



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 6

Digital Restart Fund Bill 2019

Report 10

February 2020

6



Portfolio Committee No. 6 – Transport and Customer Service

Digital Restart Fund Bill 2019

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Chair: Hon. Abigail Boyd, MLC.

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Terms of reference

That:

- (a) the provisions of the Digital Restart Fund Bill 2019 be referred to the Portfolio Committee No 6 – Transport and Customer Service for inquiry and report,
- (b) the bill be referred to the committee upon receipt of the message on the bill from the Legislative Assembly,
- (c) that the committee report by Tuesday 17 March 2020, and
- (d) on the report being tabled, a motion may be moved immediately for the first reading and printing of the bill and that the bill proceed through all remaining stages according to standing and sessional orders.

The terms of reference were referred to the committee by the Legislative Council on 12 November 2019.¹

¹ *Minutes*, NSW Legislative Council, 12 November 2019, p 629.

Committee details

Committee members

Ms Abigail Boyd MLC	The Greens	<i>Chair</i>
The Hon Mark Banasiak MLC	Shooters, Fishers and Farmers Party	<i>Deputy Chair</i>
The Hon Scott Farlow MLC*	Liberal Party	
The Hon Sam Farraway MLC	The Nationals	
The Hon John Graham MLC	Australian Labor Party	
The Hon Shayne Mallard MLC	Liberal Party	
The Hon Daniel Mookhey MLC	Australian Labor Party	

* The Hon Scott Farlow MLC replaced the Hon Catherine Cusack MLC on 31 January 2020

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Chair's foreword

On 12 November 2019, the Legislative Council referred the provisions of the Digital Restart Fund Bill 2019 to Portfolio Committee No. 6 – Transport and Customer Service for inquiry and report.

By creating the Digital Restart Fund, the intention of the Bill is to provide a better way of resourcing digital and information and communications technology initiatives across the government sector.

The referral gave the committee an opportunity to examine the need for the bill; the proposed governance and accountability arrangements of the fund; and seek advice on privacy, information access and cybersecurity issues.

The committee recommends that the Legislative Council proceed to consider the bill, and that the NSW Government address the committee comments and stakeholder concerns as set out in this report, during debate in the House.

On behalf of the committee, I would like to thank all who participated in the inquiry for their interest in the matter, and for the time taken in preparing a submission and attending the public hearing.



Ms Abigail Boyd MLC
Committee Chair

Recommendation

Recommendation 1

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That the Legislative Council proceed to consider the Digital Restart Fund Bill 2019, and that the NSW Government address the committee comments and concerns identified by stakeholders as set out in this report, during debate in the House.

Conduct of inquiry

The Selection of Bills Committee recommended that the provisions of the Digital Restart Fund Bill 2019 be referred to the committee on 12 November 2019.

On tabling of the Selection of Bills Committee report later that day, the Legislative Council resolved to refer the provisions of the bill to the committee for inquiry and report.

The committee received four submissions.

The committee held one public hearing at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

As this was a short inquiry with tight timeframes there was no provision for supplementary questions arising from the hearing.

Chapter 1 Overview

This chapter provides an overview of the Digital Restart Fund Bill 2019 and how it was referred to Portfolio Committee No. 6 – Transport and Customer Service for inquiry.

Reference

- 1.1 The Digital Restart Fund Bill 2019 was introduced into the Legislative Assembly on 22 October 2019 by the Hon Victor Dominello MP, Minister for Customer Service.
- 1.2 On 12 November 2019, the Selection of Bills Committee recommended that the provisions of the Digital Restart Fund Bill 2019 be referred to Portfolio Committee No. 6 – Transport and Customer Service for inquiry and report by 17 March 2020.²
- 1.3 On tabling the Selection of Bills report that day, the Legislative Council agreed to the motion of committee chair the Hon Natasha Maclaren-Jones MLC, and referred the provisions of the bill to Portfolio Committee No. 6 – Transport and Customer Service.³

Background and purpose of the bill

- 1.4 The bill seeks to establish the Digital Restart Fund for the purpose of resourcing digital and information and communication technology (ICT) initiatives across the government sector.
- 1.5 In his second reading speech, the Hon Victor Dominello MP, Minister for Customer Service, noted digital and ICT systems as one of the biggest enablers of good customer service.⁴ He explained that the bill seeks to introduce a new and improved model for planning, implementing and operating ICT investments through the Digital Restart Fund.⁵
- 1.6 The Minister explained that the Digital Restart Fund is intended to improve process efficiencies and deliver benefits more quickly:

...the fund is designed to draw focus to smaller, iterative solutions linked to the life events and customer experiences that matter to people. The fund will assist in generating benefits more quickly, reducing duplication in investment, and eliminating inefficient legacy systems. It will enable government agencies to use technologies with common components, optimise and extend the life of existing technologies, and uplift the digital capability of the New South Wales public sector.

² Selection of Bills Committee, *Report No. 27 – 12 November 2019*, p 2.

³ *Minutes*, NSW Legislative Council, 12 November 2019, p 629.

⁴ The Hon Victor Dominello MP, Second Reading Speech: Digital Restart Fund Bill 2019, 22 October 2019.

⁵ The Hon Victor Dominello MP, Second Reading Speech: Digital Restart Fund Bill 2019, 22 October 2019.

Overview of the bill's provisions

- 1.7** Part 1 of the bill provides for the proposed name and commencement date; definitions of terms used and object of the bill.
- 1.8** Clause 5 of the bill establishes the Digital Restart Fund in the special deposits account.
- 1.9** Clause 6 of the bill provides that the purpose of the Digital Restart Fund is to support digital and ICT initiatives across the government sector, and to this end, fund projects that:
- a. develop and implement digital and information and communications technology products or services that, for the purpose of improving the delivery of services by government agencies and related interactions—
 - i. identify the actions required to be taken by an individual (or on the individual's behalf) in respect of significant events during the individual's life, and
 - ii. record related interactions between the individual (or on the individual's behalf) and government agencies or non-government entities or other bodies or persons connected with the delivery of services by a government agency, and
 - iii. identify impediments to the delivery of related services by government agencies and develop and implement solutions to those impediments, or
 - b. develop and implement digital and information and communications technology products or services that are capable of being used by multiple government agencies in a cost effective manner, or
 - c. optimise existing technologies, applications, computer systems or processes used by government agencies to improve the functionality and operational life of those technologies, applications, computer systems or processes, or
 - d. provide persons employed in or by a government agency with education, training and information relating to digital and information and communications technology.⁶
- 1.10** Clause 7 of the bill provides that the Minister is to control and manage the fund.
- 1.11** Clauses 8 and 9 of the bill outlines the types of money that is payable into and from the fund.
- 1.12** Clause 10 outlines ways in which the Minister may invest money in the fund.
- 1.13** Clause 11 provides that the Minister may obtain advice, recommendations or other information from a person or body considered relevant in exercising functions under the Act.

⁶ Digital Restart Fund Bill 2019, Part 2.

Chapter 2 Key issues

During the course of the inquiry, stakeholders have expressed support for the bill's objective to better resource digital and ICT initiatives across the government sector. However, stakeholder views varied on how to best proceed to deliver on this objective.

This chapter outlines the key issues raised during the inquiry, including the need for the Digital Restart Fund to better resource digital and ICT initiatives; consideration of the Fund's governance and accountability arrangements; and examination of privacy, information access and cybersecurity issues.

The need for the Digital Restart Fund and the bill

- 2.1 Clause 5 of the bill establishes the Digital Restart Fund in the Special Deposits Account.
- 2.2 In his second reading speech, the Hon Victor Dominello MP, Minister for Customer Service, noted that approaches to successful ICT projects differ from those needed of traditional capital projects, particularly regarding its iterative development processes and relevance across government.
- 2.3 The Minister further observed that digital and ICT projects therefore require 'a holistic view', that departs from the existing 'cluster by cluster' or 'agency by agency' approach. The Minister contended that the required new approach would be provided through the Digital Restart Fund.⁷
- 2.4 Ms Sophie Cotsis MP, Shadow Minister for Better Public Services, expressed her support for further investment in digital infrastructure for the purpose of improving service delivery. However, she enquired whether such boost in investment necessarily requires the type of new approach proposed by the bill:

A fundamental concern is that it is unclear why the fund is needed at all. If New South Wales Government agencies wish to upgrade their digital infrastructure, they are already able to do so through normal budgeting and procurement processes ... existing New South Wales procurement laws and policies already allow for a whole-of-government approach to the procurement of goods and services.⁸

- 2.5 In contrast, the case for the bill and the Digital Restart Fund was supported by the Public Service Commission:

It is the PSC's view that the bill will support the state of NSW to build the digital infrastructure and skills necessary for the NSW Public Service to become 'world class' and to significantly enhance the experience of members of the public in their interactions with government ... The PSC also endorses the focus of the Fund ...⁹

⁷ The Hon Victor Dominello MP, Second Reading Speech: Digital Restart Fund Bill 2019, 22 October 2019.

⁸ Submission 1, Ms Sophie Cotsis MP, p 4.

⁹ Submission 3, Public Service Commission, pp 1-2.

2.6 In response to the debate, Mr Greg Wells, NSW Government Chief Information and Digital Officer, sought to explain to the committee how the fund reshapes ICT and digital project investment, and why such a change is needed from the status quo.¹⁰

2.7 Mr Wells noted that the existing funding model and processes were originally designed for physical infrastructure, which are often larger in scale, have longer timeframes, and are relevant to an individual government agency. Highlighting that such assumptions are often untrue in the digital and ICT context and contrary to best practice, Mr Wells contended that the Digital Restart Fund is needed in order to enable the sorts of changes that will result in better government services:

In order to deliver those faster and better, you have got to look at the way you plan and fund and deliver digital in general... We needed a way to do things more quickly, with more agility, and to get things in people's hands that makes a difference faster. So from those priorities and thinking about the way we do things – that is the way we have tried to shift and that is what Restart does.

It enables smaller amounts of money to start things earlier, to test things with users to make sure they are going to be of benefit to users. They allow us to test, also important issues like privacy and security and all those sorts of things before you get into a big user base. They allow us to build common solutions. And, really importantly, they allow us to de-risk those big programs that you would have heard of around IT...¹¹

2.8 The committee was also informed by the government during the inquiry that a significant portion of the money set aside for the Digital Restart Fund was already spent.¹² This led to members questioning the need to embed the Fund through legislation.¹³

2.9 While acknowledging that a significant portion of the fund had already been spent, Mr Wells observed that the passage of the bill would ensure that the proposed new approach would be sustainable and enduring.¹⁴ He informed the committee that this follows precedents set by other major government initiatives:

I think because it is so important we want to legislate it to make sure it is a sustainable model. I think from best practice around things like the infrastructure restart process, Snowy Hydro generations fund and other similar acts that establish a special deposit account...¹⁵

¹⁰ Evidence, Mr Greg Wells, NSW Government Chief Information and Digital Officer, 7 February 2020, p 15.

¹¹ Evidence, Mr Greg Wells, 7 February 2020, p 15.

¹² Submission 4, NSW Government, p 4.

¹³ *Hansard*, Report on the proceedings before Portfolio Committee No. 6 – Transport and Customer Service: Inquiry into the Provisions of the Digital Restart Fund Bill 2019, 7 February 2020, pp 19 and 21

¹⁴ Evidence, Mr Greg Wells, 7 February 2020, p 18.

¹⁵ Evidence, Mr Greg Wells, 7 February 2020, p 16.

Governance and accountability

- 2.10** Clause 7 of the bill provides that the Minister is to control and manage the fund.
- 2.11** Clause 9 of the bill further provides that funding may be provided for projects that are approved by the Minister on the recommendation of the Secretary of the Department of Customer Service.
- 2.12** Ms Sophie Cotsis MP, Shadow Minister for Better Public Services, noted in her submission that the bill lacked details of the governance and accountability arrangements of the Digital Restart Fund. Noting the example of the Restart NSW Fund Act 2011, Ms Cotsis asked whether Infrastructure NSW could be included in the bill as an agency to provide additional analysis and oversight functions.¹⁶
- 2.13** Mr Wells, NSW Government Chief Information and Digital Officer, acknowledged that the bill did not include provisions regarding governance and accountability. However, he explained that this was because the bill was intended to be about '... the mechanics of where the money is, how it flows and what sort of broad criteria to be eligible for it',¹⁷ and that governance and accountability considerations are captured at the level of policy and administration.¹⁸
- 2.14** Mr Wells described the policy and administrative arrangements in place, and noted how it involved input from agencies outside the Department of Customer Service.¹⁹ Mr Wells contended that the process results in a greater level of scrutiny than the current standard:

If you think about the levels of governance that this goes through to get to the point where it is approved – a cluster level, a cross-agency assessment level – a whole-of-government CIO level. Secretaries' boards sight that on the way through to the Delivery and Performance Committee (DAPCO), so there is probably more governance around this process than there is around individual cluster processes. The mechanics of that are very rigorous...²⁰

- 2.15** When asked whether there would be value in embedding the processes articulated at policy and administrative levels into legislation, Mr Wells indicated his support for the bill as proposed. He stated:

I think we have struck the right balance and we will continue to assess that balance between being able to move quickly and have agility but also have controls in place to make sure that Treasury, DPC, everyone else, all clusters have oversight and some control about the prioritisation of funding process and then the ongoing assurance of projects. We do not want to just let it go without control but at the same time if you try to load it up with too much governance, red tape and other things it defeats the purpose of what we are trying to do.²¹

¹⁶ Submission 1, Ms Sophie Cotsis MP, pp 3-4.

¹⁷ Evidence, Mr Greg Wells, 7 February 2020, p 21

¹⁸ Evidence, Mr Greg Wells, 7 February 2020, p 17

¹⁹ Evidence, Mr Greg Wells, 7 February 2020, p 17

²⁰ Evidence, Mr Greg Wells, 7 February 2020, p 23.

²¹ Evidence, Mr Greg Wells, 7 February 2020, p 24.

- 2.16** When asked about his view on the matter, Mr Scott Johnston, the acting Public Service Commissioner, expressed his satisfaction with the bill and the rigour of the proposed arrangements:

The governance associated with the acceptance and approval of projects is, from my perspective, quite rigorous and the assurance of the value and importance of them and the feedback loop about whether they are achieving their outcome is quite clear.²²

- 2.17** When the committee asked whether governance would be improved by mandating consultation with the Public Service Commissioner through the bill, Mr Johnston stated:

... I am comfortable with how I am consulted in relation to the projects that are being put forward currently. Adding that further detail to the bill does not enhance the function of what it is trying to achieve currently.²³

Information access and privacy issues

- 2.18** Stakeholders have noted that the bill is silent on the issues of information access and privacy.
- 2.19** The Information and Privacy Commissioners initially suggested in their submission that there is scope for the bill to expressly safeguard information access and privacy rights and suggested ways in which this could be achieved.²⁴ Options suggested included additional provisions in the bill that provides for advice about information governance arrangements, and a public interest test regarding information access. It was also suggested that privacy by design principles be included as a condition for funding.²⁵
- 2.20** However, both the Information and Privacy Commissioners updated their positions during the course of the inquiry.
- 2.21** Regarding the issue of information access, Ms Elizabeth Tydd, NSW Information Commissioner, informed the committee that she has had further engagement and information from government agencies since her submission, and that the Information and Privacy Commission will be closely consulted by the Government in the development of the policies regarding the fund.²⁶
- 2.22** When asked whether the bill would be strengthened by explicitly providing for information access, Ms Tydd noted that 'legislation is not the only answer' and that she considers the policies currently put forward by government to be a 'holistic solution'.²⁷
- 2.23** Accordingly, Ms Tydd advised that her initial concerns regarding information access has effectively been addressed:

²² Evidence, Mr Scott Johnston, 7 February 2020, p 11.

²³ Evidence, Mr Scott Johnston, 7 February 2020, p 12.

²⁴ Submission 2, Information and Privacy Commission NSW, p 2.

²⁵ Submission 2, Information and Privacy Commission NSW, pp 4-5, 7.

²⁶ Evidence, Ms Elizabeth Tydd, NSW Information Commissioner, p 2.

²⁷ Evidence, Ms Elizabeth Tydd, NSW Information Commissioner, p 5.

So the framework remains in place. It does address a number of the features we raised. It addresses access to information from my perspective. It addresses public value ... It addresses cyber security which was something that we also raised. It is important at a project level that I would continue to monitor and provide advice and I am able to do that under the GIPA Act.²⁸

- 2.24** This was supported by Ms Samantha Gavel, NSW Privacy Commissioner, who also informed the committee that engagement with government since the submission has addressed initial concerns:

I can monitor the work that agencies are doing. At the same time, it does give me a level of confidence that the issues that I have talked about in the privacy section of the submission, ensuring that agencies take a privacy design approach to these projects because they are digital projects. They therefore can raise higher privacy risks, so that is important. And also conduct a Privacy Impact Assessment so that risk mitigations can be put into place and the whole project is designed with privacy throughout it. I am confident that during the consultation process we will be able to put those processes in place.²⁹

Cyber security issues

- 2.25** Another concern expressed by stakeholders was the bill's silence on the issue of cyber security.³⁰
- 2.26** In response, the NSW government acknowledged the importance of cyber security in its submission. It noted the role of Cyber Security NSW, which replaced the former Office of the Government Chief Information Security Officer in 2019 and auspices the Cyber Security Strategy and the NSW Cyber Security Policy. Cyber Security NSW collaborates with agencies across NSW government, law enforcement, the private sector and other jurisdictions.³¹
- 2.27** The government further noted that Cyber Security NSW is being resourced by the Digital Restart Fund in 2019-20.³²

Funding Source

- 2.28** The committee was informed that the Digital Restart Fund involves a commitment of \$100 million over two years. Mr Wells advised that all NSW Government clusters contributed to the Fund based on a Treasury formula, which was in addition to the efficiency dividend required by Treasury.³³

²⁸ Evidence, Ms Tydd, 7 February 2020, p 7.

²⁹ Evidence, Ms Samantha Gavel, NSW Privacy Commissioner, 7 February 2020, p 7.

³⁰ Submission 1, Ms Sophie Cotsis MP, pp 5-6.

³¹ Submission 4, NSW Government, p 6.

³² Submission 4, NSW Government, p 6.

³³ Answers to questions on notice, Mr Greg Wells, NSW Government Chief Information and Digital Officer, 18 February 2019, p 1.

Committee comment

- 2.29** The committee notes that stakeholders broadly support the bill's objective to better resource digital and ICT initiatives across the government sector.
- 2.30** Concerns were raised about various aspects of the bill, including whether the bill represents the best way to achieve the stated objective; appropriate governance and accountability arrangements; information and privacy issues; as well as cyber security concerns. Many of the concerns expressed related to the simple design of the bill, which left many of the issues under the remit of policy and administration, or other legislation.
- 2.31** The committee understands from the evidence gathered that the bill will be complemented by robust policy and administrative arrangements, and that many of these arrangements are already in place or in the process of being developed. The committee accepts in good faith that such arrangements will be enduring and that relevant agencies will continue to be consulted.
- 2.32** The committee notes that only four submissions were received for the inquiry, three of which were from government agencies.
- 2.33** In light of the concerns raised and subsequent government response, the committee recommends that the bill proceed, and the committee's comments and stakeholder concerns be addressed by the NSW Government during the debate on the bill.

Recommendation 1

That the Legislative Council proceed to consider the Digital Restart Fund Bill 2019, and that the NSW Government address the committee comments and concerns identified by stakeholders as set out in this report, during debate in the House.

Appendix 1 Submissions

No.	Author
1	Ms Sophie Cotsis MP
2	Information and Privacy Commission NSW
3	Public Service Commission
4	New South Wales Government

Appendix 2 Witnesses at hearing

Date	Name	Position and Organisation
Friday 7 February 2020 Macquarie Room, Parliament House, Sydney	Ms Samantha Gavel	Privacy Commissioner, Information and Privacy Commission NSW
	Ms Elizabeth Tydd	Information Commissioner, Information and Privacy Commission NSW
	Mr Scott Johnston	Acting Public Service Commissioner, NSW Public Service Commission
	Mr Greg Wells	NSW Government Chief Information and Digital Officer

Appendix 3 Minutes

Minutes no. 15

Thursday, 14 November 2019

Portfolio Committee 6 – Transport and Customer Service
Members' Lounge, Parliament House, Sydney at 2:00pm

1. Members present

Ms Boyd, *Chair*

Mr Faraway

Mr Graham

Mr Mallard

Mr Mookhey

2. Apologies

3. Inquiry into the provisions of the Digital Restart Fund Bill 2019

3.1 Terms of reference

The committee noted the referral on 11 November 2019 of the following terms of reference:

1. That:
 - a) the provisions of the Digital Restart Fund Bill 2019 be referred to the Portfolio Committee No. 6 – Transport and Customer Service for inquiry and report,
 - b) the bill be referred to the committee upon receipt of the message on the bill from the Legislative Assembly,
 - c) that the committee report by Tuesday 17 March 2020, and
 - d) on the report being tabled, a motion may be moved immediately for the first reading and printing of the bill and that the bill proceed through all remaining stages according to standing and sessional orders.

3.2 Closing date for submissions

Resolved, on the motion of Mr Mookhey: That the closing date for submissions be 12 January 2020.

3.3 Stakeholder list

Resolved, on the motion of Mr Graham: That the secretariat circulate to members the Chairs' proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

3.4 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder letters and a media release distributed to all media outlets in New South Wales.

It is no longer standard practice to advertise in the print media. The committee should pass a resolution if it wishes to do so.

3.5 Hearing Dates

Resolved, on the motion of Mr Moohkey: That a hearing be organised for early February 2020, on a date to be determined by the Chair after consulting with members regarding their availability.

4. Adjournment

The committee adjourned at 2.06 pm, *sine die*.

Tina Higgins

Clerk to the Committee

Minutes no. 17

Friday 7 February 2020

Portfolio Committee No. 6 – Transport and Customer Service

Macquarie Room, Parliament House, Sydney, 9.15 am

1. Members present

Ms Boyd, *Chair*

Mr Banasiak, *Deputy Chair*

Ms Cusack

Mr Fang (*until 9.40 am: for the Inquiry into the Sydenham-Bankstown line conversion*)

Mr Farraway

Mr Mallard

Mr Mookhey

Mr Graham (*substituting for Mr D'Adam for the Inquiry into the Sydenham-Bankstown line conversion*)

2. Apologies

Mr D'Adam (*Inquiry into the Sydenham-Bankstown line conversion*)

3. Previous minutes

Resolved, on the motion of Mr Banasiak: That draft minutes nos. 10, 11 and 12 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Received

- 3 December 2019 – Email from Ms Shona Batge, a/g National Manager, Service Australia to the Chair, declining the invitation to make a submission to the Digital Restart Fund Bill 2019 inquiry.
- 3 December 2019 – Email from Ms Georgina Horsburgh, Associate, Department of Premier and Cabinet, seeking an extension to submit a NSW Government submission to the Digital Restart Fund Bill 2019 inquiry by 28 January 2020.
- 4 December 2019 – Email from Mr George-Philip de Wet, Chief Operating Officer, Digital Transformation Agency to the Chair, declining the invitation to make a submission to the Digital Restart Fund Bill 2019 inquiry.
- 3 February 2020 – Email from Ms Priya Pagaddinimath, Office of the Hon. Victor Dominello MP, Minister for Customer Service to the secretariat declining on behalf of the Minister the invitation to attend a hearing on 7 February regarding the Digital Restart Fund Bill.

Sent:

- 31 October 2019 – Email from the secretariat to Mr Gavin Melvin, Office of the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, attaching transcript of evidence with questions on notice highlighted and instructions on how to correct the transcript and return answers to questions

- 31 October 2019 – Email from the secretariat to Ms Priya Pagaddinnimath, Office of the Hon Victor Dominello MP, Minister for Customer Service, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions
- 31 October 2019 – Email from the secretariat to Mr Andrew Dixon, Office of the Hon Andrew Constance MP, Minister for Transport and Roads, and Ms Sally White, Office of the Hon Paul Toole MP, Minister for Regional Transport and Roads, attaching transcript of evidence with questions on notice highlighted, supplementary questions and instructions on how to correct the transcript and return answers to questions.
- 29 January 2020 – Letter from the secretariat to the Hon Victor Dominello MP, Minister for Customer Service, inviting the Minister to appear at the Digital Restart Fund Bill 2019 inquiry hearing on Friday, 7 February 2020.

5. Inquiry into Budget Estimates 2019-2020 – procedural resolutions – further hearings

The 2019-2020 Budget Estimates timetable for further hearings was agreed to by the House. Below is a table of Portfolio Committee No. 6 hearings:

Date	Portfolio
Monday 2 March 2020	Regional Transport and Roads (Toole)
Monday 9 March 2020	Customer Service (Dominello)
Wednesday 11 March 2020	Transport and Roads (Constance)
Monday 16 March 2020	Better Regulation and Innovation (Anderson)

5.1 Total hearing time

Resolved, on the motion of Mr Graham: That:

- the portfolios of Regional Transport and Roads (Mr Toole) and Transport and Roads (Mr Constance), on their respective hearing dates, be examined as follows:

9.30 am – 12.30 pm	Hearing with Minister
12.30 pm – 2.00 pm	Lunch
2.00 pm – 5.00 pm	Hearing with Departmental staff
5.00 pm – 6.00 pm	Dinner
6.00 pm – 8.00 pm	Hearing with Departmental staff

- the portfolios of Customer Service (Mr Dominello) and Better Regulation and Innovation (Mr Anderson), on their respective hearing dates, be examined from 9.30 am to 12.30 pm and from 2.00 pm to 5.30 pm, with the first two and a half hours of the morning session and the first three hours of the afternoon session reserved for questioning equally by the Opposition and cross bench, and the last half an hour of each session reserved for Government questions, if desired.

5.2 Order for examination of portfolios: If portfolios are not to be considered concurrently

Resolved, on the motion of Mr Mookhey: That the portfolios under the same Minister be examined concurrently.

5.3 Allocation of question time

The committee noted that under the resolution establishing the Portfolio Committees, the sequence of questions at hearings is to alternate between opposition, crossbench and government members, with equal time allocated to each, unless the committee decides otherwise.

5.4 Witness requests

Resolved, on the motion of Mr Graham: That no Parliamentary Secretaries be invited to attend as a witness.

Resolved, on the motion of Mr Graham: That members forward witness requests to the secretariat by 4pm Friday 7 February 2020, with the secretariat to forward a compiled list to the Committee for approval.

6. Inquiry into the Sydenham-Bankstown line conversion

6.1 Request for information

Resolved, on the motion of Mr Graham: That the Chair requests the document titled *NSW Medium Term Rail Development Plan – Suburban & Intercity 2017* from Transport for NSW.

Mr Fang left the meeting.

7. Inquiry into the provisions of the Digital Restart Fund Bill 2019

7.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submissions nos 1 to 4.

7.2 Report deliberative

Resolved, on the motion of Mr Mookhey: That the meeting deliberative be re-scheduled to a suitable time during 25-27 February, with the secretariat to canvass members' availability on behalf of the Chair.

7.3 Circulation of the draft Chair's report

The committee noted that the draft Chair's report will need to be submitted to members by 21 February 2020 pursuant to standing order 227, as amended by sessional order; and that this compresses the time available for drafting.

Resolved, on the motion of Mr Mallard: that members not ask supplementary questions after circulation of the hearing transcript.

Resolved, on the motion of Mr Mallard: that witnesses be asked to provide any answers to questions taken on notice and corrections within 5 days from the date the hearing transcript is sent.

Resolved, on the motion of Mr Graham: that the Chair submit a draft report to the committee as soon as practicable prior to the report deliberative meeting.

7.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn:

- Ms Samantha Gavel, NSW Privacy Commissioner, Information and Privacy Commission NSW
- Ms Elizabeth Tydd, NSW Information Commissioner, Information and Privacy Commission NSW

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witness was sworn:

- Mr Scott Johnston, Acting Public Service Commissioner, Public Service Commission

The witness was examined by the committee.

The evidence concluded and the witness withdrew.

Ms Cusack left the meeting.

The following witness was sworn:

Mr Greg Wells, NSW Government Chief Information and Digital Officer.

The witness was examined by the committee.

The evidence concluded and the witness withdrew.

The public and media withdrew.

8. Adjournment

The committee adjourned at 1.30 pm until Thursday 27 February 2020, 1.30pm, Members Lounge, Parliament House (Report deliberative for the Digital Restart Fund Bill 2019)

Stewart Smith/Joseph Cho

Clerk to the Committee

Draft minutes no. 18

Thursday 27 February 2020

Portfolio Committee 6 – Transport and Customer Service

Members' Lounge, Parliament House, Sydney at 1.43pm

1. Members present

Ms Boyd, *Chair*

Mr Banasiak, *Deputy Chair*

Mr Farraway

Mr Graham

Mr Mallard

Mr Martin (substituting for Mr Farlow)

Mr Mookhey

2. Apologies

3. Previous minutes

Resolved, on the motion of Mr Mallard: That draft minutes no. 17 be confirmed.

4. Inquiry into the provisions of the Digital Restart Fund Bill 2019

4.1 Answers to questions on notice and supplementary questions

The Committee noted that the following answer to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Greg Wells, NSW Government Chief Information and Digital Officer, received 18 February 2020.

4.2 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Digital Restart Fund Bill 2019*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Graham: The committee secretariat be authorised to insert a new paragraph noting that the Digital Restart Fund has been resourced through NSW Government cluster expense reductions additional to the efficiency dividend.

Resolved, on the motion of Mr Mookhey: That:

- The draft report, as amended, be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, answers to questions on notice and correspondence relating to the inquiry be tabled in the House with the report;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The Committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat by 12:00pm Friday 28 February 2020;
- That the report be tabled on 28 February 2020.

5. Adjournment

The Committee adjourned at 1.53pm *until 2 March 2020, 9.15am (Budget Estimates further hearing – Regional Transport and Roads)*.

Joseph Cho
Clerk to the Committee