea" is advocating for the mass murder of the Jewish State and all the people who live there.

Mr CHRIS MINNS: The UK has found that there's multiple interpretations of it, and I know that the committee looked at it in particular as well. One of the things I think we have to grapple with, as a society and a community, is that some things should be illegal because they're an incitement to violence; some things are

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distasteful and should be confronted by civic and community leaders but are very difficult to codify in law and shouldn't necessarily be illegal.

The Hon. ROBERT BORSAK: Honestly, I fail to see the difference.

The CHAIR: Premier, is it true to say that New South Wales is spending tens if not hundreds of billions of dollars setting the course to net zero over the next few decades?

Mr CHRIS MINNS: That's correct.

The CHAIR: We've got a newly minted net zero Act, a Net Zero Commission, and they've got a new net zero annual report. Have you had a read of the net zero report?

Mr CHRIS MINNS: In all honesty, I haven't. I wouldn't have read it cover to cover, no.

The CHAIR: On page 37 of that report—

Mr CHRIS MINNS: I did read that.

The CHAIR: Page 37? Good. Then you'll remember clearly that the Net Zero Commission has reported that they've reclassified a sector of our economy—the land use and land use change sector. They recalculated that sector—sorry, I think I misspoke—and they found between 20 million and 25 million tonnes of additional offsets, carbon sequestration, from that sector in the year 2022, which is a phenomenal amount of carbon to be additionally sequestering. It's equivalent to the entire transport sector, agriculture—it's more than industry and built environment and waste combined. It's half our stationary energy. Does it concern you that just a recalculation of that sector can have such a monumental change and that it indicates that there may be some issues with the integrity of how that sector—land use and land use change, which is essentially our national parks and our farm sector—is being recorded and reported?

Mr CHRIS MINNS: I would only have a glib understanding of the reporting, so I don't feel confident enough to give you a definitive answer, but I'm happy to take it on notice and have a look at it.

The CHAIR: Will you commit to having a look at that? Because in questions to Treasury yesterday, they were essentially saying that New South Wales isn't responsible for recording and reporting that sector of our economy, that it's basically handed over to DCCEEW federally. In my view, there's the potential that there could be massive amounts of carbon sequestration—which is good news—that's not being properly reported.

Mr CHRIS MINNS: We're up for good news, so absolutely.

The CHAIR: Would you commit to have a look at that?

Mr CHRIS MINNS: I will. Absolutely.

The CHAIR: At page 37, have a read and avail yourself of that. Premier, *The Sydney Morning Herald* recently reported a massive decline in the enrolments in kindergartens across Sydney—essentially from Parramatta east, a 60 per cent drop in enrolments in kindergartens in the last eight years. In areas like Parramatta, Coogee, Waverley, the North Shore, enrolments are down about 65 per cent. In actual fact, it was described as a "fertility wall". West of Parramatta there's still a pretty healthy fertility rate, but in half the city we're seeing a catastrophic drop-off in fertility rates. Isn't that an indication in parts of our society that we may well be wealthy but we're failing if we aren't having children and aren't creating an economy and an environment where people can have two, three, four, five—

The Hon. DAMIEN TUDEHOPE: Six, seven.

The CHAIR: —eight kids—13?

The Hon. SARAH MITCHELL: How many?

The CHAIR: Twenty-seven. I don't know how many Mr Tudehope puts his hand up for—

Mr CHRIS MINNS: Are you east of Parramatta or west of Parramatta?

The CHAIR: —but it's certainly double digits.

Mr CHRIS MINNS: He's east of Parramatta.

The CHAIR: He's probably got more than the rest of us combined. Don't you think that there's a serious issue there with fertility that is a malaise here in Sydney, New South Wales but also in the developed and developing world?

CORRECTED

Mr CHRIS MINNS: I think you're right. Certainly, anecdotally, when I speak to family and friends and constituents, many families would love to have more kids. But the key driver of having one or two—or not as many as you would have liked when you started your family—is access to housing and the cost of housing for families. I think you're spot-on to highlight it. I would hate to think that people have to choose between the family that they wanted to have and keeping a roof over their head or—and this is what increasing numbers of people are doing—just leave the city and the State completely. My view is that this is a massive challenge for the State, for everybody—for the Government, for all our political parties.

The CHAIR: I appreciate that. On that issue of housing, the Government has got its Transport Oriented Developments, it's announced the metro strategy there with Woollahra and recently—in the last week—the Bays precinct. Could you give us some information specifically about the Bays precinct? Are there any other policies that you're aware of when it comes to the redevelopment of Glebe Island?

Mr CHRIS MINNS: It's a big change for Sydney and not an easy decision to make, but we think the right one. It means that we will be building between 7,000 and 8,500 new dwellings on Glebe Island. We'll also be devoting 25 per cent of the land for open space. We expect night-life and other parts of that peninsula to come alive as a result of that renewal project. It's desperately needed. It's perfectly located. It's within walking distance to the middle of Sydney CBD. Once the metro line is open, it will be 17 or 18 minutes to Parramatta or five minutes into the heart of the city—the two big employment centres of New South Wales. At the moment, under the current plans, we would effectively be building a billion-dollar metro station—part of an at least \$25 billion metro line—for a car park and a cement works, so we needed to make the change. It's not the only place we are building, but it is part of the jigsaw puzzle of new homes and new developments for Sydney.

The CHAIR: What's your response to the criticism from some that we need to keep it as a working port, that Kembla doesn't have the capacity—that it should be retained as a working port? What's the response to that criticism that's been levelled?

Mr CHRIS MINNS: Those critics are partly right. That's why the plan underwent a change or a reform, particularly in relation to the heritage fleet, the deepwater port for international tourism, and various other things that continue and will continue to operate at the site. But to have the entire site be locked off would have been the wrong decision for Sydney. It's also worth reporting that it's 3½ times the size of Barangaroo, so even if 25 per cent of the site will be for open space, recreation, it's a gigantic addition to the open space and parklands for Sydney.

The CHAIR: Is that the quantum of the open space, about 25 per cent?

Mr CHRIS MINNS: I'd love to get more, but it's at least that.

The CHAIR: What's your response to the criticism that this is privatisation? It's a 99-year lease; it's privatisation. It's just like the power generators, the poles and wires. What's your response to that?

Mr CHRIS MINNS: It's not that. The second thing I'd say is we went to the election promising that we would do this. We were very transparent about using available land for new housing developments in Sydney. I didn't announce that the day after we were elected—it was a part of our election pitch to the people of New South Wales at the time.

The CHAIR: The Government is investing tens of billions of dollars in the new renewable energy zones. There's been community concern about the nature of the rollout, especially with the transmission lines. What's your view on that? How do you think that rollout is going and are you taking the community with you, especially the Orana REZ with you, as we transition from coal-fired power to renewable energy?

Mr CHRIS MINNS: I think a lot of people would say we haven't been taking the community with us because they oppose the Government's plans, but we've been trying to do our best in an impossible situation. The truth of the matter is that we need to replace 8.5 gigawatts of energy that's currently produced by coal by something else. A large measure of that will be renewable energy programs. The truth is I'd love to be able to say we can slow it down, we can have more measures in place, we can, in effect, I guess, press pause on the renewable energy projects, but I have to be honest. We can't. We're already behind when it comes to new energy production and generation in the State. If we fall further behind it will have a dramatic impact on both industry and energy prices for New South Wales consumers. As high as they are today, you can expect them to be even higher as a result of a dramatic delay in renewable energy projects.

The only thing I'd say, Chair, is that we're not fanatics about it. At the same time as I'm pursuing a massive change in renewable energy generation for New South Wales, we're also exploring gas as a firming tool for New South Wales, particularly for industry, and we've made a decision in relation to Eraring Power Station to bridge the gap as we bring on that new power. If we press pause on this, if this Government—or if we lose the election, the next government—slams the brakes on renewable energy projects in the State, power prices will

CORRECTED

skyrocket even higher than they are today. I can't tell you how high the stakes are. One last thing, Chair—Eraring station is due to close by 2029; that's 2.9 gigs out of the system. Bayswater is due to close by 2033; that's 2.7 gigs out of the system. Vales Point, 1.4 gigs out. Mount Piper, not until 2040, but that's 1.4 gigs out. The replacement of that soon-to-depart energy is a huge challenge for the State. As much as it's affecting people's power bills today, it will affect jobs and power bills in the future unless we get cracking on it.

The CHAIR: Just a quick follow-up, how is Santos going with Narrabri? Have you had a brief from them? Have they made a final investment decision on this gigantic new gas plant in the heart of the Pilliga Forest and our key farmlands?

Mr CHRIS MINNS: I don't think so. Unless they've made it without talking to me. The latest information I have is that they're in the closing stages of a native title decision in, I think, the Federal Court.

The CHAIR: When can we expect to see some gas flowing out of Narrabri?

Mr CHRIS MINNS: I can't give you a date. I don't know. But in terms of the timeline, it is a mid-timeline question. We've got massive employers in the Hunter and the Illawarra that rely on reliable energy supply. Jobs are on the line unless we can get them a secure long-term alternative form of energy.

The CHAIR: Unfortunately there's no leftover time, because the resolution of the House is that it's 10.45 a.m., so the Premier's toilet break is the Premier's toilet break. Are there questions from the Government?

The Hon. BOB NANVA: Nothing from us.

The CHAIR: That means that we will now have a half an hour recess and reconvene at 11.15 a.m.

(Short adjournment)

The CHAIR: Welcome back, everyone. The time being 11.15, let's recommence with questions from the Opposition, the Hon. Damien Tudehope, MLC.

The Hon. DAMIEN TUDEHOPE: Premier, when we were last talking, I asked you about the Road Transport Amendment (Medicinal Cannabis) Bill. You indicated that you wouldn't be supporting that bill but you had some ideas, which were currently being worked on and which potentially address the issue going forward. No doubt, there will be legislation brought at some stage in relation to furthering that concept. I asked you about whether there was an appropriate impairment test, and you thought that, while you had one that you had thought about, you weren't prepared to disclose that today. Can I ask you this question, then, in relation to the potential level of testing—and this will probably play out in the fullness of time. Is there a test that you are aware of which can determine if there is a difference between medicinal cannabis and non-medicinal cannabis?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: There's not. Thank you. In the Parliament you were asked some questions in relation to Victoria Barracks. In fact, I think in relation to your answers to those questions, you humbly admitted that you'd had a shocker. Do you recall that? In relation to that, what have you done since having the shocker in relation to Victoria Barracks?

Mr CHRIS MINNS: I haven't done anything, but my understanding is, if it hasn't happened yet, I will have a meeting with the group of retired veterans that are arguing to keep the barracks as they are, in public hands, and I am looking forward to that meeting. If that hasn't been organised yet, I hope it is soon.

The Hon. DAMIEN TUDEHOPE: Have you had any discussions with the Prime Minister in relation to it?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Do you have a view in relation to whether the proposal should proceed in its current form?

Mr CHRIS MINNS: I hadn't thought about it much. Obviously, it is Commonwealth Government land. It is not owned by the taxpayers of New South Wales. So, in all candour, I hadn't thought about the proposal much before it was brought to my attention. Obviously, I saw it in the newspaper. On reflection, I think that it is an important part of the State and the country's heritage. I am keen to speak with and understand, from the proponents who are suggesting it should stay in Federal Government hands as a Defence site, what their perspectives are. Having been brought to my attention, I am going to look at it closer.

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The Hon. DAMIEN TUDEHOPE: Just following on from that, do you recall that, after the passing of Queen Elizabeth, there was a proposal to establish Queen Elizabeth Square?

Mr CHRIS MINNS: I do remember that.

The Hon. DAMIEN TUDEHOPE: I think you participated in a media conference with—it may have been the previous Premier.

Mr CHRIS MINNS: Different people.

The Hon. DAMIEN TUDEHOPE: Different people. That's okay. Previous Premier—

Mr CHRIS MINNS: It all blends into one, does it?

The Hon. DAMIEN TUDEHOPE: True. The previous Premier and the current Prime Minister at a joint press conference where they announced the establishment of Queen Elizabeth Square—is that still proceeding, that project?

Mr CHRIS MINNS: The problem with the proposal, as I understand it, as articulated by former Premier Perrottet and the Prime Minister, is there was no money attached to it. It was a great concept, a good idea, an important one for the city—not one I oppose, but no dollars. Like a lot of these projects, you've got to have capital attached to it. Like a few issues that we dealt with that are legacy projects from the previous Government, oftentimes we are trying to allocate capital to them to see them brought to fruition.

The Hon. DAMIEN TUDEHOPE: Do I take from that that the project has been shelved?

Mr CHRIS MINNS: Not necessarily. It is probably in the same status that it was when Premier Perrottet announced it. There was no money attached to it then. We've got to find the money to see it be built. But I'm happy to take that on notice.

The Hon. DAMIEN TUDEHOPE: Are you actively looking to find the money to have it done?

Mr CHRIS MINNS: Personally, I'm not. But it may well be that within Government they're looking at that and other projects to bring online. I know we want an active city and one where people can participate in public spaces, and that would be a public space. Let me take it on notice and come back to you.

The Hon. DAMIEN TUDEHOPE: In respect of the returfing of Allianz Stadium, when asked about that, you indicated that it was a warranty project and there would be no cost to the New South Wales taxpayer in relation to that returfing. Is that correct?

Mr CHRIS MINNS: Did I say that?

The Hon. DAMIEN TUDEHOPE: Yes.

Mr CHRIS MINNS: When did I say that?

The Hon. DAMIEN TUDEHOPE: I can't give you the exact date, Premier. But, if I put it to you that you suggested that it would not be at the cost of the New South Wales taxpayer, does that accord with your recollection?

Mr CHRIS MINNS: It genuinely doesn't. I may well have said it. I will take your word for it, that I did say it, but I don't know what the current status is.

The Hon. DAMIEN TUDEHOPE: Did you get a briefing in relation to the need and necessity for the returfing of Allianz Stadium?

Mr CHRIS MINNS: I got a briefing from a lot of my friends who talk to me about it endlessly, particularly Roosters supporters.

The Hon. DAMIEN TUDEHOPE: The Minister for Sport would have, probably, spoken to you on a number of occasions.

Mr CHRIS MINNS: I did speak to him about it too.

The Hon. DAMIEN TUDEHOPE: Did he indicate to you whether there would be any cost to the taxpayer in relation to that project?

Mr CHRIS MINNS: I would be testing my memory. I think he was more just focused on fixing the bloody thing. It was just a real—obviously, it was a pain when it comes to last season. It's a brand-new facility. I know he wanted to get on with the job and get it done, and I think they have done that, too.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Have they done it twice, though? The fact is they did it and they shut down the stadium, I think, for a 10-week period. Is that correct?

Mr CHRIS MINNS: I don't know.

The Hon. DAMIEN TUDEHOPE: And then, once it was done, they had to redo it?

Mr CHRIS MINNS: That's news to me. I don't think I've been briefed on that.

The Hon. DAMIEN TUDEHOPE: Premier, you were asked some questions in relation to the protests which occurred at Town Hall Square. In respect of that protest, in the House on 10 February the Hon. Mark Buttigieg told Parliament that you had told caucus that you were "more than happy" for four members of your Labor caucus to have attended the Town Hall march—those were his words that he used at the time—on 9 February. They were going to march against the visit of President Herzog—a protest that did turn out to be violent. Did you tell caucus that you were happy for members to attend?

Mr CHRIS MINNS: No. I wasn't happy about it, which I said publicly and privately.

The Hon. DAMIEN TUDEHOPE: On 11 February, in a personal explanation, following your denial of his claim in the Legislative Assembly question time that morning, the Parliamentary Secretary for Multiculturalism dug in further, and he claimed that it was a correct characterisation of your view—

Mr CHRIS MINNS: Who said that?

The Hon. DAMIEN TUDEHOPE: The Hon. Mark Buttigieg. He's sitting here.

Mr CHRIS MINNS: Who said it was a correct—

The Hon. DAMIEN TUDEHOPE: He said that you were "more than happy" was a correct characterisation of your view—for him to say that you were happy for those members to attend the protest.

Mr CHRIS MINNS: You are asking me to—I should swap with Mark and have him in here.

The Hon. DAMIEN TUDEHOPE: I'll come to what you should do with him.

The CHAIR: Mr Tudehope, is this a question for Mr Buttigieg or the Premier?

Mr CHRIS MINNS: Damien, you're asking me a question—

The Hon. MARK BUTTIGIEG: Point of order: Through you, Chair—is the member quoting from *Hansard*?

The Hon. DAMIEN TUDEHOPE: Yes.

The Hon. MARK BUTTIGIEG: I don't recall saying that that was the case. It was a take-note debate, from memory.

The CHAIR: Order! That's not a point of order.

Mr CHRIS MINNS: It is cause for speculation, Damien. You've asked a direct question. It is not the first time I was asked. I was asked in question time, I think, by, if not the Leader of the Opposition, somebody. I wasn't happy about it. I made that clear at the time.

The Hon. DAMIEN TUDEHOPE: The Hon. Dr Sarah Kaine not only attended the Town Hall rally but, in an inflammatory speech, unequivocally condemned President Isaac Herzog, who at that very moment was just a few hundred metres away extending comfort to the Jewish community after the Bondi massacre. I note you attended that same event. In fact, I have to say that I was there. You gave a very moving speech in support of the Jewish community, and I commend you for it. Dr Kaine demanded accountability from you for welcoming Mr Herzog to New South Wales. It was reported publicly a week before the rally that Dr Kaine would be speaking at the rally. Did you ask her not to speak at the rally?

The Hon. BOB NANVA: Point of order: Chair, I have refrained from taking a point of order until now to allow the flow of questioning on these matters. Even allowing for wide latitude, these questions do not go to the estimated expenditure from the Consolidated Fund. They are not an inquiry into related budget papers. I'd suggest they are not in line with the procedural fairness resolution under paragraph 9 as it pertains to relevance.

The CHAIR: I understand that point, Mr Nanva. Estimates hearings have a tradition of allowing wide latitude and canvassing a range of issues and the attitude of the Executive on a whole range of public policy and their activities. I will do uphold the point of order. I will allow the question.

CORRECTED

Ms SUE HIGGINSON: Point of order: Chair, through you, would the member like to correct *Hansard* that the distance between Town Hall and where the event was held is actually a few thousand metres, not a couple of hundred metres?

The CHAIR: That's not a point of order.

Ms SUE HIGGINSON: Through you, Chair, I was asking if the member wants to correct the record.

The CHAIR: You can do that just by talking to him. That's not a point of order.

The Hon. DAMIEN TUDEHOPE: Premier, do you recall the question I asked?

Mr CHRIS MINNS: No.

The Hon. DAMIEN TUDEHOPE: Did you ask her not to speak at the rally?

Mr CHRIS MINNS: I certainly made it clear that I didn't want anyone to go to the rally. I made that particularly clear in relation to Labor MPs. By virtue of the fact that I made that very clear, self-evidently, I wouldn't want people to speak. I have to say, a lot of the communication that took place between me and some of my colleagues was painfully—there's a lot of talking going on; I'm finding it hard to concentrate.

The CHAIR: Order! Ms Mihailuk and Ms Higginson, we're trying to have a hearing here.

Mr CHRIS MINNS: A lot of the communication that took place during that period was very public and completely in the open, often on the radio and often via media conferences. Everything I was saying, I was saying it to eight million people that live in the State. I was on the news every night, making it clear.

The Hon. DAMIEN TUDEHOPE: The Hon. Stephen Lawrence has made significant claims about police brutality in relation to what occurred at that rally. There is currently an inquiry in relation to that. However, he has made those claims in circumstances where potentially he has sought to undermine the police action at that rally. Do you support his views in relation to the actions of the police at the rally?

Mr CHRIS MINNS: No. I've been asked about this many times. It was a difficult, dangerous situation for New South Wales police. It was a volatile time for them. They had an impossible situation to manage. The only thing I've ever said about it—and I stand by it today—is that you can't judge the entire operation or even particular segments by what's transpiring on social media. It's way more complicated than that, both the lead-up to it and the circumstances of the rally, and even individual interactions. My advice is to leave it up to the independent Law Enforcement Conduct Commission to have its inquiry, and I wish people would do that.

The Hon. DAMIEN TUDEHOPE: Last week the Hon. Cameron Murphy said that the actions at Town Hall were seriously out of step with community expectations of how police should behave. Have you asked him to withdraw those comments?

Mr CHRIS MINNS: I don't think it would do much good, but I'm happy to request it. My suspicion is he'll say no. I guess this leads to the broader point: There are people inside the Government that do not support the Government's policies. That's crystal clear; they've made that public case. They do it in the media. I can't promise unanimity in relation to all of the Government's decisions. I'd just throw the Government's policies and the decisions that we've made down on the reasonable person who said all of us were faced with an impossible situation to keep the public safe. We had 5,000 mourners at the International Convention Centre. We had 5,000 to 10,000 protesters at Town Hall. We had an obligation to keep the President of Israel safe whilst he was in Sydney, and the Parliament asked, effectively—the Government certainly did—that police lines not be breached, and a terrible confrontation taking place on Sydney's streets would occur. As difficult as the scenes were to watch of that Monday night, I think that it would have been far worse if those police lines weren't breached. It would have been devastating for our city.

The Hon. DAMIEN TUDEHOPE: I agree with you, Premier. Premier, when Anthony D'Adam had a position of Parliamentary Secretary and undermined the police, you removed him as the Parliamentary Secretary. In circumstances where each of those members that I have outlined to you has undermined the Government's position in relation to the protests which the Government had adopted, why haven't you removed any of those positions, some of which attract additional salaries of \$22,000 per year—and in one case, an additional salary of \$35,000 per year—by virtue of the additional responsibilities given to them? Is there one rule for Anthony D'Adam and another rule for those four other members?

Mr CHRIS MINNS: No. I'll answer your question quite seriously. Anthony D'Adam was the Parliamentary Secretary for police at the time. I think the circumstances are if he was attacking the police while being the Parliamentary Secretary, that was completely incompatible. In relation to those other positions, often those committee chairs are determined by—obviously supported by the Government but often supported by the

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Opposition as well. We don't have the numbers in the Legislative Council, and you can appoint chairs to different committees.

The Hon. DAMIEN TUDEHOPE: Premier, can I just stop you there? He wasn't the Parliamentary Secretary for police.

The Hon. SARAH MITCHELL: He wasn't. Yes, that's wrong.

Mr CHRIS MINNS: Mr Chair, do you mind if I finish my answer?

The CHAIR: Order! Please conclude, Premier.

Mr CHRIS MINNS: He was a Parliamentary Secretary.

The Hon. SARAH MITCHELL: Not for police.

Mr CHRIS MINNS: He had a responsibility to support the Government's position, which he didn't do.

The Hon. DAMIEN TUDEHOPE: Don't the other members have a responsibility to support the Government's position?

Mr CHRIS MINNS: I think there's a reasonable distinction between a member of the Executive, by being a Parliamentary Secretary, and having a parliamentary role as a chair of a committee or even a Whip. A Whip is mentioned in the Legislative Council's standing orders. These are parliamentary positions. That's not a distinction without a difference. It's an important distinction. As far as it applies in the real world, in terms of government policies, I cannot come to the Committee and with a straight face claim to you that the difficult decisions that the Government have taken are universally supported by members of the party or the Government. I do believe I've got a big majority inside my Government for the changes that we've made. Despite the fact that there's clearly dissent with some of the changes and reforms that we've pursued, they're not in danger of being reversed. I think in any big major party you're going to have differences. That's the case with your party, as it is with mine.

The Hon. DAMIEN TUDEHOPE: I'm sure that's right. Premier, you've been very strong on wanting to, I suppose, to promote social cohesion and embark on programs to prevent antisemitism, haven't you?

Mr CHRIS MINNS: I'm sorry. Do you mind repeating that?

The Hon. DAMIEN TUDEHOPE: You have been fairly strong in your support for—in fact, promoting—programs to prevent antisemitism.

Mr CHRIS MINNS: Yes, everything I can do to stop racism, antisemitism and hate in our community, of course we'll pursue it.

The Hon. DAMIEN TUDEHOPE: To eliminate something, you need to know what it is. What I'd ask you is this: The International Holocaust Remembrance Alliance's definition of antisemitism has been adopted by the Australian Government and the New South Wales Government. Jillian Segal, the Special Envoy to Combat Antisemitism, has called for State governments "to require the IHRA working definition of antisemitism to be used across all levels of government and public institutions to inform their practical understanding of antisemitism". Do you support that proposal?

Mr CHRIS MINNS: I'd certainly support it as a definition as it applies in New South Wales. The IHRA definition is a non-binding, legal framework for future legislation. That's the reason it was constituted. That's the reason it was drafted. That's the basis on which it was, effectively, released to the world. We have pursued changes that we think are important in terms of fighting antisemitism and hate speech in our community. It is complex and difficult to pursue those changes for a number of reasons, not least of which is constitutional risk.

The changes that the Government has pursued in terms of reform to combat disagreements, disunity and hatred in our community, nearly if not all of them have been subject to constitutional challenge in the High Court. I think we have been sensible in the reforms that we are pursuing. I don't want to see a proposed change be defeated in the High Court on the grounds of the implied freedom of political communication because I actually think that would be a spur for more antisemitism in our community. By any objective measure, my Government has pursued tougher and stronger laws fighting antisemitism and hate speech than any jurisdiction in the country's history, bar none. I stand by all of those changes. But it's not always a legal or binding change to hate speech. Sometimes it can be as simple as civic leaders standing up and saying, "We don't believe this is good enough. We believe this is anathema to modern multiculturalism." That is a big part of our civic responsibility too.

The Hon. ROBERT BORSAK: Premier, does the New South Wales firearms licensing system receive intelligence alerts from Federal security agencies such as ASIO on a dynamic or static basis? Is it at the time of applying or renewing licences or as intelligence alerts appear?

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Mr CHRIS MINNS: Mr Borsak, I believe we do or police agencies do. I might pass over to Kate Boyd, if you don't mind.

KATE BOYD: There is intelligence sharing between Federal agencies. Whether it is real time or not, I don't know. But I do know that these issues will be front and centre in the royal commission.

The Hon. ROBERT BORSAK: Don't you think that, if it wasn't real time, it left a significant gap in relation to the granting of licences to people who should have been and were known to be on terrorist watchlists?

KATE BOYD: It may well be real time. I don't know.

The Hon. ROBERT BORSAK: Premier, do you believe that the new firearms legislation prevents terrorism or is intelligence capability the real frontline defence?

Mr CHRIS MINNS: Sorry, would you mind explaining the second part of the question?

The Hon. ROBERT BORSAK: What I am saying is do you believe that the new firearms legislation will prevent future terrorism—or, in other words, from people getting their hands on firearms that shouldn't have them—or is it really intelligence capability that is the real front line in all of this?

Mr CHRIS MINNS: Certainly, the intention of the bill is that it is both. When there is a situation where intelligence is supplied by Commonwealth agencies to State law enforcement, there is a request or an application from New South Wales police to deny, for lawful reasons, a gun licence. The changes that we have made in relation to extinguishing appeal rights would, in the long run, make it safer. That is the intention of the bill.

The Hon. ROBERT BORSAK: Are you saying that in all circumstances extinguishing appeal rights only relates to failures of intelligence? Is that what you are implying?

Mr CHRIS MINNS: No, the opposite. I am hoping that intelligence can lead to more information being provided by Federal agencies to State law enforcement when they make decisions about who and when to grant a firearms licence.

The Hon. ROBERT BORSAK: But you are aware of the fact that it is uncountable the number of times that licences are removed for no good reason. Removing someone's right to appeal that to NCAT simply destroys natural justice.

Mr CHRIS MINNS: I accept that it's a blunt instrument. But a lot of reasonable people would also look at the circumstances relating to the worst terrorism event we have ever had and see that there has got to be greater cooperation between Commonwealth intelligence services being provided up-to-date and accurate information to New South Wales government agencies so they can make decisions before someone gets access to a firearm and commits a terrible offence.

The Hon. ROBERT BORSAK: I don't think that we would quibble with that answer, Premier, but that is not really what is going to happen in reality, is it? There are going to be a lot of law-abiding citizens who are going to be treated very badly out of this legislation because they simply will not get a chance to appeal when they deserve the right to be able to appeal. The police are not good players in this space when it comes to certain individuals right across the board, especially in rural and regional New South Wales.

Mr CHRIS MINNS: There is a subjective premise to the question that I don't accept. Police have got an impossible job to try and keep the public safe. We believe that the changes to the legislation will see less firearms in our community, as it relates to those who could commit a horrible terrorism offence but also in relation to domestic violence perpetrators. We have seen some shocking examples of individuals who have lawfully acquired both a licence and a gun and went on to commit terrible crimes. This won't extinguish the rights for everybody to own a firearm, but it will impinge on some people's rights to have access to firearms. We believe that is a necessary price to keep the public safe.

The Hon. ROBERT BORSAK: Premier, the assistant police commissioner responsible for the Firearms Registry told another inquiry that she visited the registry only three times last year. Do you consider that adequate oversight for the agency responsible for firearm licensing across New South Wales?

Mr CHRIS MINNS: I just don't know. I don't know the circumstances or whether it's possible to get access to the information from wherever. Perhaps I could take it on notice and come back.

The Hon. ROBERT BORSAK: Do you think having Queensland residents on the staff in the registry is the right thing to do?

Mr CHRIS MINNS: It's probably not ideal. We prefer, in all circumstances, to employ New South Wales residents for New South Wales jobs. But we've got full employment in Australia at the moment. It is one of the

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lowest unemployment rates that the State has seen for decades. When you've got crucial positions that need to be filled, I can understand when agencies say, "I just need to fill this job. It's too important to let go."

The Hon. ROBERT BORSAK: Do you think that the registry would be better located and more professionally served if it was in Sydney?

Mr CHRIS MINNS: I would probably prefer to take some advice on that before I answered. I just don't know enough about it.

The Hon. ROBERT BORSAK: A good answer would be yes. Premier, before introducing new firearms laws, did your Government consult with the police on this new legislation?

Mr CHRIS MINNS: Kate?

KATE BOYD: Yes, there was extensive consultation with police before the bill was introduced.

The Hon. ROBERT BORSAK: Don't you think that it is more up to them to enforce the laws, rather than making recommendations in relation to legislation?

Mr CHRIS MINNS: It has been custom and practice for a long time for the Cabinet to take advice from agencies, and that would be the case from DCJ all the way to New South Wales police. When we are making legislation, particularly large-scale reforms, we do have to speak to the people who will ultimately enforce it. There might be unintended consequences, the circumstances might have changed, or they may see aspects of the legislation or reform that is problematic that we don't see because we are not responsible for enforcing it. That would be a longstanding practice for governments in the State.

The Hon. ROBERT BORSAK: Premier, do you think that the police advising you that there are such a thing as belt-fed shotguns is really at the level of professionalism that we would expect from New South Wales police?

Mr CHRIS MINNS: If you are asking me for a general impression on New South Wales police, you only have to look at the last few months.

The Hon. ROBERT BORSAK: No, I am not criticising the New South Wales police in general. I am talking about their administration of the Firearms Registry. This is not the first example where we have seen failure and then talk about unintended consequences. Who actually is going to be held responsible at the registry for these failures? No-one ever seems to be held responsible. No-one loses their job. They just move on, as I heard it said the other day in the police inquiry.

Mr CHRIS MINNS: I have seen a lot of criticisms in relation to the Government's proposals in relation to the belt-fed example. There was a repeated and constant suggestion that the entire legislation should be pulled apart or stopped because the legislation and my media conference referenced belt-fed ammunition-style guns. The truth of the matter is that there is an example of a belt-fed firearm being sold in New South Wales. That's just a fact. For want of a confusion or a disagreement in the past, it's common for governments to include within legislation—to put, beyond the benefit of the doubt, that example into the bill. I've seen social media posts saying, "The whole bill is garbage and should be thrown out because belt-fed ammunition isn't part of sales in the State." That's not true. There have been examples of it.

The Hon. ROBERT BORSAK: I'm sorry to quibble with you. I don't believe that's actually true. Premier, the locations of registered child sex offenders in New South Wales are protected by law, yet information about licensed firearms owners can be publicly published. Why are privacy protections stronger for convicted sex offenders than for most law-abiding citizens in our community, being licensed firearms owners?

Mr CHRIS MINNS: Privacy protections are important for the State, and we need to make sure that individual privacy, particularly for gun owners, is protected wherever possible. I'd expect it to be—

The Hon. ROBERT BORSAK: Premier, we have seen the New South Wales police registry publishing that information and updating it every six months, pointing criminals to where firearms are located. Do you think that's a good practice? This is not the first time we've raised this with government; this is an ongoing quibble we've had with government, going right back to the previous Government. What is good about telling people where firearms are being safely stored?

Mr CHRIS MINNS: I'm happy to take it on notice and report back.

Ms SUE HIGGINSON: Premier, many view the police operation on 9 February at Town Hall here in Sydney as a failure of monumental proportions. Police violently set upon peaceful people, including people of faith praying. There were tens of thousands of people who simply gathered legally to protest a war criminal, the President of Israel. Do you take any responsibility now for that police violence?

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Mr CHRIS MINNS: I reject the premise of the question—well, there were a few premises in that question that I reject. But, most importantly, I think it's important that people understand that the circumstances leading up to the confrontation were what New South Wales police tried to avoid for the week leading up to it. The reason I know that is because I was in all of the meetings leading up to the confrontation—

Ms SUE HIGGINSON: Were you there on the night, though, when it happened?

The CHAIR: Order!

Mr CHRIS MINNS: —where New South Wales police attempted to convince the protest organisers that, like the Blak Caucus, the Invasion Day or the Iranian protests that we've seen in recent weeks, they should take place in Hyde Park, and a march should take place there. It was completely reasonable in the circumstances that they make that request. It was rejected by the protest organisers.

Ms SUE HIGGINSON: So it's their fault that police attacked people?

Mr CHRIS MINNS: This is such a serious issue.

Ms SUE HIGGINSON: It is, Premier.

Mr CHRIS MINNS: It shouldn't be met with snide asides. It's not going to help anyone trying to get to the bottom of it.

Ms SUE HIGGINSON: Premier, I wasn't being snide.

The CHAIR: Order!

Ms SUE HIGGINSON: Please don't accuse me of being snide.

Mr CHRIS MINNS: I realise it is important politically, but it's silly. It's genuinely silly.

Ms SUE HIGGINSON: Premier, do you take any responsibility for the police violence, or are you going to continue to blame protest organisers?

Mr CHRIS MINNS: Again, it's incendiary rhetoric dressed up as a question. I have explained the circumstances relating to it over and over again. It was a difficult circumstance for the police. Of course there will be an independent investigation in relation—

Ms SUE HIGGINSON: You didn't want that investigation, did you?

Mr CHRIS MINNS: I feel like you don't want the answer. Is that your story?

Ms SUE HIGGINSON: No, I do.

Mr CHRIS MINNS: Perhaps if you could let me finish.

Ms SUE HIGGINSON: Premier, you didn't want that investigation, did you? You stood up in your Chamber of Parliament—

The Hon. BOB NANVA: Point of order—

Ms SUE HIGGINSON: —saying you didn't think the LECC should investigate.

The CHAIR: Order! A point of order has been taken by the Hon. Bob Nanva.

Mr CHRIS MINNS: It's just not true.

The CHAIR: Order!

Mr CHRIS MINNS: It's absolutely not true.

The CHAIR: Order! A point of order has been taken by the Hon. Bob Nanva.

The Hon. BOB NANVA: My point of order goes to paragraph 19 of the procedural fairness resolution, which pertains to courtesy to the witness.

Ms SUE HIGGINSON: To the point of order—

The CHAIR: Order!

Ms SUE HIGGINSON: I agree with the point of order.

The CHAIR: You will hear the whole point of order, as will the rest of us.

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The Hon. BOB NANVA: If Ms Higginson agrees with the point of order, perhaps the Premier can be given the opportunity to complete his answer, which was relevant to the question that was asked of him.

Dr AMANDA COHN: To the point of order: The rules regarding procedural fairness apply to committee members and also to witnesses. The Premier has characterised Ms Higginson's questions as "snide asides" and "incendiary rhetoric". I think that's out of order.

The CHAIR: I think that's subjective. I don't want to make a decision on that. But I uphold the original point of order. We need to allow our witnesses to answer in full. Interjecting does not assist the hearing, Hansard or the inquiry at all.

The Hon. ROBERT BORSAK: To the point of order—

The CHAIR: I have ruled on the point of order.

Ms SUE HIGGINSON: Premier, is it your evidence today that you didn't not support the Law Enforcement Conduct Commission?

Mr CHRIS MINNS: That's a double negative. Can you just reframe the question? What are you trying to say?

Ms SUE HIGGINSON: You stood in Parliament saying you don't support the Law Enforcement Conduct Commission undertaking an investigation into the failures of police.

Mr CHRIS MINNS: Quite genuinely, can you show me in *Hansard* where I said that?

Ms SUE HIGGINSON: I don't have that copy of *Hansard*. But do you recall your view in Parliament, in answer to a question from the member for Ballina?

Mr CHRIS MINNS: Chair, it is always the case that any police conduct is subject to an independent investigation, over and above whether I support it or not. To suggest that I didn't, that I tried to stop it or that I think it shouldn't go ahead, is just not true.

Ms SUE HIGGINSON: I think it was you. You did it, but that's okay.

The CHAIR: Order! Ms Higginson, you've just asked a question.

Ms SUE HIGGINSON: We're moving on.

The CHAIR: The Premier is literally 20 seconds in.

Ms SUE HIGGINSON: The Premier has answered it.

The CHAIR: No, he hasn't.

Ms SUE HIGGINSON: Premier, do you take—

The CHAIR: Order! Premier, please continue.

Mr CHRIS MINNS: Thank you, Chair. In those circumstances, it's reasonable for people to allow that investigation to take place, to look at the circumstances relating to it. One of the things I've said is that people shouldn't judge individual social media clips as the full context or the full circumstances. There is individual context relating to the circumstances on the ground on the night. The full—

Ms SUE HIGGINSON: I was there, Premier. I saw it. You weren't there. You didn't see it. So, context.

The CHAIR: Order! Ms Higginson, come to order. That's completely out of order.

Mr CHRIS MINNS: The fuller context needs to be taken into consideration as well. It's perfectly reasonable for—

Ms SUE HIGGINSON: Premier, can I ask you another question?

Mr CHRIS MINNS: Sorry, I haven't finished, Chair.

Ms SUE HIGGINSON: Can I ask you one more question, Premier?

Mr CHRIS MINNS: That's perfectly reasonable for New South Wales police when they're trying to keep thousands of people safe who are mourning at the International Convention Centre, when you've got 5,000 to 10,000 protesters at Town Hall and when New South Wales police are also trying to keep the President of Israel safe. These things are not hypothetical and they are not academic. On 11 October 2023 we saw a big mob, including some of the organisers from Palestinian Action Group, on the steps of the Opera House in what I would

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characterise as a terrible demonstration. By the most generous interpretation, people were again chanting, "Where's the Jews?" This was within hours of the horrible events in southern Israel. Faced with that set of circumstances, and the terrible context and consequences of people breaching police lines and having a confrontation in Sydney—

Ms SUE HIGGINSON: Police should just be able to lay into people?

The CHAIR: Order!

Mr CHRIS MINNS: I don't think there's a proper appreciation for how volatile and febrile the situation was.

The CHAIR: Thank you. Ms Mihailuk?

The Hon. TANIA MIHAILUK: Good morning, Premier. Long time no speak.

Mr CHRIS MINNS: You've still got my number.

The Hon. TANIA MIHAILUK: I think you know what I'm going to talk about today, but I want to remind you of the two articles that the Herald printed on 23 January, one being "Obeid trust's secret \$30 million stake in metro high-rise" and the other being "The pot of gold the Obeid family hid is a slap in the face for NSW". You're obviously familiar with the details in those articles? You've read both those articles?

Mr CHRIS MINNS: I think I read them but I couldn't recount them to you.

The Hon. TANIA MIHAILUK: You weren't on holiday at the time; you were the Premier.

Mr CHRIS MINNS: What was the date?

The Hon. TANIA MIHAILUK: It was 23 January.

Mr CHRIS MINNS: I wasn't on holiday.

The Hon. TANIA MIHAILUK: I assume you would have read it. You would have had a media discussion about it in the morning. Was your office contacted at all about those two articles?

Mr CHRIS MINNS: Contacted by who?

The Hon. TANIA MIHAILUK: By the Herald journalists.

Mr CHRIS MINNS: I don't know. I'll have to take it on notice.

The Hon. TANIA MIHAILUK: Did you seek any advice, following those articles, from any of your agencies for clarification about any of the details that were in those articles?

Mr CHRIS MINNS: Not that immediately comes to mind, but I'll take it on notice.

The Hon. TANIA MIHAILUK: Were you aware of the details that were in those articles, specifically about Obeid's interest in the Bankstown development site at Restwell Street? Was that a surprise to you, that information that was in the article?

Mr CHRIS MINNS: I don't even know if I read the article. What did he own?

The Hon. TANIA MIHAILUK: This is about the Crime Commission struggling to be able to collect any proceeds of Obeid's crimes. The article specifically refers to hidden discretionary trusts in relation to his ownership of the Restwell Street property and the fact that now, thanks to the Government's TOD, it will now have a huge windfall. Essentially, what the article suggests is that there is about \$30 million worth of money coming to Obeid as a result of that TOD decision that the planning department made, or the Government made, back in 2024. But the real issue in the article, as you can appreciate, is that the Crime Commission has not to date been able to confiscate any of the money or return any of the money that Obeid stole from the people of New South Wales. I know that you made amendments to the crimes recovery Act last year to assist with the statutory limitations and the Crime Commission is now on their third attempt to try and recover money. Premier, you obviously want the Crime Commission to recover the money. I think we can clarify that. You'll do everything you can to assist. Is that right?

Mr CHRIS MINNS: Absolutely.

The Hon. TANIA MIHAILUK: The three issues they've raised is that there are evidentiary gaps, the complex web of discretionary trusts and, of course, the statutory limitations. You've addressed the third part through last year's legislation. If they come back after six months, for example, and say to the Government that we are at a loss of being able to obtain any money from Obeid, will you consider a special commission of inquiry?

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Mr CHRIS MINNS: I think, in a broader sense, because I'm taking your question very seriously, I know you've been a longstanding opponent to the Obeid family and their malevolent influence on New South Wales politics in all of your political guises. That's been a constant in your public life. So I know that this is, from the public's perspective, a longstanding community interest issue for you. But I'll do everything I can to ensure that the Crime Commission has the resources in place to return ill-gotten gains to the people of New South Wales. I have to be careful in relation to crafting laws. Laws apply to everybody. They're not specifically crafted for an individual family. But if we can see gaps in the law as it relates to someone who has clearly shown criminal, corrupt intent over his period in public life and make changes, it is guaranteed that we will do that. It's hugely important, not just so the public can get some kind of recourse to the crimes that have been committed but also so those who are considering acting in a bad-faith manner know that they can never turn their back.

The Hon. TANIA MIHAILUK: So you would consider a special commission of inquiry?

Mr CHRIS MINNS: I don't know about a special commission of inquiry.

The Hon. TANIA MIHAILUK: One of the issues they've raised is the evidentiary gaps.

Mr CHRIS MINNS: Kate might have some information about evidentiary gaps.

KATE BOYD: Ms Mihailuk, as you'd know, the bill that was recently introduced by the Government commenced in December. That did address the evidentiary gaps that we identified with the Crime Commission that were limiting their ability to proceed here. Those only recently commenced, and the Crime Commission is working very hard to look at this. We're very limited in the public comment we can make about the status of that, given that there are pending criminal proceedings. But we're working very closely with the Crime Commission, not just on the legal impediments but also the resourcing and other barriers.

The Hon. SARAH MITCHELL: Premier, are you aware of a \$150,000 grant that the health Minister awarded to the Lebanese Muslim Association community at the end of 2024?

Mr CHRIS MINNS: No.

The Hon. SARAH MITCHELL: There was a grant. I'm sure you'll take my word for that. It was announced. There were many Ministers on the release. Ministers Kamper, Cotsis, Dib and Park were all part of that announcement. Are you aware that the president of that organisation made a donation to the Labor Party prior to the last election?

Mr CHRIS MINNS: No.

The Hon. SARAH MITCHELL: Are you aware that the president of that organisation also made a donation to Minister Dib's campaign as part of that?

Mr CHRIS MINNS: No, I'm not aware of that.

The Hon. SARAH MITCHELL: I did ask the health Minister earlier this week and he wasn't able to confirm. But would you expect in that scenario, where a one-off grant appears to have gone to this organisation where the president had made a donation to Minister Dib, that there would be a conflict of interest process for that?

Mr CHRIS MINNS: Perhaps. I'm not sure.

The Hon. SARAH MITCHELL: Could you maybe take on notice for me whether or not there was any conflict of interest process for that grant and whether Minister Dib made those declarations?

Mr CHRIS MINNS: Of course.

The Hon. SARAH MITCHELL: Thank you. That would be great. Premier, who do you think should be responsible for decommissioning renewable energy projects at their end of life?

Mr CHRIS MINNS: We have a polluter-pays system in New South Wales. Those who are responsible for making the mess need to be responsible for cleaning it up.

The Hon. SARAH MITCHELL: Not just cleaning it up. Basically, if a project comes to the end of its life, do you think that should be on the company or on the landholder?

Mr CHRIS MINNS: Usually it's sorted out via a commercial consideration between the landholder and the company. It's not compulsory that people hand over their land, unless it's a Transgrid line going through and it's a compulsory acquisition. But then the land is held by the Government, not by the landholder.

The Hon. SARAH MITCHELL: Have you looked at any of the issues around ensuring that landholders aren't left holding the can financially?

CORRECTED

Mr CHRIS MINNS: One of them has been brought to my attention recently. It's really important. It's a legacy one from the previous Government's time in office from 2013. It's not a solar farm. I'm not sure of the nomenclature or the terminology, but it's some kind of renewable energy project that is a fire risk and the obligation falls on the landowner if the company is not in a position to clean it up. In this case, the enforcement agency is the local council acting under licence from the Environmental Protection Agency. So the short answer is that it's really important if someone is going to host a renewable project that the commercial arrangements are organised beforehand. But that would be the case for any kind of potential contaminants, clean-up or negative externality associated with industry in any part of the State.

The Hon. SARAH MITCHELL: Have you engaged directly with any landholders in the last year or so who are directly impacted by some of these large renewable energy developments?

Mr CHRIS MINNS: Yes.

The Hon. SARAH MITCHELL: Have you had feedback from them about concerns about what happens at the end of life of these projects?

Mr CHRIS MINNS: It would probably be fair to characterise their criticism as that they don't want it to go ahead, full stop, for a range of reasons. One of them might be post-life—what was the word you used?

The Hon. SARAH MITCHELL: Decommissioning.

Mr CHRIS MINNS: Decommissioning. But it wouldn't be the only thing they raised with me.

The Hon. SARAH MITCHELL: I think you would agree that any reasonable person would see that you've got these big—in some cases multinational—companies coming in, making a lot of money out of the projects, but the community perception is that there are not really the right processes in place. When you've got a small individual farmer trying to work out contracts with some of these larger organisations, it's a bit David and Goliath. Will you look to do any work or see what can be done to better protect landholders in these circumstances?

Mr CHRIS MINNS: If there's something that we can do to protect landholders and communities, of course we would.

The Hon. SARAH MITCHELL: Just one more from me before I hand back to my colleague. You made an announcement last year about trying to increase the number of airline seats into New South Wales. I think it was by 8½ million in the next decade. What are the strategies or plans around how you want to grow the number of airline seats in New South Wales during that time?

Mr CHRIS MINNS: The main strategy—is this for regional New South Wales?

The Hon. SARAH MITCHELL: It was more broad, but it was about growing the visitor economy. It's a combination.

Mr CHRIS MINNS: The good news is that we've got a second airport opening. It will mean a huge number of increased slots when it comes to inbound aircraft. I know that there are exciting partnerships that the managers of the second airport will announce soon. It will have a transformative effect on the visitor economy. We're expecting exponential growth when it comes to inbound tourists into our country, and the opportunities are huge. The opportunities have always been massive for Sydney's CBD, the iconic parts of the State—the harbour, the bridge, Bennelong Point, Barangaroo. But now, with the second airport's location, there are massive opportunities for Western Sydney and the regions as well.

The Hon. SARAH MITCHELL: Have you made any representations to the Federal Government to increase the number of market participants in aviation?

Mr CHRIS MINNS: Almost certainly we have.

The Hon. SARAH MITCHELL: Have you personally?

Mr CHRIS MINNS: Not personally, no.

The Hon. SARAH MITCHELL: Lastly, in relation to the second airport, what sort of guarantee can you give, particularly to the regional flight operators, that those flights will continue to land at Kingsford Smith rather than Western Sydney? One of the concerns when you come down for a day trip from the regions—for medical, business or personal reasons—is that you usually need to be able to get in close proximity to the city. Is that something that you'll look to ensure continues to be the case?

Mr CHRIS MINNS: I expect it to continue. It's important that they continue to land at Kingsford Smith airport. We don't want to see flights that currently land at the airport moved to other regional airports, notwithstanding how impressive the second airport is. But I think it's important that I also say—and you would

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be aware of this—that this is a Commonwealth Government responsibility. We would expect them to be looking out for regional communities in our State; we don't have direct responsibility for it.

The Hon. DAMIEN TUDEHOPE: Just continuing on, Premier, I was asking some questions about the definition of antisemitism and you indicated your approach to the IHRA definition. You said there were things that could be done in relation to combating antisemitism, potentially legislatively and in other ways. One of the other ways of course is combating antisemitism through ensuring that grants aren't made to bodies which are supporting antisemitic either speakers or events. Is that not the case?

Mr CHRIS MINNS: It depends.

The Hon. DAMIEN TUDEHOPE: That's one way. An additional way that you could in fact combat antisemitism is not make money available to organisations who potentially are promoting antisemitic activities.

Mr CHRIS MINNS: One could do that, yes.

The Hon. DAMIEN TUDEHOPE: Both the Newcastle Writers Festival and the Sydney Writers' Festival receive significant funding, which has enabled them to platform Randa Abdel-Fattah, who has openly called for "no safe space for Jews who support the continued existence of the State of Israel". That is the overwhelming majority of Jews are in New South Wales. Why are taxpayers still funding antisemitic speakers?

Mr CHRIS MINNS: I think the circumstances are important here, which is that both the Newcastle Writers Festival and the Sydney Writers' Festival receive, and have received, government grants well before my Government took office. The Sydney Writers' Festival is in the midst of a five-year grant cycle. I don't know whether they're in their second year or third year, but there are multiple years to run. My personal view is that it was a mistake to platform that writer, who seems to be more notorious than credentialed—but that's my personal view—in relation to the writers festival.

In these circumstances, I don't think that the right thing to do or the best way of confronting that kind of division and hatred in our community is to yank money from those cultural organisations. That's for a couple of reasons. Firstly, there's a lot of people that go to those festivals that drive book sales or celebrate cultural festivals or are even an important part of the visitor economy. The second reason is, as we saw in South Australia, it becomes even more notorious and, perversely, you have the opposite intent. So rather than saying, "This is obnoxious and objectionable behaviour from this particular author"—that's our view. That's the civic leaders of New South Wales' view—not everybody's but a lot of people. By yanking the money, it becomes an even greater platform for that individual.

The Hon. DAMIEN TUDEHOPE: I understand that.

Mr CHRIS MINNS: I just want to say one last thing; I know you have more questions. If the actual event is used as a platform for discrimination, hatred or antisemitism, then, yes, there are already important provisions in the grant guidelines that need to be applied and will be applied.

The Hon. DAMIEN TUDEHOPE: Going forward in terms of assessing applications for grants, surely it is an opportunity for government to say, "We want to make sure that these grants are not being made to organisations which are potentially promoting antisemitic activity." The context of yanking money is right, and I understand the point that you are making in terms of the notorious nature that you would give the event if you yanked money out in the middle of an event. But going forward in considering whether grants are to be made, is something the Government ought be promoting is that organisations in seeking grants should be required to establish that they're not promoting antisemitic activity?

Mr CHRIS MINNS: I think that's absolutely fair and should be the case, and not just with antisemitism but any kind of racism.

The Hon. DAMIEN TUDEHOPE: Correct. Premier, Minister Cotsis promised \$25,000 for new security at the Masjid Arrahman centre and Minister Graham approved the funding, signing a brief that indicated the funding would have the benefit of increasing the number of worshippers at that mosque. You approved a further \$8,000 to the centre to promote community participation, inclusion and cohesion to deliver positive social outcomes. When you gave these funds to the mosque, at that time it had a track record of celebrating Hezbollah terrorists as martyrs due to their terrorist attacks on Jews; the mosque has just celebrated the brutal Iranian dictator Ayatollah Khamenei as a glorious martyr. Do we need a legal ban on taxpayer money funding antisemitic organisations like this mosque?

Mr CHRIS MINNS: I take your question seriously, but there are a few things I'd say. Firstly, I've been, I think, the most vociferous and certainly the loudest critic of individuals that have been glorifying the death of Ayatollah Khamenei. A member of the Liberal Party, the Mayor of Liverpool said yesterday that he's the

CORRECTED

equivalent of the Pope and that my criticisms of his death are equivalent to Catholics, for example, commemorating the death of the Pope. That is ahistorical. It's not consistent in any way with the role and nature of the Ayatollah and his regime, the human right abuses and the horrors that he inflicted on Muslims within Iran. Some people suggested to me—I think in an outrageous way—that, therefore, by highlighting the obvious human rights abuses of the Ayatollah, that in some way insinuates an attack on Islam. I think that should be rejected. If you could take the opportunity to do that, I would be grateful.

The Hon. DAMIEN TUDEHOPE: There is a difference, of course, which is that the Mayor of Liverpool—notwithstanding he has views that I don't agree with and you don't agree with—didn't give them any money.

Mr CHRIS MINNS: I just want to make this point to the second part of your answer. It is also the case that Islamic groups, particularly in mosques, are facing a major increase in security threats, threats themselves and abuse directed at their congregations. That is undeniably the case. New South Wales police will sit here and tell you that after antisemitism and attacks on the Jewish community, the second protected group within our community that is subject to that kind of hate is the Islamic community. I don't believe it's in the State's interest to predicate security money on the basis of whether somebody worships the Ayatollah or not. I think that would be a dangerous precedent, and I think it should be rejected. We should make these decisions based on the threat analysis, and that's certainly what my Government will do.

The Hon. DAMIEN TUDEHOPE: Can I ask you about the female members of ISIS who are returning to be settled in Australia? I think the evidence is that a number of those will be settled in New South Wales. Has your office been involved in any of those discussions?

Mr CHRIS MINNS: When you say discussions, could you be more specific?

The Hon. DAMIEN TUDEHOPE: Have you been briefed in relation to what the process is going to be?

Mr CHRIS MINNS: In part, yes—to the extent that we can know what the processes would be, yes.

The Hon. DAMIEN TUDEHOPE: Is there any proposals to share that briefing with the public and citizens generally in relation to a transparent process for the purpose of where they will be settled?

Mr CHRIS MINNS: Some of it can be shared. Some of it can't, because it relates to security and law enforcement. I'm not going to share it, because it's the responsibility of police and others to keep the public safe and it's necessary that it remain confidential.

The Hon. DAMIEN TUDEHOPE: How do you get that balance between female members of ISIS—who are potentially very radicalised in their views—returning to Australia, and making sure that people feel safe in their communities and keeping the community safe?

Mr CHRIS MINNS: We would rely on precedent, in particular the precedent established in 2019 and 2022 when you were in power and there was another cohort of these people who came back to our country.

The Hon. DAMIEN TUDEHOPE: In respect of the iftar dinner which was to be held, was the invitation to that dinner withdrawn by you or the Muslim community?

Mr CHRIS MINNS: By me, after talking with members of the Muslim community.

The Hon. DAMIEN TUDEHOPE: Why was that?

Mr CHRIS MINNS: Because they suggested that I shouldn't do it.

The Hon. DAMIEN TUDEHOPE: Did they give you a reason why you shouldn't do it?

Mr CHRIS MINNS: I think the issues were pretty well ventilated in the media. It's no secret that there was a big disagreement between a lot of the prominent Muslim organisations and the New South Wales Government. They were unhappy with the position that I'd taken in relation to the protest and other issues. Their strong advice to me was that it should not go ahead. In some respects, I'm glad that the circumstances relating to it have been made public. I don't want to embarrass the people that we spoke with or sought advice from in relation to the invitations, but I'm glad that it's been made public because I don't, and didn't, want members of the Muslim community to think that we had just cancelled the iftar. Obviously, we were acting on advice from members of the community.

The Hon. DAMIEN TUDEHOPE: Have you ever met with Glen Potter, the president of the ETU in New South Wales?

Mr CHRIS MINNS: I might have. I don't recall the name, but it's possible.

CORRECTED

The Hon. DAMIEN TUDEHOPE: You don't remember any circumstances where you might have met with him?

Mr CHRIS MINNS: No. I saw the name as it related to media reports yesterday, but he's not an associate or a friend of mine. I don't believe I've had a meeting with him in my office. I don't know him on a casual or a social basis. But have I run into him at a party conference or something? I may well have. But I'm certainly not intimate with him.

The Hon. DAMIEN TUDEHOPE: Would it surprise you in the circumstances that today he's been charged with firearms offences and of dealing with the proceeds of crime after police found 167 guns at his house and more than \$120,000 in cash?

Mr CHRIS MINNS: They're very serious charges, but they are that. Obviously, as they're before the court, I just don't think it's appropriate for me to comment about it.

The Hon. DAMIEN TUDEHOPE: I accept that. I want to put this to you: Will you refuse any further donations from him or from his organisation until that's resolved?

Mr CHRIS MINNS: Certainly from him. We've got a pretty antagonistic relationship with the ETU, last time I checked, in different places. I'm not sure whether they'd want to donate. I'm not sure.

The Hon. DAMIEN TUDEHOPE: Perhaps you could check.

Mr CHRIS MINNS: As has been raised a few times, I don't think it's unreasonable that the Government or anyone—if you're within an organisation and someone's alleged to have acted inappropriately, it doesn't mean that every member of the organisation has acted inappropriately.

The Hon. DAMIEN TUDEHOPE: Sure. I've got to ask you this, if you'll bear with me: You've got a situation now where your Minister for Health was not briefed on the deaths attributable to lack of maintenance at a very significant public hospital. You've got a situation where the Minister for Mental Health was not briefed on escapes from mental health facilities and only finds out when someone is murdered. You have the police Minister come along and tell us that she's not consulted in relation to the return of the female members of ISIS. You've got gang violence on an unprecedented level and the kidnapping of an 85-year-old man in circumstances where communities no longer feel safe. You've got maintenance of health infrastructure in crisis. You've got MPs in open revolt against the Government policy on protest laws, and in relation to your signature policy on housing, you're achieving less than 50 per cent of your targets. Is that not the reason why you're considering resigning from your position as the Premier?

Mr CHRIS MINNS: I feel like that was a long run-up, Damien. No. I'm committed to this job. Clearly, there are challenges with any administration, any New South Wales government, any government across the country. But I am very confident in the direction we have laid down in our budgets, and our clear commitment to both law and safety, a strong and appropriate approach to the budget, economic growth and job creation in New South Wales. I'm not pretending for a second that all the challenges have been completed. I think we've got a long way to go, but I think that we've made dramatic improvements from what we inherited in March 2023.

The Hon. ROBERT BORSAK: Why were anti-gun advocacy figures with no firearms experience or expertise included in meetings and media events on firearms policy?

Mr CHRIS MINNS: Would you mind just helping me out with who you're referring to?

The Hon. ROBERT BORSAK: I'm referring to Stephen Bendle and Sarah Davies.

Mr CHRIS MINNS: From?

The Hon. ROBERT BORSAK: From the—what do they call themselves? They stood with you in media events, talking about the new gun laws.

Mr CHRIS MINNS: Are they from the Alannah and Madeline Foundation?

The Hon. ROBERT BORSAK: Yes, that's it.

Mr CHRIS MINNS: They're the leading gun control advocate organisation in the country. They may not have extensive experience in firearms, but they do have extensive experience in the knowledge and understanding of legitimate restrictions on firearms across the country and how it interplays with other jurisdictions.

The Hon. ROBERT BORSAK: Who initiated the meetings with Bendle and Davies on 22 December?

Mr CHRIS MINNS: On 22 December? The first time I had a meeting with them would have been in the fourth quarter of 2025, and that would have been initiated by the former Prime Minister John Howard.

CORRECTED

The Hon. ROBERT BORSAK: So which offices or agencies organised that meeting?

Mr CHRIS MINNS: My understanding is John Howard wrote to me and asked if I would have a meeting with the organisation.

The Hon. ROBERT BORSAK: Were any briefing materials prepared for those meetings, and will you table them?

Mr CHRIS MINNS: They probably were prepared for the various meetings that I've had, but I'd probably have to take on notice whether they can be tabled. I wouldn't have a problem tabling them. I'm sure we can get that out.

The Hon. ROBERT BORSAK: Did anyone, including yourself, assess the relevance of the advice that they provided?

Mr CHRIS MINNS: Yes, I assessed it. Absolutely.

The Hon. ROBERT BORSAK: You accepted their advice?

Mr CHRIS MINNS: No, I assessed it. I think that they're supportive of the Government's reforms, but like a lot of advocacy/not-for-profit organisations and charities, my recollection is that they would urge us and the Parliament to go further than the changes that we've made.

The Hon. ROBERT BORSAK: Why were advocacy groups given this access, whilst licensed firearms stakeholders were given no access and shut out completely?

Mr CHRIS MINNS: We rely on advice from a range of organisations. The Alannah and Madeline Foundation was set up by Walter Mikac, whose family were murdered at the Port Arthur massacre in 1996. Over the intervening period of 30 years, they've amassed an enormous amount of information about what reforms work and what doesn't, and where we should pursue reform.

The Hon. ROBERT BORSAK: Can you tell me how many illegal firearms have been seized as a direct result of the new laws?

Mr CHRIS MINNS: I can't, but obviously the major element of that reform, the buyback scheme, hasn't been rolled out yet.

The Hon. ROBERT BORSAK: Of those firearms that have been seized, and you don't know off the top of your head in relation to that—will you take that on notice?

Mr CHRIS MINNS: I will.

The Hon. ROBERT BORSAK: Were they illegal and registered and then lawfully stored?

Mr CHRIS MINNS: Let me take that on notice.

The Hon. ROBERT BORSAK: Do you know why the Firearms Registry has descended into backlogs and administrative chaos at the moment?

Mr CHRIS MINNS: I'd have to take that on notice, but was the police Minister here the other day?

SIMON DRAPER: Yes.

Mr CHRIS MINNS: What did she say? Were you able to question the police Minister?

The Hon. ROBERT BORSAK: No, it wasn't me. It was my colleague that did that. Do you want to take that on notice?

Mr CHRIS MINNS: I will.

The Hon. ROBERT BORSAK: Do you accept that the legislation may produce the opposite of what is promised?

Mr CHRIS MINNS: I don't accept that. That's not our intention. I don't believe that will be the case. We've relied on the circumstances relating to Western Australia. One of the benefits of Federation is that you can see the application of a reform rollout in not exactly the same but a similar jurisdiction before you test its efficacy in your home State. We've been able to do that with WA. My understanding is they've reduced the amount—I might have this number wrong but they've reduced the amount of firearms in the community by a quarter of a million, which is a massive number. We'd be hoping for way north of that in our State.

The Hon. ROBERT BORSAK: Premier, will you support and implement as law the recommendations of ex-Prime Minister Morrison regarding hate preachers in the Islamic faith and community?

CORRECTED

Mr CHRIS MINNS: Well, no. But I actually read his contribution. I think he was calling for self-regulation or something like that. I'm not sure even in his interpretation of it there is a role for government.

The Hon. ROBERT BORSAK: Do you think that the Islamic community in terms of that self-regulation should itself prevent future hate preaching? Do you think it's something that should be done?

Mr CHRIS MINNS: Everyone has a responsibility. I don't mean this in a trite way, but everybody has a responsibility to confront hate speech in our community. To the extent that people don't take it on themselves, or don't confront it in their community—it's not just publicly, it's also privately—that's why we've pursued law changes. It's not always going to be the case that it can be codified in law. There's also a civic responsibility for members of the community to confront hate when they see it. It may not be a legal breach, it might not be the technical or legal definition of hate speech, but if you see something odorous and antithetical to our multicultural communities, we should stand up against it.

The Hon. ROBERT BORSAK: In line with that, do you think other people, other citizens in our community would feel safer if the Islamic community made available their sermons in English?

Mr CHRIS MINNS: I wouldn't make that requirement of the Islamic community or any other community. Generally speaking, those sermons are available online in any event and are often widely disseminated. I'll give you an example. I was critical of an imam's invocation in relation to the killed ayatollah as a kind, generous, charismatic leader. The reason I know about that is that the imam said it online in English. I would say that we've all got a responsibility to confront hate speech when we see it publicly but also when we see it behind closed doors. We have taken many steps, not just in the last couple of months but in the last 2½ years to confront it when we see it. It's not always easy to codify in law but I think we've made the right decisions in difficult times.

The Hon. JOHN RUDDICK: In December 2024 you first announced that free speech is incompatible with a multicultural society. You've reiterated that doctrine, which I'll call the Minns doctrine, at least four times. You have studied the humanities in the University of New England and at Princeton in the US, so I'm curious to know which great political theorist from history did you get the Minns doctrine from?

Mr CHRIS MINNS: When did I say free speech is incompatible with a free or democratic society?

The Hon. JOHN RUDDICK: Mr Premier, you have said that on multiple occasions.

Mr CHRIS MINNS: Would you mind repeating it to me, where I've said it and what I said?

The Hon. JOHN RUDDICK: You're denying that you've said it, Mr Premier?

Mr CHRIS MINNS: I'd love for you to quote it back to me.

The Hon. JOHN RUDDICK: I don't have the exact quote, sir, but I think you've been seen about 100 million times around the world on social media, none of it positive. You're denying that you have said—

The Hon. MARK BUTTIGIEG: Point of order, Chair.

The CHAIR: A point of order has been taken by Mr Mark Buttigieg.

The Hon. MARK BUTTIGIEG: An accusation has been made about what the Premier has quoted, and the member is being asked to table it. I ask that he tables it or moves on, because the basis of the question is invalid unless he can show that the Premier said that.

The CHAIR: There is no point of order. It's up to him.

Mr CHRIS MINNS: Mr Chair, I'll answer the question. I don't believe I've said free speech is incompatible with a multicultural society, but if you can provide me the evidence—

The Hon. JOHN RUDDICK: Have you said anything similar to that, Mr Premier?

Mr CHRIS MINNS: Hang on. You've shifted the goalposts pretty dramatically.

The Hon. JOHN RUDDICK: I'm sure we've got lots of videos.

Mr CHRIS MINNS: Hang on a second.

The Hon. JOHN RUDDICK: If you don't recall saying—

Mr CHRIS MINNS: Did I say it or not?

The Hon. JOHN RUDDICK: You said it, Mr Premier. Yes.

Mr CHRIS MINNS: Can you provide me the information?

CORRECTED

The Hon. JOHN RUDDICK: I don't have the video with me now.

Mr CHRIS MINNS: I don't think I'm being unreasonable.

The Hon. JOHN RUDDICK: I am just shocked that you're contesting it. You haven't said it once; you've said it multiple occasions.

Mr CHRIS MINNS: What is it? "Free speech is incompatible with a multicultural society"?

The Hon. JOHN RUDDICK: Yes.

Mr CHRIS MINNS: Where have I said that?

The Hon. JOHN RUDDICK: You've set it at press conferences.

Mr CHRIS MINNS: Tell me when.

The Hon. JOHN RUDDICK: I'm not going to look it up now.

Mr CHRIS MINNS: Well, far out.

The Hon. JOHN RUDDICK: Okay, we'll get the video replay out afterwards, sir. Anyway, on the question—

Mr CHRIS MINNS: What I have said is that we don't have the free speech rules that they have in the United States. We don't have it. I'll give you an example. Three weeks ago in Brooklyn, protesters out the front of a synagogue were screaming some kind of pro-Hamas propaganda at the entrance to that synagogue, completely protected by free speech. What I have said is we don't have those laws in Australia that they have in the US which are unimpeachable and protected by their constitution. Now, I've lived in both countries—in the US and in Australia—and I prefer our community, I prefer our society, well over and above any changes to the law that I've pursued.

The Hon. JOHN RUDDICK: We've always had free speech up until the last few years.

The CHAIR: Thank you, Mr Ruddick. I appreciate that. Ms Faehrmann?

Ms CATE FAEHRMANN: Good afternoon, Premier. Is addressing the widespread lead contamination in Broken Hill—which is poisoning generations of kids living there—one of your Premier's priorities?

Mr CHRIS MINNS: I think the previous administration—Gladys Berejiklian, in particular—had Premier's priorities, which was a number of particular agenda items. We haven't done that, not because we don't have—

Ms CATE FAEHRMANN: You don't have any priorities?

Mr CHRIS MINNS: I knew you'd say that. No, we haven't done that, because there are many things that pop up. Oftentimes it's at a moment's notice and it's very difficult to triage something.

Ms CATE FAEHRMANN: Let's not call it a priority project then, but the Premier's Department has taken the issue on and are leading this whole-of-government approach. Is that correct?

Mr CHRIS MINNS: I understand it is correct.

Ms CATE FAEHRMANN: Do you consider, yourself, bringing down the blood lead levels of kids in Broken Hill who are, frankly, getting poisoned by lead in their blood from mining—are you committed to acting on that issue? Do you see it as a priority?

Mr CHRIS MINNS: I see it as a problem and therefore something that we need to take action on.

Ms CATE FAEHRMANN: Why is it so hard to get funding for this program? I understand that there was a funding pitch put in for the budget last year for more funding that was rejected. Did that come from the Premier's Department, that funding pitch? Did you have any say in that?

Mr CHRIS MINNS: I don't know if it's correct and I don't have the information directly. Secretary Boyd has just provided me with a note that says that in 2025 to 2027 we've put in 4.2 million additional in particular to confront the—

Ms CATE FAEHRMANN: It's over three years or two years?

Mr CHRIS MINNS: Over two years—to confront Broken Hill Environmental Lead Program, the BHELP program.

CORRECTED

Ms CATE FAEHRMANN: Yes. What that is is the business as usual funding. What the business as usual funding is doing is leading kids like toddler Goldie—this was literally in the *Broken Hill Times* last week—returned blood lead level reading of 16.3 micrograms of lead. That is extremely dangerous for a toddler. Her mum has just been living there for three years while her partner is working there. They've had remediation carried out, and now her daughter has returned a blood lead reading of 14.6. Will you commit—the community is absolutely in despair. The Premier's Department has taken over. They said they're doing stuff, but new money is not coming. Last year, as I said, they just got business as usual funding. When can the community expect the level of funding that they need to get on top of this situation? Is it going to be this year? And, Premier, did you read the office of the Chief Scientist and Engineer's report on this, which he released in January?

Mr CHRIS MINNS: No, I didn't read the report in January.

Ms CATE FAEHRMANN: The recommendations?

Mr CHRIS MINNS: Sorry, can I just get an answer out? We do take it seriously. I will commit to looking very closely at increased funding for the scheme and the program out there. Clearly those numbers for a someone who's a recent arrival in the town are nowhere near good enough.

Ms CATE FAEHRMANN: No, and quite a few kids do have that. In fact, blood lead levels have plateaued since investment has essentially reduced. In other words, the funding has to be increased to get those blood lead levels down. Would you agree?

Mr CHRIS MINNS: It may well be the case. I don't know.

SIMON DRAPER: Ms Faehrmann, can I just clarify that the Premier's Department is coordinating a number of agencies and we supported the chief scientist to do the report they've just done. All those agencies are now in the process of working up a response to that. That will determine the funding that might be available for any future activities.

Ms ABIGAIL BOYD: Good afternoon, Premier. After I made a statement updating Parliament on the activities of the Public Accountability and Works Committee and our inquiry into donations made to your election campaign in 2015, you accused committee members of maliciously "drip-feeding" information for "political attacks" and then said that you "make a simple request of the committee" to release all of the information. That was a bit cute knowing that we were not able to release information that had been given to us in a confidential manner by the Electoral Commission. Why did you make that statement?

Mr CHRIS MINNS: I think that, if memory serves me correctly, confidential information was being released from the committee.

Ms ABIGAIL BOYD: No, that's incorrect.

The CHAIR: Order!

Mr CHRIS MINNS: Certainly confidential information has been released from many upper House committees. What I'm drawing attention to is that it shouldn't be drip-fed. I think one of your committees has been subject to confidential information winding up in the media. Surely?

Ms ABIGAIL BOYD: Yes, and I think we tracked that back possibly to someone that was not from any party other than your own. So I might be careful there, if I was you.

Mr CHRIS MINNS: Is that right? If you're going to make an allegation, I think we should—

Ms ABIGAIL BOYD: No, I'm just saying that there was no evidence at all that any information was released by anybody else in that committee, and we did a thorough investigation.

Mr CHRIS MINNS: Well, I don't know what you're talking about, but it goes to the point that there has been confidential information that has been released from your committee. I think it's reasonable that I—

Ms ABIGAIL BOYD: No, I'm sorry, not by the committee or from the committee.

Mr CHRIS MINNS: Mr Chair, am I able to get an answer out?

The Hon. EMILY SUVAAL: Point of order: Ms Abigail Boyd has made quite a serious accusation and series of statements. The Premier is well within his rights to respond to them.

Mr CHRIS MINNS: This is the point I'm trying to make: incendiary accusations not based on fact. You're proving it right in front of us.

Ms ABIGAIL BOYD: But you were doing it.

CORRECTED

The CHAIR: Order! I didn't get to hear what Ms Suvaal had to say.

The Hon. EMILY SUVAAL: Thanks, Chair. I'm happy to repeat it. I just said Ms Boyd has made a number of quite serious allegations and put them to the Premier. He's more than within his rights to be afforded the ability to reply.

Ms ABIGAIL BOYD: To the point of order: The Premier keeps falsely saying that there was confidential information released from the committee that I chair. I would ask him to substantiate that before he keeps repeating it.

The CHAIR: That's not to the point of order. I do uphold the point of order. Ms Boyd, you did say—this is not verbatim—"We track that back to Labor members."

Ms ABIGAIL BOYD: Okay. I withdraw that. If we could just hear the response.

Mr CHRIS MINNS: Can I answer the question, Mr Chair?

The CHAIR: I would remind you of adverse mention, because they are identifiable in terms of their—

Ms ABIGAIL BOYD: They were the only ones who accessed it, but I wouldn't raise that.

The CHAIR: Order! I'm trying to rule here. They are identifiable, so I appreciate you withdrawing that, and if we could be reminded that adverse mention of people who are not party to these committee hearings is to be avoided unless absolutely necessary.

Ms ABIGAIL BOYD: Thank you, Chair.

Mr CHRIS MINNS: I haven't answered the question.

The CHAIR: You haven't, so please do.

Mr CHRIS MINNS: Mr Chair, this is largely the point I'm trying to make. The committee had been responsible for launching unsubstantiated allegations, repeated here in this committee meeting right now, without any recourse or evidence being supplied to the public or the committee. I was concerned about it. Information had been leaked from that confidential committee, and I make the simple suggestion that, as much as the public information should be released, it should be released. I think a reasonable person—given the circumstances and given the subject of the inquiry or the committee was me, to see parts of it being released to the public, only elements of it being released to the public, I think it's reasonable that I say, "Look, why don't you get it all out?" That's the only point I was trying to make, Mr Chair.

Ms ABIGAIL BOYD: If I could ask you, then, Premier, given that your office stopped the NSW Electoral Commission from releasing documents as part of an SO 52 and that your office also did not comply with the order—

Mr CHRIS MINNS: Can you provide information—

Ms ABIGAIL BOYD: —and you know full well that the NSW Electoral Commission has taken the view that it cannot publicly disclose information in the public interest, what are you doing to provide the information to the public?

Mr CHRIS MINNS: Would you mind repeating the question? "Given your office"—what did you just allege?

Ms ABIGAIL BOYD: There was an SO 52 in relation to this that your office failed to comply with because—

Mr CHRIS MINNS: You've changed the question.

The CHAIR: That is not what you said.

Ms ABIGAIL BOYD: I'm trying to explain it to you so that you can understand. Your office stopped information being provided in an SO 52 for the benefit of the committee—

Mr CHRIS MINNS: I don't think that's true, Mr Chair.

Ms ABIGAIL BOYD: —because of your view that the Electoral Commission—

Mr CHRIS MINNS: Again, it's a very—

Ms ABIGAIL BOYD: This is very frustrating, Premier.

Mr CHRIS MINNS: Again, it's a serious allegation not being provided with any information.

CORRECTED

Ms ABIGAIL BOYD: You're the one making allegations. I'm asking you to expose this information so that we can get to the bottom of it. You're saying that our committee is the one that's drip-feeding information, but it's you yourself that is not returning information to Parliament that we are requesting in order to get to the bottom of this. How do you explain yourself?

Mr CHRIS MINNS: Mr Chair, if I believed for a moment the actual intention was to get to the bottom of it—I think blind Freddy can see—

Ms ABIGAIL BOYD: Are you—

The CHAIR: Order!

Mr CHRIS MINNS: I think blind Freddy can see that this is—

The Hon. EMILY SUVAAL: Point of order: There's been multiple interruptions and a series of quite serious allegations and statements put on the *Hansard* record by Ms Abigail Boyd. The Premier, again, is well within his rights to be afforded the ability to reply, given the seriousness of some of these allegations.

Ms ABIGAIL BOYD: To the point of order: The allegations that have been made by the Premier about me and my integrity and my honesty have also been put on without any background, without anything to back that up. You've got to be quid pro quo. You can't have a situation where I'm not allowed to say anything to get an answer back but suddenly the Premier can say whatever he likes about me. It's extraordinary.

The Hon. EMILY SUVAAL: Further to the point of order: The Premier would be able to clarify and respond if you let him and didn't keep interrupting.

The Hon. SARAH MITCHELL: He was talking over her.

Ms ABIGAIL BOYD: Yes, exactly. This is extraordinary.

The Hon. EMILY SUVAAL: I lost track. There was so much—

The CHAIR: Order! I think there are two different issues raised there. I do think that the issue you are raising, Ms Suvaal, is the courtesy required to be provided to witnesses so that they can answer in full. Clearly, that's a case study in interjecting over the top of each other meaning that we don't get good outcomes in terms of the hearing and answers. Premier, have you got anything else to add?

Mr CHRIS MINNS: No.

The CHAIR: I have a question—before I hand to the Opposition, so don't panic. In February 2026 the New South Wales Legislative Assembly, the other place, supported a call for a Commonwealth royal commission into water management. Since that time, what action, if any, have you taken to give effect to the Assembly's resolution?

Mr CHRIS MINNS: It was a Commonwealth royal commission. It's hard for us to establish one of those.

The CHAIR: Have you lobbied anyone in the Commonwealth? Has anyone in the Government done anything, got on the phone and said, "The Parliament of New South Wales thinks this is a good idea. What do you think"?

Mr CHRIS MINNS: No.

The CHAIR: Are you going to?

Mr CHRIS MINNS: I don't know. Probably not—not because I'm not interested in the issue, but I'm just not sure whether we would use our time with the Commonwealth to lobby for a Federal royal commission into water. I think there should be an inquiry into it, but I think it should be focused in particular on any remediation or reforms that are required for those communities, particularly the Murray communities. I would be worried that a royal commission in these circumstances wouldn't lead to immediate remedy, reform.

The CHAIR: Just one last one. The Wilcannia Weir—I remember going out to Broken Hill with you, Premier, way back when to learn about the issues in the Darling River. The Wilcannia Weir, which, I know, the State Government has committed considerable funds to, has now, apparently, been put on the back burner to the great distress of the community of Wilcannia because of, I think, a shortfall in Federal funding. Will you and the Government commit to lobby the Federal Government to come to the party to make sure that weir, to the benefit of the Wilcannia community and the Barkindji people, is built?

Mr CHRIS MINNS: Yes.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Premier, under the recently passed Work Health and Safety Amendment (Digital Work Systems) Bill 2025, Mr Glen Potter, of course, would be a union official who would have access to people's digital work systems. Would you have concerns about that, given what has transpired?

Mr CHRIS MINNS: He wouldn't be given access unless he was a lawful delegate, and the Government has committed, as part of the rollout of that reform, to focus in its initial incarnation on retail workers and gig workers. And other parts—construction sector, civil construction, residential housing construction—require major regulations to be inserted in the bill, particularly in relation to workplace access rights and the timing of the changes, and we haven't settled on them. That will be the subject of negotiations, no doubt with unions but also employer groups and the MBA and others. I've personally met with the MBA and other employer groups already.

The CHAIR: Thank you, Premier. The time being 12.45 p.m., that concludes this part of the hearing. I very much appreciate you attending, Premier, to hear from us and answer our questions. The Committee will now break for lunch and return at 2.00 p.m. for further questioning.

(The Premier withdrew.)

(Luncheon adjournment)

Ms SAMARA DOBBINS, Deputy Secretary, People and Workforce Group, Premier's Department, on former oath

Ms KATE MEAGHER, Deputy Secretary, Delivery and Engagement Group, Premier's Department, on former affirmation

Ms GILLIAN WHITE, Deputy Secretary, Social Policy and Intergovernmental Relations, The Cabinet Office, sworn and examined

Ms ABI PARAMAGURU, Deputy Secretary, Economic, Housing and Infrastructure Policy, The Cabinet Office, affirmed and examined

Ms LUCY HARTAS, Deputy Secretary, Energy, Environment and Evidence, The Cabinet Office, on former affirmation

The Hon. ROBERT BORSAK: Welcome back, one and all. The Chair is not here, but he tells me he will return. We welcome additional departmental witnesses. We'll resume questioning with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Ms Boyd, this is an old story that you and I are going to traverse again. When we had police Assistant Commissioner Heyward with us last week—Friday, I think it was—she was asked about advice that had been obtained in relation to the establishment of the Firearms Registry. Did you have an opportunity of reviewing her evidence at all?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Do you recall that during that evidence she said, "That's a submission for Treasury, so I would say that it's Cabinet in confidence"? Submissions to Treasury aren't automatically Cabinet in confidence, are they?

KATE BOYD: It depends.

The Hon. DAMIEN TUDEHOPE: It depends?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: What on?

KATE BOYD: On whether or not the document in question reveals or tends to reveal the position that a Minister is intending to take on a matter in Cabinet.

The Hon. DAMIEN TUDEHOPE: Did you review the document in question?

KATE BOYD: No, I have not.

The Hon. DAMIEN TUDEHOPE: On what basis would she make that decision?

KATE BOYD: I think you'd have to ask her that. I believe in the end she took it on notice because it was a difficult question for her to deal with on the spot. I think that's the case with a lot of officials on these matters.

CORRECTED

I think her intention was to take it on notice and seek advice about whether there was a Cabinet claim in relation to the document.

The Hon. DAMIEN TUDEHOPE: That's fine, but she'd already made the decision.

KATE BOYD: Yes, and I think she was going to go away and get some advice on whether it was, in fact, a Cabinet document.

The Hon. DAMIEN TUDEHOPE: Is there a document which evidences the manner in which documents should be assessed by officials for the purposes of deciding whether they are Cabinet in confidence? You will recall, will you not, that there were significant documents which SIRA had produced relating to the review of the Chief Psychologist's role and the PIRS scale and the like, which they refused to hand over because they had taken the view that they were Cabinet in confidence. Do you recall that?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Did you ever review those documents to decide whether they were Cabinet in confidence, in fact?

KATE BOYD: I'm not sure if they're the exact documents that were discussed in that hearing, but I did review a further tranche of documents that were produced to the House that, on closer inspection, were deemed not to be Cabinet or were either Cabinet and produced voluntarily. But I'm not sure whether it was exactly the same document.

The Hon. DAMIEN TUDEHOPE: Can you just explain to me the process that the officials or departments go through for the purposes of forming a view? Who is the ultimate decision-maker in respect of whether a document is Cabinet in confidence or not?

KATE BOYD: The decision-maker would be, in the first instance, the public official that is performing searches and then certifying that all the documents have been produced that are lawfully required to be produced. When the Cabinet Office writes back to the House enclosing all of the returns, we will enclose those certification letters so that the House can see who is attesting to that decision. But what I would say is that those decisions are complex decisions, and they are done in incredibly tight time frames, given the very short time that the House often gives the sector to produce incredible amounts of information. It is not surprising to me that decisions might be taken that may turn out to be not correct or that, on reflection, documents that were initially interpreted to be Cabinet documents might not actually attract Cabinet protection. I would just say that around any confusion that might arise in these sorts of hearings around the status of particular documents.

The Hon. DAMIEN TUDEHOPE: But you'd accept from me, though, that, in relation to the evidence she gave last Friday, the decision had already been taken?

KATE BOYD: I believe she took it on notice to go away and have a look, and then perhaps there might be an opportunity for the document to be provided if—

The Hon. DAMIEN TUDEHOPE: After the event.

KATE BOYD: Yes. It isn't an easy ask that agencies will get this right 100 per cent of the time. But when an issue is raised about a document by a member, we will always go back and reassess and perhaps get—

The Hon. DAMIEN TUDEHOPE: Except that we don't even know about the document.

KATE BOYD: Well, you're asking about it.

The Hon. DAMIEN TUDEHOPE: The assistant commissioner disclosed the existence of this document. That's the first time we knew about it.

KATE BOYD: There you go—transparency in motion.

The Hon. DAMIEN TUDEHOPE: It wasn't transparent. That's the point I'm getting to. There is no transparency around this whole process, because what occurs is someone makes a decision that it is a Cabinet-in-confidence document and it is not produced. Exactly the same process arose in respect of the SIRA documents. It's not until an official—we gleaned that the documents weren't there because there was just a paucity of documents produced. The fact of the matter is that unless the document is in some way evidenced as coming into existence and an explanation provided as to why it is not produced, then there is no way of knowing that some of these documents even exist. Would you accept that?

KATE BOYD: Yes. I would say that where the House is seeking information to assist with its scrutiny function, it is always open to the House to inquire of the relevant Minister what information is available in relation

CORRECTED

to the reasons for any decision. I would just say that the House has other occasions to call Ministers to account for the reasons for their decisions.

The Hon. DAMIEN TUDEHOPE: I'll just remind you of her evidence. Her evidence was that "because it's a submission made through the Minister" she believed that it was Cabinet in confidence. I then pressed her and she said, "That was my belief."

KATE BOYD: I think she ended up saying, "That was my understanding," if I recall.

The Hon. DAMIEN TUDEHOPE: Her understanding. I just wondered how you come to that understanding unless there is some sort of guidance being provided in relation to the nature of these documents.

KATE BOYD: There is guidance. Public officials are trained and expected to understand the nature of Cabinet information. It's a critical, core function of all public officials, that we—

The Hon. DAMIEN TUDEHOPE: Is there a document which evidences that?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Can you produce that?

KATE BOYD: Yes, they're public. I can actually just tell you what they are. It's the Cabinet Practice Manual and the Premier's memorandum on Cabinet confidentiality.

The Hon. DAMIEN TUDEHOPE: Do members of the public service seek your advice regularly on whether something is a Cabinet-in-confidence document or not?

KATE BOYD: They would seek advice from both their own internal lawyers—so the general counsel within the department—but on occasion they would reach out to the Cabinet Office, yes.

The Hon. DAMIEN TUDEHOPE: They would come to you?

KATE BOYD: Probably my general counsel or the legal team.

The Hon. DAMIEN TUDEHOPE: They used to.

KATE BOYD: Yes. I have been—I get asked sometimes.

The Hon. DAMIEN TUDEHOPE: How often would you be asked about whether a document is Cabinet in confidence?

KATE BOYD: Regularly.

The Hon. DAMIEN TUDEHOPE: Regularly?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: In making your determinations, do you record those determinations in some manner?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: That you have formed a view about a particular document?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: Where is that recording?

KATE BOYD: It may be in the form of an email or another brief or document. Yes, there are briefings that we give from time to time about the status of records.

The Hon. DAMIEN TUDEHOPE: I'm not flagging this with you, but it may just come to existence. If I was to seek all those documents where you had given advice in relation to whether a particular document was Cabinet in confidence, you would be able to produce a series of emails to various officials relating to the advice that you had given?

KATE BOYD: I'd have to take that on notice and probably assess the documents as to whether or not they reveal Cabinet information.

The Hon. DAMIEN TUDEHOPE: Is your advice always followed?

KATE BOYD: I don't know.

CORRECTED

The Hon. DAMIEN TUDEHOPE: You may have, from time to time, given advice that a document isn't Cabinet in confidence and an election is still made not to produce it?

KATE BOYD: I'm not aware of that ever occurring.

The Hon. DAMIEN TUDEHOPE: Are all submissions to Treasury Cabinet-in-confidence documents?

KATE BOYD: Submissions to the Expenditure Review Committee of Cabinet are Cabinet documents.

The Hon. DAMIEN TUDEHOPE: Certainly the ERC, I accept, has the same status as Cabinet documents.

KATE BOYD: I'm not sure what a submission to Treasury is, other than a submission to that committee.

The Hon. DAMIEN TUDEHOPE: Certainly, all documents which go to the formation of policy would not be Cabinet in confidence.

KATE BOYD: It would depend whether they tend to reveal the position that the Minister is being advised to take or is considering taking on a matter in Cabinet.

The Hon. DAMIEN TUDEHOPE: At what point do they change status from effectively being just policy proposals or submissions to Cabinet-in-confidence documents?

KATE BOYD: There's a temporal element to it—I think that is what you're suggesting. It really is a question of fact based on the circumstances and, yes, the objective nature of the document and where it's at in terms of the Cabinet process.

The Hon. DAMIEN TUDEHOPE: If in fact documents were produced in relation to a particular Standing Order 52 and advice had been sought from you in relation to whether a document was Cabinet in confidence, should I expect to see the email from you and your assessment as part of the documents produced?

KATE BOYD: Documents that are created after the date of the order are not generally produced.

The Hon. DAMIEN TUDEHOPE: Or in respect of legal advice relating to the Standing Order 52 as a standard provision in relation to Standing Order 52 documents.

KATE BOYD: I think we have a different view about the effect of those calls for papers. Our position is that when an order is made by the House, the only documents that are required to be produced are those that predate the date of the order. We're not required to produce—

The Hon. DAMIEN TUDEHOPE: Why have you formed that view?

KATE BOYD: It's a well-established position based on formal advice.

The Hon. DAMIEN TUDEHOPE: Who gave that advice?

KATE BOYD: I think it's in the 2014 Solicitor-General's advice that has been tabled in the House on many occasions.

The Hon. DAMIEN TUDEHOPE: All those members who prepare their SO 52 documents and include a provision in those documents "including any legal advice sought in relation to the validity or otherwise of these documents", you take the view that that is a superfluous clause to include in Standing Order 52 documents?

KATE BOYD: It's just at odds with the scope of the power of the House, I would say. But we often voluntarily provide the legal advice that supports an interpretation or other approach that we've taken in relation to standing orders where there might be a dispute. We generally routinely table those advices anyway.

The Hon. DAMIEN TUDEHOPE: Mr Draper, can I just ask you—I'm coming back to you, Ms Boyd, by the way.

KATE BOYD: Thanks.

The Hon. DAMIEN TUDEHOPE: Can I ask you about Queen Elizabeth Square? You heard the evidence being given by the Premier this morning that it was a submission done but it was unfunded. Do you recall that evidence that he gave?

SIMON DRAPER: A commitment, I think he said it was, this morning. A former Premier stood up—

The Hon. DAMIEN TUDEHOPE: It was a commitment by the former Premier and the Prime Minister after the passing of Queen Elizabeth.

SIMON DRAPER: I'm taking your word for it. I really know nothing about it.

CORRECTED

The Hon. DAMIEN TUDEHOPE: But you heard him give his evidence this morning that there was no money attached to that agreement.

SIMON DRAPER: What's the question?

The Hon. DAMIEN TUDEHOPE: Do you recall him giving that evidence?

SIMON DRAPER: Do I recall the Premier giving evidence this morning? Yes, I do.

The Hon. DAMIEN TUDEHOPE: No, the evidence about Queen Elizabeth Square.

SIMON DRAPER: Yes, I do.

The Hon. DAMIEN TUDEHOPE: Was any assessment done in relation to that proposal?

SIMON DRAPER: Not by me.

The Hon. DAMIEN TUDEHOPE: By anyone, do you recall?

SIMON DRAPER: What—are you asking if we've assessed?

The Hon. DAMIEN TUDEHOPE: Whether any assessment had been done about the potential to convert Macquarie Street East for the purpose of establishing Queen Elizabeth Square. It's an infrastructure approach.

SIMON DRAPER: It wouldn't be done in the Premier's Department and I doubt it would be done in the Cabinet Office either. It would be done by the people who have responsibility for looking after those assets, and that would be under the Planning portfolio.

The Hon. DAMIEN TUDEHOPE: To the best of your knowledge, no work has been done that has ever come to your attention in relation to the establishment of Queen Elizabeth Square?

SIMON DRAPER: I think Ms Meagher has got something to say about that.

KATE MEAGHER: Mr Tudehope, I can add one thing to that. When that announcement was first made, the protocol team in—back then—the Department of Premier and Cabinet was tasked with seeking permission from the palace to find out whether we could explore that concept. That was largely the extent of the involvement of the Department of Premier and Cabinet.

The Hon. DAMIEN TUDEHOPE: Sorry, just let me understand that. You wrote to the United Kingdom to get permission?

KATE MEAGHER: It's the normal practice where there's something involving the sovereign that the Premier's protocol team would undertake that communication with the palace. But as far as concepts, budget, design and those sorts of things, that would be a matter for Planning.

The Hon. DAMIEN TUDEHOPE: Other than the approach to the palace—

KATE MEAGHER: And now that I say that, I've probably got that wrong. It probably went through Government House. Our protocol team will be saying, "Kate, it would have gone through Government House."

The Hon. DAMIEN TUDEHOPE: Are you aware whether they got a response or not?

KATE MEAGHER: I would have to take that on notice, sorry, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: Was any other work done in terms of scoping the work to be done?

KATE MEAGHER: Not by our department.

The Hon. DAMIEN TUDEHOPE: By any other department, are you aware?

KATE MEAGHER: I think the planning department. Specifically where in planning, I can't recall. They were definitely involved in meetings with the former Premier's office in terms of the aspiration around that project.

The Hon. DAMIEN TUDEHOPE: There would have been some modelling on costing, would there?

KATE MEAGHER: I imagine so, but I don't—

SIMON DRAPER: Can I just clarify, Mr Tudehope, are you asking about activities that happened under the former Government? Is that what you're asking about?

The Hon. DAMIEN TUDEHOPE: I'm asking whether it has been pursued and whether the proposal which was agreed to by the former Premier and the Prime Minister in relation to the establishment of Queen Elizabeth Square has been pursued by this Government.

CORRECTED

SIMON DRAPER: I think the Premier answered that question this morning.

The Hon. DAMIEN TUDEHOPE: I agree. He said there was no money attached to it when the commitment was made. I just wonder, when he said there was no money attached to it, whether the fact that there was no money attached to it brought an end to the project.

SIMON DRAPER: I think his evidence this morning was that the former Government never allocated any money to it. There was an announcement made by the former Premier, but no money was ever allocated to it. This was three Premiers ago now—or two Premiers ago.

The Hon. DAMIEN TUDEHOPE: One Premier ago, unless you've got this one retiring already.

Ms SUE HIGGINSON: He has been talking about it.

The Hon. DAMIEN TUDEHOPE: He is talking about retirement, but that's fine. On 16 January, Mr Draper, you provided to the Public Accountability and Works Committee a copy of emails which showed that a comprehensive list of election commitments under the Local Small Commitments Allocation, allocating \$400,000 for each of the 93 electorates, had been provided by the office of the Special Minister of State to the Treasurer's office. Do you recall that?

SIMON DRAPER: Do I recall providing that to the committee?

The Hon. DAMIEN TUDEHOPE: Yes.

SIMON DRAPER: No, I don't recall it, but I'll take your word for it that it happened.

The Hon. DAMIEN TUDEHOPE: It was NSW Treasury and then the Department of Premier and Cabinet, as early as May. You state in the covering letter, which you provided to the committee, that you were providing the emails on a voluntary basis as "the Government does not concede that the committee of the House"—as opposed to the House itself—"has the power to compel the production of State papers." Do you recall that covering letter?

SIMON DRAPER: I can't say I recall it, but I'm sure we can have a look at the letter and confirm that's the case.

The Hon. DAMIEN TUDEHOPE: I just want to know why these emails weren't provided in response to any of the four orders on the LSCA that were passed by the House itself?

SIMON DRAPER: If you're quoting the letter correctly, then I think that's self-evident from the letter.

The Hon. DAMIEN TUDEHOPE: You didn't think the House had power?

SIMON DRAPER: The advice we had was that it wasn't covered and wasn't required to be produced.

The Hon. DAMIEN TUDEHOPE: Where did you get that advice from?

SIMON DRAPER: We get our advice from the Office of the General Counsel and the Cabinet Office.

The Hon. DAMIEN TUDEHOPE: That advice is in writing, is it?

SIMON DRAPER: Generally speaking, yes.

The Hon. DAMIEN TUDEHOPE: If you go to the actual document, the line-by-line comparison by the Premier's office to the committee shows that between 10 and 28 July 2023 the Premier's office unilaterally changed the allocation of funding and nominated projects for 27 out of the 93 electorates. Will you accept that from me?

SIMON DRAPER: Sure.

The Hon. DAMIEN TUDEHOPE: The changes to several electorates were made in consultation with the Independent members for Sydney, Murray, Orange and Wollondilly. On what basis did the Premier's Department choose to present briefs to the Special Minister of State asserting that projects that were not present on the list supplied by the Special Minister of State in May, but that were substituted in July by Cherie Burton of the Premier's office, were eligible for funding as election commitments made in the March 2023 election?

SIMON DRAPER: Mr Tudehope, you've asked lots of questions about this, other members of committees have asked about this at budget estimates and there has been a parliamentary inquiry into it. I think everything that can be said about that has been said.

The Hon. DAMIEN TUDEHOPE: Your role has not been explored, Mr Draper.

SIMON DRAPER: What is your question about my role?

CORRECTED

The Hon. DAMIEN TUDEHOPE: This is a document that you have submitted to the Special Minister of State for the purposes of him signing off on grants in circumstances where it was certified that these were election commitments in March 2023 and changes had been made in the Premier's office.

SIMON DRAPER: If your question is about me, I don't think I was even the secretary of the department at the time period you're referring to.

The Hon. DAMIEN TUDEHOPE: You signed off on the letter. Perhaps I'll come back.

SIMON DRAPER: Are you talking about the letter of January this year, or are you talking about the actions that were taken in the—

The Hon. DAMIEN TUDEHOPE: January this year.

SIMON DRAPER: The letter was in January—I was clearly the secretary of the department then. But the period you seem to be asking about was in mid-2023.

The Hon. DAMIEN TUDEHOPE: I'll come back.

The Hon. ROBERT BORSAK: Ms Boyd, you said earlier today in evidence that belt-fed shotguns had been sold and, I assume, registered in New South Wales.

KATE BOYD: Can I take that on notice and get you the details of that example? It might assist.

The Hon. ROBERT BORSAK: I'll ask some more specific stuff, which you might also be able to answer on notice. On 16 and 17 December 2025 in press conferences the Premier referred to belt-fed shotguns. Can you please provide a photo or image of such a firearm?

KATE BOYD: Do you really need me to provide that, Mr Borsak?

The Hon. ROBERT BORSAK: Sorry?

KATE BOYD: Are you sure you need the Cabinet Office to provide that?

The Hon. ROBERT BORSAK: Yes, I'd like to see a photo of one. I've never seen one.

KATE BOYD: Okay, yes.

The Hon. ROBERT BORSAK: It's like the dodo—it just doesn't appear.

KATE BOYD: I understand the point you're making but, from the expert ballistics team within police, the advice we have is that firearms have been modified so that they have a belt-fed capacity, and such firearms have been sold in New South Wales.

The Hon. ROBERT BORSAK: I would really like to see how that works and understand that.

KATE BOYD: I'm happy to take that on notice and provide you with more details.

The Hon. ROBERT BORSAK: How many belt-fed shotguns have been sold in New South Wales?

KATE BOYD: I don't know. I can take that on notice.

The Hon. ROBERT BORSAK: How many belt-fed firearms of all descriptions have been sold in New South Wales to licence holders?

KATE BOYD: Again, I'll take that on notice. I'm not a huge expert on belt-fed weapons.

The Hon. ROBERT BORSAK: I don't expect you to be, but you said you've got experts advising you. I expect them to put up or shut up. That's the reality of it.

KATE BOYD: Yes, I'm happy to do that.

The Hon. ROBERT BORSAK: Where were these belt-fed firearms sold, who made them and, if they were made overseas, when were they imported?

KATE BOYD: My understanding is—and I'll confirm this on notice—that it was imported and came via Queensland to New South Wales but was modified in some way. That is why the policy decision was taken to include belt-fed prohibitions in the bill.

The Hon. ROBERT BORSAK: I'm happy to be proved wrong. The Premier suggested that reducing the amount of registered, authorised and safely stored firearms in the community would improve public safety. Can you please provide evidence to support his assertions?

CORRECTED

KATE BOYD: I'm sorry, could you repeat the question?

The Hon. ROBERT BORSAK: The Premier suggested that reducing the amount of registered, authorised and safely stored firearms in the community would improve public safety. Can you please provide evidence to support his assertions?

KATE BOYD: Yes. I think the best evidence of that would probably just be the rate of gun crime in Australia versus a country like the United States, with a more permissive gun-control regime. It's a fairly plain comparison that might support that conclusion.

The Hon. ROBERT BORSAK: I think you're actually wrong. The Premier also inferred that licensed firearms were connected to domestic violence. Can you please provide the BOCSAR data that reflects this inference and evidences his position?

KATE BOYD: Yes, I'd be happy to do that.

The Hon. ROBERT BORSAK: Are you aware of the studies conducted by a leading authority in the field of firearms and violence research, Dr Samara McPhedran, which refute the Premier's views?

KATE BOYD: No, I'm not aware of that.

The Hon. ROBERT BORSAK: Were Dr McPhedran's papers provided to the Premier?

KATE BOYD: Not by me.

The Hon. MARK LATHAM: I apologise to the Committee that I wasn't here this morning. Apparently I was driving up and down the Hume Highway between Menangle and Belanglo. Having done that, I'm here this afternoon, you'll be pleased to hear. My questions are to Kate Boyd. To start with, I want to ask about the charter of the Cabinet Office. Is it an independent office or does it see itself as acting generally in the interests of the Premier and the Labor Government it serves?

KATE BOYD: That's a really good question, and I thank you for asking it. I'm really happy that you've read our charter. We are a public sector agency and, in that regard, we are separate from and independent from political offices. Our duties, as public servants, are to be apolitical, impartial and objective. We take that very seriously. However, we are subject to the direction and control of the Premier and we implement the policies of the government of the day.

The Hon. MARK LATHAM: So you're independent but you're subject to direction and control by the head of government?

KATE BOYD: Yes, we're independent, to an extent, from the Premier's office, but we have ethical duties and we are required to be apolitical. We are subject to the direction and control, but we also have obligations to stay apolitical, impartial and objective.

The Hon. MARK LATHAM: Can I please refer you to the long letter written by the Electoral Commission to the Legislative Council on 8 December last year, giving an extensive list of historical and somewhat obscure precedents by which the Legislative Council decided not to press its SO 52 call for papers resolution. What contact did you have with the Electoral Commission in the preparation of that particular letter?

KATE BOYD: I don't think I consulted with the Electoral Commissioner on the particular letter, but I did have correspondence, which I think I produced to the House, with the Electoral Commissioner when the first order was passed on this matter, just requesting that the Electoral Commission keep the Cabinet Office informed of its position on that order so that we could brief the Ministers who are responsible to the House about the status of their return.

The Hon. MARK LATHAM: The Electoral Commission didn't ask you for any advice in following up that particular correspondence on matters where the Legislative Council in the past hasn't pressed its resolution?

KATE BOYD: They may have.

The Hon. MARK LATHAM: They've got a matter here from the Parliamentary Counsel's Office, the Office of Local Government and the Ombudsman. They're reaching back into research that I would have thought only an expert like yourself would be aware of.

KATE BOYD: I know the integrity agencies talk as well, amongst themselves, about these common issues they face. They're in a difficult position. Obviously there's a need for accountability, but they are also independent and holding sensitive material, the publication of which could really compromise their statutory functions. They do discuss those matters, and it wouldn't surprise me if those precedents had come from those discussions, but I'm just speculating. I don't know.

CORRECTED

The Hon. MARK LATHAM: I'll ask the Electoral Commissioner herself later on. Further, there have been requests from the Premier's office to the Electoral Commission to help him avoid SO 52 disclosures about the donation-circumventing scheme in Kogarah in 2015. What involvement have you had at the Cabinet Office in these contacts as the Government's chief adviser on SO 52?

KATE BOYD: I would just refer to the papers that we produced in response to the latest order. That evidence is our role in that.

The Hon. MARK LATHAM: But don't you advise the Premier's office on the legal status of these particular arguments, where the Electoral Commission is saying that it might jeopardise their statutory functions and an investigation may or may not be happening?

KATE BOYD: Yes.

The Hon. MARK LATHAM: Did you provide that advice to the Premier's office?

KATE BOYD: No. I think the way I would characterise it is we encouraged the Premier's office to seek that advice directly from the commission, given that they're an independent agency. We would not presume to advise the Premier about the position of the Electoral Commission. That's a matter for them. So we encouraged the Premier's office to seek that advice directly from the commission.

The Hon. MARK LATHAM: So to the best of your knowledge, that was an interaction between the Premier's office directly with the Electoral Commission and not going through you.

KATE BOYD: That's my understanding. I think we advised that that was the approach that would be consistent with past practice and that they ought to do that. I believe that was done.

The Hon. MARK LATHAM: On a separate SO 52, the sexual assault incident in Parliament House allegedly involving the Premier's good friend Jamie Clements, how can a legal advice from the Crown Solicitor 10 years later be classified by you as administration of justice? The proposition is absurd, isn't it?

KATE BOYD: It's absurd because it's not my classification. It's not my decision to be taken. The document in question, I think, is held by the NSW Police Force, and the attorney, I think, is the Minister responsible for that return.

The Hon. MARK LATHAM: The attorney or the police Minister?

KATE BOYD: I think it was the attorney in relation to court documents and then the police Minister in relation to statements and other investigative records held by police.

The Hon. MARK LATHAM: So where are you saying the advice came from? The police legal advisers?

KATE BOYD: Yes, and also the Crown Solicitor.

The Hon. MARK LATHAM: The Crown Solicitor's advice 10 years later is part of administration of justice 10 years ago.

KATE BOYD: To the extent that the advice referred to, or had extracts of, statements from the investigation, it would tend to reveal those investigative documents and, therefore, be caught by Standing Order 55 itself. To avoid frustrating the inquiries of the House, a summary of that advice was provided to the House which didn't reveal the investigative material.

The Hon. MARK LATHAM: Who wrote that summary?

KATE BOYD: The Crown Solicitor.

The Hon. MARK LATHAM: She wrote her own summary and then you passed it on?

KATE BOYD: Yes.

The Hon. MARK LATHAM: That clarifies some things about the mysterious role of the Cabinet Office as you juggle independence with political directives. Thank you, Ms Boyd. Kate Meagher, at this Queen Elizabeth square which I've been hearing about—it's a long way from Western Sydney, but it's nonetheless perhaps important—will there be a statue of the late monarch along the lines of Queen Victoria, who stands regally opposite the Supreme Court? It's said it's of her in typical pose—one eye on Albert and the other eye on the Mint. What are we going to do for Liz?

KATE MEAGHER: I think this is above my pay grade, Mr Latham.

The Hon. MARK LATHAM: Is there a statue? We need another statue, don't we? Something for the lefties to deface late at night.

CORRECTED

KATE MEAGHER: It's not a matter for me, but thank you for asking.

The Hon. MARK LATHAM: You don't know if there's a statue or not?

KATE MEAGHER: I don't. I'm sorry.

The Hon. MARK LATHAM: I'll press that. Once I get out of Belanglo late at night, I'll press that hard and put questions on the *Notice Paper*.

Ms SUE HIGGINSON: Ms Boyd, it appears the Cabinet Office opposed changes to the standard of proof in the inmate discipline system, which was introduced by changes to the CAS Act. Those changes were announced on 3 October. I won't refer to names, because I don't think there's any need. I'll refer to everyone as "officer", if that's okay, with no disrespect to anyone's role or anything like that. A certain officer said on 15 October 2025, "Wanting to be clear, it cuts across everything the Ombudsman recommended. We opposed. Bit"—and I love this; I think it's an abbreviation for awkward—"awks but PO"—Premier's office—"seems not too worried at this stage." I have the document, if that assists you.

KATE BOYD: No. I'm familiar with the email.

Ms SUE HIGGINSON: You are familiar. I thought so. Could you explain what advice the Cabinet Office gave in relation to these changes?

KATE BOYD: I'm not really at liberty to go into detail about our position, because our advice was advice provided for the purposes of Cabinet, but the views of that individual officer are evident from that email. I think the policy considerations and issues with that proposal are pretty well documented in the Ombudsman's latest report on inmate discipline. I'd refer you to that. It elucidates the policy considerations that were on our mind in relation to that reform.

Ms SUE HIGGINSON: Do you think I'm correct in assessing that it was clearly a surprise to the Cabinet Office that such a rapid flip in policy direction had been taken?

KATE BOYD: I wouldn't say it was a surprise. It's always open to the government of the day to not support or not implement recommendations of integrity bodies and oversight bodies. That is their prerogative. So I wouldn't say we would be surprised by that. But I think it's fair to say that there are some very complex, difficult and challenging issues arising from that proposal.

Ms SUE HIGGINSON: Do you think that it's fair to assume or assess that the "bit awkward" part is because it was so clear for months and months and months that Corrective Services NSW and everyone else was taking such a clear path of implementing the recommendations of the Ombudsman?

KATE BOYD: I wouldn't be able to speculate about what that means in the context of that email. It could just mean that to the extent that the Government was deciding not to implement the recommendations of the Ombudsman, that might be a matter of some awkwardness between the Government and the Ombudsman. The Government certainly takes recommendations from those bodies very seriously, particularly in this field. So perhaps that's what it's referring to. But I honestly wouldn't be able to tell you what they meant.

Ms SUE HIGGINSON: On 7 October, another officer said in relation to a ministerial media release announcing the changes:

I know its meant to be out there but interesting a ministerial release proceeds

What does that mean?

KATE BOYD: I couldn't say. I don't know.

Ms SUE HIGGINSON: What do you think it means?

KATE BOYD: I don't know.

Ms SUE HIGGINSON: Is it a reference to the media release preceding a Cabinet meeting approving these changes?

KATE BOYD: I don't recall the timeline of those events, so I couldn't say.

Ms SUE HIGGINSON: It was on 7 October in 2025. I'm happy if it would assist you to take it on notice, but the comments are very clear. We talk about the independence and integrity of the Cabinet Office and its importance. I swear whatever allegiance I would to that and the need for that. These are people genuinely doing their job in the highest order and respect they can. These words mean something, and I think it's fair for the Committee to understand what was meant by these words:

I know its meant to be out there but interesting a ministerial release proceeds

CORRECTED

I am speculating—and I don't think it's unreasonable to speculate—that this means preceding a Cabinet meeting. If you can take on notice if it is something different, I would be very interested to know.

KATE BOYD: Yes, I'm happy to do that. I honestly don't know whether you're saying "proceeds" or "precedes". I have lost that nuance, I think, in what you're saying.

Ms SUE HIGGINSON: The actual word is "proceeds". I'm finding it quite confusing too. I would like to understand what this person—who was clearly across the work and was diligently trying to keep track of things—meant in relation to that communication they made. Given that your office is in contact with the Premier's office on this issue, are you aware that changes made in the Corrections portfolio could, in fact, be perceived to confer some kind of private benefit upon the Premier's brother, who was advocating specifically for these changes, who acts for prison guards in his role as union solicitor?

KATE BOYD: Sorry, what was the question? It was a bit long.

Ms SUE HIGGINSON: Are you aware that the changes made were exactly the changes that the Premier's brother was advocating for as solicitor for corrections officers in his union role?

KATE BOYD: No, I was not aware of his positions on these matters or his advocacy.

Ms SUE HIGGINSON: Do you think this could remotely be connected to why the note said that the Premier's office was not worried about contradicting the Ombudsman's advice?

KATE BOYD: No, I couldn't say. I think that's a long bow.

Ms SUE HIGGINSON: It would assist if you could take on notice and explain to me what was behind these comments. I think this is an entirely reasonable interpretation when you've been as privy to the SO 52 documents, as I have, and when you can see how hard Corrective Services NSW and the good bods in there were trying hard to implement the Ombudsman's recommendations.

KATE BOYD: I would just say it's not surprising that individual policy officers would at times disagree with government policy decisions. That does happen from time to time. We should encourage that, in a way. It is not surprising that, at times, the Government may make choices that we have advised against or advised for.

Ms SUE HIGGINSON: Isn't the notion, though, generally speaking, when it's a simple disagreement, then we all put our heads down, carry on and do what is in our responsibilities and our best interests. But when we can see that something does not make sense and all the evidence is stacked against a particular outcome or a particular direction of the Premier's office, then it does cause questioning around the integrity, the rationale, the reasons. That's why we end up seeing officers, rightly, as you say, raising these concerns.

KATE BOYD: All I would say is that the legislative changes were debated openly in the Parliament. That is the appropriate place for the Government's reasons and the validity of the legislation to be worked through and publicly debated.

Ms SUE HIGGINSON: Can I confirm that a return to order I've received on these reforms which called for any disclosures made by the Premier or the corrections Minister in relation to conflicts of interest placed on the ministerial register of interests concerning the corrections reform did not return any disclosures. Therefore, no disclosures on the ministerial register exist?

KATE BOYD: Disclosures that are made in Cabinet are Cabinet information and are therefore not generally provided. But I can take that on notice and go back to check the terms of the order and the considerations in responding.

Ms SUE HIGGINSON: In doing so, you'd be aware of the 4 November 2019 advice from the independent legal arbiter that "disclosures on the ministerial register of interest should be returned publicly". Are you suggesting, based on what you have just responded, that those disclosures that are made in Cabinet are somehow different to the ministerial register of disclosures?

KATE BOYD: The Premier, as you're aware, under the code, is in a slightly different position to other Ministers. Other Ministers write to the Premier making their disclosures, and those are recorded on the register of interests. If the Premier were to make his own disclosures in Cabinet, there is obviously a Cabinet record of that. But whether or not that is then included in the register of interests is something I'll need to check.

Ms SUE HIGGINSON: Have you ever come across that before where, if the Premier made a disclosure in Cabinet that it doesn't go anywhere else, it just sits there?

KATE BOYD: No, it's made in Cabinet, to other Ministers in Cabinet. If advice needs to be sought on that, then advice is provided.

CORRECTED

Ms SUE HIGGINSON: If that's the case and a disclosure like that were to be made, would it not be prudent that a Premier would then recuse himself from any discussions or decisions relating to that disclosure?

KATE BOYD: Yes. It depends whether it is a discretionary disclosure or it is a conflict of interest. It would depend.

The Hon. DAMIEN TUDEHOPE: Mr Draper, can I get some clarity around Local Small Commitments Allocation? In your letter of 16 January 2026, you said:

... the LSCA program was administered based on the Master list of projects received on 28 July 2023 and advised by the Premier's Office as being the confirmed list of projects nominated as election commitments.

That's your letter on 16 January this year. You were head of the Premier's Department from 1 September 2023, correct?

SIMON DRAPER: That's correct.

The Hon. DAMIEN TUDEHOPE: The first briefs to the Special Minister of State recommending approval of LSCA funding for projects were sent from your department on 23 September 2023, so at a time when you were responsible for the department. Do you accept that?

SIMON DRAPER: I don't have that information to hand myself, but let's keep going on the basis that's correct.

The Hon. DAMIEN TUDEHOPE: All the recommendations to the Special Minister of State—this is what I'm putting to you—have been made under your watch. I ask again, on what basis was the Special Minister of State advised to approve funding for projects that were nominated by the Premier's office in July 2023, in substitution for projects nominated in March 2023 by the Labor candidate?

SIMON DRAPER: I think this is really going over ground that's been covered many times in estimates and the parliamentary inquiry. Those that were engaged in that process have given direct evidence on these matters. So I'd really want to go back and check their evidence. But I think the thrust of the matter was—has always been—that the Premier's office advised that those commitments were election commitments and they were relied upon by the department.

The Hon. DAMIEN TUDEHOPE: Do you really stand by that? How is it an election commitment made by a Labor candidate if in fact an Independent member is making the recommendation for the allocation?

SIMON DRAPER: I'm sorry. Can you clarify your question?

The Hon. DAMIEN TUDEHOPE: If in fact an Independent member—

SIMON DRAPER: An independent member of what?

The Hon. DAMIEN TUDEHOPE: —of Parliament is making the recommendation—

SIMON DRAPER: Yes. Go on.

The Hon. DAMIEN TUDEHOPE: How was that a project nominated by a Labor candidate?

SIMON DRAPER: I'll have to take that on notice. Again, I'd probably rely on the evidence of those that were directly involved at the time. But, as I say, the thrust of the matter is the part of the department that was doing these assessments was advised by the Premier's Department which were election commitments and which were not. It's not for public servants to decide what are election commitments, so we provide that advice.

The Hon. DAMIEN TUDEHOPE: What I'm putting to you is that your letter represents the continuation of mistruths in relation to—

SIMON DRAPER: "I am advised". That's what the letter says.

The Hon. DAMIEN TUDEHOPE: When you're advised, do you ever question that advice?

SIMON DRAPER: Of course I do. Because this matter has been so thoroughly examined in Parliament, in budget estimates committees and in the parliamentary committee, there's really not that much more to learn about.

The Hon. DAMIEN TUDEHOPE: Except there is a glaring problem that the Local Small Commitments Allocation had to meet a test that they were commitments made by a Labor candidate at the election. That's the test which should have been applied. Do you accept that? Under the guidelines, that's the test?

SIMON DRAPER: That's what was in the guidelines for that program.

CORRECTED

The Hon. DAMIEN TUDEHOPE: If in fact you were saying to the Special Minister of State this list represents commitments that were made by Labor candidates at the election but they were not, that would be wrong, wouldn't it?

SIMON DRAPER: Once again, I'll go back to the evidence that's been given before. The people working on that process relied on the advice from the Premier's office on which of those things were election commitments. If you turn it around, the idea that public servants are going to decide what was an election commitment by a political party in an election that had happened some time prior to that—that would be unacceptable to anybody.

The Hon. DAMIEN TUDEHOPE: But you were continuing by your correspondence to assert the truth of what was contained in those documents, and it was patently untrue.

SIMON DRAPER: I don't know if it's been established it is patently untrue. As I say, my letter says, "I am advised". I'm relying on the advice of those who are directly involved. I was not directly involved in that process or taking advice from the Premier's office. The best I can do is give you the advice I received.

The Hon. DAMIEN TUDEHOPE: When you say "I am advised," who was giving you that advice?

SIMON DRAPER: The advice is given by those who were involved in administering the program.

The Hon. DAMIEN TUDEHOPE: Who was that?

SIMON DRAPER: The same people you've examined many times in parliamentary committees.

The Hon. DAMIEN TUDEHOPE: Did Cherie Burton give you that advice?

SIMON DRAPER: No.

The Hon. DAMIEN TUDEHOPE: Who did?

SIMON DRAPER: Public servants in the department.

The Hon. DAMIEN TUDEHOPE: On notice, can you provide to me the names of the people who gave you that advice?

SIMON DRAPER: I'll take that on notice.

The Hon. DAMIEN TUDEHOPE: Can I ask you a question about the housing development authority? What's the total cost to the taxpayer of addressing the use of unauthorised AI in the preparation of advice to the housing development authority including (a) the cost of the independent process review of the Housing Delivery Authority, and (b) the cost of reviewing the 572 expressions of interest that had been affected by this unauthorised use of AI?

SIMON DRAPER: It's the Housing Delivery Authority. Sorry to correct you, but I just want to make sure that we've got that correct on the record. That process you just described was undertaken with the Department of Planning, Housing and Infrastructure, not within the Premier's Department. You would really have to refer that question to the secretary of that department.

The Hon. DAMIEN TUDEHOPE: Do you have any knowledge of it?

SIMON DRAPER: I have no knowledge of the costs involved in undertaking that process. I have knowledge of the events, and I was interviewed as part of the process by the person who conducted the review.

The Hon. DAMIEN TUDEHOPE: In relation to that, what was the evidence that you provided, or in the interview that you were involved in, what evidence did you provide?

SIMON DRAPER: I think the substance of it was the extent to which we relied on any of the information that might have been produced by that process.

The Hon. DAMIEN TUDEHOPE: But you're the chair of the panel, aren't you?

SIMON DRAPER: I haven't finished my answer yet. Do you want me to answer the question?

The Hon. DAMIEN TUDEHOPE: Sorry, I apologise.

SIMON DRAPER: When I say "evidence", it was not a sworn evidence, but it was an inquiry undertaken by Peter Duncan. Basically, he wants to know the degree to which any errors that might have occurred in that might have influenced the recommendations of the Housing Delivery Authority to the Minister. My answer was I don't think it influenced it much at all, and I think that's probably his finding, as well.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Were you concerned in your capacity as the chair of the committee that AI might be used as a component and produce errors in relation to the manner in which projects were being assessed?

SIMON DRAPER: Yes, I was concerned, because we have pretty strict controls in government about what types of AI platforms can be used and the types of information that can be used in it, and any unauthorised use of AI is not acceptable to us.

The Hon. DAMIEN TUDEHOPE: Was anyone disciplined in relation to the use of unauthorised AI?

SIMON DRAPER: You'd have to ask the secretary of the department of planning—

The Hon. DAMIEN TUDEHOPE: You don't know?

SIMON DRAPER: —because the people who work on the Housing Delivery Authority and all those assessments don't work for me.

The Hon. DAMIEN TUDEHOPE: Yes, but in your capacity as the chair, didn't someone communicate to you whether—

SIMON DRAPER: No, it's not an employment matter. We deal with the EOIs that are coming through. We don't deal with employment matters at meetings of the Housing Delivery Authority.

The Hon. DAMIEN TUDEHOPE: Well, as the chair of the committee you're receiving advice in relation to these projects—aren't you concerned about the veracity of the advice and the manner in which the advice is being provided to you as the chair?

SIMON DRAPER: Of course I am. That's a different matter. You just asked me about an employment matter in the department of planning. That's a very different question.

The Hon. DAMIEN TUDEHOPE: I'm asking a separate question. Are you concerned—

SIMON DRAPER: Am I concerned about the veracity? Yes.

The Hon. DAMIEN TUDEHOPE: Some of that key advice has come from David Gainsford, did it not?

SIMON DRAPER: Which advice are you referring to?

The Hon. DAMIEN TUDEHOPE: The advice in relation to projects which your committee was assessing.

SIMON DRAPER: David Gainsford is the deputy secretary who oversees that work, yes.

The Hon. DAMIEN TUDEHOPE: And he's now on extended leave—are you aware of that?

SIMON DRAPER: I don't know what his employment arrangements are at the moment. As I say, I'm not his employer. The secretary of the department of planning is his employer, and she was here just the other day.

The Hon. DAMIEN TUDEHOPE: Who's providing the advice which was previously provided by Mr Gainsford?

SIMON DRAPER: The last meeting we had, Mr Gainsford was at the meeting.

Ms SUE HIGGINSON: Mr Preshaw, possibly.

The Hon. SARAH MITCHELL: I want to ask Ms Boyd—going back to the SO 52 process and some of the advice to departments and ministerial offices. You may be aware I recently did a call for papers into hospital maintenance and cleanliness, and one of the responses back from the health secretary as part of the order—it was asking for papers and any photos and videos as well—was that there were a number of documents that were either too large for printing, which I accept happens from time to time, but also that there were videos available that I could then request, which I've done. I guess my question is why is the advice to those agencies not that videos are just provided? Why do I have to go through the extra step of asking for them again, rather than them just being provided?

KATE BOYD: The Solicitor General's advice that I mentioned, which has been tabled, has a big section on this. It's outdated, but the prevailing view is that the House's power under Standing Order 52 applies to documents, being physical documents, and so there is a question about whether the House has the power to compel electronic records. Consistent with that advice, we produce paper records, and then if something is too large to be converted to paper form or it is in a form like CCTV or video, our approach as TCO would generally be to invite the member to a location where those materials can be viewed, rather than making you ask again. I don't know if that's how the Secretary of Health put it in her letter, but I'm sure that's the intent of what they were doing.

CORRECTED

The Hon. SARAH MITCHELL: Sure. I've requested it through the Clerk's office and I'm waiting to hear back, but the general view would be that I should be able to have access to those documents in some way?

KATE BOYD: Yes, of course.

The Hon. SARAH MITCHELL: But will there then be an opportunity to keep a record of them if they're public documents? I don't believe they're classed as privileged, so what happens in that instance?

KATE BOYD: I don't think there would be anything—it depends on the nature of the recording. If it's not privileged, I think we'd have to take that under consideration as to whether or not we could provide—you could record it while you were there or we could provide some other form of record. But it's just very difficult, given there's no requirement on the agency, or they're not compelled to produce it to the House, if it isn't a physical document. It's a proactive disclosure, essentially.

The Hon. SARAH MITCHELL: Is that based on that Solicitor General's advice?

KATE BOYD: Yes.

The Hon. SARAH MITCHELL: I appreciate what you've said, but obviously there's a lot more that happens in an online and digital format these days, other than paper, even compared to that advice if that was in 2014.

KATE BOYD: You're right, and we do convert—

The Hon. SARAH MITCHELL: Is it something that is on the radar to be looked at, in terms of that?

KATE BOYD: Yes. I think the practice is obviously for us to always convert it to a printed record where it is digital, like email, for example, or text or whatever. But when things are audiovisual, it's more challenging. I think the current practice is just to allow for inspection of that material.

The Hon. SARAH MITCHELL: What about issues with potential records or documents that are taking place within ministerial offices or between colleagues that are on some of the disappearing message apps like Signal? What is the advice around that?

KATE BOYD: The advice that we provide around that is that the State Records Act is agnostic around the form of a State record—all State records of continuing significance that document the official activities of an office or an agency need to be kept. Ephemeral records do not, and the State Records Act provides for or authorises the destruction of records as part of normal administrative practice where they are just facilitative or ephemeral. The advice that I would give is that those platforms should generally only be used for those sorts of ephemeral communications, and where advice is given or an instruction or a direction is given on that sort of platform, a contemporaneous record should be kept of that advice.

For example, there might be a Signal exchange where a view is expressed. That view, if it was an agency advice, would always be presented in the form of a formal brief or an email to the office to document the agency's views there, because that is our obligation. The State Records Act does not require every single exchange to be preserved and kept, even though I know most of those would be of great interest to the House. We are only required to keep official records of the Government's activities. Destruction is a normal part of good records management, really.

The Hon. SARAH MITCHELL: I've seen text messages and WhatsApp messages come through on calls for papers, but never anything through Signal. That's probably an interesting space. I want to move now to you, Mr Draper. The movement of the regional coordination and delivery branch of the Department of Regional NSW coming into the Premier's Department 18 months ago now—have there been any sort of metrics or KPIs in terms of demonstrated improvement in the functioning of this branch of the department since it has moved into your agency?

SIMON DRAPER: First of all, I'd say we love having them.

The Hon. SARAH MITCHELL: They're from the regions, how could not?

SIMON DRAPER: Having them in our department does lead us to being much more engaged in the region, so if that's a metric, that's one that we can tick off. That group works within Ms Meagher's group in the department. I don't know whether we've got any particular metrics there, but my view is that the group's functioning very well. It's of great value to the Premier's Department to have them in the centre of government. In all the things that we've been doing in regions, whether they're economic-related initiatives or whether they're things on youth crime or things that you raised earlier—such as the Waterfall Way type projects—it's invaluable to us to have them in the department.

CORRECTED

The Hon. SARAH MITCHELL: Are there any breakdowns of the administrative cost of the change?

SIMON DRAPER: It certainly wasn't a cost-saving measure. I can put it that way. It was really just putting the group within the department, in the centre of government, so that they could provide services across all of government.

KATE MEAGHER: I'll echo what Mr Draper said in terms of how we really appreciate that local insight. I know, Ms Mitchell, for example, Lake Cargelligo is an issue that you have been asking around and advocating for. The Premier's Department regional coordination have been on the ground. That's the kind of thing they do regularly in terms of making representations for us to get in and try and solve things on an as-needs basis. They've also set up the Regional Leadership Executive, which is an ongoing program from the time in the department of regional. We've now really focused that work. The teams have come up with their action plans and the priority areas. I'm more than happy to provide you with some more information about that. That's that cross-government agency—council, so local government, JOs et cetera—coming together and their frequent meetings. I think as far as a metric goes, we feel that there's a lot of buy-in and making sure that we're representing the local voices through those Regional Leadership Executives and really identifying priority issues.

The Hon. SARAH MITCHELL: If there's something on notice you could provide about that, that would be really great.

KATE MEAGHER: I'm happy to, yes.

SIMON DRAPER: If I could just say, using that example this morning where we ran those summer programs in Coonamble, Walgett, Brewarrina and Bourke over this summer, we could not have done that unless we had the regional coordinators in our group. They set that whole thing up, working with councils and non-government organisations in those towns.

The Hon. SARAH MITCHELL: In terms of the reporting structure up to relevant Ministers, obviously when they had their own standalone regional agency, it would go to the Minister for Regional New South Wales. Now they're within your department, do they still report directly to Minister Moriarty or is it to the Premier? What's the hierarchy at the top?

The Hon. SARAH MITCHELL: Ms Meagher can describe it, but they work for all the Ministers with regional responsibilities, as well as the Premier.

KATE MEAGHER: That's correct, yes. Then also supporting around key issues. An interest in regional housing, a coordinating role there. That's an initiative that we've worked through with the Premier's team. We will work with other Ministers as appropriate on those sorts of things, too, so quite a breadth in terms of service across government.

The Hon. SARAH MITCHELL: Could I just come back, Ms Boyd, to you for one second. Earlier this morning I asked the Premier about the grant for the Lebanese Muslim Association and whether there was a conflict of interest for Minister Dib. Would that sort of conflict of interest normally come through you, or would that need to be made through Health if that was indeed made by the Minister?

KATE BOYD: Usually the Minister, who considers that they have a conflict or may have a conflict, would write to the Premier explaining the interest that gives rise to the conflict or potential conflict and then how they propose to manage it. What I'm not aware of in this case is whether Minister Dib made any decision at all that would have triggered a conflict. It's likely that the grant was approved at an officials level. I'm not really sure or aware of who the decision-maker was. While you're presenting that he had an interest, the other side of the equation is, did he actually take any action in relation to this? I just don't know.

The Hon. SARAH MITCHELL: Are you aware of any declaration being made in relation to that particular grant?

KATE BOYD: No, but I wouldn't disclose it here if I was. Those are confidential.

The Hon. SARAH MITCHELL: I have to try.

KATE BOYD: Yes.

The Hon. MARK LATHAM: Mr Draper, you were copied into a letter from the Electoral Commissioner to the Legislative Council where the Electoral Commission was trying to vary the terms of a SO 52 about the illicit donation scheme in Kogarah. Are we to take from that that you'd been involved with the Electoral Commissioner in preparing the propositions that she advanced in that letter? I'll take them up with her later on; some of them are quite fascinating. Why do you think she cc'ed you in? Had you had previous advice or communications with the commission about this particular matter?

CORRECTED

SIMON DRAPER: None at all. I can't even recall being copied in, but I've had no dealings in that matter whatsoever.

KATE BOYD: Can I help you there, Mr Latham?

The Hon. MARK LATHAM: Completely out of the blue.

KATE BOYD: I think it might just be because the Premier's Department might've also been named, so all of the parties to the order—

The Hon. MARK LATHAM: Named where?

KATE BOYD: In the original order for which a variation was sought, maybe.

The Hon. MARK LATHAM: The Premier's office.

KATE BOYD: Yes, I don't know. They're pretty broad, and they do say "held by the Premier's Department or the Cabinet Office" from time to time, so I was just suggesting that might have been why. But you can ask Rachel.

The Hon. MARK LATHAM: Ms Kathryn Boyd is also cc'ed in. Have you got a recollection of receiving—

KATE BOYD: Yes.

The Hon. MARK LATHAM: You have?

KATE BOYD: Yes.

The Hon. MARK LATHAM: Why do you think it was sent to you? Have you been involved in communications with the commissioner advice in these propositions?

KATE BOYD: No, but I think if an order is varied, it's relevant for all the parties that are responding to that order to understand what the variation is. I am glad that we were cc'ed so we knew about it.

The Hon. MARK LATHAM: Have you made any response to the commission, having read the material?

KATE BOYD: No, I think the variation was not agreed to.

The Hon. MARK LATHAM: No, I refused it. You just took this for your information?

KATE BOYD: Yes.

The Hon. MARK LATHAM: And filed it away?

KATE BOYD: Yes.

The Hon. MARK LATHAM: To Ms Paramaguru, as Cabinet Office chief economic adviser, the main economic issue we've got is the collapse in productivity. What advice have you got for the Government to overcome this? Because it drives every single economic problem—sluggish growth, the cost-of-living crisis, decline in real wages, rising inflation, interest rates. Is there a focus in the Cabinet Office on doing something about the productivity crisis, particularly here in New South Wales?

ABI PARAMAGURU: Absolutely, productivity and its declining growth rates is a challenge for a lot of economies across the world and, nationally, in Australia. It's a complex issue with multiple drivers and multiple ways of trying to address it. We're obviously focused on the role that government can play to support and facilitate growing productivity. Things we would often look at are how do we educate our people and what's that skills mix that is important today and for industries that are likely to grow in the future. Having that workforce ready to go is really important. The other piece is things like the planning reforms where—how can we build homes in the places that people and workers want to live, and close to jobs is really also important to match skills and individuals to high-value jobs across the economy. The other area that's really important is a really stable and attractive investment environment to attract growing industries, making this a kind of great place to invest. We're constantly—

The Hon. MARK LATHAM: What are we doing in that area?

ABI PARAMAGURU: We've got everything from what can we do from a regulatory perspective to reduce some of the red tape. We're seeing discussions on things like, for example, modern methods of construction, and how to innovate in that space is one example that would be important for business investment. The other thing is things like the Investment Delivery Authority that's looking to make it easier and more attractive for large investments in Australia and key industries, and in New South Wales in particular. All of those areas are

CORRECTED

really important levers that government can play. We're constantly watching and looking at what we can do and how effective some of the things are.

The Hon. MARK LATHAM: Is there an exemplar internationally that we should be copying? It seems to me the highest rates of productivity globally in economies that you would compare to ours are either the United States and Poland—from which our illustrious Deputy Chair hails. The Polish economy is going gangbusters with productivity, as is the United States. Do you bring those comparisons to the attention of the Premier and the Treasurer to say, "If they've got success, then we need to emulate what they're doing"?

ABI PARAMAGURU: I would say we would constantly be looking at global examples more broadly and think about what might be relevant and apply in a New South Wales context because, obviously, the environment will vary. I can't speak to Poland in particular, but what are those conditions? "What can we learn?" is a good question to ask, noting that not everything will be able to be replicated precisely in a New South Wales context. The market and shape of the industries will generally vary, so you actually want to look for sources of "Where do we have competitive advantage to build on," as opposed to fully try and mimic everything.

The Hon. MARK LATHAM: In cutting regulation and red tape, what are the main areas where we can make improvements here?

ABI PARAMAGURU: I think we've seen some of that work happening in the housing space. That's, as I mentioned, really important.

The Hon. MARK LATHAM: The new Act, yes. The night economy.

ABI PARAMAGURU: How can we increase workforce mobility across Australia to make it easy to work where the valuable jobs are? To be honest, even things like transport investment is really important to get people linked to jobs where it is most valued. All of that is happening. Those are the kind of important examples of what Government is doing and can do to address some of those priorities.

The Hon. MARK LATHAM: Do you prepare material, then, for the Premier when he makes a speech about the economy and economic reform?

ABI PARAMAGURU: When asked to, we will prepare some material to support the Premier.

The Hon. MARK LATHAM: When did he last make that speech?

ABI PARAMAGURU: My last memory was us doing a bit of advice around I think a presentation the Premier might have done at a productivity-related summit late last year.

The Hon. MARK LATHAM: Late last year, okay. Ms Boyd, what happened to Marcus Ray? Wasn't he the economic adviser? What's he do now?

KATE BOYD: Marcus is doing really important work in the Premier's Department to assist the HDA with its work, but I might let the Secretary of the Premier's Department—

The Hon. MARK LATHAM: He's listed as a special adviser.

KATE BOYD: Yes.

The Hon. MARK LATHAM: Nixon had a lot of those in the White House. It didn't end well. I'm always curious as to what a special adviser actually does that's special.

KATE BOYD: He's got over 20 years of experience with the New South Wales planning system, so he's pretty indispensable.

The Hon. MARK LATHAM: We're aware of that. And diversity, that's a big thing for him. What is it, Mr Draper, that he's specially advising on?

SIMON DRAPER: Ms Boyd is right. There's two areas where we get a lot, particularly with the Investment Delivery Authority. He's working a lot with that team. He's got vast experience in the planning system. He's spent a lot of time with me and we've met with various proponents of those large investments to understand what their experience is and how we can improve that. We really value his advice.

The Hon. MARK LATHAM: We discussed this yesterday with the Treasurer, and he made an announcement about the first 16 proposals to come through the whiz-bang process of the Investment Delivery Authority, but I'm still curious to know what it actually means in practice, that six months after they lodge their expressions of interest they now go through a concierge in the planning department. What is that? It takes your bags off you and you give him a tip in your room? What is that in the planning department? What's the practical change?

CORRECTED

SIMON DRAPER: It's a pretty bespoke process. I will contrast it with the Housing Delivery Authority. That's got a statutory role, in a way, so what that does is make recommendations to the Minister for planning to declare proposals as State significant.

The Hon. MARK LATHAM: You're on both.

SIMON DRAPER: That's a very clear, very precise process. The IDA—it's not quite as clear as that because most of the projects we're dealing with already are State significant development in the planning system. It's not all about the planning system, but essentially it's developing a set of bespoke assistance and supports for each of those projects depending on their needs and where they're at in the process. Some of them are quite early and haven't lodged planning applications yet. Some of them are more advanced. Others have needs for things like connections to infrastructure and utility services. Some need help working through community engagement issues. So we'll be meeting with each of those proponents and working out what type of assistance they need through government. These are the investors—they've got to do it themselves, to some extent, but we're trying to make the process through government with much less friction than it otherwise would have.

The Hon. MARK LATHAM: It's a great word, "bespoke", but what does it mean in practice? They get Marcus Ray to guide them through the system? Has he got the power to knock heads together and get things done, infrastructure, less regulation, quicker planning approval?

SIMON DRAPER: It's not Marcus, but you've got the Secretary of the Premier's Department, Treasury, the Planning Department, and the head of Infrastructure NSW. That constitutes the IDA. And you have Ministers, you've got the Treasurer, the planning Minister and the Minister for industry, who are all there and they are focused on those projects. So whatever needs to be done for them, we can get very quick access and move them through.

The Hon. MARK LATHAM: What performance assessment will be made of this? Because all I can see at the moment is that they're at the same stage as they would have been six months ago if they just put an application in for the planning approval.

SIMON DRAPER: As I said, it's not all about planning approvals. We'll be obviously monitoring the progress of those—

The Hon. MARK LATHAM: You'll produce a report about the effectiveness of this? Because the Treasurer, interestingly, defined productivity in New South Wales as "build things faster".

SIMON DRAPER: I think that is a significant contributor to productivity. The projects and investments that lag and dwell in that pre-investment stage cost money.

The Hon. MARK LATHAM: Then I asked, "After three years in Government, what has been built faster?" and no-one could identify anything. We wish you all the best.

SIMON DRAPER: Thank you.

The Hon. MARK LATHAM: We're just about done, aren't we? Government questions?

The Hon. ROBERT BORSAK: We've got another 10 minutes, Mr Latham, if you want to keep going.

The Hon. MARK LATHAM: I can keep going?

The Hon. ROBERT BORSAK: Yes.

The Hon. MARK LATHAM: I'm renewed. No, I think I've pretty well exhausted my matters as best I can. It's time for someone else to take the load—or have an early afternoon tea.

The Hon. DAMIEN TUDEHOPE: I might follow up some things to make sure that we're an equal opportunity Committee. Ms Hartas, we haven't met before.

LUCY HARTAS: Nice to meet you, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: Nice to meet you. What's your background? What do you do?

LUCY HARTAS: I'm a career public servant, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: You came from the education department?

LUCY HARTAS: I have worked at the New South Wales education department only relatively briefly as a public servant.

The Hon. MARK LATHAM: She's from Canberra. ANU.

LUCY HARTAS: I am from Canberra, Mr Latham, yes.

CORRECTED

The Hon. MARK LATHAM: I was curious. I just went to your LinkedIn.

LUCY HARTAS: Obviously the career public servant probably comes as no surprise as a Canberran, but I've worked in the Commonwealth, in the Department of Social Services, or what was FaCSIA back in the day, and have been with New South Wales government for probably the last eight years now. I've worked in environment and energy policy for probably the last eight years.

The Hon. MARK LATHAM: That's a misprint—you're not "evidence", are you?

The Hon. DAMIEN TUDEHOPE: What's "evidence" mean?

LUCY HARTAS: Included as part of my remit is a very small but mighty strategy foresight team as well, that functions across the whole of Government. We have the sort of data analytic capability there as well.

The Hon. MARK LATHAM: It's not a misprint.

LUCY HARTAS: No, it's not a misprint.

The Hon. MARK LATHAM: You do evidence-based policy. You're a very dangerous commodity.

LUCY HARTAS: We do try to, yes.

The Hon. MARK LATHAM: Do you really?

LUCY HARTAS: Yes.

The Hon. MARK LATHAM: That's fantastic.

The Hon. DAMIEN TUDEHOPE: I'm not leaving you out, Ms White.

GILLIAN WHITE: I'm very happy to talk about my portfolios too, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: I'm just interested in the manner in which we have new labels which attach to people, DepSecs within the Cabinet Office. Just in terms policy formation, are you just providing advice to the Premier, or are you providing advice to departments, or don't they have their own people who are formulating policy positions for them for the purposes of submitting to the Premier for consideration?

KATE BOYD: Who are you asking, all of us?

The Hon. DAMIEN TUDEHOPE: Whoever wants to take this.

GILLIAN WHITE: I'll have a go. Equal opportunity. That's an excellent question. So a core function of our role in the policy teams and Cabinet Office is to provide policy advice to the Premier and to the Premier's Office in respect of Cabinet deliberations, and also covered in my remit is inter-Governmental negotiations, so the Commonwealth-State funding agreements and other policy matters. In addition to that, we're very conscious in our roles that most important policy issues don't sit in one particular Minister's portfolio. There's intersections across a range of portfolios.

We play a role to bring agencies together to work out what are the range of perspectives that are needed to inform policy development at different stages, then we work with our Premier's Department colleagues on implementation issues and the relationship with those agencies as well. Often we're convening a number of agencies and getting inputs. Occasionally there's differences of opinion and, as Ms Boyd was saying earlier, that can be useful and appropriate in a policy development process. Then we prepare advice to support Government policy decision-making.

The Hon. DAMIEN TUDEHOPE: So in terms of, for example, when we bring legislation to the Parliament just before Christmas in relation to protest laws and gun laws, who provides that advice to the Premier?

KATE BOYD: Gill was—I was about to say she was on leave still.

GILLIAN WHITE: Not me personally.

KATE BOYD: With that process, the bill drafting and the legislative aspects of that were led by the Department of Communities and Justice, but the Cabinet Office provided advice to the Premier and the Cabinet about the reforms and the broader context.

The Hon. DAMIEN TUDEHOPE: So did the Premier's Office or the Attorney General's office oversee that legislation?

KATE BOYD: They both had a role. It was definitely a piece of Premier's priority legislation and so there were ongoing discussions between the ministerial office level and between agencies to expedite those reforms.

CORRECTED

We did it in a matter of days, so there was a huge effort across all agencies to coordinate and get that through Cabinet, drafted and then introduced.

The Hon. DAMIEN TUDEHOPE: Who is responsible for the formal oversight of documents produced pursuant to an SO 52?

KATE BOYD: I wouldn't say anyone's responsible for oversight of that within the Cabinet Office, but I would say that Ministers are accountable to the House.

The Hon. DAMIEN TUDEHOPE: When an SO 52 is directed to the Premier's Office, who has responsibility?

KATE BOYD: The Premier's Office. They deal with that and are accountable for that.

The Hon. DAMIEN TUDEHOPE: So the chief of staff would be responsible for—

KATE BOYD: Yes, I think the chief is the one who signs the certification.

The Hon. DAMIEN TUDEHOPE: But if the SO 52 is directed to the Department of Premier and Cabinet, who would be responsible then?

KATE BOYD: There is no department of Premier and Cabinet anymore. But if it's the—

The Hon. DAMIEN TUDEHOPE: I beg your pardon. There are two departments. So if it is directed to the department of Premier, you're responsible?

KATE BOYD: We manage the SO 52 function on behalf of both the Cabinet Office and the Premier's Department, under a shared services arrangement, and many of our corporate services are provided to us by the Premier's Department. This is one of those services.

The Hon. DAMIEN TUDEHOPE: I take it there's a similar arrangement for the Cabinet Office, is there, Mr Draper?

SIMON DRAPER: Yes. As Ms Boyd just described, there are a number of services that are shared between the two departments, rather than duplicate them. There's some which sit within the Premier's Department, that we provide to the Cabinet Office, and some sit within the Cabinet Office, and they're provided to us. That includes legal services.

The Hon. DAMIEN TUDEHOPE: Generally, is there a process, though, that when an SO 52, which, in fact, potentially captures a number of agencies—is the last agency to sign off on it the Premier's office?

KATE BOYD: No. It would just be whoever does their searches and returns their documents most quickly.

The Hon. DAMIEN TUDEHOPE: Does the Premier's office have any role in reviewing the documents which are actually produced?

KATE BOYD: The Government can review them, like any member of the Legislative Council. They're in our custody for a very short time.

The Hon. DAMIEN TUDEHOPE: Before they're produced, though?

KATE BOYD: Yes, occasionally. They're in our custody for a really short amount of time. There might be returns that they would like to review, and they can make that request, and we can make those documents available.

The Hon. DAMIEN TUDEHOPE: Does similar advice get provided to the Premier in relation to appointments which are being made?

KATE BOYD: Yes.

The Hon. DAMIEN TUDEHOPE: So when an advice comes up in relation to potential judicial appointments does anyone do any review of judicial appointments?

KATE BOYD: The Attorney General does.

The Hon. DAMIEN TUDEHOPE: Makes recommendations?

KATE BOYD: But there is a process within DCJ, including the head of jurisdiction, to assess and recommend judicial appointments. I'm aware of that.

The Hon. DAMIEN TUDEHOPE: When the appointment, for example, of His Honour Justice Phillip Boulton was made, did anyone do any background checks in relation to his Honour?

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KATE BOYD: I think you'd have to ask the panel within DCJ that put him up.

The Hon. DAMIEN TUDEHOPE: Did anyone in Premier's do any background checks?

SIMON DRAPER: We certainly don't do those. That's out of our remit.

The Hon. DAMIEN TUDEHOPE: So no-one would have checked his social media posts or the like?

SIMON DRAPER: We just don't do that in the Premier's Department. We're not involved in those appointment processes.

The Hon. DAMIEN TUDEHOPE: That's in relation to judicial appointments. What about other potential public service appointments?

SIMON DRAPER: Public service appointments are quite a different thing. Usually, the appointments that are made in the public service are made by the employer. In most cases, the employer is the secretary of the department or the head of an agency. They don't go through Cabinet or anything else. The Premier's Department doesn't get involved in their processes, but the processes for employment in the public service and other services are clearly set out in the Government Sector Employment Act.

The Hon. DAMIEN TUDEHOPE: Just let me understand it. Obviously, a judicial appointment has got to come to Cabinet to be signed off. So when it went to Cabinet to be signed off on, has anyone in your office done any background check in relation to this submission which has been made by DCJ?

SIMON DRAPER: You're probably directing it to the wrong secretary here. It's probably best to direct that question to Ms Boyd.

KATE BOYD: Yes. Occasionally we will look at the expertise and other professional capabilities of the office holder, to ensure that we're in a position to advise the Premier when the matter comes to Cabinet.

The Hon. DAMIEN TUDEHOPE: What would "occasionally" look like? Are there some red flags that you would be alerted to for the purposes of—

KATE BOYD: I suppose the institutional integrity of the court is a really important principle. So if a potential judicial officer had made certain statements that might be inconsistent with that, we might ensure that Cabinet was made aware of that before they consider the appointment. But that was not a factor in this case.

The Hon. DAMIEN TUDEHOPE: You'll be aware, of course, that there was some outcry in relation to that appointment after it had been made. In fact, I think the Premier very quickly went on record as saying that he would review the appointment. Did you review the appointment?

KATE BOYD: I don't know what you mean by "review". I was aware of those comments. Yes, I was aware of the general commentary around it, but, no, I didn't review it in terms of review the process or anything like that.

The Hon. DAMIEN TUDEHOPE: What happened after the Premier made that statement?

KATE BOYD: We provided advice to the Government around the tenure of judicial officers and the relevant provisions that govern that. But that was the extent of our role.

The Hon. DAMIEN TUDEHOPE: You'd be aware, of course, that after the Governor had signed the judge's commission, there was no possibility of reviewing the judge's appointment, was there?

KATE BOYD: I'm not sure it's that straightforward, Mr Tudehope, but, yes, there are certainly some—it's a complex area.

The Hon. DAMIEN TUDEHOPE: To withdraw the commission after it had been made would require, would it not, a reconvening of the Executive Council and asking the Governor to withdraw a commission that she had made on the advice of the Government?

KATE BOYD: The provisions around the tenure of judicial officers are all set out in the Act. So I'll just refer you to that.

The Hon. DAMIEN TUDEHOPE: Do you accept that when the Premier came out and suggested that it would be reviewed, in many respects, there was no review available after the appointment had been made?

KATE BOYD: I'm not sure that the Premier was aware of all of the intricacies of the legislation at the time, but I think he was just saying, "I'm going to look into it," and I believe he did.

The Hon. SARAH MITCHELL: I'm not sure if anyone here will be able to help me, but I'm going to ask the questions that I was asking the Premier about the increase in having more aviation services and passenger

CORRECTED

tourism et cetera. As part of that, the Government was talking about a statewide aviation strategy. Does anyone who's here today have much oversight or involvement in that?

SIMON DRAPER: I don't think I have much, I'm sorry.

The Hon. SARAH MITCHELL: Okay. Maybe if I can ask you to take this on notice, then. Is that strategy also going to look at the cost and reliability of regional flights? I guess this is picking up and coming back into that regional element. Obviously, wanting to promote the visitor economy in regional areas is important, but sometimes the cost and the reliability of those flights is a massive inhibitor for people to come out. I'm just wondering, as part of that broader aviation strategy statewide, whether that would be a consideration.

KATE BOYD: You might want to duck into Minister Kamper's hearing, because I know he made—

The Hon. SARAH MITCHELL: I would, but I've got Regional on Monday. Maybe that's me giving forewarning. I just thought someone might know.

The Hon. MARK LATHAM: Mr Draper is our aviation expert, surely.

KATE BOYD: Yes, he has run four airports.

The Hon. SARAH MITCHELL: If there's anything on notice, potentially from the regional element within your agency that has views on that, that would be useful.

The Hon. ROBERT BORSAK: We have two minutes left to go before we break for afternoon tea. I'm sure Mr Tudehope will have another question.

The Hon. MARK LATHAM: I have one constantly unresolved, for Ms Hartas. I can never find out, no matter how many times I ask, patiently and politely. All our efforts in New South Wales to go to net zero—what impact does it have on global surface temperatures?

LUCY HARTAS: Global surface temperatures are increasing, and there is good international evidence of that. I think we are keen to see what the projections are looking like going forward, with all the existing efforts to date to do so, and then we'll see what the projections say about what the impact will be. But there is good evidence to suggest that if we do reduce emissions further, we will slow that increase over time.

The Hon. MARK LATHAM: What will the New South Wales impact be at net zero? I asked Nick Rowley this, and he said it was a matter for my mindset, which I didn't quite understand. Is there any measurement we've got in going to net zero that it has such and such an impact on global surface temperatures that is the climate change alleviation objective?

LUCY HARTAS: Mr Latham, I'd want to get you some accurate figures on that, so I will take that on notice and check with my colleagues.

The Hon. MARK LATHAM: Great, you can get me accurate figures. Fantastic.

LUCY HARTAS: I'll see what we can do. I'll talk to my science colleagues in DCCEEW.

The Hon. MARK LATHAM: Thank goodness you're here and you'll take that on notice. I look forward to that. That'll be like Christmas coming in.

The Hon. DAMIEN TUDEHOPE: I'll finish off by asking you again, Ms Boyd. I know you are a big protagonist and a big supporter of electronic returns for SO 52—are you not?

KATE BOYD: I don't know where you get that idea.

The Hon. DAMIEN TUDEHOPE: Is there any progress being made in relation to developing a policy around electronic returns?

KATE BOYD: We met with the Clerk in December, I think my team last met with him, and I think he gave evidence in the Parliament hearing the other day about how they're going. There are some pretty big challenges to it; I won't deny it. There are real cyber, real personal information and real privacy concerns. But we are very cognisant of the burden on agencies of having to produce—

The Hon. DAMIEN TUDEHOPE: Hard copies.

KATE BOYD: —reams of paper. We're very open to it, from a productivity and efficiency point of view. We're incredibly, as stewards of public information, just wanting to really make sure that we're managing risks.

The Hon. DAMIEN TUDEHOPE: Is there a committee which—

CORRECTED

The Hon. MARK LATHAM: Do you not realise how much we love sitting there in the musty, paper-surrounded Mookhey library, going through all those documents?

The Hon. SARAH MITCHELL: Speak for yourself.

KATE BOYD: Maybe don't ask for so many!

The Hon. MARK LATHAM: Do you ever envisage the joy of an MLC in that Mookhey library?

KATE BOYD: I feel your pain, let me just tell you, but it might be a bit better if the requests were more targeted, and we could really help you get the answer to what you're after.

The Hon. SARAH MITCHELL: We need full transparency. We need everything. You never know what you'll dig up in those returns.

The Hon. MARK LATHAM: There are not many pleasures as an MLC. That library is one. Don't take it away.

The Hon. ROBERT BORSAK: I don't think you'll ever see an SO 52 targeted. All right. Questioning has come to an end. Thank you very much for coming. We will resume at 3.45 p.m.

(The witnesses withdrew.)

(Short adjournment)

CORRECTED

Ms KATHRINA LO, Public Service Commissioner, Office of the Public Service Commissioner, on former affirmation

Ms TIANNA JAESCHKE, Director, Policy and Programs, Office of the Public Service Commissioner, on former oath

Mr BOLA OYETUNJI, Auditor-General, Audit Office of NSW, on former oath

Ms SUSIE HARWOOD, Assistant Auditor-General, Performance Audit, Audit Office of NSW, affirmed and examined

The Hon. JOHN HATZISTERGOS, AM, Chief Commissioner, NSW Independent Commission Against Corruption, on former oath

Ms MICHELLE WARD, Chief Executive Officer, NSW Independent Commission Against Corruption, on former oath

Ms RACHEL McCALLUM, Electoral Commissioner for New South Wales, NSW Electoral Commission, on former affirmation

Mr HUGO BERGERON, Executive Director, Safeguards and Integrity, NSW Electoral Commission, on former affirmation

Ms ANDREA SUMMERELL, Assistant Commissioner, Electoral Operations, NSW Electoral Commission, on former affirmation

Mr DOUG CATCHPOLE, Chief Financial Officer, NSW Electoral Commission, on former oath

Mr PAUL MILLER, Ombudsman, NSW Ombudsman, affirmed and examined

Ms CHANTAL SNELL, Senior Deputy Ombudsman, People, Performance and Sector Improvement, NSW Ombudsman, affirmed and examined

The Hon. PETER JOHNSON, SC, Chief Commissioner, Law Enforcement Conduct Commission, on former oath

Ms CHRISTINA ANDERSON, Chief Executive Officer, Law Enforcement Conduct Commission, on former affirmation

The CHAIR: Good afternoon, everyone. Welcome back, especially to me as well. I welcome integrity agency witnesses. We will begin with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: I'll start with you, Mr Hatzistergos. You are aware that there is legislation before the Parliament in relation to the Surveillance Devices Act, and it includes all investigative agencies. Was it your submission that all investigative agencies should be included as part of that legislation?

JOHN HATZISTERGOS: No.

The Hon. DAMIEN TUDEHOPE: Where did that come from, then?

JOHN HATZISTERGOS: I think you need to understand how this unfolded.

The Hon. DAMIEN TUDEHOPE: I'm happy to.

JOHN HATZISTERGOS: I wrote to the Premier on 9 August 2023. I indicated to him the circumstances that the commission was in, in relation to a particular matter. The Government responded by passing a regulation. That regulation was announced in both Houses, and it exempted the ICAC from the surveillance legislation and the parts that we were concerned about. I then spoke to the Leader of the Opposition. I wrote to him on 29 August explaining the circumstances the commission had. I had a lengthy phone discussion with him on 6 September 2023, and then we spoke to various members of Parliament because we were getting calls because of the disallowance motion that was moved in the House. You might recall there was a disallowance motion on the regulation. We spoke to people to explain the commission's needs.

But, in the course of that debate, you might recall that there were references made to an ongoing long-term solution for the commission to address the issues which arose in that particular matter. I think it was Mr Borsak in the course of the debate—you'll see it in the transcript from *Hansard*—who said that he had spoken to the Government about having an inquiry into the issue and that they would work on terms of reference. My understanding of what he had announced in the course of that debate was that there would be a parliamentary committee that would look at it.

CORRECTED

What ended up happening was that there was a departmental review of the legislation. We made submissions to that, but I understand others did it as well. It centred around this concern about the legislation, effectively stating that, if you possessed something, then that was a criminal offence. The moment that item was prohibited, you committed an offence and so you couldn't even examine it to determine its content. I think that was the concern that the Government had. It took the view that it needed to consult more broadly. That's how the thing developed. Does that explain?

The Hon. DAMIEN TUDEHOPE: It explains the lead-up to it and how we got to it. From that point on, in terms of a legislative solution to the problem that you face—I understand the problem you face. You come into possession, by some means, of material which, on the face of it, is illegal to hold and then is illegal, potentially, to listen to.

JOHN HATZISTERGOS: We couldn't even examine the material at that point. We needed authorisation by law to be able to look at the material and make a determination as to where that material would lead us. But at the point that we had that material in our custody, we took the view that we shouldn't examine it and we couldn't examine it because we would be committing, potentially, a criminal offence. We notified the inspector, I think, and we also notified the Government and indicated that we needed—

The Hon. DAMIEN TUDEHOPE: What led you to believe that it was material to the investigation—

JOHN HATZISTERGOS: I won't go into that. I have discussed that with the Leader of the Opposition, but I don't think it's appropriate. I have also told the parliamentary joint committee, in evidence that I've given, some details about this. You can look at that on the record. But I don't want to go into the detail.

The Hon. DAMIEN TUDEHOPE: I accept that. I'm not quibbling with potentially investigating corrupt activity or the like, but the process to actually go down for the purposes of examining it for the purposes of its probity and the like, the system which is proposed is that the decision would be made by you?

JOHN HATZISTERGOS: What do you mean?

The Hon. DAMIEN TUDEHOPE: The decision about whether it should be able to be listened to. You come into possession of this material and then you would want to make a decision yourself about whether you could access that material.

JOHN HATZISTERGOS: That's correct.

The Hon. DAMIEN TUDEHOPE: Do you have any sympathy for the view that, potentially, you should, in the same way as you apply for a warrant to listen to a telephone conversation, ask for permission from another body for the purposes of giving you access to that material?

JOHN HATZISTERGOS: No. I understand that has been raised in debates in Parliament, but that is not the position in any other State.

The Hon. DAMIEN TUDEHOPE: Is that correct?

JOHN HATZISTERGOS: I know what you're going to say. There are provisions in some of the jurisdictions for judicial determination, but they don't apply to commissions in our situation. We have other requirements in our Act that we have to meet. We have to act in the public interest. We're mandated to act in the public interest, and that includes the private interest. I'm not saying that concerns about privacy are inconsequential. They are very consequential. But we have to make those assessments, and we make those assessments to the public interest every day. We are accountable for them. We have an inspector who oversights our work. We carefully monitor. We've been operating on this regulation for the last two and a bit years. It's not something that's new. I have met every requirement that you people have asked me for. Mr Borsak, in his contribution before the debate—and I picked it up when I read it—said I should account to the parliamentary committee every year. I have done that. I have also gone further. I have also outlined this in our annual reports. You will see it in our annual reports. It is not as if we get a large amount of this material.

The Hon. DAMIEN TUDEHOPE: That's the point, isn't it?

JOHN HATZISTERGOS: We don't. But in circumstances where we do, we have to take appropriate action. If you want to know the kind of circumstances where this information was able to be used, just look at Operation Wyvern, because we used it in Operation Wyvern. It's on the transcript and you'll see the exhibit. It's still on our website. You can form your own view about that. We have to act on the public interest. We also have to comply with our obligations in terms of exercising our jurisdiction. If we act outside of our jurisdiction, we are subject to oversight by the Supreme Court. The concept of us going somewhere else, disclosing our case, in a half-baked context, to get some authorisation to examine something, and then to do what?

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The Hon. DAMIEN TUDEHOPE: Potentially to outline to some other organisation why it is in the public interest.

JOHN HATZISTERGOS: But that's what we have to do, and that's what every other commission that has this authority does. There are four other jurisdictions that have this power. I don't see why we can't have it. No-one has complained about what we have done. I have been open and transparent with the parliamentary committee about the circumstances. In the first year that we had this legislation, there was one case that we used it for, and that's the same case that we used it for the year after and it's the same case that we are using it for now. There was another case which we had to refer on. We didn't investigate it ourselves, but it was investigated under our supervision. The second year there were three cases—the case that I referred to that initiated this, plus two others.

One of those was Witney¹, and you can see the outcome of that, and the other one is still under investigation. The third year is exactly the same as the year before. It's not a huge number of circumstances, but I can't go and ask someone whether something is in the public interest if I don't even know what's in it. We make a decision to investigate. Once we make a decision to investigate, that's the point where we will look at this material. We don't look at it beforehand. We have to make a decision to investigate, and then we will utilise that. As to what use we will make of it, that would be dependent upon whatever value it provides. As I said, you've got an example there if you want to go and look at Operation Wyvern to see whether it was appropriate. No-one objected to it. You form your own judgement.

The Hon. DAMIEN TUDEHOPE: I'm sure I'll take your advice in relation to that, but what I'm putting to you is that it is very difficult for us to make a determination. You have the material and we don't. You want to say, "I have made a determination that it is in the public interest." There is no oversight in relation to the criteria about where you determine—

JOHN HATZISTERGOS: But there is oversight.

The Hon. DAMIEN TUDEHOPE: After you have looked at the material.

JOHN HATZISTERGOS: Yes.

The Hon. DAMIEN TUDEHOPE: Before that point arises, do you see that there is potentially an obligation to demonstrate the public interest, including how the material came into your possession?

JOHN HATZISTERGOS: Do we have to have oversight in terms of all the other decisions we make in the public interest?

The Hon. DAMIEN TUDEHOPE: For example, are you concerned that material that comes into your possession can be in your possession for nefarious purposes?

JOHN HATZISTERGOS: What do you mean by that?

The Hon. DAMIEN TUDEHOPE: If I had some political advantage to be gained by creating an illegal recording, I could put that recording into your possession to achieve that political end.

JOHN HATZISTERGOS: We would have to firstly decide to investigate it. It would have to be serious and/or systemic corruption for us to be involved in it. That's the criteria that the Legislature has put forward. You'd have to imply corrupt conduct and the material would have to be relevant to all of those matters. They are all decisions that we have to make in the public interest. Why is this different?

The Hon. DAMIEN TUDEHOPE: The discrete component that is being assessed by you may be part of a wider inquiry. As part of that wider inquiry, I may put material in your possession. You've already decided the inquiry is worth holding, but the material—

JOHN HATZISTERGOS: No, we haven't decided to have an inquiry; we have decided to investigate.

The Hon. DAMIEN TUDEHOPE: Well, you've decided to investigate.

JOHN HATZISTERGOS: We do that all the time. There are public interest considerations in everything we do. It permeates every decision we make. We're judges; we're retired judges. That's what you do. You have to make decisions. I don't rubberstamp everything that comes across my desk. From time to time, things have come across my desk—notice to be issued, search warrants to be taken—where I've said, "No, we're not going to go

¹ In [correspondence](#) to the committee provided on 23 April 2026, Hon John Hatzistergos AM, Chief Commissioner, NSW Independent Commission Against Corruption, clarified their evidence

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down that direction." They're decisions we have to make in the public interest, and any person who occupies this role does the same. I don't think it's that controversial. That's why you put people such as ourselves in these offices.

The Hon. DAMIEN TUDEHOPE: In relation to the material that has come into your possession, and it is material which you felt has been illegally obtained. That's the crux of the problem we're dealing with.

JOHN HATZISTERGOS: It was material where we didn't know whether it was illegally obtained at the moment, which we weren't prepared to access until we had authority to do so.

The Hon. DAMIEN TUDEHOPE: Should there be protocols around what occurs in respect of the provenance of the illegality? Should there be an obligation for those who receive that evidence to refer the matter for prosecution?

JOHN HATZISTERGOS: In appropriate circumstances, yes. We have a protocol, by the way. It's on our website. I told the Committee that I would be developing a protocol, and that protocol was given to the parliamentary joint committee and it was given to the inspector for any input they wanted to provide in relation to it. I got zero feedback from them. I'm not critical of them, but that protocol is there. You are entitled to look at it and critique it. We actually borrowed it from—I think it was one other circumstance—the telecommunications interception regime, so it didn't come out of nowhere. As I said, we restrict this to our investigations. It's very clear in the protocol. We limit the people who can have access to the material. It's all chronicled, it's all logged and it's all able to be oversighted by the inspector.

The Hon. DAMIEN TUDEHOPE: In relation to that, of the four cases that you have investigated—

JOHN HATZISTERGOS: One we have referred to investigation.

The Hon. DAMIEN TUDEHOPE: You've referred it to the police for further investigation?

JOHN HATZISTERGOS: I'm not saying who we referred it to, but we referred it under 53 and 54 of our Act.

The Hon. DAMIEN TUDEHOPE: The proposal is to give exemption to the offences relating to possession of the unlawful recordings to all New South Wales government agencies that have investigative functions that may result in the agency taking formal action or proceedings against a person in relation to whom the investigative functions are exercised. Besides ICAC, which of the other investigative agencies has sought this power? Has the Electoral Commission sought this power, Ms McCallum?

RACHEL MCCALLUM: No, it hasn't.

The Hon. DAMIEN TUDEHOPE: You haven't sought this power?

PETER JOHNSON: The Law Enforcement Conduct Commission was consulted as part of the process, and we joined in and supported this, because it affects us, too. It affects us, it affects ICAC and I would think it affects the police. It affects any agency where in this modern age, where everyone has a recording device in their phone, they may record something without a warrant and without the consent of the other person and in circumstances where it may be said to disclose corruption or criminality or some other problem. We have had examples of this. There are two which I could give you.

In Operation Tambre, Constable Keneally spoke to a man called Luke Moore on the phone, and Moore recorded it. Of course, Mr Moore was charged with serious offences and put in custody, and then he produced his recording for the police, who firstly verified that it was untampered with and that it was inconsistent with the action of Constable Keneally. This led to a complaint. It was initially considered by the police, but we were dissatisfied with the way in which the police dealt with it. It was investigated under my predecessor, Chief Commissioner Blanch, and he reported and recommended a prosecution. Constable Keneally was prosecuted successfully for a public justice offence. That is an important example.

Another example comes out of a recent report of the commission in Operation Somnus in December of last year. That was a case where a man was in a police station and he turned his phone on to record what was happening. One of the police detected that he was recording it and attempted to delete what was on his phone—as it turned out, unsuccessfully—and he was charged with offences. Ultimately, in the Local Court the charges were dismissed, and the matter was examined and investigated by our commission. That's an example of a situation where someone might, in their dealings with a police officer, seek to record their interaction.

The Hon. DAMIEN TUDEHOPE: I don't think that's the same as the authority which is being sought. Am I wrong, Commissioner?

PETER JOHNSON: This is an Act which makes it an offence, unless you've got a warrant or unless you've got other circumstances which protect the maker of the recording. Often it comes down to a claim as to

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whether they have made the recording for the protection of the lawful interests of themselves, and that can only be decided once you've got a clear understanding of what the lawful interests are. Twenty years ago, I sat on the Court of Criminal Appeal in a case called Sepulveda, where a sexual assault complainant recorded a conversation with the alleged perpetrator. He didn't have a warrant, of course. Ultimately, he was convicted at trial largely on the basis of that recording, which was unlawfully made.

The Hon. DAMIEN TUDEHOPE: But that comes from within the purview of section 138 of the Evidence Act, though.

PETER JOHNSON: But you have to get to 138. What's important is that the investigative agency has the capacity to possess and examine the material. Right now, there are real, close limitations on the capacity of agencies, such as the ICAC and our commission, to possess it, to listen to it and to communicate it to people. I must say, I've been thinking about this issue since the time when I was on the Supreme Court and how agencies deal with this. These are integrity agencies which are intended to examine this material because it may disclose corruption. True it is that if it ends up in a court, section 138 may be activated. But you've got to start somewhere, and the somewhere is to be able to listen to it with some level of protection at the investigatory phase. That's what's been on our mind about this. I would have thought this applies to all agencies, including the police.

The Hon. DAMIEN TUDEHOPE: Mr Miller, have you sought this power?

PAUL MILLER: We have not sought this power, no.

The Hon. DAMIEN TUDEHOPE: Has the Auditor-General sought this power?

BOLA OYETUNJI: No, but I don't have an investigative function.

PAUL MILLER: Can I just add to that answer? It is an issue we do face from time to time, where complainants will correspond with us, providing material that they indicate was obtained by recording. There is a difference, I think, between the functions of an ombudsman focused on maladministration and a corruption commission focused on corruption. I think probably the public interest balancing is different in those cases. If we were to receive such a complaint and it appeared to us possible that the recording disclosed corrupt conduct, then we would refer it to the ICAC. I think in other circumstances where it was merely, if I can describe it that way, an allegation of maladministration, we would take the view that it's not appropriate for us to listen to or rely on that material, and we would correspond with the complainant accordingly.

The Hon. MARK LATHAM: Mr Johnson, when we were here on 20 August last year, I asked you how come the second part of Operation Askern was taking so long. You answered:

... there has been a further investigation which has already been announced and has taken some time and is, as I say, at the report preparation phase.

That was seven months ago. How long does it take to prepare and publish a report?

PETER JOHNSON: The draft report is now in the hands of those who are affected for the purpose of submissions, and it will be tabled within a month with the recommendation that it be made public.

The Hon. MARK LATHAM: Within a month?

PETER JOHNSON: Yes. And could I say this to you, Mr Latham, that our commission has been extremely busy. We've tabled four public reports and investigation matters since I last saw you in this room. We've also had the Bondi massacre, in which we have a role, and we've also had other matters, including the Town Hall protest investigation.

The Hon. MARK LATHAM: They're a lot more recent than August.

PETER JOHNSON: I understand that, but all of these things take time with the resources which we have available. The Askern report will be tabled within the month, Mr Latham.

The Hon. MARK LATHAM: Thank you for your answer. To the Electoral Commissioner, to be perfectly frank with you, I've got to say, within the corridors of this building, MPs generally have had a poor opinion of the Electoral Commission under your predecessor. It's been seen as slow, inefficient and, in many cases, ineffective. What have you done as the new commissioner to improve its operations?

RACHEL McCALLUM: Mr Latham, I would first of all thank my predecessor for the hard work and his dedication to leading the commission during a very busy time. Since it was my privilege to be appointed, we have successfully sought additional funding for additional positions. That restructure is still being implemented, with the intention that it deliver elections and electoral regulation more efficiently than was possible under the previous funding structure that we faced. I wouldn't say that the current model is ideal, but we were able to bolster our ongoing positions, which is a very useful development.

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We obviously have a busy time ahead of us. We're almost exactly one year out from the next State election. We have a busy period of consultation and engagement planned, including with candidates, members and parties, in the year ahead. So we will be releasing that. We have set up a new hub on our website about engagement, and we will be regularly publishing items there for interested members of the public, as well as members of this House, to engage with us, if they would like to, about matters that concern the delivery of the State election. I wrote to all parties and members when I was appointed, inviting them to meet with me, and I'll shortly be doing so again. Matters were raised with me directly, and I'm happy to continue to engage on a semi-regular basis, although, from time to time, I might be contacted directly. I'm happy for that to be the case as well. They are some of the key things.

As I foreshadowed to this Committee last year, we will also be seeking additional funding for computer systems enhancement—ICT. We are doing that in the budget this year, which we consider to be an essential enhancement for, to an extent, the 2027 election. But I think we have said before that this investment is really looking at the integrity and stability of systems from the 2031 election onwards, and that the investment required is required to be made now if we are to be able to reduce risk for those elections in the future. There is still risk for the 2027 election that we cannot mitigate now, even if we are successful in receiving that additional funding. But we look forward to a favourable outcome, I hope, in that regard.

The Hon. MARK LATHAM: We all wish for that. Can I further ask, why has the Electoral Commission written several times to the Legislative Council now urging that our parliamentary oversight of the 2015 Kogarah Chris Minns donations matter be undertaken by the Joint Standing Committee on Electoral Matters instead of the upper House Public Accountability and Works Committee? Given that the electoral matters committee has a Labor Party majority and a Labor chairman, why do you want to send it there to die?

RACHEL McCALLUM: We have, as you say, written in relation to recent standing orders calls for papers. We have also written, under the previous Government, in relation to the one other call for papers that I'm aware of in relation to matters concerning the Electoral Commission's regulatory functions. The Electoral Commission, as members may be aware, is a three-member commission of which I am one—an ex officio member—but I am not the chair of the commission. The three-member commission feels strongly, which is reflected in the most recent correspondence with the House, about its unique position in relation to the administration of regulatory functions in the electoral space. It feels that the important oversight and accountability functions of the House are not served by the broad production of all records that might relate to the matters—

The Hon. MARK LATHAM: But I'm asking about the committees. I think you're much better off in a non-Government-controlled committee. You wrote to us on 25 February saying if it went to the joint standing committee, this would be strictly in a impartial and apolitical manner. But it's a Labor-controlled committee. Is the commission so naive to think that a Labor-controlled committee is going to investigate and play a serious role with the Labor leader and Premier of New South Wales?

RACHEL McCALLUM: Looking at it from a principled perspective rather than from the specific matters that might be concerning you, the Joint Standing Committee on Electoral Matters is tasked under this Government and under previous governments with examining important matters of public policy relating to the administration of the electoral system. The extent to which the House should scrutinise the exercise of regulatory functions by a statutory authority that it has established to conduct those activities and has prescribed in the Act the manner in which it is to report to the House—that is a suitable and an important public policy matter that a dedicated committee which we consider to be the specific oversight committee that has been established by both Houses to oversight our functions would be—

The Hon. MARK LATHAM: But you know it's got a Labor majority.

RACHEL McCALLUM: I accept what you say, but I haven't actually looked at who the membership is.

The Hon. MARK LATHAM: I have. Why, in response to the Legislative Council SO 52 on Kogarah, have you said you're urging the same Labor-controlled standing committee to investigate the upper House call for papers? Do you realise this breaches the longstanding parliamentary principle of exclusive cognisance—that is, members of the Legislative Assembly shouldn't be inquiring into the decisions and procedures of the upper House and vice versa? How has the commission got itself into a situation of urging impropriety upon our Parliament?

RACHEL McCALLUM: I don't think it has got itself into that situation. I think it's laid out some quite sensible and considered options for the House's consideration. It hasn't urged anything of the sort. It has considered—

The Hon. MARK LATHAM: But you're asking members of the LA to investigate—

RACHEL McCALLUM: To consider the matter of—

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The Hon. MARK LATHAM: —an LC motion.

The CHAIR: Order! Mr Latham, please let the commissioner answer.

RACHEL McCALLUM: It has to consider the unique position of the Electoral Commission and its functions in relation to the powers of both Houses more generally.

The Hon. MARK LATHAM: Is there anyone at the commission who's been driving these strategies? Is it Arthur Emmett? If so, why isn't he here today to answer to the consequences of what he's suggesting, that a serious matter about the Premier go to a committee to die and that an investigation by LA members be undertaken into an LC motion? Who at the commission is driving this stuff?

RACHEL McCALLUM: As I mentioned before, the Electoral Commission is constituted by three members. That is how it operates. It formally meets on a regular basis throughout the year and, if necessary, transacts its business out of session. It faced a similar conundrum in 2022 when it was subject to a call for papers at that time—as is on the public record, letters from the then commissioner relating to the same types of issues that it faced at that time. It is driven by a concern for the impartial administration of electoral regulation in New South Wales.

Ms SUE HIGGINSON: I wasn't going to ask this but, following on from the previous session, can I ask it of the two chief commissioners? In relation to the legislative reform on the surveillance devices, I think a clear case has been made that we need to make some changes. Is it not unreasonable to have some guardrails around those changes? For example, the previous bill the Government sought to introduce was—for want of a better term, and I know there are better terms—quite broad and did relate to all agencies, all things. Would it be prudent to seek to limit to some extent, for example, things like domestic and family violence or other forms of violence against a person, animal cruelty, corruption, maladministration in public office?

JOHN HATZISTERGOS: Thanks for the question, Ms Higginson. I'm interested, obviously, in our commission and its capacity to do its work. Our focus is serious or systemic corrupt conduct. I'm not focused on the other agencies. There may have been other people who made submissions. I don't know, because I have no idea who else was consulted in the process of developing the legislative response. The one thing I do have to make clear to you is that we do not just investigate criminal conduct. I did see the amendment that was proposed, and I don't want to be seen as cutting across here.

Ms SUE HIGGINSON: This is helpful. Please go for it.

JOHN HATZISTERGOS: But I just need to make it quite clear that we do not just investigate criminal conduct. We investigate corruption. That can include substantial breaches of codes of conduct in relation to Ministers and members of Parliament. It can include breaches of circumstances which can result in dismissal or reasonable grounds for dismissal. So there's a whole range of other circumstances that may not meet the test of criminal conduct that we investigate.

Ms SUE HIGGINSON: But the term "corruption" is very broad.

JOHN HATZISTERGOS: I think what the words in the amendment were is that it had to be "a crime relating to corruption" or something to that effect. I can get the particulars. I think that's where the problem is. As long as it meets our needs in terms of what we do—

Ms SUE HIGGINSON: Would your needs be served by, for example, adopting the public interest disclosures where we're looking at serious wrongdoing, which does—

JOHN HATZISTERGOS: I'm happy to have a discussion with you about the specifics of the matters. I don't think this is an appropriate place to debate matters of this nature. The current restriction which applies in the current Act is in relation to investigation of criminal matters. That doesn't meet our needs, because we may go down the criminal route or we may not. We investigate corrupt conduct—broader than just criminal conduct.

Ms SUE HIGGINSON: So that would be corrupt conduct, a government information contravention, a local government pecuniary interest contravention, serious maladministration, a privacy contravention, a serious and substantial waste of public money.

JOHN HATZISTERGOS: It's the matters which are referred to in sections 8, 9 and 12 of our Act, and then the 74 requirement that it has to be serious. So all of the matters that we can do. But we won't know that until we get to the end stage of the investigation.

Ms SUE HIGGINSON: I'll go to you in a second, Chief Commissioner. As a person in Parliament whose phone never stops and getting all these competing interests—the issue is how do you protect the most vulnerable

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people that may end up impacted by unintended or perverse ways or applications of these provisions or principles? That's the kind of place we're trying to land and as long as—

JOHN HATZISTERGOS: We have various aspects in our Act which can facilitate that. It depends. I think you're mainly concerned about a public inquiry. Is that so, or not?

Ms SUE HIGGINSON: No, I'm concerned about First Nations people having conversations that are being doctored and the cops rock up the next day. That's what we're concerned about.

JOHN HATZISTERGOS: That's not something that we would be involved in.

Ms SUE HIGGINSON: Absolutely. That's what I'm saying.

JOHN HATZISTERGOS: Our focus is serious and/or systemic corrupt conduct.

Ms SUE HIGGINSON: Absolutely, and that's why we see the need.

JOHN HATZISTERGOS: It's a very specific need that we have. A lot of the stuff that I've heard debated in Parliament, it would never rise to that sort of threshold, so we wouldn't look at it. It doesn't meet our criteria.

Ms SUE HIGGINSON: I don't think ICAC is the concern.

JOHN HATZISTERGOS: We look at big matters. You see the sorts of things we're dealing with; they're substantial matters. They're very complex, usually. That's why we don't get a lot of this material going into our investigations, because of the various tests. But when we reach a stage such as we have in the last few matters that we've had—it hasn't been frequent but it nevertheless occurred—we need to have authorisation to do it.

Ms SUE HIGGINSON: Thank you. And Chief Commissioner?

PETER JOHNSON: Yes. Our focus of interest, of course, is far more limited than the ICAC. We've got police officers and Crime Commission officers, but we're dealing with some broad definitions too—police misconduct, Crime Commission misconduct, maladministration, serious maladministration and agency maladministration, which of course can relate to acts and omissions of the NSW Police Force generally. This discussion can take place at quite a general level, but it is helped by some specific examples. I tried to give a couple earlier on—the two living examples—and both of them involve members of the public who were at risk of misconduct by police officers.

In one of them, the Somnus matter, the police officer sought to wipe the person's phone—as it turns out, unsuccessfully—and that officer ultimately is the subject of a recommendation for prosecution. In the Tambre matter, the Constable Keneally matter, the gentleman in question actually went into custody for several weeks until it was determined by the police that his recording was genuine and he was liberated. Constable Keneally was convicted, and the man in question has obtained a significant verdict against the State of New South Wales. Working out what the guardrails are, it seems to me, may be something that would call for some more considered discussion than what we can do in a late afternoon on one day here in the budget estimates.

The latest bill, I think, puts together a public interest type of structure. As the Chief Commissioner of ICAC has said, our agencies, as a matter of practice, are headed by former judicial officers. Those of us from the Supreme Court have significant experience with the Surveillance Devices Act, and that type of experience can be brought to bear in the initial process as to how you deal with this material. In the end, there has to be an element of trust, I think, in the integrity agencies which are established. As to the initial use of this material, there has to be an opportunity to listen to it and assess it to form a view as to what it tends to reveal. That may lead to an investigation; it may not.

The task for Parliament, it would seem to me—and I'm not in the position of urging a particular approach or other—is to make sure that the legislation allows integrity agencies to do their work effectively, to not have a situation where there's a real question about whether the person who made the recording may have done it to protect their lawful interests. But there's not an opportunity to make that assessment, and it would be unrealistic to expect someone else to make that assessment at an early stage, because it involves an examination of all the circumstances. That's why courts ultimately have made this type of ruling at the contested hearing, civil and criminal, where evidence of this sort is sought to be adduced. If it's found to have been a recording made in the protection of the lawful interests of the recorder, then it's not unlawful.

Ms SUE HIGGINSON: With respect, Chief Commissioner, I don't think the concern is so much about the powers given to the integrity bodies. I think the concern is it gets handed to every investigative body. Where you were saying about trust, I think therein lies one of the issues and the problems. I mean, handing that level of power to, let's say, the police in New South Wales—which can use those powers in a way that is a misuse, which is precisely your area of expertise—then aren't we opening the door to much more? I think what we're trying to

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do, particularly on the crossbench—and, I know, the Opposition and others—is how can we better serve the integrity agencies and put those safeguard rails around other investigative bodies, especially now we're in this era of the proliferation of mistrust devices, AI material, that sort of thing, particularly in relation to vulnerable people in New South Wales. Thank you very much.

The Hon. DAMIEN TUDEHOPE: Make no mistake, Commissioner, I am entirely supportive of what you want to achieve. In 2009, of course, you held a view possibly that I'm now adopting. But how do you get the balance between making sure we don't encourage people to create this sort of material and making sure that agencies like yours are not prevented from doing the functions that they are required to do?

JOHN HATZISTERGOS: You mentioned 2009. Is that the McGurk matter?

The Hon. DAMIEN TUDEHOPE: I think 2009 was when you were—

JOHN HATZISTERGOS: I can give you some background for that, if you wish to know.

The Hon. DAMIEN TUDEHOPE: Yes, please.

JOHN HATZISTERGOS: The McGurk matter was a very unique matter, because we actually knew what the item in question was about. The information came to the commission from the police. The commission wasn't in a position to be able to examine it under the law and it needed a solution to be able to look at it. But it was a single piece of information that we needed to be able to access, as compared to the situation which has arisen where we don't know—where we've got some material, we didn't know whether we had all the material. It was a much more complicated situation. We didn't know where it all fitted together, so it wasn't able to be identified, so it was a different situation.

The other thing that happened in 2009 is that the Surveillance Devices Act was new in 2007, and it was part of a cooperative arrangement which was designed to achieve interstate recognition and interstate operability of the surveillance laws. That meant that the surveillance legislation had to meet the issues that each State had. At that time, there weren't anti-corruption commissions across Australia like there are now. So in order to be able to get that, there needed to be a temporary solution found to the McGurk matter, which is what happened. It was actually put into the ICAC Act. It wasn't put into the surveillance Act. We've now got interstate recognition, I think, for about five jurisdictions, so it was a very different scenario to what we have now.

As I indicated to you, a number of those jurisdictions do have capacity for their commissions to be able to access this material in circumstances that we're now seeking, so it's a very different situation. Going to the thrust of your question, which I think is really something that the Chief Commissioner of the LECC answered, there is an element of trust, and I accept that in relation to how we deal with that. But it's not as if we have breached trust, certainly not in the time we've been here. We've been very careful about the information that we get and how we deal with it. We take our accountability extremely seriously. I have met everything that I was asked to do—

The Hon. DAMIEN TUDEHOPE: I'm not quibbling with that, Commissioner.

JOHN HATZISTERGOS: Everything that you people and your colleagues ask me to do. I checked all the debates. You wanted a protocol in place—done. You wanted an annual report—done. You wanted annual disclosure to the parliamentary committee—that's been done. I don't know what more I can do, but if there's other things you want of me, I'm happy to look at them, within reason. I don't have a problem. Not only that, but you also have the example from Operation Wyvern, which you can examine and you can form your own view as to whether we acted appropriately in that case, and you're entitled to critique.

The Hon. DAMIEN TUDEHOPE: But once it's in legislation, it's there forever.

JOHN HATZISTERGOS: I'm not going to go into the details of the legislation. That's the Government's response. I'm telling you what our needs are.

The Hon. DAMIEN TUDEHOPE: Thank you.

JOHN HATZISTERGOS: But if our needs can be accommodated one way or another, I'll be happy.

The Hon. DAMIEN TUDEHOPE: But the problem is encapsulated in your own words in the 2009 debate. I'm sure people have quoted this back to you because, in that debate, you said:

The Government is also conscious of the need to ensure that there is no encouragement whatsoever to any person to make unlawful recordings in the future, which would undermine the policy of the Surveillance Devices Act.

That's the problem, isn't it?

JOHN HATZISTERGOS: No, because I'm not advocating for a decriminalisation of people who make these recordings. That's not part of what I'm seeking. If the Government wants to go in that direction, that's a

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matter for it. I'm not seeking that. I just want to be able to access the material and use the material in an investigation if it's appropriate in the circumstances. What the policy response is to people who create this material is a matter for the Government.

The Hon. DAMIEN TUDEHOPE: So, potentially, in giving you the powers that you're seeking, it should be also accompanied by appropriate—

JOHN HATZISTERGOS: The current legislation provides a prohibition—makes it illegal for people to be able to create this information—except in specified circumstances such as what Chief Commissioner Johnson mentioned before, like to protect your lawful interests and so on. The current Act does have some existing capacity for people to be able to make, in specified circumstances. I'm not advocating any change to that situation. That's not part of my request to the Government. My request to the Government is simple: to be able to access this material in circumstances where it's necessary to be able to advance an investigation.

The Hon. DAMIEN TUDEHOPE: I suppose, again, this can be covered properly by the legislation, but how do you see the prohibitions against the republication of material which is contained in this illegally created material?

JOHN HATZISTERGOS: In what circumstances?

The Hon. DAMIEN TUDEHOPE: It's come into your possession. Someone has listened to it. Should there be offences relating to republication of any of that material?

JOHN HATZISTERGOS: We want to be able to use that material if it's relevant and subject to the public interest criteria, potentially, in a public inquiry. How we do that in the public inquiry may have to be nuanced. We have powers to be able to do things in private. We have powers to be able to make non-publication orders. There's a whole variety of things we can do in order to be able to protect the public interest in terms of the decisions that we're making.

The Hon. DAMIEN TUDEHOPE: Do you think that should be an appropriate rider?

JOHN HATZISTERGOS: In some circumstances, it may be, but I'm not saying in all circumstances. We may take even the view that we're not going to use it.

The Hon. DAMIEN TUDEHOPE: Of course.

JOHN HATZISTERGOS: If that's in the public interest, we won't do it. I think you've got to balance a whole range of considerations. You've got to balance the fact that—one of the factors is, of course, it was unlawfully created. You have to take that into account. You don't want to encourage that. But the second thing is you've got to look at the probity of the particular evidence. You've got to look at the privacy issues. You also have to look at the underlying investigation and what you're doing and where this is going to take you, so there's a whole range of balancing factors you have to take, and all those factors congregate in the public interest.

The Hon. DAMIEN TUDEHOPE: And the provenance of the material that you have in your possession, in any event. I'm not sure if anyone's—

JOHN HATZISTERGOS: We have a capacity to be able to forensically examine the material to ensure the provenance of the material. I'm not concerned about that. We have a very sophisticated facility that's able to do that and does that all the time, so we can work that aspect of it out.

The Hon. DAMIEN TUDEHOPE: Perhaps you and I might have a further discussion.

The Hon. SARAH MITCHELL: I just have one on a different issue for you, Mr Hatzistergos. Does your commission use an online platform for the storage of sensitive information?

JOHN HATZISTERGOS: An online platform?

The Hon. SARAH MITCHELL: Yes, I'm just trying to ascertain whether or not you would be captured, or the work of your commission would be captured, under the definition of a "digital work system" under the work health and safety amendment Act that passed Parliament recently.

JOHN HATZISTERGOS: I'll have to take that on notice. I think we may have made a submission on that. I'm not sure. I'll need to check.

The Hon. SARAH MITCHELL: That would be great. Thank you. Auditor-General, I do have one for you. I just wondered about your upcoming work program and the audit schedule. I know that there's been a request from the Australian Paramedics Association to look into NSW Ambulance recruitment. I'm just trying to understand how you prioritise the different work programs or audits that you're intending to do, and whether or not that's something that's on the agenda for you.

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BOLA OYETUNJI: What we do, which we started for the 2026-29 work program, is we have quite a lot of requests. We then look at the environmental scan. We prioritise the highest risk to do. The one in question, which we've been looking at, is about recruitment. The question would then be "Is there a role for the Auditor-General? Is there a role for the Public Service Commissioner?" We will do that, and if it is, then I'll put it in the program. Once we put it into program these days, we'll specify when, within the resources we have, we'll be able to do it. We have that in our position to consider.

The Hon. SARAH MITCHELL: You're going through the process of that now to see—

BOLA OYETUNJI: We're going through the process now, yes. I hope to publish the work program by July or early August 2026. That's correct.

The Hon. SARAH MITCHELL: Fantastic. Moving now to the Electoral Commissioner, if I can. I am just wondering about some of the preparations for the election—which will be here before any of us know what, I'm sure. You did mention earlier that there's a lot of work that is happening at the moment, obviously. Are you confident that the budget allocation you've got to administer the 2027 State general election is an adequate allocation?

RACHEL McCALLUM: At this stage, I am optimistic that what we have been given—we were given supplementary funding for the event itself in the last budget, so at this stage I am optimistic that we have been funded adequately for the program as we have planned. As I mentioned in my earlier answer, there are some matters relating to the following year, the upcoming budget year, where we are seeking additional funding. Of course, all of our systems and our other work feeds into the success of State elections, so in that upcoming budget we are seeking, I mentioned, systems and additional funding. We are seeking also some additional funding to implement some of the Joint Standing Committee on Electoral Matters recent recommendations in relation to voter trust and election integrity matters, so increasing our level of engagement with various stakeholders and communities. I also foreshadowed here last year that we would need to do that. To have a different sort of election where we would have more engagement, I think we do need to explore those other sources of funding. But for the program that people would be familiar with, we have been given—

The Hon. SARAH MITCHELL: You'd never say no to more money, but who would? Everyone wants more money.

RACHEL McCALLUM: We would never say no to more money, but it has been funded. We were successful last year in getting that supplementation.

The Hon. SARAH MITCHELL: Then in terms of—this is very in the weeds, but it's of interest to a lot of our members—the number of regional polling places that there might be, particularly in some of the larger electorates, do you anticipate any closing this cycle? Do you know how far you are through the booking process for those polling places?

RACHEL McCALLUM: We're not at the booking process yet for polling places. We have some other elections in between—our various local government elections—but we are in a busy planning period for venues generally. I might take on notice your specific query about regional distribution, if that's your interest there.

The Hon. SARAH MITCHELL: I'm just keen to know when we would expect to see the list of polling places for 2027, if that's going to change, because sometimes people get used to a particular booth being open and then if it's closed, that communication piece, I was just curious about that.

RACHEL McCALLUM: Yes, we are conscious that that is an interest of candidates, parties and voters. We do always try in our venue identification process to take into account where voters have been before, where the Australian Electoral Commission was using. We try to use the same venues where that's possible. We have accessibility considerations of course, as well. That includes with schools which are the largest proportion still of our venues. Those considerations are unchanged, I suppose. We are looking to think more carefully about accessibility and try to improve the number of venues that we can say are fully accessible. That's not specifically in regional New South Wales that I'm talking about there, but we are looking to improve our ability to make them fully accessible. In terms of making the information available, we already try to make that venues information available as soon as we possibly can because it is, obviously, of interest to participants planning for the event. We will do that again. I might take on notice in relation to regional New South Wales, whether there's any special considerations that might—

The Hon. SARAH MITCHELL: Just sometimes distances, if a small polling booth closes, can make it a little bit more challenging, particularly for people who have additional needs.

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RACHEL McCALLUM: We are considering what level of voter attendance we need to have, or we predict we will have, for the venue to remain open. We are very conscious of that, and we are particularly conscious of the distances involved. That is another factor for regional New South Wales.

The Hon. SARAH MITCHELL: You mentioned before, some of the recent reports coming from the Joint Standing Committee on Electoral Matters. There's one that was out, I think it was only last month, about the amount distributed to minor parties from the admin fund. It was only a couple of weeks ago that the report was tabled.

RACHEL McCALLUM: Yes, I'm aware of it. I haven't fully considered what it's recommending.

The Hon. SARAH MITCHELL: I wouldn't expect you to. One of the recommendations it talks about is administration funds should only be paid effectively to minor parties that comply with standards of party governance and internal controls. Now, obviously, it's a matter for the Government whether they accept or agree to those recommendations. If something like that were to come in place, do you have the required resources to conduct those additional compliance exercises, or would that fall into the piece you were talking about earlier with needing more funding support to be able to do that?

RACHEL McCALLUM: It is likely, I would say, that if we played a bigger role in monitoring governance standards of political parties that we would seek additional funding to be able to do that. That would obviously be an ongoing function rather than specifically an event function. Administration funding is ongoing. It would likely lead to us seeking some additional funding to be able to—whatever the scope of those requirements were, whatever level of satisfaction, whatever the standards are that we would need to administer, we would not have anybody with particularly spare capacity at the moment to be able to undertake that work.

The Hon. SARAH MITCHELL: In a general sense, how many compliance reviews into those sorts of administration funds have you conducted in, say, the last 12 months? If you need to take that on notice, that's fine.

RACHEL McCALLUM: I might take that on notice. I might seek clarification about what you mean by "compliance review". We do have a routine compliance audit program. "Compliance review" doesn't necessarily imply that there's anything amiss.

The Hon. SARAH MITCHELL: I guess I'm trying to understand how many compliance issues might have been identified if you're going to look into those matters, but I'm happy for you to take that on notice and provide what you can.

RACHEL McCALLUM: Yes, I can take it on notice and provide some statistics around the extent to which we've been looking at administration fund claims.

The Hon. SARAH MITCHELL: Yes, that would be useful.

RACHEL McCALLUM: They won't be about governance issues right now, because that's not one of the criteria that we would need to apply.

The Hon. SARAH MITCHELL: Okay. Fantastic. Then I just have one more. We talked a little bit before—it was in relation to other questions—about some of the challenges around artificial intelligence, in particular, I guess, in election campaigns. Have you made any recommendations to government about trying to tackle the misinformation potentially through AI in political campaigns, in your work as Electoral Commissioner? I know it's a challenging area, but I'm just wondering if you've turned your mind to it.

RACHEL McCALLUM: It is a challenging area and it's a challenging area globally. In relation to electoral material, we need to consider whether our enforcement powers would be sufficient to—we have to be able to detect the AI use.

The Hon. SARAH MITCHELL: AI to distribute misinformation is I guess my point.

RACHEL McCALLUM: I might take on notice whether we've ever actually raised that as a specific legislative reform recommendation. But I know that the issue is of interest to the commission because it presents significant challenges for all electoral commissions in relation to the timing of when such material might be released, and I'm aware there are regulations in other jurisdictions that prohibit the unauthorised use of AI-generated images of anybody in electoral material. We are cognisant of it as an issue that we will inevitably need to grapple with and what the guardrails or the legislative regime around that looks like—we'd be interested to be part of the conversation.

The Hon. DAMIEN TUDEHOPE: If I can come back to you again, Commissioner, just so I'm clear on where we've landed, I initially put to you a position where, in the same way you should get a warrant for a listening device, a similar sort of process potentially ought to apply to accessing material which is reasonably believed to

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be illegally obtained. You seemed to rail against that. I understand that you apply a public interest test, and you rely on the protocols you've put in place and the potential expertise of your commissioners and their extensive experience, often, as judicial officers. And no other jurisdiction imposes that sort of requirement on its integrity bodies for the purposes of being able to access this material. Is that a fair summary of your position?

JOHN HATZISTERGOS: I understand some jurisdictions may provide—the people who create this equipment or this material can go to a judge and get a decision made that they acted in the public interest. But that doesn't apply to corruption commissions.

The Hon. DAMIEN TUDEHOPE: Just taking those commissions out to one side, that's a summary of the corruption commission position in relation—

JOHN HATZISTERGOS: It's a summary of the matters you raised with me, yes.

The Hon. DAMIEN TUDEHOPE: Effectively, what you would say is there's a different test which you would apply to this material than actually going and making an application for using a listening device?

JOHN HATZISTERGOS: When you're going to get an application for a listening device, you're seeking to put in place a device to obtain evidence. Here we're talking about evidence which exists that you're seeking to access. It's a different situation. You don't have the evidence when you go to get a listening device. That's a completely different circumstance. Here you have it—I don't know how I could possibly go to a court and say, "I've got this material that someone has brought to me. Give me access." What else am I going to say to them? Seriously, what else am I going to—what other information do you want me to give them? Would I have to disclose the case that we're investigating, the circumstances, so that the court is apprised of where this thing might fit in—or the judge might fit in? It's an investigation. The police don't do that now when they're investigating a criminal offence. So why should we have to go and do this?

The Hon. DAMIEN TUDEHOPE: I'll leave it at that.

JOHN HATZISTERGOS: If you can give me an example of how this is going to work, I'll try and respond to it. But at the moment I can't see it.

The CHAIR: Commissioner, why couldn't you go to a judicial officer and say to them, "In your opinion, was this created to protect the person's lawful interest? Therefore, I want to access it and use it"?

JOHN HATZISTERGOS: Because you can't determine that until you've looked at the material.

PETER JOHNSON: Could I answer that? I spent 17 years issuing warrants under the Listening Devices Act and the Surveillance Devices Act as a judge of the Common Law Division of New South Wales. It's a large part of the duty judge's role. If someone comes to you, and if you have to get judicial authority, the judge would want to say, "Well, has someone examined it to see whether it's genuine—the AI issue and things of that sort?" I suppose the answer would be, if the strict approach was taken, "I can't actually even look at it to see whether it's genuine, whether it's been interfered with." Then the judge would say, "Well, how am I meant to decide that it protects the lawful interest of a person? What factors am I going to take into account? Am I going to have to conduct some sort of case?" I can tell you that would receive great judicial resistance, because it's quite unlike anything else. And then who would be involved in it? Would the person who made the recording have some right to participate in the process? I just think it doesn't stand up to scrutiny, if I could say so, with respect.

Right now, the cases we've talked about—take the case of constable Keneally. He produced his phone and the very first question was: How do we know this is fair dinkum? While Mr Moore was in jail, bail refused, the AFP conducted a close examination of the phone and it was demonstrated it was genuine—it wasn't fake, it hadn't been tampered with. And everything thereafter, including the criminal proceedings—there was no objection to it. The whole argument was about why did constable Keneally say things and later make statements that were found to be false. The Operation Somnus matter—the police officer acting wrongly purported to wipe the phone of the man once it was realised he'd purported to record something inside the police station. That phone later was examined by someone with expertise, and it was determined that it hadn't been wiped and it had what turned out to be highly crucial evidence of police impropriety.

To cast a burden on a court or someone to actually scrutinise these things, it seems to me, opens up an almost endless line of inquiry where it is not clear what the outcome is. Have a look at some of the decisions of the Supreme Court in civil matters—in family disputes, in disputes between people who live in blocks of flats—where at meetings someone records something and then there's a civil case and then there's a tender of the tape. Then the argument is it was recorded in the protection of the lawful interests. Most of the time the judge upholds that. But that's the end of a case that runs for several days, because there are lots of factors that bear on what the lawful interests are. It would be simple for someone to say, "I did this because I say that person wronged me in

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some way, and I need to record this because I don't trust him, and I need to do it in a way he doesn't know I'm doing it, because that protects my lawful interests." But how do you test that?

That comes back to what we've been saying. I'm not the ICAC, but we have an interest in this. I have to say I have a broader interest in this because of the proper administration of the Surveillance Devices Act and the administration of justice more generally. It comes down, I think, to the need to operate on the basis that agencies that receive these things will have them examined to make sure there's no AI and they haven't been tampered with. If there's any sign they've been tampered with, then the person who's made the recording has even bigger problems than ones under the Surveillance Devices Act. That must be a starting point to allow agencies a proper opportunity, in circumstances, clearly, of confidentiality for a period, whilst it looks at it and then works out what to do with it, to be able to listen to it, examine it and work out how it fits into whatever it is that is potentially under investigation. I'm probably now at the point of saying the same thing more than once, so I'll stop there.

The Hon. MARK LATHAM: To the Electoral Commissioner, the first question I asked was about the slowness of the commission with investigative matters. To give an example from 2022—so this is four years ago. Queensland One Nation was busted stealing administration money paid by New South Wales taxpayers into New South Wales One Nation, which was made to hold its bank accounts in Brisbane, and the Queensland One Nation used this money to buy merchandise and a conveyor belt sitting in a Brisbane warehouse. James Ashby planned to sell the merchandise in Western Australia, Tasmania and right around the Commonwealth, to fund the Federal One Nation campaign—a clear abuse; some might say "thieving public money". The Electoral Commission at the time notified us at New South Wales One Nation. Rod Roberts and I made speeches about it in the Parliament and spoke to Minister John Graham. Yet we don't yet know what actually happened with this matter. It was a clear abuse. What investigation did the commission undertake? What sanctions have been applied against this illegal practice?

RACHEL McCALLUM: I will take the specifics of that on notice. But, in a general response, I will note that witnesses, such as myself, from the commission do not generally speak about the compliance and enforcement matters publicly, unless it does fall within the scope of its powers to make public interest disclosures. I'm not specifically aware what the position is in relation to that matter or, indeed, if that matter exists. So I will take that specific question on notice. But, more generally, it goes to the special position of the—I think this highlights the special position.

The Hon. MARK LATHAM: I'm going to ask about that, but it's a clear abuse that you notified to New South Wales One Nation. At the time, Rod Roberts and I were involved. Two MPs have made a complaint about it and raised it in Parliament. Isn't it just a logical consequence of your work to let people know there's been a wrongdoing and something's been done about it? Otherwise, if it disappears into the ether, doesn't it encourage others to do the same, thinking that you can get away with it?

RACHEL McCALLUM: The extent to which any electoral commission or this Electoral Commission should make public comments about its compliance and enforcement work has been something that the commission has been interested in and raising publicly for some years now. So I don't think it's for me to say anything about this specific matter now. But the more general public policy question of to what extent an electoral commission should be making comments about specific matters—

The Hon. MARK LATHAM: But aren't you there to inform the voters about things that matter in a democracy? We now know the standing of One Nation in these polls. By-elections and other State elections are coming up. Haven't the public got the right to know that this rort took place and you took action against it? Isn't that a logical functioning of a democracy, especially from a commission?

RACHEL McCALLUM: That is certainly one view of the position that an electoral commission or electoral regulator should take, but there are countervailing considerations in relation to the administration of electoral—

The Hon. MARK LATHAM: What are they? It's like you're running some protection racket for electoral crooks, because the public doesn't know. Voters can't vote in ignorance. They've got a right to know. I've got a right to know, as someone who was horrified by this—threatened to go to the police unless the money was repaid within a day. It was. I was serious in that, and I'm horrified to think that we still don't know the outcome and the action that the Electoral Commission took. Why would an electoral commission keep voters in the dark?

RACHEL McCALLUM: The Electoral Commission must operate within the legislative framework that it is established to administer. It is committed to as much education and public awareness about electoral matters as it is permitted to engage in. In relation to this specific matter, I will take that on notice.

The Hon. MARK LATHAM: Among the New South Wales policing and integrity agencies, the Electoral Commission has a very unusual stance. The other three—the police, ICAC and the Auditor-General—make

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regular public statements about their investigations, whereas the Electoral Commission is like Trappist monks. Why is this, and how can we have confidence in the integrity functions of the commission if it appears to be camera-shy and it keeps voters in the dark?

RACHEL McCALLUM: I would strongly agree with the proposition that an electoral commission should be very concerned about public confidence in its operations. Trust in an independent electoral commission's administration of elections and regulation of elections is a concern that the commission has at all times. It is part of the DNA, really, of our organisation. It is, as I said, a matter that successive chairs and commissioners have made public comment about. I would, I think, be able to say that the commission would welcome further discussions, public policy debates and consideration by the Parliament about what is the proper role of an electoral commission in making public statements about electoral regulation matters.

The Hon. MARK LATHAM: You made public statements frequently up until mid-2018 and then they just stopped cold. Why was that? What legal advice was used to justify this change in direction?

RACHEL McCALLUM: The Electoral Commission formed the view—of course, I wasn't a member of the commission at that time—that it was restricted in what it could say publicly that would identify individuals, so it formed a view around that time that a change of approach was necessary. As I said, around that time and since then, it has been advocating for change.

The Hon. MARK LATHAM: But if the police commissioner had that view, he'd never say anything about raising public awareness of crime, the need for public to report things and general public awareness about wrongdoing in our society. The Police Act is this thick—it's got no specific power—but the police commissioner goes out and talks about crime because it's consistent with his charter. It's just such common sense.

RACHEL McCALLUM: The police legislation is different to the electoral legislation.

The Hon. MARK LATHAM: It's not really. You complain you haven't got a specific power. The police commissioner hasn't either, but it would be totally bizarre—from another planet—if he didn't speak daily about crime.

RACHEL McCALLUM: My understanding—and perhaps I'm in better company to speak about the police powers—is that the police have a very specific power under the New South Wales privacy legislation about—

The Hon. MARK LATHAM: Privacy legislation?

RACHEL McCALLUM: Yes, under the PPIP Act, about what they are authorised to say, which does not apply to the NSW Electoral Commission.

The Hon. MARK LATHAM: I was going to ask you about this. What other restrictions are there on the Electoral Commission being proactive in this field? Commissioner, you have a background in the privacy area. Surely those laws don't apply to politicians, particularly party leaders and senior frontbenchers who, by virtue of their role, forfeited the privacy years ago. That's part of the reality in which we work, readily posing for family photos with spouses and children, participating in profile and life story media pieces. With that kind of exposure, if they engage in a wrongdoing, how can they hide behind privacy legislation and say, "No, now it's private," when everything in a public election campaign is public?

RACHEL McCALLUM: I'm referring to the laws that apply to public sector agencies, not individual members of Parliament or other people in the public arena. The law that regulates us is the privacy laws that regulate many New South Wales public sector agencies. We are mindful of what those obligations are.

The Hon. MARK LATHAM: Can I give you a particular scenario. Say, running into the next election, a year from now, the Electoral Commission identifies an illegal scheme in the Liberal campaign for Vacluse. Do you think the voters have the right to know that information about the alternative Premier, or should they go to the ballot box with ignorance?

The CHAIR: Mr Latham posing hypotheticals to our agency representatives is outside the—

The Hon. MARK LATHAM: I think it's allowed in Committee but not the Chamber. That was the ruling the other day.

The Hon. EMILY SUVAAL: Point of order—

The Hon. MARK LATHAM: I described it as a scenario.

The Hon. EMILY SUVAAL: The Chair's discretion applies in committees. Whilst the rules of the House don't strictly apply, they should be used as a guide, Mr Latham.

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The Hon. MARK LATHAM: Well, you're sticking up for Kellie Sloane in Vacluse.

The Hon. EMILY SUVAAL: If you read the LC practice book, I believe that's to be the case. It's the Chair's discretion.

The Hon. MARK LATHAM: Chair, what's your ruling?

The CHAIR: I'll allow it.

The Hon. MARK LATHAM: Thank you, Chair.

RACHEL McCALLUM: I would not wish to comment, and I'm sure everyone would be glad that an Electoral Commissioner would not engage in commentary about impacts on the outcome of elections. But I can refer you and/or the Committee to our published Compliance and Enforcement Publication Policy. There are considerations for and against disclosure, and timing is one of them. The commission would be guided in its decision-making by its published policy. I think that tries to take into account that there are competing public interest considerations that any public sector agency, but particularly an electoral commission in the lead-up to an election, must take into account.

The Hon. MARK LATHAM: I still don't believe what I'm hearing. Anyway, I'll turn to the Auditor-General. The "follow the money" power that you have for grants—I've raised this previously, but the Bathurst turf club is still sitting on \$2.3 million of unspent funds from the COVID grant it received some five years ago. Bathurst racetrack regularly gets called off because of problems with the surface and safety issues. I don't believe myself—and some locals have confirmed—that the \$2.3 million does sit in their bank account. I think it has gone to areas of impropriety and misappropriation. Can the Auditor-General have a look at this? It's a large amount of money. It's very important in the horseracing industry in country New South Wales. I believe it warrants a "follow the money" investigation, which I don't think you've done a lot of.

BOLA OYETUNJI: Thanks, Mr Latham. We've started using the powers now—

The Hon. MARK LATHAM: You've started? Well, what about this one?

BOLA OYETUNJI: I received your letter, and we're looking at it, definitely. We have different ways to do that, either from the financial audit and not necessarily from the performance audit. Definitely, we're looking at it.

The Hon. MARK LATHAM: I don't want to take up Sue's time, but I'm only raising it with you because it's a critical problem, and it gets worse by the day.

BOLA OYETUNJI: Yes.

Ms SUE HIGGINSON: Hello, Ombudsman. You have had to just issue a special report to get the Minister for Corrections to reply to your investigation into inmate discipline. In your experience, is this a common or rare occurrence that a Minister who would appear to have been following recommendations, working on implementations for months and months, then all of a sudden stops?

PAUL MILLER: It is an infrequent occurrence for us to table a report under section 27 of our legislation, which is a default report, which is when I am not satisfied that sufficient steps have been taken to respond to an investigation report. That is unusual. The circumstances of this one are perhaps unique in that initially the response of the agency was to accept—at least in principle—all 34 of our recommendations and for a period of almost 12 months had been providing updates to us on the work it was doing to implement those recommendations. So, yes, it's unusual in both respects.

Ms SUE HIGGINSON: The Parliament called for papers under Standing Order 52 in relation to the Government's response. One of the things I found was the office of the Minister for Corrections essentially was encouraging the continued noncompliance with the parts of the CAS Act that relate to support persons. This is the very concerning part. On 17 and 19 September the corrections Minister's staff member wrote in emails that they believed they were in a position where the legislation does not support Corrections Services NSW staff, saying staff members are required to act as a support person for an inmate if they don't want to and asking if alternative models can be explored. Can you please confirm, based on all the work you've done, that the legislation currently in fact does require that inmates are provided with support persons during disciplinary proceedings?

PAUL MILLER: That's correct. In certain circumstances, inmates are entitled to have support persons available under the legislation.

Ms SUE HIGGINSON: In relation to the reversal of position on your recommendations on the standard of proof, I've recently written to you outlining my concerns that this appeared to have happened in a five-day period. On 29 September the Minister approved a letter to the PSA that basically said, "Look, your concerns are

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probably misunderstanding and misconceived." But by Friday 3 October, the Minister had announced the bill amending the standard of proof. I understand that the Premier and the corrections Minister met during this time. I also understand the Premier's brother has been advocating for this reversal in his capacity as the PSA solicitor. Does it concern you that such a dramatic reversal in such a short period may have been motivated through things other than merit and evidence?

PAUL MILLER: I have to be careful what I say here because I am permitted to comment on and critique the conduct of the agency, in this case Corrective Services NSW. I am permitted to comment and critique the legislation and whether I believe that it is unjust, unreasonable or otherwise wrong. I am not permitted to comment or inquire into the conduct of the Minister or the Premier.

Ms SUE HIGGINSON: You point out that a vast majority of correction centre offences neither met the standard for beyond reasonable doubt nor the balance of probabilities. You make that point very clearly. Do you anticipate now that it's possible that a large volume of unlawful findings may essentially be made, even now with this lower standard, without the other reforms being implemented?

PAUL MILLER: The examples that we saw in our investigation of decisions being made where it was, in our view, not open to the decision-maker to find the inmate guilty beyond reasonable doubt—in many of those decisions, in our view it would have equally been not open to the decision-maker to have found the inmate guilty on a different standard, such as on the balance of probabilities. I can't speculate as to whether that continues to be the case today, but I can say, in relation to the examples that we saw during the investigation, that would have been the case, and that was the point we made in the most recent report.

Ms SUE HIGGINSON: One of the concerns I have is that charges of correctional centre offences made unlawfully, even ones that may still be happening, cannot be relied upon at parole or in sentencing. Have you reached out, or what would the appropriate mechanism be to reach out to the State Parole Authority or the judiciary to outline those concerns?

PAUL MILLER: No, I haven't. It's a difficult area because if you look at the issue of parole, for example, it is not the case under the New South Wales system that there is a direct relationship between a finding of guilt and a parole decision. The behaviour of the inmate while in custody is a matter that is considered in parole decisions and, to that extent, guilty findings will be taken into account by the parole board. But there isn't a direct link, if I can put it that way, as there might be, for example, under a system of earned remission where you automatically lost your entitlement, if I can put it this way, to early release.

Ms SUE HIGGINSON: So it will or it can impact the length of time a person may or may not spend in custody, in prison?

PAUL MILLER: In prison. That's right. We have undertaken some individual investigations where we have made findings that a guilty finding was not sustainable and, in those circumstances, have recommended that, effectively, the record of that decision be expunged so that it is not taken into account in those subsequent proceedings.

Ms SUE HIGGINSON: The level of maladministration, effectively, that was taking place in that institution of Corrective Services NSW is inextricably linked to the operation of the actual justice system beyond Corrective Services NSW as well, is it not?

PAUL MILLER: I think I agree with that proposition, but I'm not entirely sure precisely what you mean.

Ms SUE HIGGINSON: Chief Commissioner, can I just go to you about Operation Almas. Can I just ask you about the final report that is due in that matter. I am particularly curious as to how the counsel assisting your commission has said that there is not evidence before the LECC as to the misconduct on the part of any of the officers. I am concerned especially in relation to Officer D. There is a bunch of evidence provided. It is the Law Enforcement Conduct Commission's practice that—would you in your final report ever depart from findings of counsel assisting the commission?

PETER JOHNSON: I should say a number of things. I didn't preside in Operation Almas. My colleague Commissioner Johnson—unrelated—presided. Therefore, I am in no position to comment on the evidence that you are talking about. I have to say, we had a very capable counsel assisting—one who has a great deal of coronial experience. She is presently junior counsel assisting the State Coroner in the Krista Kach inquest. She did very detailed submissions. I have read them. But I am in no position to make any comment, nor would I seek to do so in relation to a particular officer.

We are in a situation where it was an entirely public hearing and all the submissions were published because that's effectively what people wanted. But it is for the commission to write the report. I'm not talking about that case. I'm talking generally. If, in another hypothetical situation, the report writer was of the view that the

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submission of counsel assisting should not be accepted and an adverse finding should be made against someone which is not otherwise flagged, then there would be procedural fairness requirements. That's a given. But that's just a general observation. I don't think I can go beyond that in the circumstances.

It was unusual, in the sense that we had an entirely public hearing. It was appropriate for a public hearing. In fact, I directed it under one of the powers I have. There was a request, in fact, that there be submissions made orally. The commission took the view, in accordance with usual practice, that there ought to be written submissions. They were all released at the same time on 23 February. Beyond that, it's a legal discussion about what the powers and responsibilities are of administrative agencies like ours in writing a report. If there hasn't been flagged an adverse finding as a possibility, it would not be expected to be made unless there was something which activated material that caused that view to be raised. And then it would be a procedural fairness expectation from there.

The CHAIR: Thank you very much for your attendance today, even those people who didn't have to do anything. Thank you for your service to the people of New South Wales. We appreciate it. The secretariat will be in contact in due course with any questions taken on notice or supplementary questions.

(The witnesses withdrew.)

The Committee proceeded to deliberate.