

Budget Estimates 2003-2004

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Terms of Reference

1. That the Budget Estimates and related papers for the financial year 2003 - 2004 presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.
2. That the Committees consider the Budget Estimates in accordance with the allocation of portfolios to the Committees.
3. For the purposes of this inquiry any Member of the House may attend a meeting of a Committee in relation to the Budget Estimates and question witnesses, participate in the deliberations of the Committee at such meeting and make a dissenting statement relating to the Budget Estimates, but may not vote or be counted for the purpose of any quorum.
4. The Committees must hear evidence on the Budget Estimates in public.
5. Not more than 3 Committees are to hear evidence on the Budget Estimates simultaneously.
6. When a Committee hears evidence on the Budget Estimates, the Chair is to call on items of expenditure in the order decided on and declare the proposed expenditure open for examination.
7. The Committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
8. The report of a Committee on the Budget Estimates may propose the further consideration of any items.
9. That a daily Hansard record of the hearings of a Committee on the Budget Estimates be published as soon as practicable after each day's proceedings.
10. The Committees have leave to sit during the sittings or any adjournment of the House.
11. That initial hearings of the Committees be according to a schedule prepared and circulated by the Leader of the Government.
12. The Committees may hold supplementary hearings as required.
13. The Committees present a final report to the House by Thursday 4 December 2003.

These terms of reference were referred to the Committee by Resolution the Legislative Council on 3 July 2003 (Minutes of Proceedings No 17, page 235), amended 29 October 2003 (Minutes of Proceedings No. 28, Item No. 5).¹

¹ On 4 December 2003 the House resolved to extend the reporting date until 26 February 2004 (Minutes of Proceedings No 38 page 490). On 25 February 2004 the House resolved to extend the reporting date until 11 March 2004 (Minutes of Proceedings No 40 page 542). On 11 March 2004 the House resolved to extend the reporting date until 31 March 2004 (Minutes of Proceedings No 44 page 599).

Committee Membership

Hon Jenny Gardiner MLC	The Nationals	<i>Chair</i>
Ms Sylvia Hale MLC	The Greens	<i>Deputy Chair</i>
Ms Jan Burnswoods MLC	Australian Labor Party	
Hon Tony Catanzariti MLC	Australian Labor Party	
Hon David Clarke MLC	Liberal Party	
Hon Kayee Griffin MLC	Australian Labor Party	
Hon David Oldfield MLC	One Nation	

Other Members who attended the hearings

Hon Tony Burke MLC	Australian Labor Party
Hon Ian Cohen MLC	The Greens
Hon Amanda Fazio MLC	Australian Labor Party
Hon Patricia Forsythe MLC	Liberal Party
Hon Michael Gallacher MLC	Liberal Party
Hon Kayee Griffin MLC	Australian Labor Party
Hon Don Harwin MLC	Liberal Party
Hon Greg Pearce MLC	Liberal Party
Hon Robyn Parker MLC	Liberal Party
Hon Peter Primrose MLC	Australian Labor Party
Ms Lee Rhiannon MLC	The Greens
Hon Christine Robertson MLC	Australian Labor Party
Hon Henry Tsang MLC	Australian Labor Party

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Chair's Foreword

General Purpose Standing Committee No 4 has examined the Budget Estimates for 2003-2004 for the portfolio areas of:

Transport Services and the Hunter

Energy and Utilities, Science and Medical Research

Roads and Housing

Infrastructure, Planning and Natural Resources

The Committee conducted twelve public hearings.

Some members of the Committee believed that a number of questions on notice directed to some of the departments and organisations in early hearings were either not answered or not answered satisfactorily and that further hearings were necessary. In other cases, there were issues raised at hearings which warranted further probing.

Accordingly, supplementary hearings for Transport Services, Energy and Utilities, and Roads and Housing were conducted.

The Committee expresses its appreciation to the relevant Ministers and officers of the departments and organisations who appeared before it.

The Committee also expresses its thanks to the General Purpose Standing Committee Secretariat staff and the Legislative Council Clerks who assisted Members in conducting the extensive hearings and other meetings in relation to the examination of the 2003-2004 Budget Estimates by General Purpose Standing Committee No. 4.



The Hon Jenny Gardiner MLC
Chair

Introduction

Referral of the 2003-2004 Budget Estimates

On 3 July 2003 the Legislative Council resolved that the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Funds be referred to the General Purpose Standing Committees for inquiry and report.² Each Committee was required to examine the Budget Estimates for their relevant portfolios and report to the House by Thursday 20 November 2003.³

On three occasions the House resolved to extend the reporting date for the General Purpose Standing Committee No 4 Inquiry into the 2003-2004 Budget Estimates.⁴

Examination of the Budget Estimates

General Purpose Standing Committee No 4 examined the Budget Estimates and related documents for its portfolios at a series of public hearings held on the following dates:

1 September 2003	Transport Services, the Hunter
2 September 2003	Energy and Utilities, Science and Medical Research
3 September 2003	Roads and Housing
4 September 2003	Infrastructure, Planning and Natural Resources
14 November 2003	Transport Services – supplementary hearing
24 November 2003	Energy and Utilities – supplementary hearing
24 November 2003	Roads and Housing – supplementary hearing
18 February 2004	Energy and Utilities – supplementary hearing
18 February 2004	Roads and Housing – supplementary hearing
20 February 2004	Transport Services – supplementary hearing
5 March 2004	Transport Services – supplementary hearing
26 March 2004	Transport Services – supplementary hearing.

This report summarises the main issues discussed at each hearing. The full transcript of evidence taken at these hearings can be found at the Committee's Web page accessible via the Parliament's home page at: www.parliament.nsw.gov.au. Hard copies of the transcript can be obtained by contacting the General Purpose Standing Committee Secretariat on 02 9230 3544.

² Minutes of Proceedings 3 July 2003 No 17 p235 ("Budget Estimates Resolution"), amended 29 October 2003, Minutes No. 28, Item No. 5.

³ Budget Estimates Resolution, para 13.

⁴ Minutes of Proceedings 4 December 2003 No 38 p490; Minutes of Proceedings 25 February 2004 No 40 p542; Minutes of Proceedings 11 March 2004 No 44 p599.

During these hearings, Ministers and departmental officers took a number of questions on notice. In addition Members lodged written questions on notice for all the portfolio areas by following the usual procedure of placing questions on the notice paper with the Clerks at the Table on days that the House sat.

Some members of the Committee noted that many questions taken on notice during the original round of hearings were either not answered or not answered to their satisfaction. Hence the recall of many witnesses to supplementary hearings. Copies of the questions and answers can be found at the Committee's Web page at the above address or by contacting the secretariat on the above number. Appendix 2 contains details of response times for questions placed on notice by the Committee as part of the 2003-2004 Budget Estimates inquiry.

Minutes of the Committee's proceedings appear at Appendix 3.

Chapter 1 **Infrastructure and Planning, and Natural Resources**

- 1.1** The Committee heard from the Hon Craig Knowles MP, Minister for Infrastructure, Planning and Natural Resources, together with Ms J Westacott, Director-General, Mr A Cappie-Wood, Deputy Director-General, Dr C Guest, Deputy Director-General, Mr P Lucas, Chief Financial Officer, the Department of Infrastructure, Planning and Natural Resources; Mr P Duncan, Assistant Managing Director, State Forests of New South Wales; Mr W Watkins, Director-General, Ms L Scambler, Director, Corporate and Finance Services, Department of Lands, at a public hearing held on 4 September 2003.
- 1.2** A list of the issues discussed at the hearing is provided below. For further details on these matters, see the Hansard record for the hearing, available from the Committee's web page accessible via Parliament's website at www.parliament.nsw.gov.au.

Department of Infrastructure, Planning and Natural Resources

- Structure of new Department of Infrastructure, Planning and Natural Resources (DIPNR)
- Implementation of Regional Planning and Natural Resources centrally and at a regional level
- Restructure to integrate land use and natural resource management.

Infrastructure

- Timetable for completion of the review of corporate services
- Location of the Threatened Species Unit
- Number of Ministerial staff
- Ministerial travel overseas
- Implementation of Parliamentary Inquiry recommendations.

Planning

- Former Director General of Planning, Ms Sue Holliday
- Devolution of government activity to the regional and local level
- Plan First reforms
- Legal advice on the constitutional authority of the State Government to raise money for a planning purpose
- Botany Bay Environmental Impact Statement and development of Port Botany
- Progress of the Strategy Advisory Committee on the Botany Bay/Kurnell Peninsula

- Botany Bay Strategy
- Roads and Traffic Authority commissioned reports by Connell Wagner
- Electrostatic precipitators and removal of particles
- M5 east tunnel emissions
- Dividend-paying agencies or enterprises within DIPNR ministerial portfolio - Sydney Harbour Foreshore Authority, State Forests and Land and Property Information
- Sydney Harbour Foreshore Authority
- Assessment of benefits of expansion of port facilities of Wollongong or Botany Bay
- Concerns about Orica and groundwater seepage
- Cabinet Decision No 206
- Expenditure by Sydney Harbour Foreshore Authority of \$15 million on Australian Technology Park
- DIPNR role in ensuring an adequate supply of affordable housing land
- Metropolitan Development Program (formerly Urban Development Programme)
- Government promotion of a population policy
- Sydney Airport Master Plan and State Government risk assessment
- Potential airport at Badgery's Creek.

Natural Resources

- Water quality monitoring and reporting in 2003-04
- Monitoring the effectiveness of interim environmental flow rules and their implementation in 2000-01, to 2003-04
- Water Trading Market
- Water Sharing Plan allocation of monies
- The National Water Initiative
- Impact on the National Water Initiative and the regulation of water in New South Wales of the inclusion of water services in the World Trade Organisation's General Agreement on Trades and Services
- Models of Water Use
- Future New South Wales water plans and policies
- Changes to the Water Management Act will and community consultation
- Government's response to the Native Vegetation Reform Implementation Group (Sinclair) Report
- Real figure for land clearing in 2002

- Vegetation Retention Targets based on bio-regions
- Successful prosecutions for illegal land clearing in 2002-03.

State Forests

- Wood supply agreement in the North-east Forest
- Possible sale of New South Wales pine plantations
- New South Wales Government softwood plantations' current value
- Regional Forest Agreements
- Current status of the Brigalow assessment process and its nine options.

Department of Lands

- Costs associated with the creation of the former Department of Land and Water Conservation.

Chapter 2 Roads and Housing

- 2.1** The Hon Carl Scully MP, Minister for Roads and Minister for Housing appeared before the Committee, together with the following advisers: Mr P Forward, Chief Executive, Roads and Traffic Authority, Mr B Skinner, Director, Finance, Roads and Traffic Authority, Mr T Barnes, Director-General, Department of Housing, Ms A Wannan, Acting Executive Director, Housing Systems, Department of Housing, Ms J Devine, Chief Financial Officer, Department of Housing, and Mr R McMahon, Director, Office of the Director-General, Department of Housing, at a public hearing on Wednesday 3 September 2003.
- 2.2** A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Roads

- Noise taskforce report on the Pacific Highway
- Opening of the Chinderah to Yelgun dual carriageway
- Heavy vehicle rest stops and the rest stops program
- Progress of the ten-year Pacific Highway upgrade agreement
- Federal Government's AusLink program
- Projects on the Princes Highway and the ten-year upgrade program
- Main Road 92 from Nowra to Nerriga
- Oak Flats to Dunmore dual carriageway project
- Turning lane for Strongs Road, Jaspers Brush
- Pavement audit at Heggo's Corner, Bendalong
- Pambula Bridge project
- Pollutant levels in the M5 East cross-city tunnel and motorist safety
- Timber Bridge program
- Construction of the F3 to M2 link
- Cashless tollway system
- Upgrade of the Spit Bridge, Manly
- Maintenance allocation for rural and regional roads
- Lane Cove tunnel property acquisitions
- Cost of the Bangor bypass
- Cost of the Ballina bypass dual carriageway
- Cost of the Liverpool to Parramatta transitway

- Construction of the Bowning deviation at the intersection of the Burley Griffin Way and the Hume Highway
- Delays in the Bonville project
- Construction of traffic lights in Mount Colah and Hornsby Heights
- Plans for Pacific Highway at Pymble and between Chatswood and Wahroonga.

Housing

- Review of the housing maintenance backlog
- Amount spent on contractors and complaints against contractors
- Maintenance and fire safety budget
- Benchmarks for maintenance waiting times
- Eviction of public housing tenants and social contracts
- Housing affordability and stamp duty
- Modification of public housing for people with disability
- Birrigal housing estate, Lake Macquarie
- Aboriginal Home Ownership program
- Limits on migration to Australia and Sydney
- Monitoring of the quality of maintenance
- Homelessness and people with disability
- Reduction in Department of Housing stock
- Housing Appeals Committee
- Income eligibility for public housing
- Public-Private Partnerships and renewal and increase of housing stock
- Tenant housing participation programs and people with disability
- Freedom of Information requests and advice provided to ministerial staff.

Supplementary hearings

2.3 Mr P Forward, Chief Executive, Mr B Skinner, Director, Finance, and Mr B Hannon, Director, Road Networking Infrastructure, of the Roads and Traffic Authority, and Mr T Barnes, Director-General, Ms M Jacobson, Executive Director, and Ms C. Mills, Executive Director, of the Department of Housing, appeared before the Committee at a public hearing on Monday 24 November 2003.

2.4 A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Roads

- Consultancies and contractors engaged by the RTA
- Media monitoring
- M5 Tunnel
- Lane Cove Tunnel
- Cross City Tunnel
- Highway Patrol and the Pacific Highway NightSafe Program
- North West Transit Link
- Bonville Bypass
- Sydney Northern Beaches Peninsula traffic
- Speed cameras
- Harbour Bridge traffic
- Pacific Highway upgrade.

Housing

- Consultancies and contractors
- Schedule of assets and value of housing properties
- Damage to properties by public housing tenants and evictions
- Community housing waiting lists
- Aboriginal Housing Authority
- Disabled persons in public housing and the Disability Action Plan
- Waiting lists for public housing
- Partnership Against Homelessness Network
- Housing Appeals Committee
- Critical Asset Improvement program and property maintenance
- Community fire units
- Media monitoring, media and communications advisors
- Advertising by the Department
- Employment of previous ministerial staff.

- 2.5 Mr P Forward, Chief Executive of the Roads and Traffic Authority appeared before the Committee at a public hearing on Wednesday, 18 February 2004.
- 2.6 A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Roads

- Studies into perceived increased pedestrian/driver risk from 4WDs
- M4 East - traffic projections
- M5 East tunnel traffic capacity and current volumes
- Peak traffic periods for road use
- Traffic volume from Northern Beaches
- Bus priority measures.

Chapter 3 **Transport services, Hunter**

- 3.1** The Hon Michael Costa, MLC, Minister for Transport and Minister for the Hunter appeared before the Committee, together with the following advisers: Mr J Lee, Director General and Mr P Scarlett, Executive Director, Finance, Ministry of Transport; Mr V Graham; Acting Chief Executive Officer State Rail; Mr G Seabury Acting Chief Executive Officer, Rail Infrastructure Corporation; and Mr J Stott, Chief Executive Officer, State Transit Authority at a public hearing held on Monday 4 September 2003.
- 3.2** A brief summary of issues discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au.

Transport Services

- Media monitoring expenses incurred by the ministerial office
- Employment of media and public relations advisors
- Expenditure on consultants
- *Keep on Training Sydney* advertising campaign
- Hamilton to Newcastle railway
- Parramatta to Epping to Chatswood rail link
- Newcastle high-speed rail link proposal
- Sutherland – Wollongong high-speed rail link proposal
- Public Transport fare increases
- Parramatta transport interchange
- Disability accessible buses in Sydney and Newcastle
- Easy Access Program for improving accessibility of trains and rail stations
- Integrated ticketing project
- Millennium trains
- Outer-suburban railway carriages for the Illawarra and the Central Coast
- Railway carriages for Hunter valley
- Sydney – Canberra rail line
- Transport services for residents of Wollongong during closure of Lawrence Hargrave Drive
- Patronage of airport rail link
- Patronage of Liverpool to Parramatta transitway
- Taxi subsidy scheme for people with a disability

- Freedom of information application handling
- Fire testing of Tangara train carriages.

Supplementary hearings

- 3.3** Mr J Lee, Director General, Ministry of Transport, Mr V Graham, Acting CEO, State Rail Authority, Mr J Stott, CEO, State Transit Authority and Mr G Seabury, Acting CEO, Rail Infrastructure Corporation attended a supplementary hearing on Friday 14 November 2003.
- 3.4** A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au.

Transport Services

- Waterfall inquiry report
- Sectorisation of CityRail network – the Rail Clearways Program
- Increased accessibility for people with disabilities
- Impact of the creation of the Sydney Ferries Corporation on employment within Sydney Ferries
- Amalgamation of the Rail Infrastructure Corporation and State Rail into RailCorp
- Possible redundancies resulting from the formation of RailCorp
- Future of the Tamworth to Armidale CountryLink services
- Financial viability of CountryLink
- CountryLink solutions teams
- The Parry Report
- Cost of the Millennium Train project to date, including maintenance costs
- Reliability and performance of Millennium Trains
- New facilities built from proceeds of the parking space levy
- Millennium Train website
- Integrated ticketing program
- Effect of Green Square development on patronage of the Airport Rail Link
- Unsworth review of bus services in NSW – release of interim report
- Use of public transport services to and from Sydney Olympic Park
- XPT life expectancy and timetable for replacement
- Land acquisition required to complete the Chatswood to Parramatta rail link

- Sydney to Canberra Explorer service
- Drug and alcohol testing of StateRail and Rail Infrastructure Corporation employees
- Rivercat service to Parramatta.

3.5 Mr R Christie, Advisor, Transport Safety and Rail Regulator, from the Ministry of Transport, Mr J Stott, CEO of the State Transit Authority, and Mr V Graham, Acting CEO, Ms F McPherson, General Manager - Human Resources, Ms H Willoughby, Acting Executive Director - Communications and Mr N Al-Malah, FOI Officer, all from State Rail Authority appeared before the Committee at a public hearing on Friday 20 February 2004.

3.6 A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Transport Services

- Train driver numbers and recruitment
- Overtime shifts for train drivers and State Rail Authority overtime budget
- Train driver enterprise agreements
- CountryLink services
- Employee fatigue index scores
- Provisional accreditation of RailCorp
- Waterfall inquiry
- Negotiations with Rail Tram and Bus Union
- Train driver medical assessments
- Ferry accidents in Cockle Bay and Circular Quay
- Rail service expansion plans
- Action for Public Transport 2010 document
- Lower Hunter Transport Working Group
- Train driver drug testing program
- Bus driver random breath test protocols
- Manly - Circular Quay ferry/JetCat services
- Processing of FOI applications within State Rail Authority.

3.7 Mr J Lee, Director General, and Mr M Duffy, Director, Sustainable Transport Policy, Ministry of Transport, Mr R Christie, Chairman, Independent Transport Safety and Reliability Regulator, Mr J Stott, Chief Executive Officer, State Transit Authority, Mr V Graham, Chief Executive Officer, and Mr M Greenhill, Manager, Industrial Relations, Rail Corporation NSW, and Ms H Willoughby, A/Executive Director, Communications and Mr N Al-Malah,

FOI Officer, State Rail Authority appeared before the Committee at a public hearing on Friday 5 March 2004.

3.8 A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Transport Services

- Political party membership of departmental employees
- Employment history of departmental officers
- Employment processes for temporary filling of position of FOI Officer, State Rail Authority
- The Unsworth public transport review and report
- Lower Hunter Transport Working Group
- Honeysuckle Development Corporation Board
- Parry Inquiry - public and community transport in rural and regional NSW
- Proposal for introduction of e-tags for taxis in metropolitan Sydney
- Public transport arrangements for Royal Easter Show
- Current and projected staff levels for Independent Transport Safety & Reliability Regulator
- Remuneration of Chairman, Independent Transport Safety & Reliability Regulator
- Manager, Industrial Relations, Rail Corporation NSW - position role and responsibilities
- State Rail contractors
- Proposed arrangements between New South Wales Government and the Australian Rail Track Corporation
- Train driver numbers and recruitment
- Fare-free day on CityRail network
- Criteria for determining the type and level of investigation into a rail safety incident
- Director, Sustainable Transport Policy - position role and responsibilities
- Subsidised Student Transport Scheme
- CountryLink rail services and patronage
- Smartcard-based ticketing system for public transport.

3.9 During the hearing Mr Gallacher requested that Ms Willoughby provide the Committee a copy of Rail Corporation and State Rail's Estimates briefing folder. Ms Willoughby agreed to

provide a version of this document on Tuesday 9 March with advice sought on deletion of personal references.

- 3.10** Mr Gallacher subsequently requested the folder be provided to the Committee at the conclusion of the hearing. Mr Graham in his position as senior officer representing Rail Corporation and State Rail declined to produce the document. After further discussion the Committee agreed to deliberate upon the matter and advise the witnesses on the outcome of the deliberation.
- 3.11** Some members of the Committee expressed disappointment at the decision of Mr Graham to decline the request made by Mr Gallacher. The Committee noted the commitment made earlier during the hearing by Ms Willoughby to provide the document by Tuesday 9 March. The Committee resolved to seek the advice of the Clerk of the House on the powers of Legislative Council Committees to order the immediate production of documents by witnesses. The Committee received the advice of the Clerk on 10 March 2004.
- 3.12** The above-mentioned document was provided to the Committee on 10 March 2004 along with the written answers to questions taken on notice at the public hearing.
- 3.13** Mr V Graham, Chief Executive Officer, Rail Corporation NSW, Mr J Stott, Chief Executive Officer, State Transit Authority of NSW, and Mr J Lee, Director General, Ministry of Transport appeared before the Committee at a public hearing on Friday 26 March 2004.
- 3.14** The Committee had requested the attendance of Mr B Watson, General Manager, Sydney Ferries at the public hearing. However, Mr Watson was formally removed from his position of General Manager, Sydney Ferries and from the Public Service on Thursday 25 March 2004.
- 3.15** A brief summary of the topics discussed at the hearing is provided below. For further details on these matters see the Hansard record of the hearing, available on the Committee's web page accessible via the Parliament's website at www.parliament.nsw.gov.au

Transport Services

- Review of policy for emergency evacuation of train passengers
- Waterfall Commission of Inquiry
- Vigilance controls – trains
- State Rail legal representative costs for Waterfall Commission of Inquiry
- Public subsidies for CountryLink and CityRail services
- Fire incidents on passenger trains
- National Counter-terrorism Task Force
- CityRail fare-free day
- Random drug testing of train drivers
- Rapiscan on-the-spot drug testing technology
- Review of train-to-train communications

- Easy access program of train station upgrading
- Removal from position of General Manager, Sydney Ferries and related investigations
- Investigation into *Lady Heron* Ferry crash incident
- Erosion damage to upper Parramatta River – relationship to and impact on Parramatta RiverCat services
- Sydney Ferries – taxi service agreement
- Sydney Ferries Operational Management Team
- Sydney Ferries employee drug and alcohol testing regime
- Heavy maintenance schedules for Sydney Ferries
- Transport disability service standards – involvement of State Transit Authority in development and implementation
- Impact of traffic management schemes on disability-accessible buses
- Compressed natural gas powered buses
- Repair of structural cracks in bendy bus fleet
- Recruitment procedure for position of Director of Community Transport
- Smartcard ticketing system – contract with ERG for delivery of system
- Sydney Ferries charter of vessels over summer period
- Sydney Ferries employee enterprise bargaining agreements
- Taylor report into Sydney Ferries
- Unsworth Review of Bus Services
- Government contracts with private bus companies
- King Brothers bus company.

Chapter 4 **Energy and Utilities, Science and Medical Research**

- 4.1 The Hon Frank Sartor MP, Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on Arts appeared before the Committee together with the following advisers: Mr G Robinson, Managing Director, Sydney Water Corporation; Mr B Steffen, Director General and Mr B Morcombe, Finance Manager, Ministry for Energy and Utilities; Ms R Kruk, Director-General, Department of Health; Mr J Schmidt, Assistant Director-General and Ms K Doyle, Director, BioUnit, The Cabinet Office; and Mr P Broad, Managing Director, Energy Australia at a public hearing held on 2 September 2003.
- 4.2 A list of issues discussed at the hearing is provided below. For further details on these matters, see the Hansard record for the hearing available on the Committee's webpage accessible via the Parliament's website at www.parliament.nsw.gov.au.

Science and Medical Research

- Budget for science and medical research
- Staffing numbers
- Cancer Institute
- BioFirst Program.

Energy and Utilities

- Water re-use projects
- Georges River Water Strategy
- Water consumption and demand management
- Sydney Water land at Cooks Cove
- Project North Head
- Bio-solids residue management
- Priority sewage programs
- Sydney Water billing system
- Water pricing issues
- Redundancies at Sydney Water
- Environmental protection projects
- Country Towns Water Supply and Sewerage Scheme
- Energy Australia's greenhouse gas reduction strategy

- Energy demand management
- Energy demands of the SCG during night-time matches
- Recent Sydney blackouts.

Supplementary hearings

- 4.3 Mr G Robinson, Managing Director, Sydney Water Corporation; Mr B Steffen, Director General, Ministry for Energy and Utilities; and Mr P Broad, Managing Director, Energy Australia appeared before the Committee at a public hearing held on 24 November 2003. November 2003
- 4.4 A list of issues discussed at the hearing is provided below. For further details on these matters, see the Hansard record for the hearing available on the Committee's webpage accessible via the Parliament's website at www.parliament.nsw.gov.au.

Energy and Utilities

- Re-use of grey water on Georges River Strategy
- Northside Storage Tunnel and Auditor General's comments; pollution from storm water drains
- Sydney Water Bathurst St building renovations
- Services provided by Misho Architects to Sydney Water
- ICAC referral by Sydney Water regarding relationship between the Managing Director and Misho
- Media monitoring
- Sustainable energy unit
- Kyoto Agreement and Greenhouse Gases Office
- Mandatory water restrictions
- LSM consultancy
- Price Waterhouse consultancies
- Media and communications advisors employed by Sydney Water
- Advertising
- Water shortages and dam construction
- Water tank rebates
- Leak reduction program
- Storm water retention schemes
- Country Towns Water Supply and Sewerage program

- Delegation level of Managing Director – Sydney Water; Energy Australia
- Energy efficiency programs
- Engagement of consultancies by Energy Australia
- Energy Australia capital expenditure submission to the Independent Pricing and Regulatory Tribunal of NSW
- Electrical fires and blackouts
- Energy efficiency design in apartments.

4.5 Ms G Kibble, Chairman, Ms A Tsoukatos, General Manager, Corporate Affairs, Mr G Robinson, Managing Director, Mr R Quill, General Manager, Asset Solutions, Mr W Watkins, Manager Group Property, Mr I Grey, General Manager, People and Property, all from Sydney Water Corporation appeared before the Committee at a public hearing held on 18 February 2004.

4.6 A list of issues discussed at the hearing is provided below. For further details on these matters, see the Hansard record for the hearing available on the Committee's webpage accessible via the Parliament's website at www.parliament.nsw.gov.au.

Energy and Utilities

- Recruitment process and appointment of Managing Director, Sydney Water Corporation
- Allegations of conflict of interest referred to ICAC
- Internal Audit Bureau independent investigation report
- Sydney Water Corporation Chairman's confidence in Managing Director
- Restructuring of Sydney Water Corporation
- Customer Information Billing System (CIBS) project
- Sydney Water Board's procurement manual
- Reviews conducted in Corporate Services
- Corporate Governance Review Contract
- Regulatory Management Contract
- Counter-terrorism Contract
- Senior structure of Sydney Water Corporation
- Sydney deep ocean outfalls
- Blue-green algae in Sydney's water system
- Effluent and industrial waste discharge from Sydney ocean outfalls
- Leak reduction strategies

- Primary and secondary sewage treatment plants.

- 4.7 During the hearing Mr Pearce requested that Ms Kibble provide to the Committee on a confidential basis a copy of the Internal Audit Bureau report referred to in evidence.
- 4.8 Ms Kibble declined the Committee's request on the basis that the document had been referred to the ICAC for its investigation. Ms Kibble agreed to contact the ICAC as to whether the document could be made available to the Committee and to provide the advice received from the ICAC for consideration at the Committee's next meeting.
- 4.9 In subsequent correspondence to the Committee Chair Ms Kibble advised that the ICAC was of the view that it had no property in the IAB report and held no view about preventing production of the report to the Committee. Notwithstanding this advice from the ICAC, Ms Kibble declined to disclose the report to the Committee on a voluntary basis.
- 4.10 Prior to the Committee being able to convene to consider any action it might take with respect to this matter, the Hon Michael Egan gave notice of motion in the House of an order for papers that included the IAB report. This motion was passed in the House on the 25 February 2004, and the documents were tabled in the House on the following day. In accordance with the terms of the order, the documents are made available only to Members of the Legislative Council.
- 4.11 The Committee, while noting the action taken in the House, deliberated upon Ms Kibble's response and agreed to seek advice from the Clerk of the Legislative Council on the power of Legislative Council Committees to order papers. The Committee received the advice of the Clerk on 10 March 2004.
- 4.12 The Committee notes that on the day that the IAB report was tabled in the House the Board of the Sydney Water Corporation dismissed the Corporation's Managing Director, Mr Greg Robinson. The Committee further notes that eight days earlier at the public hearing the following exchange took place between the Chair of the Committee and Ms Kibble:

CHAIR: Can you confirm today your absolute confidence in Mr Robinson's performance as Managing Director of Sydney Water Corporation?

Ms KIBBLE: Yes.

Appendix 1

Establishment, powers and portfolios of the General Purpose Standing Committees

Establishment, powers and portfolios of the General Purpose Standing Committees

1. Establishment of the General Purpose Standing Committees

Five General Purpose Standing Committees were first constituted in 1997.⁵ The Committees were reappointed on 3 July 2003, shortly after the commencement of the present Parliament.⁶ Since the inception of the General Purpose Standing Committees, the Budget Estimates and related papers have been referred to them for inquiry and report.

The functions of the General Purpose Standing Committees are to inquire into and report on:

- any matters referred to them by the House,
- the expenditure, performance or effectiveness of any department of government, statutory body or corporation,
- any matter in any annual report of a department of government, statutory body or corporation.⁷

2. Powers of the General Purpose Standing Committees

The General Purpose Standing Committees have the power to:

- send for and examine persons, papers, records and things
- adjourn from place to place
- make visits of inspection within the State
- request the attendance of and examine members of the House.⁸

The committees also have the power to:

- publish, before presentation to the House, submissions received and evidence taken in public⁹ and
- report from time to time their proceedings, evidence taken in public and recommendations.¹⁰

⁵ Minutes of Proceedings, No 65, 7 May 1997, p. 677.

⁶ Minutes of Proceedings, No 17, 3 July 2003, pp. 222-235 (hereafter referred to as GPSC Resolution).

⁷ GPSC Resolution, para 3(1).

⁸ GPSC Resolution, para 4(a)-(d).

⁹ GPSC Resolution, para 16(1).

¹⁰ GPSC Resolution, para 18.

3. Portfolios

The five General Purpose Standing Committees have responsibility for Government Ministers' portfolio responsibilities,¹¹ which are as follows:

General Purpose Standing Committee No. 1

Premier

Arts

Citizenship

Education and Training

Aboriginal Affairs

Treasury

State Development

Special Minister of State

Commerce

Industrial Relations

Central Coast

The Legislature

General Purpose Standing Committee No. 2

Health

Community Services

Ageing

Disability Services

Youth

Tourism

Sport and Recreation

Women

Gaming and Racing

General Purpose Standing Committee No. 3

Police

Attorney General

Juvenile Justice

Western Sydney

Fair Trading

Justice

¹¹ GPSC Resolution, para 1.

General Purpose Standing Committee No. 4

Infrastructure and Planning
Natural Resources
Roads
Housing
Transport Services
Hunter
Energy and Utilities
Science and Medical Research

General Purpose Standing Committee No. 5

Environment
Rural Affairs
Local Government
Emergency Services
Regional Development
Illawarra
Small Business
Agriculture and Fisheries
Mineral Resources

Appendix 2

Response time for questions on notice

Response times for questions on notice

The Committee resolved on Monday 25 August 2003 that Ministers be requested to lodge answers to questions on notice taken during the hearings within 35 calendar days of the day on which the questions are forwarded to the Minister by the Committee secretariat. The return date for answers are set out in the table below.

Minister	Hearing date	Agreed time period	Date questions sent	Return date for answers	Date answers received
Hon Michael Costa MLC	1 Sept 2003	35 days	4 Sept 2003	8 Oct 2003	9 Oct 2003
Hon Frank Sartor MP	2 Sept 2003	35 days	9 Sept 2003	14 Oct 2003	14 Oct 2003
Hon Carl Scully MP	3 Sept 2003	35 days	9 Sept 2003	14 Oct 2003	14 Oct 2003
Hon Craig Knowles MP	4 Sept 2003	35 days	11 Sep 2003	16 Oct 2003	17 Oct 2003

The Committee held five supplementary hearings during which some questions were taken on notice. Due to the shortened time frame the Committee was not able to give the normal 35 days for return of answers. The return dates for answers are set out in the table below.

Department/Agency	Hearing date	Agreed time period	Return date for answers	Date answers received
Transport	14 Nov 2003	14 days	1 Dec 2003	2 Dec 2003
Energy & Utilities	24 Nov 2003	7 days	1 Dec 2003	1 Dec 2003
Roads & Housing	24 Nov 2003	7 days	1 Dec 2003	1 Dec 2003
Energy & Utilities	18 Feb 2004	7 days	24 Feb 2004	24 Feb 2004
Roads & Housing	18 Feb 2004	7 days	24 Feb 2004	20 Feb 2004
Transport	20 Feb 2004	5 days	24 Feb 2004	4 Mar 2004
Transport	5 Mar 2004	5 days	9 Mar 2004	10 Mar 2004
Transport	26 March 2004	4 days	29 March 2004	30 March 2004

Appendix 3

Minutes of proceedings

Minutes of proceedings

Minutes No 2

Monday, 1 September 2003

At Parliament House at 5.20pm, Legislative Council Chamber

1. Members Present

Ms Jenny Gardiner (*Chair*)
 Ms Sylvia Hale (*Deputy Chair*)
 Mr Tony Catanzariti
 Mr Michael Gallacher (Clarke)
 Ms Kayee Griffin
 Mr David Oldfield
 Mr Henry Tsang (Burnswoods)

2. Substitute arrangements

The Chair advised that Mr Tsang would be representing Ms Burnswoods and Mr Gallacher would be representing Mr Clarke.

3. Correspondence

The Chair tabled the following items of correspondence:

Received

- Letter from the Government Whip dated 25 August 2003 advising the Committee of Government substitutions for the Estimates hearings
- Letter from the Opposition Whip dated 1 September 2003 advising the Committee of Government substitutions for the Estimates hearings
- Letter from the Hon Michael Gallacher MLC dated 29 August 2003 requesting the attendance of the Executive Director, Finance and Corporate Services, Ministry for Transport and Mr Barry Lovat, State Rail Authority for the Budget Estimates hearing examining the portfolio areas of Transport Services on Monday 1 September 2003
- A letter from the Hon Robyn Parker MLC dated 29 August 2003 requesting the attendance of the Director of Corporate Services, Ministry for Energy and Utilities, for the Budget Estimates hearing examining the portfolio areas of Energy and Utilities on Tuesday 2 September 2003.
- A letter from the Hon Patricia Forsythe MLC dated 29 August 2003 requesting the attendance of the Head of Finance, Department of Infrastructure, Planning and Natural Resources and the Head of Finance, Department of Lands, for the Budget Estimates hearing examining the portfolio areas of Infrastructure and Planning and Natural Resources on Wednesday 3 September 2003

4. Budget Estimates 2003-2004

The Chair made a statement to Members regarding the broadcasting of proceedings.

The Hon Michael Costa MLC, Minister for Transport Services, and Minister for the Hunter, was admitted and accompanied by the following advisers:

State Rail Authority

Mr Vince Graham, Acting CEO, State Rail Authority
 Mr Barry Lovat, Project Director, State Rail

Rail Infrastructure Corporation

Mr Gary Seabury, Acting CEO, Rail Infrastructure Corporation

Ministry of Transport

Mr John Lee, Director General, Ministry of Transport

Mr Peter Scarlett, Executive Director, Finance, Ministry of Transport

State Transit

Mr John Stott, CEO, State Transit

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Transport Services and the Hunter open for examination.

The Minister and his advisers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Transport Services and the Hunter concluded and the witnesses withdrew.

5. Adjournment

The Committee adjourned at 7:30pm until 8:00pm on Tuesday, 2 September 2003.

Tanya Bosch

Clerk to the Committee

Minutes No 3

Tuesday, 2 September 2003

At Parliament House at 8.10pm, Room 814/815

1. Members Present

Ms Jenny Gardiner (*Chair*)
 Ms Sylvia Hale (*Deputy Chair*)
 Ms Jan Burnswoods
 Mr Tony Burke (Griffin)
 Mr Tony Catanzariti
 Mr David Oldfield
 Ms Robyn Parker (Clarke)

2. Substitute arrangements

The Chair advised that Mr Burke would be representing Ms Griffin and Ms Parker would be representing Mr Clarke.

3. Correspondence

The Chair tabled the following item of correspondence:

- Letter from Mr Sartor, Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health, Minister Assisting the Premier on the Arts, dated 2 September 2003, requesting that Science and Medical Research and Health (Cancer) segments be considered first in the hearing.

4. Budget Estimates 2003-2004

The Chair made a statement to Members regarding the broadcasting of proceedings.

The Hon Frank Sartor, Minister for Energy and Utilities, Minister for Science and Medical Research was admitted and accompanied by the following advisers:

Sydney Water Corporation

Mr Gregory Robinson, Managing Director

Ministry for Energy and Utilities

Mr Brian Steffan, Director General
 Mr Bruce Morcombe, Finance Manager

Energy Australia

Mr Paul Broad, Chief Executive Officer

Department of Health

Ms Robyn Kruk
 Director General

The Cabinet Office

Mr John Schmidt, Assistant Director General
 Ms Kerry Doyle, Director, BioUnit

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Energy and Utilities, Science and Medical Research open for examination.

The Minister and his advisers answered questions by Members of the Committee.

The Minister tendered a document entitled “*CTWS & S Program funding break down by region*”. Resolved, on the motion of Ms Parker, that the document be accepted.

Examination of the proposed expenditure for the portfolio areas of Energy and Utilities, Science and Medical Research concluded and the witnesses withdrew.

Resolved, on the motion of Ms Parker, that under Section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk of the Committee to publish the documents accepted by the Committee during tonight’s hearing.

5. Adjournment

The Committee adjourned at 10.02pm until 8:00 pm on Wednesday, 3 September 2003.

Tanya Bosch
Clerk to the Committee

Minutes No 4

Wednesday, 3 September 2003

At Parliament House at 7.45pm, Room 814/815

1. Members Present

Ms Jenny Gardiner (*Chair*)
 Ms Sylvia Hale (*Deputy Chair*)
 Mr Tony Catanzariti
 Ms Amanda Fazio (Burnswoods)
 Mr Don Harwin (Clarke)
 Ms Kayee Griffin
 Mr David Oldfield

2. Substitute arrangements

The Chair advised that Ms Fazio would be representing Ms Burnswoods and Mr Harwin would be representing Mr Clarke.

3. Correspondence

The Chair tabled the following item of correspondence:

Received

- Letter from the Government Whip dated 3 September 2003 advising the Committee of revised substitutions for the remaining budget estimates hearings.

4. Budget Estimates 2003-2004

The Chair made a statement to Members regarding the broadcasting of proceedings.

The Hon Carl Scully, Minister for Roads, and Minister for Housing was admitted and accompanied by the following advisers:

Department of Housing

Mr Terry Barnes, Director-General
 Ms Alison Wannan, A/Executive Director, Housing Systems
 Ms Jo Devine, Chief Financial Officer
 Mr Robert McMahon, Director, Office of the Director-General

Roads and Traffic Authority

Mr Paul Ford, Chief Executive, Roads and Traffic Authority
 Mr Brett Skinner, Chief Financial Officer

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Roads and Housing open for examination.

The Minister and his advisers answered questions by Members of the Committee.

Ms Fazio raised a point of order relating to the relevance of Mr Harwin's question. The Chair allowed the question.

Examination of the proposed expenditure for the portfolio areas of Roads and Housing concluded and the witnesses withdrew.

The Chair advised that the Treasurer, the Hon Michael Egan MLC, tabled Budget Estimates Paper 3.3 on Tuesday 2 September 2003 and referred this to the General Purpose Standing Committees for their inquiry and report as part of the 2003-2004 Budget Estimates inquiry.

5. Adjournment

The Committee adjourned at 10pm until 5.15pm on Thursday, 4 September 2003.

Tanya Bosch
Clerk to the Committee

Minutes No 5

Thursday, 4 September 2003

At Parliament House at 5.30pm, Jubilee Room

1. Members Present

Ms Jenny Gardiner (*Chair*)
 Ms Sylvia Hale (*Deputy Chair*)
 Ms Jan Burnswoods
 Mr Tony Catanzariti
 Ms Patricia Forsythe (Clarke)
 Ms Kayee Griffin
 Mr David Oldfield

At 7.45pm

Mr Tony Burke (Catanzariti)
 Mr Peter Primrose (Griffin)

2. Substitute arrangements

The Chair advised that Ms Forsythe would be representing Mr Clarke, Mr Burke would be representing Mr Catanzariti from 7.45pm, and Mr Primrose would be representing Ms Griffin from 7.45pm.

3. Budget Estimates 2003-2004

The Chair made a statement to Members regarding the broadcasting of proceedings.

The Hon Craig Knowles MP, Minister for Infrastructure and Planning, and Minister for Natural Resources was admitted and accompanied by the following advisers:

Department of Infrastructure, Planning and Natural Resources

Ms Jennifer Westacott, Director General
 Mr Andrew Cappie-Wood, Deputy Director General
 Mr Chris Guest, Deputy Director General
 Mr Peter Lucas, Chief Financial Officer

State Forests

Mr Peter Duncan, Acting Managing Director

Department of Lands

Mr Warwick Watkins, Director General
 Ms Louise Scambler, Director Corporate/Finance Services

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Infrastructure and Planning, and Natural Resources open for examination.

The Minister and his advisers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Infrastructure and Planning, and Natural Resources concluded and the witnesses withdrew.

4. Adjournment

The Committee adjourned at 7.55 pm *sine die*.

Tanya Bosch

Clerk to the Committee

Minutes No 7

Thursday 30 October 2003

At Parliament House, at 1.12pm, Room 1108

1. Members present

Ms Gardiner (*Chair*)
 Ms Hale (*Deputy Chair*)
 Ms Burnswoods
 Mr Catanzariti
 Mr Clarke
 Ms Griffin
 Mr Oldfield

2. Participating member

Ms Cusack

3. Minutes

Resolved, on the motion of Mr Oldfield, that Minute Nos 1, 2, 3, 4 and 5 be confirmed.

4. Correspondence

The Chair tabled the following items of correspondence:

Received

- Answers to questions on notice from the Minister for Transport Services & the Hunter received 9 October 2003
- Answers to questions on notice from the Minister for Roads and Housing received 14 October 2003
- Answers to questions on notice from the Minister for Energy & Utilities, Science and Medical Research received 14 October 2003
- Answers to questions on notice from the Minister for Infrastructure, Planning & Natural Resources received 17 October 2003
- Letter to the Committee Chair from Cr Danny Mackin, Senior Vice president, WESROC, requesting the Committee consider an inquiry into the Epping to Parramatta rail link, received 19 September 2003.

Sent

- Letter to the Minister for Transport Services & the Hunter dated 3 September 2003 re questions taken on notice during budget estimates hearing
- Letter to the Roads and Housing dated 9 September 2003 re questions taken on notice during budget estimates hearing
- Letter to the Minister for energy & Utilities, Science & Medical Research dated 9 September 2003 re questions taken on notice during budget estimates hearing
- Letter to the Minister for Infrastructure, Planning & Natural Resources dated 11 September 2003 re questions taken on notice during budget estimates hearing

Resolved, on the motion of Ms Hale, that the Committee defer consideration of the correspondence received from WESROC until a future GPSC 2 meeting.

5. Answers to questions on notice

The Committee considered answers to questions on notice taken during budget estimates hearings, previously circulated to the Committee.

Ms Hale moved that GPSC 4 hold up to one day of supplementary budget estimates hearings and invite the Minister for Roads and Housing and the Minister for Energy & Utilities, Science & Medical Research and in addition recall the following people:

- Mr V Graham, Acting CEO, State Rail Authority
- Mr B Lovat, State Rail Authority
- Mr J Stott, CEO, State Transit Authority
- Mr J Lee, Director General, Department of Transport
- Mr G Seabury, Acting CEO, Rail Infrastructure Authority
- Mr T Barnes, Director General, Department of Housing
- Mr G Robinson, Managing Director, Sydney Water Corporation
- Mr P Broad, Managing Director, Energy Australia
- Mr P Forward, Chief Executive, Roads and Traffic Authority

The Committee deliberated.

Question put.

Ayes: Ms Gardiner, Ms Hale, Mr Clarke, Mr Oldfield

Noes: Ms Burnswoods, Mr Catanzariti, Ms Griffin

Question resolved in the affirmative.

6. Adjournment

The Committee adjourned at 1.40pm until 5.30pm, Thursday 30 October 2003.

Rachel Simpson

Clerk to the Committee

Minutes No. 10

Friday, 14 November 2003

At Jubilee Room, Parliament House at 2.00pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Mr Gallacher (Clarke)
Ms Griffin
Mr Oldfield
Ms Rhiannon (Hale)

2. Apologies

Mr Tony Catanzariti

3. Substitute arrangements

The Chair advised that Mr Gallacher would be representing Mr Clarke and Ms Rhiannon would be representing Ms Hale.

4. Budget Estimates 2003-2004 – Supplementary Hearings

The Chair made a statement to Members regarding the broadcasting of proceedings.

The following departmental officers were admitted:

Department of Transport

Mr J Lee, Director General

State Rail Authority

Mr V Graham, Acting Chief Executive Officer

State Transit Authority

Mr J Stott, Chief Executive Officer

Rail Infrastructure Authority

Mr G Seabury, Acting Chief Executive Officer

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Transport open for examination.

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

5. Deliberative after the hearing

Correspondence

The Chair tabled the following items of correspondence:

Received

- Letter from Mr Kent Donaldson, Executive Director, Rail Transport and Safety Regulator, dated 7 November 2003 further explaining his evidence

Sent

- Letter to the Minister for Transport Services dated 11 November 2003 regarding supplementary budget estimates hearings
- Letter to the Minister for Energy and Utilities dated 11 November 2003 regarding supplementary budget estimates hearings
- Letter to the Minister for Roads and Housing dated 11 November 2003 regarding supplementary budget estimates hearings

Questions taken on Notice during the hearing

Resolved, on the motion of Mr Oldfield, that the minutes of meeting no. 9 be confirmed.

Resolved, on the motion of Mr Gallacher, that the officers be requested to return answers to questions on notice taken during budget estimates hearings within 14 days of the day on which the question is forwarded to the Minister by the Committee Clerk.

Additional supplementary hearings

Mr Gallacher indicated that although the Opposition members did not wish to schedule a supplementary hearing at this stage they reserved the right to do so if the answers received to the questions taken on notice during the evidence proved unsatisfactory.

Resolved, on the motion of Ms Rhiannon, that the Committee hold a further hearing if required on a date to be determined by the Chair after consulting with Committee members to consider matters relating to the portfolio areas of Transport Services.

6. Adjournment

The Committee adjourned at 4.15pm until 12.30pm on Monday, 24 November 2003(Budget Estimates).

Steven Reynolds
Clerk to the Committee

Minutes No 11

Monday, 24 November 2003
At Parliament House at 12.00pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Mr Pearce (Clarke until 2.30pm)
Mr Clarke (from 3.00pm)
Ms Griffin
Ms Rhiannon (Hale)
Mr Oldfield

2. Apologies

Mr T Catanzariti

3. Substitute arrangements

The Chair advised that Mr Pearce would be representing Mr Clarke until 2.30pm, and Ms Rhiannon would be representing Ms Hale.

4. Budget Estimates 2003-2004 – Supplementary Hearings

The Chair made a statement to Members regarding the broadcasting of proceedings.

The following departmental officers were admitted:

Ministry for Energy and Utilities

Mr B Steffan, Director General

Sydney Water Corporation

Mr G Robinson, General Manager

Energy Australia

Mr P Broad, General Manager

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Energy and Utilities open for examination.

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Energy and Utilities concluded and the witnesses withdrew.

The hearing was suspended until 3.00pm

The hearing resumed at 3.00pm.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio areas of Roads open for examination.

At the request of the departmental officers the portfolio area of Roads and Traffic Authority was heard first.

The following departmental officers were admitted:

Roads and Traffic Authority

Mr P Forward, Chief Executive

Mr B Skinner, Director

Mr M Hannon, Director

The public and media were admitted.

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Roads concluded and the witnesses withdrew.

The Chair declared the proposed expenditure for the portfolio areas of Housing open for examination.

The following departmental officers were admitted:

Department of Housing

Mr T Barnes, Director General

Ms M Jacobson, Executive Director

Ms C Mills, Executive Director

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Housing concluded and the witnesses withdrew.

5. Deliberative after the hearing

Resolved, on the motion of Ms Rhiannon, that the minutes of meeting no. 10 be confirmed.

Correspondence

The Chair tabled the following items of correspondence:

Received

- Letter from Hon David Clarke MLC dated 18 November 2003 enclosing indicative questions for the hearing on 24 November 2003.

Sent

- Letter to the Minister for Transport Services dated 17 November 2003 enclosing questions taken on notice during the hearing of 14 November 2003.
- Letter to the Minister for Energy and Utilities dated 19 November 2003 regarding indicative questions received from Hon David Clarke for the supplementary budget estimates hearing.
- Letter to the Minister for Roads and Housing dated 19 November 2003 regarding indicative questions received from Hon David Clarke MLC supplementary budget estimates hearings.

Questions taken on Notice during the hearing

Resolved, on the motion of Ms Rhiannon, that the officers be requested to return answers to questions on notice taken during budget estimates with 7 days of the day on which the question is forwarded to the Minister by the Committee Clerk.

Supplementary hearings

The Chair indicated that although the Opposition members did not wish to schedule a supplementary hearing at this stage they reserved the right to do so if the answers received to the questions taken on notice during the evidence proved unsatisfactory.

Resolved, on the motion of Ms Rhiannon, that the Committee hold a further hearing if required on a date to be determined by the Chair after consulting with Committee members to consider matters relating to the portfolio areas of Energy and Utilities, and Roads and Housing.

6. Adjournment

The Committee adjourned at 5:05 pm.

Rachel Simpson
Clerk to the Committee

Minutes No 12

Wednesday 3 December 2003
At Parliament House at 1.45pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Mr T Catanzariti
Mr Clarke
Ms Griffin
Ms Hale
Mr Oldfield

2. Confirmation of Minutes No 11

Resolved, on the motion of Ms Burnswoods that minutes No 11 be confirmed.

3. Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter to the Hon Frank Sartor MP, Minister for Energy, Utilities, Science and Medical Research forwarding questions taken on notice during the supplementary hearing held on 24 November 2003 (attached)
- Letter to the Hon Carl Scully MP, Minister for Roads and Housing, forwarding questions taken on notice during the supplementary hearing held on 24 November 2003 (attached)

Received

- Letter from the

4. Budget Estimates 2003-2004 – Consideration of Chair's draft report

Ms Hale moved that, given that some of the answers to questions on notice are unsatisfactory, the Committee seek an extension of time to 26 February 2004 for its reporting date and conduct a hearing in the new year with a view to seeking further answers from some departmental officers from the Roads, Utilities and Transport portfolios and in particular:

Sydney Water Corporation

Mr G Robinson, General Manager

Roads and Traffic Authority

Mr Paul Forward, CEO

State Transit Authority

Mr Stott, CEO

State Rail Authority

Mr V Graham, Acting CEO

Ministry of Transport

Mr Lee, Director General

The Committee deliberated.

Question put:

Ayes: Ms Gardiner, Ms Hale, Mr Clarke, Mr Oldfield

Noes: Ms Burnswoods, Mr Catanzariti, Ms Griffin

The question was resolved in the affirmative.

Resolved, on the motion of Ms Hale, that the secretariat consults with Members in the new year with a view to scheduling a hearing date in late January or early February 2003.

5. Adjournment

The Committee adjourned at 2.08pm.

Rachel Simpson
Clerk to the Committee

Minutes No 13

Thursday 4 December 2003

At Members Lounge, Parliament House at 1.05pm

1. Members Present

Ms Gardiner (Chair)

Ms Burnswoods

Mr Clarke

Ms Griffin

Ms Hale

2. Confirmation of Minutes No 12

Resolved, on the motion of Mr Clarke, that minutes No 12 be confirmed.

3. Correspondence

The Chair noted the following items of correspondence:

Received

- Letter to Chair from Ms Burnswood, Ms Griffin and Mr Catanzariti, dated 3 December 2003, requesting that a meeting be convened to adopt Chapter One of the Budget Estimates draft report.

4. Budget Estimates 2003-2004 – Consideration of Chair's draft report

Ms Burnswoods moved that Chapter One be adopted.

The Committee deliberated.

Question put:

Ayes: Ms Gardiner, Ms Burnswoods, Ms Griffin

Noes: Ms Hale, Mr Clarke

The question was resolved in the affirmative.

5. Adjournment

The Committee adjourned at 1.08pm *sine die*.

Steven Reynolds

Clerk to the Committee

Minutes No 14

Thursday 12 February 2004

Room 1108, Parliament House at 11.05am

1. Members Present

Ms Gardiner (Chair)
Mr Clarke
Ms Griffin
Mr Oldfield
Ms Rhiannon (Hale)

2. Apologies

Ms Burnswoods

3. Advice of substitute Members

The Chair noted that the secretariat had received written advice that Ms Rhiannon would be substituting for Ms Hale at today's meeting.

4. Confirmation of Minutes No 13

Resolved, on the motion of Mr Clarke, that minutes No 13 be confirmed.

5. Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter to the Hon Frank Sartor MP, Minister for Energy, Utilities, Science and Medical Research requesting confirmation of the availability of the Managing Director, Sydney Water Corporation to attend the Budget Estimates supplementary hearing on 18 February 2004.
- Letter to the Hon Carl Scully MP, Minister for Roads and Housing, requesting confirmation of the availability of the CEO, Roads and Traffic Authority to attend the Budget Estimates supplementary hearing on 18 February 2004.
- Letter to the Hon Michael Costa MLC, Minister for Transport Services and Minister for the Hunter requesting confirmation of the availability of the CEO, State Transit Authority; the CEO, Rail Infrastructure Corporation; and the Director General, Ministry of Transport to attend the Budget Estimates supplementary hearing on 20 February 2004.

6. Budget Estimates 2003-2004 – Consideration of list of proposed additional witnesses

The list of departmental officers from the Roads and Traffic Authority; Sydney Water Corporation; Energy Australia; Integral Energy; Country Energy; Macquarie Generation; Delta Electricity; Eraring Energy; Ministry of Transport; State Transit Authority; State Rail Authority; and the Rail Infrastructure Corporation, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Rhiannon, that the following departmental officers named in the circulated list be requested to appear as additional witnesses at the Budget Estimates supplementary hearings on the 18th and 20th February:

Roads and Traffic Authority

- Mr Paul Willoughby, Director, Communications and Corporate Relations
- Mr Jeremy Lillis, Manager, Employment Services.

Sydney Water Corporation

- Ms Gabrielle Kibble, Chairman
- Ms Angela Tsoukatos, General Manager, Corporate Affairs, Corporate Secretary
- Mr Ian Grey, General Manager, People and Quality
- Mr Ron Quill, General Manager, Asset Solutions
- Mr Warren Watkins, Manager, Group Property.

Energy Australia – distributor

- Mr Paul Broad, Managing Director.

Integral Energy

- Mr Richard Powis, CEO.

Country Energy – distributor

- Mr Craig Murray, General Manager.

Macquarie Generation – generator

- Mr Grant Every-Burns, Chief Executive and Managing Director.

Delta Electricity – generator

- Mr Jim Henness, Chief Executive.

Eraring Energy – generator

- Mr Gerry Grove-White, Managing Director.

Ministry of Transport

- Ms Jodie Brough, Acting Director, Ministerial and Strategic Coordination
- Mr Reno Lucarini, Director, Corporate Services
- Ms Elaine Lamond, Acting Director, Employee Relations
- Mr Ron Christie, Advisor, Transport Safety and Rail Regulator (now the Independent Transport and Reliability Regulator – ITSR).

State Transit Authority

- Mr Lindsay Lee, Manager, Corporate Policy
- Mr Geoff Baldwin, General Manager, Human Resources.

State Rail Authority

- Ms Fran McPherson, General Manager, Human Resources
- Ms Helen Willoughby, A/Executive Director, Communications
- Mr Nageb Al-Malah, FOI Officer.

Rail Infrastructure Corporation

- Mr John Cairns, General Manager, Human Resources
- Ms Irina White, General Manager, Corporate Services and Company Secretary.

The Chair circulated copies of written questions it was proposed be put to witnesses at the public hearings on the 18th and 20th February regarding expenditure by the relevant portfolio areas.

Resolved, on the motion of Mr Oldfield, that the written questions be provided to the relevant Ministers in advance of the public hearings on the 18th and 20th February.

7. Adjournment

The Committee adjourned at 11.20am, until Wednesday 18 February 2004 at 12.45 pm (Budget Estimates public hearing).

John Young
Clerk to the Committee

Minutes No 15

Wednesday, 18 February 2004

Room 814/815, Parliament House at 1.00pm

1. Members Present

Ms Gardiner (Chair)
Ms Sylvia Hale (deliberative only)
Mr Cohen (Hale) until 3.35pm
Ms Rhiannon (Hale) from 3.35pm
Ms Fazio (Catanzariti)
Mr Pearce (Clarke)
Ms Griffin (after deliberative)
Mr Oldfield

2. Apologies

Ms Burnswoods

3. Substitute arrangements

The Chair advised that Ms Fazio would be representing Mr Catanzariti, and Mr Pearce would be representing Mr Clarke.

4. Deliberative before the hearing

Resolved, on the motion of Mr Oldfield, that the minutes of meeting no. 14 be confirmed.

Correspondence

The Chair tabled the following items of correspondence:

Received

- Letter from the Managing Director, Country Energy advising of his unavailability to attend the supplementary hearing on 18 February 2004.
- Letter from the Managing Director, Energy Australia advising of his unavailability to attend the supplementary hearing on 18 February 2004.
- Letter from the Hon Carl Scully MP, Minister for Roads and Minister for Housing advising of the unavailability of both the Director, Communications and Corporate Relations and the Manager, Employment Services, Roads and Traffic Authority to attend the supplementary hearing on 18 February 2004.
- Letter from the Director General, Ministry of Transport advising of the unavailability of both the A/Director, Ministerial and Strategic Coordination, and the A/Assistant Director, Corporate Services to attend the supplementary hearing on 20 February 2004.
- E-mail from the Government Whip advising that the Hon Amanda Fazio MLC, would substitute for the Hon Tony Catanzariti MLC, at the supplementary hearing on 18 February 2004, and that the Hon Christine Robertson MLC would substitute for the Hon Tony Catanzariti MLC, at the supplementary hearing on Friday 20 February 2004.
- Letter from the Office of the Minister for Energy and Utilities requesting that the committee examine evidence from the Chair of Sydney Water at the start of the supplementary hearing on 18 February 2004.

Sent

- Letter to the Hon Frank Sartor MP, Minister for Energy, Utilities, Science and Medical Research requesting confirmation of the availability of a number of departmental officers to attend the supplementary hearing on 18 February, and containing a list of questions intended to be asked at the hearing (letter attached).
- Letter to the Hon Carl Scully, MP, Minister for Roads and Housing, requesting confirmation of the attendance of a number of departmental officers to attend the supplementary hearing on 18 February, and containing a list of questions intended to be asked at the hearing (letter attached).
- Letter to the Hon Michael Costa MLC, Minister for Transport Services and Minister for the Hunter requesting confirmation of the availability of a number of departmental officers to attend the supplementary hearing on 20 February 2004, and containing a list of questions intended to be asked at the hearing (letter attached).
- Letter to the Chairman, Sydney Water Corporation listing a number of topics about which the Chairman may be expected to answer questions from the Committee at the supplementary hearing on 18 February 2004 (attached).
- Letter(s) to the chief officers of: Energy Australia, Country Energy, Delta Electricity, Integral Energy, Macquarie Generation, and Eraring Energy advising that the Committee had resolved to excuse them from the supplementary hearing on 18 February 2004 and conveying the Committee's request that they provide, in lieu of their attendance at the hearing, a written response to the questions previously circulated to them, by 20 February 2004 (two examples attached).

Witnesses from Energy Portfolio

The committee noted that on Tuesday, 17 February 2004, the committee resolved to excuse witnesses from the Energy Portfolio from today's hearing and requested that they provide answers to the circulated questions by Friday, 20 February 2004.

Witnesses from the Utilities Portfolio

The Chair asked the Committee Clerk whether the witnesses could be questioned individually, with the other witnesses excluded from the room.

The Clerk advised that under the resolutions establishing the 2003-2004 estimates inquiry, all hearings must be held in public. Witnesses could not be compelled by the committee to leave the room.

Mr Oldfield moved that: the committee question the witnesses individually, and that the other witnesses be invited to remain outside.

Question put.

Ayes: Mr Oldfield
Ms Hale
Mr Pearce
Ms Gardiner

Nos: Ms Fazio

Question resolved in the affirmative.

The Clerk conveyed the invitation to the witnesses, who declined to remain outside.

5. Budget Estimates 2003-2004 – Supplementary Hearings

The Chair made a statement to Members regarding the broadcasting of proceedings.

The following departmental officers were admitted:

Sydney Water Corporation

Ms Gabrielle Kibble, Chairman

Ms Angela Tsoukatos, General Manager - Corporate Affairs

Mr Greg Robinson, Managing Director

Mr Ron Quill - General Manager - Asset Solutions

Mr Warren Watkins, Manager Group Property

Mr Ian Grey, General Manager - People and Property

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Energy and Utilities open for examination.

Ms Kibble was requested by the Committee to produce an internal audit bureau document.

Ms Kibble declined the Committee's request on the basis that the document had been referred to the ICAC for its investigation. She agreed to contact the ICAC as to whether the document can be made available to the Committee and to provide the advice received from the ICAC for consideration at the Committee's next meeting.

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio area of Energy and Utilities concluded and the witnesses withdrew.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Roads open for examination.

The following departmental officer were admitted:

Roads and Traffic Authority

Mr P Forward, Chief Executive

The public and media were admitted.

The departmental officer answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio areas of Roads concluded and the witnesses withdrew.

6. Deliberative after the hearing

Questions taken on Notice during the hearing

Resolved, on the motion of Mr Pearce, that the officers be requested to return answers to questions on notice taken during budget estimates by 9am, Tuesday 24 February 2004.

7. Adjournment

The Committee adjourned at 4.10pm until 9.44am, Friday 20 February 2004.

Steven Reynolds
Clerk to the Committee

Minutes No 16

Friday, 20 February 2004

Room 814/815, Parliament House at 10.00am

1. Members Present

Ms Gardiner (Chair)

Ms Sylvia Hale (deliberative)

Mr Gallacher (Clarke)

Ms Griffin

Mr Oldfield

Mr Tsang (Burnswoods)

Ms Robertson (Catanzariti)

Ms Rhiannon (Hale, hearing only)

2. Substitute arrangements

The Chair advised that Mr Gallacher would be representing Mr Clarke, Mr Tsang would be representing Ms Burnswoods, Ms Robertson would be representing Mr Catanzariti and Ms Rhiannon would be representing Ms Hale for the hearing.

3. Deliberative before the hearing

Resolved, on the motion of Ms Griffin, that the minutes of meeting no. 15 be confirmed.

Correspondence

The Chair tabled the following items of correspondence:

Received

- Letter from Mr Brad Hazzard MP, Shadow Minister for Utilities, dated 19 February, regarding the refusal by the Chair of Sydney Water Corporation to produce a document requested by the Committee on 18 February 2004.

Questions taken on Notice during the hearing

Resolved, on the motion of Ms Hale, that the officers be requested to return answers to questions on notice taken during budget estimates by 9am, Tuesday 24 February 2004.

Indicative questions for Sydney Water Corporation

Resolved, on the motion of Ms Hale, that answers be required from Sydney Water to the indicative questions sent to them prior to the hearing, and that these answers be received by 9.00am Tuesday 24 February 2004.

Extension of reporting date

Resolved, on the motion of Ms Hale, that a motion be moved in the House to extend the report date for Budget Estimates 2003-2004 until Thursday 11 March 2004.

4. Budget Estimates 2003-2004 – Supplementary Hearings

The Chair made a statement to Members regarding the broadcasting of proceedings.

The following departmental officers were admitted:

Ministry of Transport

Mr Ron Christie, Advisor, Transport Safety and Rail Regulator

State Transit Authority

Mr John Stott, CEO

State Rail Authority

Mr Vince Graham, Acting CEO

Ms Fran McPherson, General Manager - Human Resources

Ms Helen Willoughby, Acting Executive Director - Communications

Mr Nageb Al-Malah, Freedom of Information Officer

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Transport open for examination.

The departmental officers answered questions by Members of the Committee.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

5. Adjournment

The Committee adjourned at 1.00pm.

Steven Reynolds

Clerk to the Committee

Minutes No 17

Wednesday 25 February 2004

At Parliament House at 10.07am

1. Members Present

Ms Gardiner (Chair)

Ms Burnswoods

Mr T Catanzariti

Mr Clarke

Ms Griffin

2. Confirmation of Minutes No 16

Resolved, on the motion of Ms Griffin that minutes No 16 be confirmed.

3. Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter to the Hon Frank Sartor MP, Minister for Energy, Utilities, Science and Medical Research forwarding questions taken on notice during the supplementary hearing held on 18 February 2004
- Letter to the Hon Michael Costa MLC, Minister for Transport, forwarding questions taken on notice during the supplementary hearing held on 20 February 2004.
- Letter to the Hon Frank Sartor MP, Minister for Energy, Utilities, Science and Medical Research requesting a written response to the list of questions relating to Sydney Water Corporation that were provided prior to the supplementary hearing on 18 February 2004.

Received

- Letter from the Chairman, Sydney Water Corporation regarding the Committee's request that Sydney Water produce a copy of the February 2004 report from Internal Audit Bureau Management Consulting Group.
- Letter from the Managing Director, countryenergy, enclosing responses to the written questions circulated by the Committee.
- Letter from the Managing Director, Energy Australia enclosing responses to the written questions circulated by the Committee.
- Letter from the Hon Carl Scully MP, Minister for Roads and Minister for Housing enclosing answers to the questions taken on notice during the Roads supplementary hearing of 18 February 2004.
- Letter from the Chief Executive, State Transit Authority enclosing responses to the written questions circulated by the Committee.
- Document provided by Ministry of Transport enclosing responses to the written questions circulated by the Committee.
- Document enclosing responses to the questions taken on notice by Sydney Water Corporation departmental officers at the supplementary hearing on 18 February 2004.
- Document enclosing responses to the written questions circulated by the Committee to Delta Electricity, Macquarie Generation, and Eraring Energy.
- Document enclosing responses to the written questions circulated by the Committee to RailCorp-State Rail.

The Director advised the Committee of the receipt of a response from Integral Energy to the written questions circulated by the Committee.

4. Budget Estimates 2003-2004

Request to consider information provided to Committee as confidential

The Director reported to the Committee that a number of the Energy Utilities advised that some of the information contained in their responses to the questions circulated by the Committee was commercially sensitive and requested that the information not be circulated beyond the Committee.

Resolved, on the motion of Mr Clarke, to treat the information provided by the Energy Utilities as confidential to the Committee at this time and that consideration of publication of this information would be deferred to a later meeting of the Committee.

Committee's request to Sydney Water Corporation to provide a copy of the Internal Audit Bureau Management Consulting Group February 2004 document

The Committee noted the current notice of motion before the House.

Mr Clarke moved that the Committee seek advice from the Clerk of the House in relation to the issues of public interest immunity raised in the letter, dated 20 February 2004, sent to the Committee by the Chairman, Sydney Water Corporation.

The Committee deliberated.

Question put:

Ayes: Ms Gardiner
Mr Clarke

Noes: Ms Burnswoods
Mr Catanzariti
Ms Griffin

The question was resolved in the negative.

Mr Clarke moved that the Committee seek advice from the Clerk of the House on the power of the Committee to order papers.

The Committee deliberated.

Question put:

Ayes: Ms Gardiner
Mr Clarke

Noes: Ms Burnswoods
Mr Catanzariti
Ms Griffin

The question was resolved in the negative.

Consideration of written responses to questions taken on notice

The Committee noted advice on the outstanding answers to questions taken on notice at the supplementary hearing of 20 February 2004.

5. Adjournment

The Committee adjourned at 10.26am *sine die*.

Steven Reynolds

Clerk to the Committee

Minutes No 18

Thursday 26 February 2004
At Parliament House at 5.35pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Ms Griffin
Mr West (Catanzariti)
Mr Clake
Ms Hale
Mr Oldfield

2. Substitute Members

The Chair noted advice received from the Government Whip that Mr West would be substituting for Mr Catanzariti at this meeting.

3. Confirmation of Minutes No 17

Resolved, on the motion of Ms Burnswoods, that minutes No 17 be confirmed.

4. Budget Estimates 2003-2004***Request to consider information provided to Committee as confidential***

The Committee considered the request from a number of Energy Utilities that the information contained in their responses to the written questions sent to them by the Committee not be circulated beyond the Committee on the basis that the information was commercially sensitive.

The Committee considered the information provided in the responses from the Energy Utilities, and noted that the information in the responses to both Question 7 and Question 18 were those identified as containing commercial information.

Resolved, on the motion of Ms Hale, to publish the answers provided by the Energy Utilities in response to the written questions sent to them by the Committee with the exception of those answers identified as containing commercial information. The questions with a claim of commercial in confidence be forwarded to the Clerk of the House for advice on appropriate options for the Committee.

Committee response to letter dated 20 February 2004 from the Chairman, Sydney Water Corporation

The Committee noted the Resolution of the House of 25 February 2004 to issue an order for papers to Sydney Water Corporation.

Mr Clarke moved that the resolutions from the previous meeting of the Committee relating to the powers of the Committee to call for documents be rescinded.

The Committee deliberated.
Question put and passed.

Resolved, on the motion of Mr Clarke, that the Committee seek the advice of the Clerk of the House on the power of Legislative Council Committees to order papers.

Resolved, on the motion of Ms Hale, that the Committee respond in writing to the Chairman, Sydney Water Corporation noting that, prior to the Committee being able to meet, the House considered the matter and that the documents requested have now been tabled in the House.

Proposal to hold half-day supplementary hearing – Transport portfolio

The Committee noted the list of proposed witnesses from the Transport portfolio and the proposal to hold a half-day supplementary Budget Estimates hearing.

Resolved, on the motion of Mr Oldfield, that Mr N Al-Malah, Freedom of Information Officer, State Rail Authority be added to the list of proposed witnesses.

Resolved, on the motion of Mr Clarke, that the Committee hold a supplementary hearing from 10.00am to 1.00pm on Friday 5 March 2004 at which the officers included in the list circulated by the Chair be requested to attend, subject to advice from some Committee members on their availability and that this advice be provided to the secretariat by 10.00am on Friday 27 February 2004

5. Adjournment

The Committee adjourned at 6.25pm until a time to be advised on Friday 5 March 2004.

Warren Cahill
Clerk to the Committee

Minutes No 19

Friday, 5 March 2004

Room 814/815, Parliament House at 10.20am

1. Members Present

Ms Gardiner (Chair)

Ms Hale

Mr Oldfield

Ms Burnswoods (after pre-hearing deliberative)

Mr Gallacher (Mr Clarke)

2. Apologies

Mr Catanzariti

Ms Griffin

3. Substitute arrangements

The Chair advised that Mr Gallacher would be substituting for Mr Clarke for the hearing.

4. Deliberative before the hearing

Resolved, on the motion of Mr Oldfield, that the minutes of meeting no. 18 be confirmed.

Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter to the Hon Michael Costa MLC, dated 27 February 2004 requesting the attendance of a number of departmental officers at a supplementary Budget Estimates hearing to be held on 5 March 2004.

Received

- Facsimile letter from the Ministry of Transport, dated 1 March 2004 requesting the Committee's consideration to allow Mr M Duffy to appear at a nominated time before the Committee at the supplementary hearing Budget Estimates hearing to be held on 5 March 2004.
- Letter from the Minister for Energy and Utilities enclosing answers to questions the Committee provided to Sydney Water in advance of the supplementary hearing of 18 February 2004.
- Letter from the Chief Executive Officer, Rail Corp enclosing answers to questions taken on notice during the public hearing on 20 February 2004.

Questions taken on Notice during the hearing

Resolved, on the motion of Ms Hale, that the officers be requested to return answers to questions on notice taken during budget estimates by 9am, Tuesday 9 March 2004.

5. Budget Estimates 2003-2004 – Supplementary Hearings

The Chair made a statement to Members regarding the broadcasting of proceedings.

The following departmental officers were admitted:

Ministry of Transport

Mr John Lee, Director General

Mr Reno Lucarini, Director, Corporate Services

Mr Ron Christie, Chairman, Independent Transport Safety & Reliability Regulator
Mr Mark Duffy, Director, Sustainable Transport Policy

State Transit Authority

Mr John Stott, Chief Executive Officer
Mr Lindsay Lee, Manager, Corporate Policy
Mr Geoff Baldwin, General Manager, Human Resources

Rail Corporation NSW

Mr Vince Graham, Chief Executive Officer
Ms Irina White, Company Secretary
Mr Mark Greenhill, Manager, Industrial Relations

State Rail Authority

Ms Helen Willoughby, A/Executive Director, Communications
Mr Nageb Al-Malah, Freedom of Information Officer.

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Transport open for examination.¹²

¹² By resolution of the Committee at its meeting No. 21, the original draft minutes of meeting no. 19 from this point have been inserted as a footnote:

The departmental officers answered questions by Members of the Committee.

Mr Gallacher requested that Ms Willoughby provide the Committee a copy of Rail Corporation/State Rail's Estimates briefing folder. Ms Willoughby agreed to provide this document on Tuesday after advice had been sought on deletion of personal references.

Mr Gallacher subsequently requested the folder be provided to the Committee during the hearing, on the basis that it be tabled with the clerks, that it not be available for members to read until such time as Ms Willoughby had received the advice about personal information that needed to be removed and that the document remain with the clerks until any personal details that might identify any sensitive areas have been identified.

Mr Graham declined to produce the document. After further discussion the Committee agreed to excuse the witnesses and deliberate upon this matter.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

6. Post hearing deliberative

The Committee considered the decision by the CEO, Rail Corporation NSW to decline the request made by Mr Gallacher during the hearing that a witness, who was a departmental officer of Rail Corporation/State Rail, immediately table a briefing document which the witness had brought to the hearing.

Resolved, on the motion of Ms Hale, that the Committee seek the advice of the Clerk of the House on the powers of Legislative Council committees to order the immediate production of documents by witnesses.

7. Adjournment

The Committee adjourned at 2.10pm until 1.45pm on Wednesday 10 March 2004 at Parliament House (Parkes Room).

The departmental officers answered questions by Members of the Committee.

Mr Gallacher requested that Ms Willoughby provide the Committee a copy of Rail Corporation/State Rail's Estimates briefing folder. Ms Willoughby agreed to provide this document on Tuesday after advice had been sought on deletion of personal references.

Some committee members expressed concern at the method, manner and timing in which witnesses who had been questioned and were present when the committee agreed to deliberate withdrew from the hearing. These concerns commenced at the time the public servants were packing up and continued at least until they left the floor of the building.

Mr Gallacher subsequently requested the folder be provided to the Committee during the hearing, on the basis that it be tabled with the clerks, that it not be available for members to read until such time as Ms Willoughby had received the advice about personal information that needed to be removed and that the document remain with the clerks until any personal details that might identify any sensitive areas have been identified.

Mr Graham declined to produce the document. After further discussion the Committee agreed to deliberate upon the matter and advise the witnesses on the outcome of the deliberation.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

6. Post hearing deliberative

The Committee considered the decision by the CEO, Rail Corporation NSW to decline the request made by Mr Gallacher during the hearing that a witness, who was a departmental officer of Rail Corporation/State Rail, immediately table a briefing document which the witness had brought to the hearing.

Resolved, on the motion of Ms Hale, that the Committee seek the advice of the Clerk of the House on the powers of Legislative Council committees to order the immediate production of documents by witnesses.

7. Adjournment

The Committee adjourned at 2.10pm until 1.45pm on Wednesday 10 March 2004 at Parliament House (Parkes Room).

Steven Reynolds
Clerk to the Committee

Minutes No 20

Wednesday 10 March 2004

Parkes Room, Parliament House at 1.45pm

1. Members Present

Ms Gardiner (Chair)

Ms Burnswoods

Ms Griffin

Mr Primrose (Catanzariti)

Mr Clarke

Ms Hale

Mr Oldfield

2. Substitute Members

The Chair informed the Committee that she had received written advice that the Government Whip would be substituting for Mr Catanzariti at this meeting.

3. Confirmation of Minutes No 19

The Committee deliberated.

Ms Hale moved that the last sentence in the second last paragraph of section 5 of the draft minutes be amended to read: "After further discussion the Committee agreed to deliberate upon the matter and advise the witnesses on the outcome of the deliberation."

Question put.

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.¹³

¹³ By resolution of the Committee at its meeting No. 21, the original draft minutes of meeting no. 19 from this point have been inserted as a footnote:

The departmental officers answered questions by Members of the Committee.

Mr Gallacher requested that Ms Willoughby provide the Committee a copy of Rail Corporation/State Rail's Estimates briefing folder. Ms Willoughby agreed to provide this document on Tuesday after advice had been sought on deletion of personal references.

Mr Gallacher subsequently requested the folder be provided to the Committee during the hearing, on the basis that it be tabled with the clerks, that it not be available for members to read until such time as Ms Willoughby had received the advice about personal information that needed to be removed and that the document remain with the clerks until any personal details that might identify any sensitive areas have been identified.

The Committee deliberated.

4. Adjournment

The Bells rang for the resumption of the sitting of the House. The Committee adjourned its deliberations until Thursday 11 March at 1:05 pm.

Steven Reynolds
Clerk to the Committee

Mr Graham declined to produce the document. After further discussion the Committee agreed to excuse the witnesses and deliberate upon this matter.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

6. Post hearing deliberative

The Committee considered the decision by the CEO, Rail Corporation NSW to decline the request made by Mr Gallacher during the hearing that a witness, who was a departmental officer of Rail Corporation/State Rail, immediately table a briefing document which the witness had brought to the hearing.

Resolved, on the motion of Ms Hale, that the Committee seek the advice of the Clerk of the House on the powers of Legislative Council committees to order the immediate production of documents by witnesses.

7. Adjournment

The Committee adjourned at 2.10pm until 1.45pm on Wednesday 10 March 2004 at Parliament House (Parkes Room).

Minutes No 21

Thursday 11 March 2004

Parkes Room, Parliament House at 1.05pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Ms Griffin
Mr Primrose (Catanzariti)
Mr Clarke
Ms Hale
Mr Oldfield

2. Substitute Members

The Chair informed the Committee that she had received written advice that the Government Whip would be substituting for Mr Catanzariti at this meeting.

3. Confirmation of Minutes No 19 and 20

The Committee continued its deliberations on minutes of meeting no.19.

Mr Oldfield moved that, after the words "deletion of personal references.", the following additional paragraph be inserted into the minutes:

Some committee members expressed concern at the method, manner and timing in which witnesses who had been questioned and were present when the committee agreed to deliberate withdrew from the hearing.

Question put.

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.

Mr Oldfield moved that the following words be added to the additional paragraph:

These concerns commenced at the time the public servants were packing up and continued at least until they left the floor of the building.

Question put.

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.

Resolved, on the motion of Ms Burnswoods, that the minutes of meeting 21 contain the draft minutes 19 as originally circulated to the Committee from the point at which departmental officers answered questions.¹⁴

Mr Primrose moved a motion that:

This Committee expresses concern at the post hoc and arbitrary manner in which the draft minutes of meeting no.19 have been redrafted.

Question put.

Ayes: Mr Primrose
Ms Burnswoods
Ms Griffin

Noes: Ms Gardiner
Ms Hale
Mr Clarke
Mr Oldfield

¹⁴ The draft minutes referred to are:

The departmental officers answered questions by Members of the Committee.

Mr Gallacher requested that Ms Willoughby provide the Committee a copy of Rail Corporation/State Rail's Estimates briefing folder. Ms Willoughby agreed to provide this document on Tuesday after advice had been sought on deletion of personal references.

Mr Gallacher subsequently requested the folder be provided to the Committee during the hearing, on the basis that it be tabled with the clerks, that it not be available for members to read until such time as Ms Willoughby had received the advice about personal information that needed to be removed and that the document remain with the clerks until any personal details that might identify any sensitive areas have been identified.

Mr Graham declined to produce the document. After further discussion the Committee agreed to excuse the witnesses and deliberate upon this matter.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

6. Post hearing deliberative

The Committee considered the decision by the CEO, Rail Corporation NSW to decline the request made by Mr Gallacher during the hearing that a witness, who was a departmental officer of Rail Corporation/State Rail, immediately table a briefing document which the witness had brought to the hearing.

Resolved, on the motion of Ms Hale, that the Committee seek the advice of the Clerk of the House on the powers of Legislative Council committees to order the immediate production of documents by witnesses.

7. Adjournment

The Committee adjourned at 2.10pm until 1.45pm on Wednesday 10 March 2004 at Parliament House (Parkes Room).

Question resolved in the negative.

Ms Hale moved that the minutes of meeting No. 19, as corrected, be confirmed.

Ms Burnswoods moved that this motion be amended by deleting the words “as corrected, be confirmed” and replace them with “as amended, be noted”.

Question put:

Ayes: Mr Primrose
Ms Burnswoods
Ms Griffin

Noes: Ms Gardiner
Ms Hale
Mr Clarke
Mr Oldfield

Question resolved in the negative.

Original question put:

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.

Resolved, on the motion of Ms Burnswoods, that to give effect to the earlier resolution, the original draft of minutes 19 be inserted as a footnote into minutes 19, 20 and 21.

The Committee deliberated on the minutes of meeting no. 20.

Resolved, on the motion of Ms Burnswoods, that the reference in the draft minutes to herself and Mr Primrose leaving the meeting be expressed as:

The Bells rang for the resumption of the sitting of the House. The Committee adjourned its deliberations until Thursday 11 March at 1:05 pm.

Resolved, on the motion of Ms Hale, that the minutes of meeting no.20, as amended, be confirmed.

4. Correspondence

The Committee noted the following correspondence:

Sent

- Letter, dated 10 March 2004, to the Chairman, Sydney Water Corporation in response to the Chairman's letter to the Committee of 20 February 2004 relating to the Committee's request for production of an IAB report on a confidential basis.
- Letter, dated 10 March 2004, to the Minister for Energy and Utilities regarding a claim of commercial in confidence with respect to information provided to the Committee.
- Letter dated 5 March 2004 to the Hon Michael Costa MLC regarding a matter which arose in relation to questions to witnesses during the supplementary hearing on 5 March 2004.
- Letter dated 8 March 2004 to the Hon Michael Costa MLC enclosing the list of questions taken on notice by departmental officers at the supplementary hearing on 5 March 2004

Received

- Document, received 10 March 2004, from the Ministry of Transport enclosing the answers to questions taken on notice at the Budget Estimates supplementary hearing on 5 March 2004.
- Advice from Clerk of the Parliaments dated 10 March 2004 regarding production of documents

5. Consideration of Chair's Draft Report

The Chair noted amendments to the Introduction of the Chair's Draft.

The Committee deliberated.

Resolved, on the motion of Ms Hale, that the Introduction be agreed to.

Resolved, on the motion of Mr Clarke, that Chapter Two be agreed to.

Ms Hale moved that paragraph 3:10 of the Chair's draft be amended by deleting the words "After further discussion the Committee agreed to excuse the witnesses and deliberate upon this matter." and replacing them with the following:

After further discussion the Committee agreed to deliberate upon the matter and advise the witnesses on the outcome of the deliberation.

Question put.

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.

Resolved, on the motion of Ms Hale, that Chapter Three as amended be adopted.

Ms Hale sought leave to allow a motion to be moved immediately to rescind the previous resolution of the Committee.

Leave granted.

Mr Oldfield moved that the resolution adopting Chapter Three be rescinded.

Question put.

Ayes: Ms Hale
Mr Clarke
Mr Oldfield
Ms Gardiner

Noes: Ms Burnswoods
Ms Griffin
Mr Primrose

Question resolved in the affirmative.

6. Adjournment

The Committee adjourned at 3:00pm *sine die*.

Steven Reynolds
Clerk to the Committee

Minutes No 22

Thursday 18 March 2004

Members Lounge, Parliament House at 5.47pm

1. Members Present

Ms Gardiner (Chair)
Ms Burnswoods
Ms Griffin
Mr Primrose (Catanzariti)
Mr Clarke
Ms Hale
Mr Oldfield

2. Substitute Members

The Chair informed the Committee that she had received written advice that the Government Whip would be substituting for Mr Catanzariti at this meeting.

The Government Members requested that it be recorded that they expressed concern that the confirmation of minutes was not on the agenda for the current meeting.

3. Estimates 2003-2004

Resolved, on the motion of Ms Hale, that the secretariat consult members as to their availability on a day next week so as to hold an additional half day hearing at which the following witnesses would be invited to give evidence:

Mr Vince Graham, State Rail
Mr John Lee, Department of Transport
Mr John Stott, State Transit
Mr Bill Watson, Sydney Ferries

4. Adjournment

The Committee adjourned its deliberations at 5:49 pm *sine die*.

Steven Reynolds
Clerk to the Committee

Minutes No 23

Friday 26 March 2004

Room 814/815 Parliament House at 9.45am

1. Members Present

Ms Gardiner (Chair)

Ms Burnswoods

Ms Griffin

Mr Primrose (Catanzariti)

Mr Gallacher (Clarke)

Ms Hale

Mr Oldfield (from 10.00am)

2. Substitute Members

The Chair advised the Committee that Mr Primrose would be substituting for Mr Catanzariti and Mr Gallacher would be substituting for Mr Clarke at this meeting.

3. Participating Members

Ms Rhiannon.

4. Confirmation of Minutes

Resolved, on the motion of Ms Hale, that Minutes Nos 21 and 22 be confirmed.

5. Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter dated 11 March 2004 to the CEO, Rail Corporation NSW, requesting details on State Rail contractors.
- Letter dated 19 March 2004 to the Minister for Transport Services advising of resolution to hold a supplementary hearing on 24 March 2004 and enclosing names of witnesses requested to attend.
- Letter dated 22 March 2004 to the Minister for Transport Services advising, due to the unavailability of witnesses on the 24 March, of the rescheduled date of 26 March 2004 for the supplementary hearing.

Received

- E-mail advice dated 22 March 2004 from the Office of the Minister for Transport advising of the unavailability of witnesses requested to attend a supplementary hearing on 24 March 2004.

6. Budget Estimates 2003-2004

The public and the media were admitted.

The following departmental officers were admitted:

Rail Corporation NSW

Mr Vince Graham, Chief Executive Officer

Ministry of Transport

Mr John Lee, Director General

State Transit Authority of NSW

Mr John Stott, Chief Executive Officer.

The Chair made a statement regarding the broadcasting of proceedings and certain procedural matters during hearings on budget estimates.

The Chair declared the proposed expenditure for the portfolio area of Transport open for examination.

The Chair advised the Committee that the Chief Executive Officer, Rail Corporation NSW would be excused from the hearing at 11.00am in order to attend a prior engagement.

The departmental officers answered questions from Members of the Committee.

The Chief Executive Officer, Rail Corporation NSW, provided the Committee with a written response to the request for information that was contained within the letter to him from the Chair dated 11 March 2004, concluded his evidence and withdrew.

The remaining departmental officers continued to answer questions from Members of the Committee.

Examination of the proposed expenditure for the portfolio area of Transport concluded and the witnesses withdrew.

7. Adjournment

The Committee adjourned at 1.05pm until the dinner break on Tuesday 30 March 2004.

John Young
Clerk to the Committee

Minutes No 24

Tuesday 30 March 2004

Parkes Room, Parliament House at 6.42pm

1. Members Present

Ms Gardiner (Chair)

Ms Burnswoods

Ms Griffin

Mr Catanzariti

Ms Hale

Mr Oldfield

2. Confirmation of Minutes

Resolved, on the motion of Ms Burnswoods, that Minutes No 23 be confirmed.

3. Correspondence

The Chair noted the following items of correspondence:

Sent

- Letter dated 29 March 2004 to Minister for Transport Services enclosing the list of questions taken on notice by departmental officers at the supplementary hearing on 26 March 2004..

Received

- Document, containing information on State Rail contractor payments for 2002-2003, provided to the Committee on 26 March 2004 by the CEO, Rail Corporation NSW.
- Document from the Ministry of Transport received on 30 March 2004 enclosing the answers to questions taken on notice by departmental officers at the supplementary hearing on 26 March 2004..

4. Budget Estimates 2003-2004 – Chair's Draft Report

The Committee considered the final chapters of the Chair's Draft Report.

Chapter Three read.

Resolved, on the motion of Ms Hale, that the following new paragraph be inserted after paragraph 3.11:

The above-mentioned document was provided to the Committee on 10 March 2004 along with the written answers to questions taken on notice at the public hearing.

Resolved, on the motion of Ms Hale, that the last sentence of paragraph 3.13 be amended by inserting the words *and from the Public Service* immediately after the word *Ferries*.

Resolved, on the motion of Ms Hale, that Chapter Three, as amended, be agreed to.

Chapter Four read.

Resolved, on the motion of Ms Hale, that the third last bullet point of paragraph 4.4 which read: *IFR program* be deleted and replaced with *Energy Australia capital expenditure submission to the Independent Pricing and Regulatory Tribunal of NSW*.

Resolved, on the motion of Mr Oldfield, that paragraph 4.12 be amended by omitting the words: *, notwithstanding the fact that, days earlier, Ms Kibble told the Committee that Mr Robinson had her complete confidence.* and inserting instead:

The Committee further notes that eight days earlier at the public hearing the following exchange took place between the Chair of the Committee and Ms Kibble:

CHAIR: Can you confirm today your absolute confidence in Mr Robinson's performance as Managing Director of Sydney Water Corporation?

Ms KIBBLE: Yes.

Resolved, on the motion of Mr Oldfield, that Chapter Four, as amended, be agreed to.

Resolved, on the motion of Mr Oldfield, that the report, as amended, be the report of the Committee, be signed by the Chair and presented to the House on Wednesday 31 March 2004 in accordance with the resolution establishing the Committee of 3 July 2003.

Resolved, on the motion of Ms Hale, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 224, the Committee authorises the Clerk of the Committee to publish the correspondence and tabled documents except for those for which confidentiality has been requested.

5. Matters arising

The Clerk Assistant noted a procedural error in the Minutes of meeting No 21.

The Committee deliberated.

Resolved, on the motion of Ms Hale, that item 5 of Minutes No 21 be recommitted for further consideration by the Committee.

Resolved, on the motion of Ms Hale, that the following sentences be omitted:

Resolved, on the motion of Ms Hale, that Chapter Three as amended be adopted.

Ms Hale moved that leave be given for the motion to be immediately rescinded.

Question put.

Ayes: Ms Hale

Mr Clarke

Mr Oldfield

Ms Gardiner

Noes: Ms Burnswoods

Ms Griffin

Mr Primrose

Question resolved in the affirmative.

Mr Oldfield moved that the motion to adopt Chapter Three be rescinded.

and insert instead:

Resolved, on the motion of Ms Hale, that Chapter Three as amended be adopted.

Ms Hale sought leave to allow a motion to be moved immediately to rescind the previous resolution of the Committee.

Leave granted.

Mr Oldfield moved that the resolution adopting Chapter Three be rescinded

6. Adjournment

The Committee adjourned at 7.15pm *sine die*.

Warren Cahill

Clerk to the Committee