

Draft minutes no. 1

Wednesday 5 June 2019
Public Accountability Committee
Members' Lounge, Parliament House, Sydney at 10.31 am

1. **Members present**

Mr Borsak
Mr Farlow
Mr Graham
Mrs Houssos
Mr Khan
Mr Mason-Cox
Mr Shoebridge

2. **Apologies**

3. **Tabling of resolution establishing the Committee**

The Clerk tabled the resolution of the House establishing the committee, which reads as follows:

Appointment

1. A Public Accountability Committee be appointed.

Functions

2. The functions of the committee are to inquire into and examine the public accountability, financial management, regulatory impact and service delivery of New South Wales government departments, statutory bodies or corporations.
3. In performing its functions under paragraph 2, the committee may:
 - (a) examine the consolidated financial statements and general government sector financial statements transmitted to the Legislative Council by the Treasurer,
 - (b) examine the financial reports of authorities of the State, being financial reports that have been
 - (i) audited by the Auditor-General or an auditor appointed under section 47(1) of the Public Finance and Audit Act 1983, or
 - (ii) laid before the Legislative Council by a Minister of the Crown,
 - (c) examine the opinion or any report of the Auditor-General transmitted with the consolidated financial statements and general government sector financial statements or laid before the Legislative Council with the financial report of an authority of the State (including any documents annexed or appended to any such opinion or report),
 - (d) examine any report of the Auditor-General laid before the Legislative Council,
 - (e) report to the Legislative Council from time to time upon any item in, or any circumstances connected with, those financial reports, or reports or documents which the Committee considers ought to be brought to the notice of the Legislative Council,

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- (f) report to the Legislative Council from time to time any alteration which the Committee thinks desirable in the form of those financial reports or in the method of keeping them or in the method of receipt, expenditure or control of money relating to those financial reports, and
 - (g) inquire into expenditure by a Minister of the Crown made without Parliamentary sanction or appropriation or otherwise than in accordance with the provisions of the Public Finance and Audit Act 1983 or any other Act and report to the Legislative Council from time to time upon any matter connected with that expenditure which the Committee considers ought to be brought to the notice of the Legislative Council.
4. The functions of the committee do not extend to an examination of, inquiry into or report upon the estimates of any proposed expenditure by the State or by an authority of the State.

Referral of inquiries

5. The committee:
- (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
6. A committee meeting to consider a self-reference under paragraph 5(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
7. The Committee Clerk must convene a meeting within seven days of the receipt of the request, providing that members are given at least 24 hours' notice.
8. A majority of committee members is required to adopt the self-reference.
9. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

Membership

10. The committee is to consist of seven members comprising:
- (a) three government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

11. (1) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
- (2) The Chair of the committee is to be a non-government member.

Conduct of committee proceedings

12. Unless the committee decides otherwise:

- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
- (b) attachments to submissions are to remain confidential,
- (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (d) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
- (e) transcripts of evidence taken at public hearings are to be published,
- (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

4. Election of Chair

The committee noted that the Chair of the committee must be a non-government member.

The Clerk called for nominations for the Chair.

Mr Graham moved: That Mr Shoebridge be elected Chair of the committee.

There being no further nominations, the Clerk declared Mr Shoebridge elected Chair.

5. Election of Deputy Chair

Mr Shoebridge took the Chair.

The Chair called for nominations for Deputy Chair.

Mrs Houssos moved: That Mr Borsak be elected Deputy Chair of the committee.

There being no further nominations, the Chair declared Mr Borsak elected Deputy Chair.

6. Conduct of committee proceedings – Media

Resolved, on the motion of Mr Farlow: That unless the committee decides otherwise, the following procedures are to apply for the life of the committee:

- the committee authorise the filming, broadcasting, webcasting and still photography of its public proceedings, in accordance with the resolution of the Legislative Council of 18 October 2007

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- the committee webcast its public proceedings via the Parliament's website, where technically possible
- committee members use social media and electronic devices during committee proceedings unobtrusively, to avoid distraction to other committee members and witnesses
- media statements on behalf of the committee be made only by the Chair.

7. **Correspondence**

The committee noted the following items of correspondence.

Received:

- 28 February 2019 – Letter from the Hon Andrew Constance MP, Minister for Transport and Infrastructure, to Chairman, responding to the committee's request to provide an earlier government response to the report on the impact of the CBD and South East Light Rail project.

Sent:

- 17 December 2018 – Letter from Mr David Blunt, Clerk of the Parliaments, to the Hon Don Harwin MLC, Leader of the Government in the Legislative Council, requesting a government response to the report on the impact of the WestConnex project
- 18 December 2018 – Email from secretariat, to Ms Maree Laing, Community Organiser WestConnex Unit, Inner West Council, advising of the committee's decision to authorise the provision of video footage from the public hearings for the inquiry into the impact of the WestConnex inquiry
- 24 January 2019 – Email from secretariat, to Mr Julian Elliott, Head of Corporate Communications, Acciona Australia, advising of the committee's decision to not provide the requested video footage from Mr Bede Noonan's and Transport for NSW appearance at a hearing for the inquiry into the impact of the CBD and South East Light Rail project
- 24 January 2019 – Email from secretariat, to Ms Victoria Waller, Senior Policy and Project Officer, NSW Environment Protection Authority, advising of the committee's decision to publish attachments to answers to questions on notice received 30 November 2018 for the inquiry into the impact of the CBD and South East Light Rail project
- 25 January 2019 – Letter from Ms Beverly Duffy, Acting Clerk of the Parliaments, to the Hon Don Harwin MLC, Leader of the Government in the Legislative Council, requesting a government response for the report on the impact of the CBD and South East Light Rail project.

8. **Publication of minutes of the first meeting**

Resolved, on the motion of Mrs Houssos: That the committee publish the minutes of the first meeting on the committee's webpage, subject to the draft minutes being circulated to members.

9. **Briefing from the Auditor-General**

Resolved, on the motion of Mrs Houssos: That the committee invite the Auditor-General to provide an informal briefing on her role and priorities, on a date to be canvassed by the secretariat via email.

10. Adjournment

The committee adjourned at 10.39 am, *sine die*.

Tina Higgins

Clerk to the Committee