



LEGISLATIVE COUNCIL

PUBLIC ACCOUNTABILITY COMMITTEE

NSW Government's management of the COVID-19 pandemic



Report 12

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Public Accountability Committee

NSW Government's management of the COVID-19 pandemic

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NSW Government's management of the COVID-19 pandemic

"March 2022"

Chair: Mr David Shoebridge, MLC



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Terms of reference

1. That the Public Accountability Committee inquire into and report on:
 - (a) any matter relating to the NSW Government's management of the COVID-19 pandemic;
 - (b) any other related matter; and
 - (c) that the committee reports by 30 June 2021, or such other date as the committee decides.¹

The terms of reference were self-referred by the committee on 27 March 2020.²

¹ The original reporting date was 30 June 2021 (*Minutes*, NSW Legislative Council, 12 May 2020 , p 883). The reporting date was later extended to 30 September 2021 (*Minutes*, NSW Legislative Council, 8 June 2021, p 2255), and then to 25 March 2022 (*Minutes*, NSW Legislative Council, 14 October 2021, p 2488).

² *Minutes*, NSW Legislative Council, 12 May 2020, p 883.

Committee details

Committee members

Mr David Shoebridge MLC	The Greens	<i>Chair</i>
The Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	<i>Deputy Chair</i>
The Hon Scott Barrett MLC*	The Nationals	
Ms Cate Faehrmann MLC**	The Greens	
The Hon Scott Farlow MLC***	Liberal Party	
The Hon John Graham MLC	Australian Labor Party	
The Hon Courtney Houssos MLC****	Australian Labor Party	
The Hon Peter Poulos MLC*****	Liberal Party	
The Hon Penny Sharpe MLC*****	Australian Labor Party	

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* The Hon Scott Barrett MLC replaced the Hon Lou Amato MLC as a substantive member of the committee from 1 March 2022. The Hon Lou Amato MLC replaced the Hon Trevor Khan MLC as a substantive member of the committee from 25 January 2022 to 1 March 2022. The Hon Trevor Khan MLC was a substantive member of the committee to 6 January 2022.

** Ms Cate Faehrmann MLC was a participating member from 16 April 2020 for the duration of the inquiry.

*** The Hon Scott Farlow MLC replaced the Hon Natalie Ward MLC as a substantive member of the committee from 16 June 2021.

**** The Hon Adam Searle MLC substituted for the Hon Courtney Houssos MLC from 27 March 2020 to 21 July 2021. The Hon Courtney Houssos MLC was a participating member from 27 March 2020 to 21 July 2021.

***** The Hon Peter Poulos MLC replaced the Hon Matthew Mason-Cox MLC as a substantive member of the committee from 13 May 2021.

***** The Hon Penny Sharpe MLC was a participating member from 20 July 2021 for the duration of the inquiry.

Chair's foreword

The inquiry was adopted in late March 2020 at a time of great uncertainty as government and society grappled with the onset of the COVID-19 pandemic. With the House unable to sit because of the pandemic, the committee commenced this inquiry in order to ensure that parliamentary scrutiny of the government's management of the pandemic continued. At a time of crisis, there is a need for greater parliamentary scrutiny of the actions of government, not less.

In adopting this inquiry, the committee followed precedents set by the New Zealand Parliament and the Australian Senate which had already established inquiries into the management of the pandemic in their jurisdictions. It was a significant and necessary step for the New South Wales Legislative Council to take.

To undertake the inquiry, the committee had to take its hearings online. In March 2020, the committee and the parliament generally had very little experience of the technology needed to facilitate and broadcast online hearings. However, the Parliament and the committee quickly implemented new technologies and processes which facilitated the shift online, with the first online hearing held on 7 May 2020. The hearing itself, coming at the peak of the first COVID-19 wave and with the Minister for Health and the Chief Health Officer in attendance, created considerable public interest. This continued as the inquiry progressed and further hearings were held.

The committee's hearing held on 10 August 2021 at the commencement of the Delta wave was watched live by almost 2,500 viewers and was ultimately viewed 63,000 times on YouTube. In some senses, the committee was able to reach out better to the community through online hearings than with more traditional hearings.

I would like to thank all witnesses who made themselves available, often in very difficult circumstances, to give evidence to the committee. I acknowledge the work of all the medical professionals, teachers, police and other front line workers throughout the pandemic. I also extend my thanks to the members of the committee secretariat, Hansard staff and IT staff at Parliament House who facilitated the shift to online hearings at short notice. Finally, thanks also to my fellow committee members.



David Shoebridge MLC
Committee Chair

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 27 March 2020.

The committee held 18 public hearings from 7 May 2020 to 11 February 2022: 8 at Parliament House in Sydney and 10 by videoconference.

The committee received a briefing from Mr Bret Walker SC, Commissioner for the Special Commission of Inquiry into the Ruby Princess on 28 May 2020.

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

Chapter 1 **Background to the inquiry**

- 1.1** This inquiry was a first for the New South Wales Legislative Council, ensuring that parliamentary scrutiny of the government's response to the COVID-19 pandemic continued at various times in 2020, 2021 and 2022 when the Legislative Council itself was either unable or not scheduled to sit.

Committee hearings in 2020

- 1.2** On 24 March 2020, in response to the emerging COVID-19 pandemic, the Legislative Council sat and passed various emergency bills. Subsequently, at the end of the sitting day the House adjourned to Tuesday 15 September 2020, a date almost 6 months in the future due to the pandemic. Although at the time it was certainly hoped that the House would sit before then, there was no certainty that this would be the case.
- 1.3** Three days later, on 27 March 2020, following precedents set by the New Zealand Parliament and the Australian Senate which had already established inquiries into the management of the pandemic in their jurisdictions, the Public Accountability Committee self-referred this inquiry to provide ongoing parliamentary scrutiny of the government's response to the pandemic in New South Wales in the absence of the House sitting. Government members of the committee opposed the adoption of the inquiry. The terms of reference simply provided that the Public Accountability Committee inquire into and report on any matter relating to the NSW Government's management of the COVID-19 pandemic and any other related matter.
- 1.4** The adoption of this inquiry by the committee was facilitated by the House's adoption on 24 March 2020 of a procedural resolution providing for the full electronic participation of all members in committee proceedings for the duration of the 57th Parliament, unless the House decides otherwise. Prior to that, the standing and sessional orders were far more restrictive of members participating electronically in committee hearings and meetings.
- 1.5** Following the adoption of the inquiry, the committee by correspondence from the Chair to the Leader of the Government in the Legislative Council sought the government's agreement to the committee's examination of three priority areas: health, education and early childhood learning and residential and retail leases. Initially, the government did not cooperate with the proposed schedule of hearings, the Leader of the Government citing concerns that the committee's inquiry would have 'unduly impeded' the government's response to COVID-19 pandemic at a critical time. Ultimately however, following ongoing negotiations between the Chair and the Leader of the Government, the government agreed to provide witnesses to answer questions concerning the government's response to the pandemic. This was the only form of parliamentary scrutiny of the government's response to the pandemic at the time.
- 1.6** The committee held its first online hearing on 7 May 2020. The witnesses were the Minister for Health and Medical Research, the Hon Brad Hazzard MP, the Secretary of NSW Health, Ms Elizabeth Koff, and the Chief Health Officer, Dr Kerry Chant. The committee notes the difficulty members had asking questions directly of Dr Chant during the hearing with the Minister taking the bulk of the questions directed to Dr Chant. This ultimately occasioned further hearings to hear evidence directly from the relevant health officials.

- 1.7 The hearing was conducted with the Chair chairing the hearing from the Jubilee Room at Parliament House, but with all other committee members and witnesses appearing electronically via webex. A large Cisco screen was installed in the Jubilee Room for this purpose. Proceedings continued to be webcast as normal on the Parliament's website.
- 1.8 In taking this step, the NSW Legislative Council was one of the first Houses in Australia to conduct fully online hearings during the pandemic.



- 1.9 With the subsequent subsidence of the initial wave of the COVID-19 pandemic as 2020 proceeded, the House resumed sitting on Tuesday 12 May 2020, well in advance of the scheduled resumption on Tuesday 15 September 2020 cited earlier. After three online hearings on 7, 15 and 21 May 2020, the committee largely reverted to in person hearings as 2020 proceeded, with a total of 11 hearings conducted up until 11 October 2020. The inquiry subsequently remained inactive from October 2020 for a considerable period of time.

Committee hearings in 2021

- 1.10 The inquiry recommenced with the onset of the Delta variant of COVID-19 in June and July 2021. Once again the House was unable to sit for several months, so the committee recommenced its hearings into the government's management of the pandemic.
- 1.11 A further six hearings were held from 10 August 2021 to 30 September 2021. In advance of the first hearing on 10 August 2021, the committee was obliged to enter into protracted negotiations with Minister Hazard's Office in relation to the availability and time of appearance of Minister Hazzard and Dr Chant. An order for papers by the committee relating to health advice provided by Dr Kerry Chant concerning potential or additional restrictions and lockdowns was largely not complied with by the government.
- 1.12 For this second round of hearings at the peak of the Delta wave, committee systems were improved to allow fully online hearings, with all members (including the Chair) and witnesses appearing remotely. Proceedings were initially broadcast live directly to the Parliament's YouTube site, again a first for the Legislative Council, before arrangements were put in place to revert to webcasting on the Parliament's website. The committee also commenced placing a

recording of all its hearings on the Parliament's YouTube site, a practice that was subsequently adopted by other committees for other inquiries.



- 1.13** At its peak the hearing held on 10 August 2021 was watched live by almost 2,500 viewers. The recording of the hearing placed on YouTube was ultimately viewed 63,000 times.

Committee hearings in 2022

- 1.14** After the outbreak of the Omicron variant of COVID-19 in early 2022 the committee held a final hearing on 11 February 2022.
- 1.15** The committee believes that through self-referral of this inquiry and the pivot to online hearings, it was able to ensure parliamentary scrutiny of ministers and public officials throughout the pandemic where the House was unable to meet. During a time of crisis there is a powerful argument for more, not less, scrutiny and the work of this committee was an important part of the scrutiny while other traditional parliamentary processes were unable to function due to the pandemic.
- 1.16** The committee makes special note of the efforts of staff of the Department of Parliamentary Services and the committee secretariat who moved very quickly when required to implement the technology necessary to support virtual hearings.

Chapter 2 Summary of key issues

This chapter provides a brief summary of key issues raised during the committee's 18 hearings, held between 7 May 2020 and 11 February 2022.

7 May 2020 – Health portfolio

2.1 The following issues were raised during the committee's hearing:

- The Newmarch House outbreak, including:
 - COVID-19 infections in workers
 - the role of NSW Health in managing the Newmarch House outbreak
 - adequacy of medical equipment
 - adequacy of end of life care.
- Additional allowances for frontline health workers and possible exemption from public sector wage freeze
- Infection control training for staff in aged care facilities
- Shortages of Personal Protective Equipment (PPE) and risks to frontline health care workers
- Rate of infection of frontline health care workers
- New South Wales infection rate relative to other countries, as an indicator of effectiveness of the Government's response
- Screening for Aspen Medical personnel between the Ruby Princess and the Newmarch nursing home
- Advice, guidance and training in the use of PPE for workers in aged care facilities
- The R_0 target (basic reproduction number)
- Reported shortages of PPE
- Cruise ship infection modelling and the Ruby Princess outbreak
- The Government's plan and timetable for lifting restrictions and re-opening the economy
- Attendance of year 12 students at schools and their classification from a virus impact and infection control perspective
- Testing in schools
- Testing rates, including in regional New South Wales
- Travel restrictions between Sydney metropolitan and regional areas.

15 May 2020 – Education portfolio and NSW Treasury

Education portfolio

2.2 The following issues were raised during the committee's hearing:

- Government's plan to return students to the classroom/transition back to on-campus learning
- Provision of devices (computers, modems, internet dongles) to students needing assistance
- Assessment of learning outcomes while students were learning remotely
- Resources and assistance to schools and teachers for learning-from-home
- COVID-19 testing in schools, including asymptomatic testing
- Efficacy and evaluation of safety measures in place to protect students returning to the classroom such as extra cleaning, sanitiser, PPE
- Delay of Higher School Certificate (HSC) exams
- Additional or enhanced cleaning in schools
- Availability of cleaning and hygiene supplies to regional schools
- the National Centre for Immunisation Research and Surveillance [NCIRS] report
- Social distancing in primary and high schools
- Special consideration or allowance for students sitting the HSC in 2020 and measures to compensate for disruption to normal preparation for HSC exams and help students falling behind
- The digital divide between public and private schools
- Adherence of cleaning contractors in schools to the NSW Health Cleaning Guidelines
- Support for HSC students undertaking a major project such as in woodwork, metal work, music and so on
- COVID-safety procedures and measures for HSC marking centres
- Return of digital devices following the return of students to schools
- Partial teaching of the 2020 curriculum and minimum requirements for syllabus
- Selection of Google Classroom as a remote learning platform
- Timetable for phasing out support for remote learning
- Catch-up measures to help students who have fallen behind
- Savings to schools as a result of not having students in attendance
- Cancellation of NAPLAN in 2020
- Training for sick bay staff in the identification, prevention and control of COVID-19

- Teacher remuneration and exemption from the public sector wage freeze
- Closure of early childhood centres and remaining capacity
- Government assistance to the early childcare sector.

Treasury portfolio

2.3 The following issues were raised during the committee's hearing:

- Impact of COVID-19 on state revenue
- Forecast Gross Domestic Product (GDP) downturn and Treasury modelling projections for the New South Wales economy, including future recovery
- Unemployment modelling for year ending June 2021
- Abolition of Job Keeper and Job Seeker and the impact on the unemployment rate in NSW
- Modelling projections for business failure rate following abolition of Job Keeper
- Impact of COVID-19 on the youth unemployment rate
- Unemployment and underemployment amongst women
- Timeframe for handing down the 2020-2021 NSW Budget
- Rating agencies' assessment of the New South Wales economy
- the Government's wages policy
- Economic impact of adjusting wages policy from 2.5 to 0 per cent
- Anticipated budget deficit and timetable for returning the budget to balance
- Importance of international students to the New South Wales economy and government support for international students impacted by COVID-19
- Increase in the number of people living in poverty and homelessness as a result of the pandemic
- Temporary housing for rough sleepers
- Liberalising the New South Wales economy, supporting new industries and start-ups
- Cost to the New South Wales taxpayer of quarantining returned travellers
- Government revenue forecasting
- Acceleration of 'shovel-ready' projects as part of the Government's recovery response
- The digital shift in the New South Wales economy, including working from home and the upturn in online shopping
- Enhanced resources and investment in social infrastructure such as mental health services, and domestic violence services.

21 May 2020 – Police, better regulation and finance portfolios

Police and emergency services

2.4 The following issues were raised during the committee's hearing:

- Operationalisation and enforcement of public health orders by NSW Police
- The nature and number of infringements issued for breaching the public health orders
- Break down of infringements between city and regional areas
- Commissioner review of infringements issued for breaches of health orders
- The role of NSW Police in enforcing social distancing
- Overall evaluation of enforcement and implementation of public health orders
- Commissioner's role in the Ruby Princess incident
- Operation of 'reasonable excuse' requirement for leaving one's home
- Prohibition on travel to regional areas
- Issuing of fines to minors for breaches of the public health orders
- Review of infringement issued to the Hon Don Harwin MLC
- Decision not to issue a fine to the Deputy Premier for travel to farm
- Government's wages policy and implications for NSW police officers
- NSW police role in social distancing on public transport and work sites
- Initial investigation into Ruby Princess
- Infection rates for NSW police officers on the job
- Social distancing guidelines for NSW police when interacting with members of the public
- Personal protective equipment (PPE) for police.

Better regulation and innovation

2.5 The following issues were raised during the committee's hearing:

- The Government's hardship arrangements for landlords and tenants
- Use of the Property Services Compensation Fund to compensate landlords
- Timeliness of mediation between landlords and tenants overseen by Fair Trading
- Government assistance and relief for renters experiencing hardship due to COVID-19
- Government measures to address the increase in homelessness from unemployment
- Government's policy response to deferred rental payments

- Land tax rebate/relief for tenants
- Number of complaints SafeWork has received regarding social distancing on work sites
- The Government's Rent Choice Assist COVID-19 response and its extension to temporary residents
- Data capture, registration and tracking for disputes between tenants and landlords

Finance and small business

2.6 The following issues were raised during the committee's hearing:

- The Government's COVID-19 small business grants, including eligibility requirements
- The Government's COVID-19 land tax waiver scheme for landlords
- Development and roll-out of the Government's small business relief and assistance interventions
- The Government's plans for small business assistance when JobKeeper and JobSeeker are abolished or wound back
- Government support for small businesses in sectors reliant on casual workers and ineligible for JobKeeper
- Definition of the pandemic period under the retail and commercial code and its associated regulation
- The number of requests for mediation received by the Office of Small Business
- Additional staff for the Office of Small Business during the pandemic to assist with mediation requests
- Promotion and implementation of reduction in fines for people impacted by COVID-19
- How to measure/evaluate the success of the Government's COVID-19 interventions for small business.

29 May 2020 – Planning

2.7 The following issues were raised during the committee's hearing:

- The status of the Powerhouse Parramatta project in relation to tranche one of the fast-tracked planning proposals
- Criteria underpinning selection of projects for the Planning System Acceleration Program
- Status of Ryde Hospital Upgrade and Macquarie Park Bus Interchange vis-à-vis the priority projects within the Planning System Acceleration Program
- Selection process for priority projects within the Planning System Acceleration Program
- Job creation and employment benefits of fast tracked projects
- Executive appointments to Planning's COVID-19 Response team

- Fast-tracked assessment of MIRVAC's West Pennant Hills (Coonara Avenue) residential development
- Requirement to provide supporting infrastructure as part of fast-tracked residential planning approvals
- Calculation of cost estimates for fast tracked developments, including the Sydney Fish Markets redevelopment
- Commencement-of-work requirements for approved projects under the fast-tracked scheme
- Delays association with the construction of the Alex Avenue Public School
- NSW Treasury request to the Urban Taskforce for shovel-ready projects
- Selection of stakeholder groups for consultation as part of the call for shovel-ready projects in the planning system
- The Government's stimulus package for the NSW Land and Housing Corporation Aboriginal Housing Office
- Order allowing construction outside normal construction hours
- Community opposition to the Crown Eastlakes development
- Changes to the permit system for outdoor dining and other commercial activities in public spaces
- The Government's Streets as Shared Spaces Program
- Creation of temporary cycleways during the pandemic
- Pooling and potential use of developer contributions for infrastructure such as temporary cycleways
- Duration/life of the Planning System Acceleration Program, and potential projects for further tranches.

12 June 2020 – Mental health, better regulation and innovation portfolios

Mental health

2.8 The following issues were raised during the committee's hearing:

- The Government's \$73 million injection into the State's mental health system in response to the COVID-19 pandemic
- The Police, Ambulance and Clinical Early Response (PACER) program – funding, implementation timeline, scope and expansion
- Mental health initiatives and services in regional and remote New South Wales
- Selection of Police Area Commands for the expansion of the PACER program
- Suicide data during the pandemic

- The number of emergency department presentations for mental health concerns during the pandemic
- Collecting and sharing of mental health and suicide data between New South Wales, Victoria and the Commonwealth
- Development of a New South Wales Suicide Register
- The national pandemic mental health plan
- Minister Taylor's input into the first set of public health orders, and mental health carer exemptions from public health restrictions
- The mental health impacts of reopening poker machines in New South Wales following the lockdown period
- Allocation and use of the \$73 million mental health pandemic response package
- New community-based mental health positions
- COVID infection control measures in mental health inpatient wards
- Suspension of inpatient leave during the pandemic

Fair trading and better regulation

2.9 The following issues were raised during the committee's hearing:

- Consumer protections from price gouging on essential items during the pandemic
- CHOICE and Australian Consumer Law
- Regional areas and limited access to a variety of shopping opportunities
- Commonwealth regulated items (COVID related)
- Fair Trade taking prosecutions for aggrieved consumers
- New South Wales capacity to act alone
- Shortages of supply in regional New South Wales

Building and rapid expansion in related to COVID-19 economic responses

2.10 The following issues were raised during the committee's hearing:

- Recruitment to engage people for the Building Commissioner
- The Residential Apartment Buildings (Compliance and Enforcement Powers) Bill
- The financial autonomy and budget of Building Commissioner
- Government budget for the Building Commissioner's work
- Budget for the residential apartment building project.

SafeWork, risks and work

2.11 The following issues were raised during the committee's hearing:

- Qantas letters to staff refusing to work on planes from China and the Fly Well plan
- Safe Work improvement notices
- Recruitment of authorised officers to ensure requirements of RAB are being fulfilled
- Data sharing with SIRA and icare about insurance claims for exposure to COVID-19.

Tenancies, evictions and terminations

2.12 The following issues were raised during the committee's hearing:

- Dispute interventions between landlords and tenants
- Eviction numbers since the commencement of the COVID-19 pandemic
- Data in relation to rental bonds
- The operation of the Rental Bond Board.

15 June 2020 – Agriculture and COVID-19

2.13 The following issues were raised during the committee's hearing:

- The effect of lockdowns on businesses which use animals for entertainment. Businesses such as Taronga Zoo, consequently causing animals to receive less care and falling ill
- Open sea enclosures for dolphins
- Reduction of animal cruelty reports
- Day to day operations of the RSPCA and the Animal Welfare League
- Rise of adoption rates and risk of high rates of abandonment to shelters
- COVID-19's effect on the timeline of the Animal Welfare Action Plan going forward
- Zoonotic diseases, especially in chicken farms
- Correspondence with farmers concerning state and federal measures of land conservation and management
- New policies or measures to help industries and what new money has been provided
- Rural Assistance Authority (RAA) and the financial impact on producers who have been affected previously by bushfires
- RAA loans and increase in interest in interest only loans, R Licence holder extensions
- Recreational fishing and hunting in forests during travel restrictions
- Police interpretation of the travel restrictions

- Restrictions and social distancing at saleyards
- Seafood trade being affected by restaurant's lack of demand, particularly the oyster industry
- Plans if the Sydney Fish Market shuts down
- Waiving and deferring of RAA payments
- Asymptomatic testing for workers
- Government's plan to do more aggressive testing like Victoria
- Actions of the government to assist primary producers to ensuring they have sufficient supply of skilled seasonal workers such as shearers and pickers
- Labour company workers having significant proportions of wages removed for accommodation
- General exploitation of foreign workers
- Measures around biosecurity for imported seafood
- The government's actions to capitalise on buying local and domestic agriculture rather than imported food
- Government assistance of funding or finding alternative forms of accommodation for seasonal workers
- Government mechanisms to help exploited workers come forward
- Risk mitigation measures put forward by the Government to ensure seasonal worker safety from exposure to COVID-19
- The re-establishment of the post of Agent General in London and other senior trade commissioners being filled
- Impact of COVID-19 on the wool industry.

29 June 2020 – Health and medical research

2.14 The following issues were raised during the committee's hearing:

- New South Wales's preparedness for a Victorian-style second wave of COVID-19
- Threshold for reintroducing restrictions
- Border closure with Victoria
- Screening travellers coming from Melbourne in hotel isolation
- Screening in New South Wales and Sydney
- Capacity to surge COVID-19 testing in New South Wales
- Moving towards saliva testing in New South Wales
- Community area testing

- People being turned away from testing
- Delays in test results
- Public health position on the use of masks
- Quarantining of international travellers
- Ventilators in New South Wales
- Healthcare workers contracting COVID
- The required PPE for a second spike
- Public service wage cuts
- New South Wales road map to recovery
- New South Wales computer services going down
- Government response to 75 locally acquired cases in Victoria
- Advice to people in New South Wales not to travel to Melbourne
- State responsibility of health and COVID-19
- Asymptomatic testing for workers
- \$250 million package to provide additional cleaning to public transport, schools, and a range of other measures
- Inflammatory diseases in children similar to Kawasaki and Toxic Shock Syndrome
- Restrictions of state borders and ensuring that there is a specific solution for border towns such as Albury-Wodonga, Mildura and Wentworth
- Progress on the development of a COVID-19 vaccine
- Change in the way that health services are delivered as a response to COVID-19
- The dedication and hard work of frontline health workers and public health officials in responding to the pandemic.

1 July 2020 – Industrial relations and the arts

2.15 The following issues were raised during the committee's hearing:

- Impact of COVID-19 on the night time economy
- \$50 million funding commitment from Create NSW
- Impact of COVID-19 on the arts sector
- Proceeding with government projects to counteract the economic impact of COVID-19
- The Powerhouse Museum
 - Next steps in the Powerhouse Museum project
 - Worker redundancies

- Restrictions in access to exhibits
- The amount of portfolio responsibilities held by the Premier
- The impact on the arts and cultural sector if JobKeeper were to be withdrawn
- A program for casual and semiskilled workers similar to the ACT government's 'Jobs for Canberrans Fund'
- Sick leave in the form of 'hardship payments' to casual workers
- Workers engaged in the public service sector in New South Wales
 - Keeping casual workers employed
 - Working from home arrangements
 - Impact of working from home on productivity and increased working hours
 - Ensuring workers have proper ergonomic and technological equipment to work from home
 - Special leave for the pandemic
 - Providing sick leave for casual private sector workers working for the public sector
- Extent of government engagement with the arts sector
- Issues surrounding Carriageworks
- Support for arts organisations which cannot renegotiate their lease agreements
- Wages policy and the freeze on public sector wages
- Financial assistance for gig economy workers.

17 August 2020 – Non-government organisations

Social Services, housing and homelessness

2.16 The following issues were raised during the committee's hearing:

- Who is 'falling through the gaps' of government social services
- The people coming forward to seek government services
- Difficulty in navigating the NDIS
- The eviction moratorium
- Requirement for landlords and tenants to negotiate before tenants are evicted
- Landlords responses to COVID-19, including rent reductions and deferrals
- Increasing levels of vacancies and falling rent prices in the eastern suburbs and inner Sydney
- Airbnb and short term letting in Sydney
- How New South Wales can find homeless people somewhere safe to live beyond the COVID-19 pandemic, including

- Investment in social housing
- Support for tenants as well as the crisis space
- Expanding 'Together Homes
- Support for housing for both rough sleepers and tenants who are struggling to maintain their tenancy
- The time limited nature of current funding arrangements
- The '5000 for 10 years' program
- The social housing system
- Understanding why tenancies end and who initiated the ending, as well as landlords' positions, including number of rental properties and their usage
- Services available for rough sleepers after free hotel accommodation ended
- Issues surrounding silos around programs
- The Equal Remuneration Order for the social services sector
- Negotiation of Homelessness NSW's contract with the government.

Charitable organisations

2.17 The following issues were raised during the committee's hearing:

- Access to rehab beds for people exiting prison
- Increase in referrals for drug and alcohol consumption
- Moving counselling and other services online
- Requests for support for internet and phone expenses relating to remote schooling
- Managing older volunteers
- Decline in the number of active volunteers during COVID-19
- Increase in demand for services, with the kinds of people seeking support during COVID-19 being different to the usual people who seek support
- The type of services sought by international students
- Rates of food insecurity
- Changes in the kinds of people who access food
- How organisations are dealing with COVID-19 requirements and issues such as:
 - Working from home
 - Social distancing
 - Ceasing or pivoting programs in schools
 - Keeping staff and clients safe
- What the Government can learn from other states, and what can be done better
- Funding for no-interest loans and financial counselling services

- Clearer protocols around residential services in outbreak management
- Investment in social housing
- Support for people on temporary visas
- Administration of the Energy Accounts Payment Assistance program
- The lack of housing support for temporary visa holders and refugees
- Rise in insecure housing
- The issue of overcrowding, and how the Government is addressing it
- The direct support that specific organisations have received from the Government in response to COVID-19
- The ways in which these organisations receive and purchase food from other organisations
- Foodbank and OzHarvest receiving the bulk of the Government's \$10 million funding for food security
- Rates of homelessness in the Cumberland area
- Gig economy, arts and creative workers who have not been eligible for government support, and the support they are seeking from charitable organisations
- Other groups seeking support from charitable organisations:
 - Pilots and airline workers
 - Transgender people
 - Students
 - Sex workers
- Certainty and ongoing income for asylum seekers and international students
- The industries people worked in who are now unemployed and seeking support.

18 September 2020 – Live music, arts and the night-time economy

2.18 The following issues were raised during the committee's hearing:

- The need to be able to spread out for outdoor performances, such as utilising beaches and green spaces, parks and civic squares
- Outdoor dining package and its funding
- Regulatory gaps in what the Government is responding to
- Consistency of the regulations around COVID-19
- Broad permissive planning changes in comparison to individual development applications
- Activating beaches and public parks to allow live entertainment
- Outdoor entertainment as a safe option to allay health concerns

- The success of festival roundtables
- The opportunities that Mr Prickard, Mr Collins, Mr Wardle and Ms Robinson had to contribute to Government policy
- Engagement with Minister Ayers office
- Different types of events with industry
- The number of live music venue closures
- The loss of venues
- Venues' need for financial assistance due to COVID-19 restrictions
- Required level of base support, relief funding or recovery funding
- Numbers for the capacity of venues
- The Great Southern Nights Initiative
- The differentiating of States where there are different conditions
- The urgent need for grants for venues
- The loss of employment of music teachers and education
- The urgency of having capacity moving to 50 per cent density
- The consultation involved with the government to develop a consistent COVID-19 safety plan for venues
- Specific people within NSW Health tasked with dealing with the arts community
- Create NSW
- The work and makeup of the art from advisory boards
- Urgency for funding outdoor dining
- Planning law hurdles for outdoor dining and entertainment
- Noise levels at venues
- COVID-19 safe plans for gaming rooms in pubs
- Employment and revenue of venues compared to counterparts in other States
- Pathway out of COVID restrictions for venues in regional areas versus city areas
- More relaxed restrictions in regional New South Wales as opposed to metro areas
- The Liquor Amendment (24-hour Economy) Bill's changes to noise regulation
- The fact that New South Wales may lose 85 per cent of its live music venues over a six to nine month window without government assistance
- Inability to forecast revenue due to constantly changing COVID-19 situation
- Change of night life culture caused by COVID-19
- A COVID-safe environment for live music venues and how venues can reopen safely

- Government having no contact with live music venues, and venues having to rely on NSW Health websites for all their information
- Changing the one person every four square metres rule to one person every two square metres for live music venues
- How New South Wales can manage transmission in the event that there is an outbreak at a venue
- Measures put in place by venues to be COVID safe and to prevent possible transmission
- Additional contact tracing mechanisms
- An urgent roundtable with a representative group of live music venues, their representative bodies, Create NSW and NSW Health to work through issues faced by venues
- Venues' need for financial operating assistance before the end of 2020
- Venues' contact with MusicNSW
- Pubs and clubs operating poker machines not complying with COVID-19 hygiene measures
- Financial implications of a gambling addiction on an individual
- Vulnerability to gambling during the COVID-19 pandemic
- Gambling machines and alcohol keeping venues afloat during the COVID-19 pandemic
- Daily losses to poker machines in New South Wales since March 2020
- The effect of taking poker machines offline during the peak of the pandemic in early-mid 2020
- Feelings of gambling addicts during poker machine shutdown in early-mid 2020
- Failure of New South Wales to collect alcohol sales data
- How alcohol sales data informs policymaking
- Online alcohol sales and the Liquor Amendment (24-hour Economy) Bill 2020
- Dangers of home delivery of alcohol and rapid use
- The exponential increase in online alcohol sales since March 2020
- The preference for prevention of harm from alcohol rather than responding to harm
- The high proportion of withdrawn superannuation funds that have been spend on gambling
- Increases in online gambling
- Online gambling being an issue for the Federal Government.

7 October 2020 – Government responses to prior hearings

Families, communities and disability services portfolio

2.19 The following issues were raised during the committee's hearing:

- Changes to JobKeeper and JobSeeker
- Rising levels of poverty impacting families in western Sydney
- The housing waiting list in New South Wales
- The priority list and the general applications list for housing over the COVID-19 pandemic
- Spending of the \$70 million allocated to temporary accommodation
- The Together Home program
 - How many people have been supported
 - Services received
 - Services offered to rough sleepers that have not been housed
 - Transition post COVID-19
 - Proposed timing of the rollback of temporary accommodation arrangements
- Number of people in temporary accommodation during the pandemic
- Keeping rough sleepers in temporary accommodation until they can be housed
- How people are accessing homelessness services
- How homelessness services allocate accommodation
- Moving in and out of temporary accommodation
- The implementation of the \$72 million allocated to housing
- Numbers of rough sleepers put in temporary accommodation at the beginning of the pandemic
- Crisis accommodation register
- Interaction between Link2home, the allocation of temporary accommodation, the broader specialist homelessness service system and health care, and how this has come under pressure as a result of COVID-19
- Fostering greater collaboration between Health, Housing and Justice, particularly for people who are in the key transition points that present people with a risk of homelessness
- Additional allocations to Aboriginal specialist homelessness services
- Additional funding received by Innari
- The number of rough sleepers that have been helped into accommodation during the pandemic
- The Housing First strategy

- Appointing evaluators to report on the effectiveness of Together Home
- How many Together Home vacancies are expected to be filled
- Tracking the severity of injuries of small children presenting to emergency departments
- Proportion of children who have been reported as experiencing significant physical abuse
- Caseworkers doing face-to-face assessments during lockdown
- Rates of children being assessed by caseworkers
- New caseworkers that were promised in the 2019-2020 Budget
- Caseworker vacancies
- Devices given to children by the Department of Family and Community Services, particularly those in out-of-home care
- Strategy to close the digital divide for kids in out-of-home care
- Additional financial support provided to foster and kinship carers
- Children in juvenile and youth justice
- Family and social visits to Youth Justice centres
- Continuation of video calling for children in Youth Justice centres post COVID-19
- Direct funding to food providers
- Services and funding for people on refugee visas
- Increase in the proportion of mandatory reporters using the eReporting tool
- Child Protection Helpline staff working from home
- Response to the pandemic for people with disability
- Young people in foster and kinship care ageing out during the COVID-19 period
- The prediction that an extra 16,000 people might fall into homelessness as a result of the pandemic
- Rental arrears assistance
- Visitation rights policy for parents whose children are in out-of-home care during the COVID-19 pandemic.

Customer Service and the Public Service, Employee Relations, Aboriginal Affairs and the Arts portfolios

2.20 The following issues were raised during the committee's hearing:

- Live music venues that operate on a hotel licence not being classified as an 'entertainment venue' and therefore not being able to move to 50 per cent capacity under the public health order issued in October
- Smaller licenced venues should present a COVID-19 safety plan to NSW Health

- Increase in number of venues suspending operations
- Financial support for music venues to activate outdoor dining
- Slashing red tape to activate outdoor dining
- Support for for-profit venues outside the Arts portfolio
- The risk of permanent loss of music, arts and cultural venues
- Subsidies per ticket sales to assist venues in breaking even or making a profit
- Rescue and Restart package
- Support from CreateNSW for freelance artists who have no ABN and therefore cannot get JobKeeper
- Outdoor dining
 - How quickly it will be rolled out
 - Why it was not rolled out previously
 - When it will be rolled out outside the City of Sydney
 - Whether more money would assist
 - Making regional venues more restricted than before COVID
- Outdoor performances
- Giving councils more resources to work through approvals quicker
- Financial assistance to local councils to roll out outdoor dining
- The role of the outdoor dining task force
- Consultation with other councils outside of the City of Sydney as to how to roll out the outdoor dining task force
- Communication to the arts and culture sector regarding guidance on reopening
- When the restart \$25 million spend will start
- Non-financial support received by artists
- Lifting unnecessary restrictions on live music
- Ban on live music in 95 venues across the State
- Opening cultural institutions past 5.00 pm during summer, and what the government is doing to bring people into the city to major cultural institutions
- Support for other cultural institutions to reopen
- Support for regional venues run by councils
- Changing the National Construction Code to enable small-scale arts and cultural offerings to be held in public spaces such as warehouses
- Impact of COVID-19 on people with gambling problems
- Evidence of poker machines being bought or leased by venues to cope with COVID-19 measures

- Issue with the Fortune of War
- Cutting red tape generally
- Creation of a small live music venue licence.

Health portfolio

2.21 The following issues were raised during the committee's hearing:

- Relaxation to 50 per cent capacity, under the public health order issued in October
 - How primary purpose music venues such as pubs, clubs, small bars and so on do not benefit from this change
 - Whether the 50 per cent capacity includes orchestras when applied to concert halls
 - Limits of performances that can take place in venues and theatres
- Social distancing requirements for orchestras
- Resumption of school bands and orchestras
- The public health research that is behind the one person per four square metres rule
- Cheering and mask wearing in stadiums
- Lifting of bans on dancing
- Adherence to public health orders and advice
- Whether getting people outdoors should be part of the New South Wales health strategy in the suburbs
- Outside activities being safer than inside activities
- Keeping the community with NSW Health on the COVID-19 journey
- Complacency with mask wearing and social distancing as case numbers decrease
- Responsiveness of the community to requests to get tested
- Meetings of the AHPPC
- Changing social distancing requirements from four square metres to two square metres
- Contextual differences between states regarding community transmission and border closures
- Status of the creation of a COVID-19 vaccine
- Definition of 'corporate event' under the public health order
- Increasing the permitted number of people and family groups that can gather in an outdoor area or park over summer if cases continue to be low
- Factors that go into easing restrictions and assessing risk of transmission
- The purpose of the public health order and 20-person limitation for protests
- The sewerage testing regime

- The tools needed to stop disinformation about vaccines
- Measures implemented to keep testing rates high, particularly in culturally and linguistically diverse communities
- The importance of keeping testing rates high.

10 August 2021 – Health portfolio: Lockdown, restrictions and vaccination rates

2.22 The following issues were raised during the committee's hearing:

- The sequence of measures introduced following the outbreak
 - Masks on public transports and indoor in non-residential settings
 - The seven LGAs with restrictions on stay-at-home orders followed by a strict lockdown
- Preparation for lockdown following the major cases linked to the birthday party in West Hoxton on 23 June 2021
- Testing requirements for commute between Sydney and Regional New South Wales
- The requirement of regional communities for critical health workers and critical infrastructure workers notably in logistics and freight.
- Health advice on mobility reductions in the suburbs impacted by phase one of lockdown
- Advice for stronger restrictions to control case numbers in order to reach a reproductive rate of less than one
- The Premier's commitment to relax restrictions at 50 per cent coverage of vaccination.
- Sewerage fragment detections in 12 different sewerage treatment plants from Illawarra through Greater Sydney
- Memo requesting the local health district to allow pregnant women a support person at a hospital
- Healthcare workers and vaccination during the Delta outbreak
- The unfolding of lockdown and the case of essential workers
- Information sharing between various levels of government
- The key determinants to lift restrictions, namely the rates of vaccination and new infections
- Intensive Care Unit (ICU) capacity across New South Wales hospitals and the risk that the healthcare system is overwhelmed
- Compliance with wearing of masks and face shields
- Public response to lockdown and restrictions
 - Stay at home order does not impact people equally
 - The backlash on AstraZeneca
- Key factor for lifting vaccination rates

- Promoting vaccination for age 12 and above
- Issue of vaccination supply
- The incubation period and infectiousness
- The approach to managing Delta around the world and in New South Wales
- The effective reproductive rate and the impact of social needs over economic ones. The use of Rapid Antigen Tests versus the Polymerase Chain Reaction (PCR) test as a gold standard
- Mandatory vaccination for health care workers
- Factors that could have improved the Government's management of the pandemic such as earlier and harsher lockdowns
- Discussions around lockdown until Christmas and vaccination rates.

11 August 2021 – Education portfolio: Return to school plan and vaccination rates

2.23 The following issues were raised during the committee's hearing:

- The limited and managed return to school from 16 August 2021 for year 12
- Stakeholders involved in the back-to-school plan: corporates (i.e. KPMG) included but not the teachers unions
- The return of all students to school to be considered from 28 August 2021 onwards
- Factors for a safe return to school, including
 - Vaccination of teachers
 - Mask wearing
 - Minimising extra adults on site
 - Staggered drop off and pick ups
- The case of early primary school as a priority
- Vaccination program for HSC students in most affected LGAs
- Arrangements to enable students to attend their vaccination booking at Olympic Park
- The strong link between vaccination rates and the return to school
- Lack of communication between Government, schools and students
- Increase mobility following the return to school plan
- Data privacy with teachers' vaccinations
- Planning extra venues and supervisors for the HSC exams
- Prioritisation of teacher in the vaccine rollout was not extended beyond the Fairfield, Liverpool and Canterbury-Bankstown LGAs
- Contact between the NSW Teachers Federation and the Minister of Education
- Advise for trial HSC exams to be conducted remotely

- Disparities in access to technology for online teaching for educators

13 September 2021 – Indigenous Affairs

2.24 The following issues were raised during the committee's hearing:

- Overcrowding , confusion and housing issues in Indigenous communities, including the slow response from Health to accommodation needs
- Local emergency management committees disconnected from State planning
- Lack of funding in the Local emergency management committees
- Lack of government response and planning in looking after Indigenous communities
- The redirection of 40,000 Pfizer vaccines from regional New South Wales to HSC students in Sydney on 28 July 2021
- Differences in treatments between Eastern and Western Sydney and between Sydney and regional New South Wales
- Lack of COVID preparation from health services in regional New South Wales
- Lack of resources and supplies for Aboriginal Medical Services and vaccination clinics
- Lack of access to internet and technology outside of schools
- Accommodation offered to Aboriginal people who test COVID positive or in cases of domestic violence
- No localised planning with Aboriginal Community Controlled Health Services
- Slow vaccine rollout in remote communities
- Delivering the message about vaccination in a culturally safe manners, namely through the help of Elders
- Lack of support for people isolating
- Factors showcasing the need for the involvement of Aboriginal bodies and agencies in the response to the pandemic
- Issues around vaccine equity and socio-economic class
- Issues regarding accommodation and ICU capacity in regional New South Wales
- Local decision making alliances between the Coalition of Aboriginal Peak Organisations and Government which have not addressed the housing issue correctly
- Hesitation with vaccination from Aboriginal communities due to misinformation and fear
- Criticism of the public health response from healthcare workers
- Hospital capacity and transportation from remote communities in emergency situation
- Delivery of 80,000 vaccine doses across western New South Wales over six months
- Funding of Aboriginal Medical Services

- Delay in testing in western and far west New South Wales
- Rehabilitation programs to care for extreme cases in need for longer care
- Improve the coordination between Justice Health and Corrections when releasing people out of jail
- Efforts to bring food packages to Aboriginal households in lockdown.

17 September 2021 – Impact of the lockdown on western and south-western Sydney

2.25 The following issues were raised during the committee's hearing:

Community's response to the lockdown

- Ongoing support from the Arabic Council Australia and Lebanese Muslim Association for the lockdown
- The provision of day-to-day support for people testing positive to COVID-19
- Requirements and meaning of 'authorised workers' in the LGAs affected
- Confusion over health orders
- Lack of support for the smaller non-government organisations (NGOs) helping residents
- Factors affecting provision of mental health support in the LGAs
- Possible relaxation of restrictions for outdoor funerals
- The contrast between the government's management of the pandemic in eastern and western Sydney
- Measures to take care of people at home versus in the hospitals
- Implementing public health orders in languages other than English and communicating them to the community.

Local Councils' response to the lockdown

- The impact of the lockdowns on the LGAs directly impacted, including businesses unable to reopen
- The increase in domestic violence as a result of the lockdowns
- Access to health resources, vaccination hubs and testing clinics, including the need for an extra vaccination hub at St Marys
- The challenge of transitioning to working from home when 80 per cent of the workforce in the LGAs are essential workers
- The need for a staggered approach to support businesses reopening
- Drive-through vaccination clinics

- Overall lack of resources, information and constant stigma when dealing with people who have become COVID-19 positive in CALD communities
- Hardship relating to lockdown and job losses
- The lack of involvement of councils in the New South Wales pandemic recovery roadmap
- Unmet demands for vaccination bookings in the area
- Mental health support from local councils and the need to focus on CALD communities.

Governments' agencies response to the lockdown

- The role of the State Health Emergency Operation Centre within the Ministry of Health in deciding where the mass vaccination hubs are located
- The role of Resilience NSW in providing grants to organisations that are not funded by the Government under the emergency management arrangements
- Discussion around daily phone calls from Health officials in the south west
- Vaccination rate amongst the healthcare workforce in the South West Local Health District
- Model predictions of which hospitals are likely to experience code red or code black
- The number of healthcare workers isolating as a result of exposure to COVID
- The provision of personal protection equipment across the State
- Specific guidelines for buildings in lockdown and the support provided to the residents
- The Hospital in the Home program
- Infringements notices across the LGAs for breaking the one hour of exercise rule
- COVID Wards and ICUs capacity in Liverpool and Campbelltown Hospitals
- Vaccination policy for people recovering from COVID-19.

Justice and correctional portfolio

- Vaccination rates of both staff and inmates in prison
- Vaccination rates among staff members in Corrective Services
- Restrictions and guidelines applicable in Corrections
- Staff shortages and impact of restriction on Corrections
- The outbreak at Parklea Corrections Centre
- Concerns relating to lack of fresh air and communication for inmates
- Cases where inmates are refused access to vaccines
- The need for more transparency in the carceral system

- Lack of protection including masks provided to inmates
- The attitude of the Public Service Association regarding compulsory vaccination of staff
- COVID-19 cases amongst Aboriginal people in prisons
- The role of Justice Health, Correctional Services and Youth Justice in managing COVID cases in prisons
- Differences in prisoner oversight between private and public prisons
- The causes of the outbreak within prison facilities and the slow vaccine rollout in prisons
- Reallocation of vaccine doses from prisoner to HSC students
- COVID review undertaken by Custodial Services
- Control measures in place to ensure both communities and the families of inmates are protected, given the prevalence of COVID in prison.

23 September 2021 – Economic recovery, education and epidemiological issues

2.26 The following issues were raised during the committee's hearing:

Economic recovery

- Projects to create jobs and assist communities in western Sydney including the Westinvest \$5 billion investment
- Funding of road leading to WestConnex
- Different restrictions between eastern and western Sydney and the relaxation of restrictions from October 2021 onwards
- The Government's dedication of \$2 billion for high priority projects in local communities
- Reopening of businesses under the public health order
- The cost per week to the economy of the lockdown, estimated at \$1.3 billion
- Support payment in New South Wales
- Uncertainties around the WestInvest project
- Updated guidelines for the reopening of businesses
- Stimulating the economy, notably at the local level and in regional communities through business grants.

Education portfolio

- The return-to-school plan for students, including the return dates
- Surveys conducted of teachers' vaccination rates and the deadline of 8 November 2021 for teachers to be double vaccinated

- The number and circumstances of unvaccinated teachers
- NSW Health funding to improve ventilation and outdoor learning similar to that announced by the Victorian Government
- HEPA filters for additional safety in classrooms
- Audits of classrooms and the Government's commitment to share information regarding the audits with stakeholders including the Teachers Union
- The cancellation of certain HSC exams
- Measures to assess HSC students fairly in the current circumstances, including giving special consideration for year 12 students in certain LGAs
- Additional support for the casual teaching workforce
- Definition of a 'close contact' in school settings.

Epidemiological issues

- The importance of ongoing contact tracing
- Information regarding the Doherty modelling in relation to the return to school plan
- Current modelling on the number of cases that would prompt a return to online learning
The importance of ventilation in school classrooms
- Factoring the virulence of Delta into epidemiological modelling and its impact on the reopening of businesses
- The conditions for reopening the economy at 70 per cent vaccination
- State-wide policy-making and the impact of lower vaccination rates in certain areas
- Modelling of death rates and the nurse-to-patient ratio

30 September 2021 – The Government's plan and roadmap out of lockdown

2.27 The following issues were raised during the committee's hearing:

- The point at which the state will reach an 80 per cent vaccination rate
- Arrangements for contact tracing, testing and isolation at 70 per cent vaccination
- Restrictions at 70 per cent vaccination, and the potential for different isolation requirements for the vaccinated and the not vaccinated
- Automated contact tracing and voluntary QR codes from December 2021
- The achievement of 90 per cent first dose coverage by October and second dose in the new few months
- Projections of further easing of restrictions for those who are vaccinated

- The recommendation of the Australian Technical Advisory Group on Immunisation (ATAGI) for cancer and immunocompromised patients to get a booster shot
- How long mask wearing in indoor settings should remain compulsory
- Additional changes to restrictions to come into effect from 1 December 2021
- The easing of restrictions on both regional and state-wide travel following the achievement of an 80 per cent vaccination rate
- Vaccination rates amongst rural and Indigenous communities
- Monitoring of student and teacher vaccination rates as part of the return-to-school plan
- Doherty modelling of test, trace, isolate and quarantine [TTIQ]
- The audit of ventilation in school classrooms
- Data on COVID-19 cases and rates of vaccination amongst children, together with the return-to-school plan
- Recruitment of health staff in hospitals and ICUs to prepare for a worst case scenario
- The number of vaccinations being given daily
- Vaccinations in the disability sector
- Coordinating NSW Health's response in Aboriginal communities.

11 February 2022 – Health, aged care and preparing for future epidemics

2.28 The following issues were raised during the committee's hearing:

- Nursing workforce issues including the number of resignations and the number of new recruits
- Consultation and lines of communication between NSW Health and the aged care sector
- The proposal for a national aged care coordinating centre, with state nodes
- The number of deaths in aged care facilities from 1st December 2021 to 10th February 2022
- The scale of 'short-staffing' in the aged care sector
- Mitigation measures that can smooth future waves of COVID-19
- Whether COVID-19 will ever become endemic, or whether it will remain an epidemic disease, like influenza or measles.
- Likely scenarios for future COVID-19 waves
- The impact of the COVID-19 pandemic on doctor training over the past two years
- Burnout amongst nurses, affected by nurse-to-patient ratios
- Paramedic remuneration in New South Wales compared to other states and requirements for professional accreditation.

Appendix 1 Witnesses at hearings

Date	Name	Position and Organisation
Thursday 7 May 2020 Videoconference	The Hon Brad Hazzard MP	Minister for Health and Medical Research
	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
	Ms Elizabeth Koff	Secretary, NSW Health
Friday 15 May 2020 Videoconference	The Hon Sarah Mitchell MLC	Minister for Education and Early Childhood Learning
	Mr Mark Scott	Secretary, Department of Education
	Mr Murat Dizdar	Deputy Secretary, School Operations, Department of Education
	Ms Georgina Harrisson	Deputy Secretary, People and Culture, Department of Education
	Mr Michael Pratt AM	Secretary, NSW Treasury
	Ms Joann Wilkie	Deputy Secretary, Economic Strategy & Productivity, NSW Treasury
	Mr Stephen Walters	Chief Economist, NSW Treasury
Thursday 21 May 2020 Videoconference	The Hon David Elliot MP	Minister for Police and Emergency Services
	Commissioner Michael Fuller APM	Commissioner, NSW Police
	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
	The Hon Kevin Anderson MP	Minister for Better Regulation and Innovation
	Ms Rose Webb	Deputy Secretary, Better Regulation Division, and Commissioner, Fair Trading, Department of Customer Service

Date	Name	Position and Organisation
	Mr John Tansey	Executive Director, Better Regulation Division, Department of Customer Service
	Mr Andrew Gavrielatos	Executive Director, Community Engagement, Better Regulation Division, Department of Customer Service
	The Hon Damien Tudehope MLC	Minister for Finance and Small Business
	Mr Philip Gardner	Deputy Secretary, Commercial, Commissioning and Procurement, NSW Treasury
	Ms Joann Wilkie	Deputy Secretary, Economic Strategy and Productivity, NSW Treasury
Friday 29 May 2020 Macquarie Room Parliament House, Sydney	The Hon Rob Stokes MP	Minister for Planning and Public Spaces
	Mr Jim Betts	Secretary, Department of Planning, Industry and Environment
	Mr James Hebron	Department of Planning, Industry and Environment
Friday 12 June 2020 Macquarie Room Parliament House, Sydney	The Hon Bronnie Taylor MLC	Minister for Mental Health, Regional Youth and Women
	Mr David Pearce	Executive Director, Mental Health, NSW Ministry of Health
	Dr Murray Wright	NSW Chief Psychiatrist, NSW Ministry of Health
	Mr Peter Dunphy	Executive Director, Compliance and Dispute Resolution, Better Regulation Division, Department of Customer Service
	Ms Rose Webb	Deputy Secretary, Better Regulation Division, and Commissioner, Fair Trading, Department of Customer Service

Date	Name	Position and Organisation
	Mr John Tansey	Executive Director, Better Regulation Division, Department of Customer Service
	Mr Andrew Gavrielatos	Executive Director, Community Engagement, Better Regulation Division, Department of Customer Service
Monday 15 June 2020 Macquarie Room Parliament House, Sydney	The Hon Adam Marshall MP	Minister for Agriculture and Minister for Western NSW
	Mr Scott Hansen	Director General, Department of Primary Industries
Monday 29 June 2020 Macquarie Room Parliament House, Sydney	The Hon Brad Hazzard MP	Minister for Health and Medical Research
	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
	Dr Nigel Lyons	Deputy Secretary, Health System Strategy and Planning, NSW Health
	Ms Elizabeth Koff	Secretary, NSW Health
	Ms Susan Pearce	Deputy Secretary, Patient Experience and System Performance, NSW Health
Wednesday 1 July 2020 Preston Stanley Room Parliament House, Sydney	Dr Tim Reardon	Secretary, Department of Premier and Cabinet
	Ms Kate Foy	Deputy Secretary, Community Engagement, Department of Premier and Cabinet
Monday 17 August 2020 Macquarie Room Parliament House, Sydney	Dr Lucy Burgmann	Country Manager, Community Housing Ltd
	Ms Katherine McKernan	Chief Executive Officer, Homelessness NSW
	Mr Leo Patterson Ross	Chief Executive Officer, Tenants Union NSW

Date	Name	Position and Organisation
	Ms Joanna Quilty	Chief Executive Officer, NSW Council of Social Services
	Ms Rhiannon Cook	Manager, Policy and Advocacy, St Vincent de Paul Society
	Mr Tony Devlin	Manager, Money Care, Salvation Army
	Ms Nada Nasser	State Director (NSW, ACT, Victoria), Mission Australia
	Ms Rosanna Barbero	Chief Executive Officer, Addison Road Community Centre
	Mr Peter Hennessy	Company Secretary, St Francis Social Services
	Ms Miriam Pellicano	Executive Manager, House of Welcome, St Francis Social Services
	Ms Frances Rush	Chief Executive Officer, Asylum Seekers Centre
Friday 18 September 2020 Jubilee Room Parliament House, Sydney	Mr James Hulme	Director of Advocacy, Committee for Sydney
	Cr Linda Scott	President, Local Government NSW
	Ms Emily Collins	Managing Director, Music NSW
	Mr Nicholas Pickard	Executive Director, Public Affairs, Communications and Events, APRA AMCOS
	Ms Julia Robinson	General Manager, Australian Festivals Association
	Mr John Wardle	Consultant, Live Music Office
	Ms Kerri Glasscock	Executive Director and Chief Executive Officer, Sydney Fringe Festival
	Mr Christopher Tooher	Executive Director, Sydney Festival
	Ms Penelope Benton	Acting Chief Executive Officer, National Association for the Visual Arts

Date	Name	Position and Organisation
	Ms Nicole Beyer	Executive Director, Theatre Network Australia
	Ms Katrina Douglas	NSW Coordinator, Theatre Network NSW
	Mr Sean Morrissey	Deputy Chief Executive Officer, Australian Hotels Association
	Mr John Green	Director, Liquor and Policing, Australian Hotels Association
	Mr Michael Rodrigues	Chair, Night Time Industries Association
	Mr Karl Schlothauer	President, Independent Bars Association
	Mr Sam Nardo	Chief Operating Officer, Century Venues
	Mr Mark Gerber	Chief Executive Officer/Founder and Licensee, Oxford Arts Factory
	Ms Caroline Buckingham	Owners, Butcher's Brew Bar
	Ms Tyla Dombroski	General Manager and Director, Crowbar Sydney
	Ms Caterina Giorgi	Chief Executive Officer, Foundation for Alcohol Research and Education
	Ms Kate DaCosta	NSW Campaigner, Alliance for Gambling Reform
Wednesday 7 October 2020 Macquarie Room Parliament House, Sydney	The Hon Gareth Ward MP	Minister for Families, Communities and Disability Services
	Mr Michael Coutts-Trotter	Secretary, Department of Communities and Justice
	Ms Simone Walker	Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice

Date	Name	Position and Organisation
	Ms Simone Czech	Deputy Secretary, Child Protection and Permanency, District and Youth Services, Department of Communities and Justice
	Mr Paul Vevers	Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice
	The Hon Victor Dominello MP	Minister for Customer Service
	The Hon Don Harwin MLC	Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts
	Ms Rose Webb	Deputy Secretary, Better Regulation Division, and Commissioner, Fair Trading, Department of Customer Service
	Mr Paul Sariban	Director - Liquor and Gaming Policy, Better Regulation Division, Department of Customer Service
	Ms Kristen Daghish Rose	Director Stakeholder Engagement and Regulatory Education, Better Regulation Division, Department of Customer Service
	Ms Kate Foy	Deputy Secretary, Community Engagement, Department of Premier and Cabinet
	Mr Luke Walton	Executive Director, Policy, Department of Planning, Industry and Environment
	The Hon Brad Hazzard MP	Minister for Health and Medical Research
	Ms Elizabeth Koff	Secretary, NSW Health
	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health

Date	Name	Position and Organisation
Tuesday 10 August 2021 Videoconference	The Hon Brad Hazzard MP	Minister for Health and Medical Research
	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
	Dr Nigel Lyons	Deputy Secretary, Health System Strategy and Planning, NSW Health
	Professor Peter Collignon	Professor, ANU Medical School, and Infectious Diseases Physician & Microbiologist, Canberra Hospital
	Professor Tony Blakely	Professorial Fellow in Epidemiology and Public Health Medicine Specialist, Melbourne School of Population and Global Health
	Adjunct Professor Terry Slevin	Chief Executive Officer, Public Health Association of Australia
Wednesday 11 August 2021 Videoconference	The Hon Sarah Mitchell MLC	Minister for Education and Early Childhood Learning
	Ms Georgina Harrisson	Secretary, Department of Education
	Ms Ruth Owen	Acting Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
	Ms Leanne Nixon	Deputy Secretary, School Performance – North, Department of Education
	Mr Murat Dizdar	Deputy Secretary, School Performance – South, Department of Education
	Mr Paul Martin	Chief Executive Officer, NSW Education Standards Authority
	Mr Angelo Gavrielatos	President, NSW Teachers Federation
	Mr Mark Northam	Secretary, Independent Education Union NSW/ACT

Date	Name	Position and Organisation
Monday 13 September 2021 Videoconference	Aunty Monica Kerwin	Community spokesperson, Wilcannia
	Mrs Mary Ronayne	Community and Culture Manager, Wilcannia Safe House
	Cr Darriea Turley AM	Mayor, Broken Hill City Council
	Cr Charles Lynch	Deputy Chair, NSW Aboriginal Land Council
	Dr Peter Malouf	Executive Director of Operations, Aboriginal Health and Medical Research Council of NSW
	Ms Wendy Spencer	CEO, Dharriwaa Elders Group
	Ms Lillian Gordon	Head, Aboriginal Affairs
	Ms Susan Pearce	Controller, State Health Emergency Operations Centre, Ministry of Health
	Mr Scott McLachlan	Chief Executive, Western NSW Local Health District
	Deputy Commissioner Gary Worboys	Deputy Commissioner, NSW Police
Friday 17 September 2021 Videoconference	Ms Randa Kattan	Chief Executive Officer, Arab Council Australia
	Mr Rabih Elkassir	Board of Directors, Lebanese Muslim Association
	Mr Amar Singh	President, Turbans 4 Australia
	Mr Mark Morey	Secretary, Unions NSW
	Cr Karen McKeown OAM	Mayor, Penrith City Council
	Cr Khal Asfour	Mayor, City of Canterbury Bankstown
	Assistant Commissioner Tony Cooke	Assistant Commissioner, South West Metropolitan Command, NSW Police

Date	Name	Position and Organisation
	Ms Amanda Larkin	Chief Executive, South Western Sydney Local Health District
	Commissioner Shane Fitzsimmons	Commissioner, Resilience NSW and Deputy Secretary, Emergency Management, Department of Premier and Cabinet
	Mr Joseph La Posta	Chief Executive Officer, Multicultural NSW
	Mr Brett Collins	Coordinator, Justice Action
	Mr Keenan Mundine	Deputy Chief Executive Officer, Deadly Connections
	Adjunct Professor George Newhouse	Chief Executive Officer, The National Justice Project
	Mr Nathan Bradshaw	Industrial Manager, Justice, Public Service Association of NSW
	Dr Thalia Anthony	Professor, Faculty of Law, University of Technology
	Acting Commissioner Kevin Corcoran	Acting Commissioner, Corrective Services NSW
	Ms Fiona Rafter	Inspector of Custodial Services
	Mr Paul Miller	NSW Ombudsman
	Ms Wendy Hoey	Executive Director, Clinical Operations, Justice Health and Forensic Mental Health Network, NSW Health
Thursday 23 September 2021 Videoconference	Ms Natasha Luschwitz	Acting Deputy Secretary, Transformation Group, Department of Premier and Cabinet
	Ms Fiona Dewar	Deputy Secretary, Strategy, Delivery & Performance, Department of Regional NSW
	Ms Joann Wilkie	Deputy Secretary, Economic Strategy and Productivity, NSW Treasury

Date	Name	Position and Organisation
	Mr Stephen Walters	Chief Economist, NSW Treasury
	Ms Georgina Harrisson	Secretary, Department of Education
	Ms Ruth Owen	Acting Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
	Ms Yvette Cachia	Chief People Officer, Department of Education
	Mr Anthony Manning	Chief Executive Officer, School Infrastructure NSW, Department of Education
	Mr Murat Dizdar	Deputy Secretary, School Performance – South, Department of Education
	Mr Paul Martin	Chief Executive Officer, NSW Education Standards Authority
	Professor Jodie McVernon	Professor and Director of Doherty Epidemiology, Doherty Institute
Thursday 30 September 2021 Videoconference	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
	Ms Susan Pearce	Controller, State Health Emergency Operations Centre, NSW Health
	Dr Nigel Lyons	Deputy Secretary, Health System Strategy and Planning, NSW Health
Friday 11 February 2022 Jubilee Room Parliament House, Sydney	Dr Danielle McMullen	President, Australian Medical Association (NSW)
	Ms Shaye Candish	Assistant General Secretary, NSW Nurses and Midwives' Association
	Mr Gerard Hayes	State Secretary, Health Services Union (HSU)

Date	Name	Position and Organisation
	Professor Tony Blakely	Professorial Fellow in Epidemiology and Public Health Medicine Specialist, Melbourne School of Population and Global Health Adjunct
	Professor Raina MacIntyre	National Health and Medical Research Council Principal Research Fellow and Professor of Global Biosecurity, University of New South Wales
	Mr Mark Burdack	Chief Executive Officer, Rural and Remote Medical Services
	Mr Paul Sadler	Chief Executive Officer, Aged Care and Community Services Australia
	Mr Mark Sewell	Chief Executive Officer, Warrigal Care
	Ms Mary Carpenter	Director, Governance, Risk and Quality, Uniting NSW/ACT
	The Hon Brad Hazzard MP	Minister for Health
	Dr Kerry Chant PSM	Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
	Ms Elizabeth Koff	Secretary, NSW Health
	Mr Phil Minns	Deputy Secretary People, Culture and Governance, NSW Health
	Ms Susan Pearce	Deputy Secretary Patient Experience and System Performance and State Health Emergency Operations Centre (SHEOC) Controller, NSW Health

Appendix 2 Minutes

Minutes no. 18

Friday 27 March 2020

Public Accountability Committee

Room 1254, Parliament House, Sydney at 2.33 pm

1. Members present

Mr Shoebridge, *Chair*

Mr Borsak, *Deputy Chair (via teleconference)*

Mr Graham *(via teleconference)*

Mrs Houssos *(participating member) (via teleconference)*

Mr Khan *(via teleconference)*

Mr Mason-Cox *(via teleconference)*

Mr Searle *(substituting for Mrs Houssos) (via teleconference)*

Mrs Ward *(via teleconference)*

2. Previous minutes

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

3. Correspondence

The Committee noted the following items of correspondence:

Received:

- 26 March 2020 – Correspondence from chair, Mr David Shoebridge MLC, to the Director, Committees, requesting a committee meeting to consider a self-reference for an inquiry into the NSW Government's management of the COVID-19 pandemic

Sent:

- 26 March 2020 – Letter from the Chair to Margaret Crawford, NSW Auditor General, requesting an update on the progress of her audit into the independent oversight bodies
- 26 March 2020 – Letter from the Chair to Hon Wes Fang MLC, Chair, Law and Justice Committee, forwarding the submission from the Workers' Compensation Independent Review Officer for consideration as part of the next review of the workers' compensation scheme

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Consideration of terms of reference

Resolved, on the motion of Mr Searle: That the committee adopt the terms of reference as drafted.

That the Public Accountability Committee inquire into and report on:

1. Any matter relating to the NSW Government's management of the COVID-19 pandemic;
2. Any other related matter; and
3. That the committee reports by 30 June 2021, or such other date as the committee decides.

4.2 Conduct of the inquiry

Mr Graham moved that the committee adopt the following initial conduct of inquiry outline:

- The committee is to hold ongoing hearings with the first hearing 10:00am Friday 3 April 2020 and such further hearings as necessary and determined by committee
- Priority areas for examination on Friday to be health, education and early childhood and residential and retail leases
- Witnesses to appear separately (not as part of a panel)
- The hearings are to be convened by audio-visual link and if internet connection does not support audio-visual for any member or witness but phone link if necessary.

- That the chair and secretariat are authorised to determine necessary arrangements to implement the above
- That members will be invited to participate in a trial of the audio-visual arrangements at a suitable agreed time next week
- That the initial deliberative on Friday 3 April 2020 will be for thirty minutes commencing at 9:30am
- That the committee consider a tentative witness list for Friday (discussion)
- The chair to write to the leader of the government to advise of the above and seek a response on or before 10:00am Tuesday
- A further deliberative set for 2:30pm Tuesday

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mr Searle, Mr Shoebridge

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward

Question resolved in the affirmative.

4.3 Witness list for initial public hearing

Mr Graham moved that the chair write to the Hon Don Harwin MLC, Leader of the Government in the Legislative Council, inviting the following witnesses to appear at the initial public hearing on 3 April 2020:

Priority Area for Examination	Witnesses	Duration
Health	Chief Medical Officer or Deputy Chief Medical Officer, and any other relevant senior officer of the Department of Health	1 ½ hours
Education and early childhood	Secretary, Department of Education, and any other relevant senior officer	1 hour
Residential and retail leases	Deputy Secretary and Commissioner, NSW Fair Trading, and any other relevant senior officer able to speak to retail and residential lease issues	1 hour

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mr Searle, Mr Shoebridge

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward

Question resolved in the affirmative.

5. Other business

Resolved, on the motion of Mr Searle: That Mrs Houssos be provided with all inquiry-related document as a participating member for the life of the inquiry.

6. Adjournment

The committee adjourned at 3.40 pm, until 2.30 pm Tuesday 31 March 2020.

Anthony Hanna
Committee Clerk

Minutes no. 19

Tuesday 31 March 2020

Public Accountability Committee

Room 1136, Parliament House, Sydney at 2.33 pm

1. Members presentMr Shoebridge, *Chair (via teleconference)*Mr Borsak, *Deputy Chair (via teleconference)*Mr Graham *(via teleconference)*Mrs Houssos *(participating member) (via teleconference)*Mr Khan *(via teleconference)*Mr Mason-Cox *(via teleconference)*Mr Searle *(substituting for Mrs Houssos) (via teleconference)*Mrs Ward *(via teleconference)***2. Previous minutes**

Resolved, on the motion of Mr Borsak: That draft minutes no. 18 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received:

- 27 March 2020 – Correspondence from the Hon Mark Buttigieg MLC to the secretariat, advising that the Hon Adam Searle MLC will substitute for the Hon Courtney Houssos MLC for the meeting to consider the proposed self-reference
- 27 March 2020 – Email from Mr Scott Fuller, Editor of Debates, Hansard, regarding options for holding and broadcasting public hearings using videoconferencing platforms
- 30 March 2020 - Correspondence from the Hon Mark Buttigieg MLC to the secretariat, advising that the Hon Adam Searle MLC will substitute for the Hon Courtney Houssos MLC for the duration of the inquiry, and that Mrs Houssos will be a participating member for the duration of the inquiry
- 30 March 2020 – Letter from the Hon Don Harwin MLC, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, to the Chair declining the committee's invitation to give evidence at the initial hearing on Friday 3 April 2020

Sent:

- 27 March 2020 – Letter from the Chair to the Hon Don Harwin MLC, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, inviting the agreed witnesses to the initial hearing on Friday 3 April

4. Inquiry into the NSW Government's management of the COVID-19 pandemic**4.1 Conduct of the inquiry**

In light of the correspondence received from Minister Harwin (as noted above), Mr Searle moved that:

1. the initial public hearing scheduled for Friday 3 April 2020 be vacated;
2. that the committee respond to Minister Harwin seeking a process of discussion to determine a suitable timeframe for hearing from senior government personnel; and
3. that Minister Harwin be asked to respond to the committee by Monday 6 April 2020.

Mr Khan moved that the motion of Mr Searle be amended by inserting at the end 'That consideration of further hearing dates not occur until on or after 15 May 2020.'

Question: That the amendment of Mr Khan be agreed to.

Put and passed.

Original question as amended: That:

1. the initial public hearing scheduled for Friday 3 April 2020 be vacated;

2. that the committee respond to Minister Harwin seeking a process of discussion to determine a suitable timeframe for hearing from senior government personnel;
3. that Minister Harwin be asked to respond to the committee by Monday 6 April 2020; and
4. that consideration of further hearing dates not occur until on or after 15 May 2020.

Question put and passed.

4.2 Conduct of the inquiry – No submissions

Consideration of suggested resolution deferred to a later meeting.

5. Adjournment

The committee adjourned at 3.34 pm, until 11.00 am Wednesday 8 April 2020.

Anthony Hanna
Committee Clerk

Minutes no. 20

Wednesday 8 April 2020

Public Accountability Committee

Via teleconference at 11.02 am

1. Members present

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Mr Buttigieg (*participating member*)
Mr Graham
Mrs Houssos (*participating member*)
Mr Khan
Mr Mason-Cox
Mr Searle (*substituting for Mrs Houssos*)
Mrs Ward

2. Previous minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 19 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received:

- 6 April 2020 - Correspondence from the Hon Don Harwin MLC, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, to the Chair, advising that he is unable to provide a timeframe for scheduling hearings from senior government representatives at present and inviting the committee to provide its proposed priority areas and witnesses for examination

Sent:

- 1 April 2020 – Letter from the Chair to the Hon Don Harwin MLC, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, seeking advice from the government on a suitable timeframe for scheduling hearings from senior government representatives

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Conduct of the inquiry – initial hearing

In light of Minister Harwin's response of 6 April 2020, the committee deliberated on the timeframe and approach for nominating to the government its priority areas and proposed witnesses for examination.

Mr Borsak moved: that a public hearing be held on Thursday 16 April 2020, commencing at 10.00 am, to examine the portfolios of health and police.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Shoebridge

Noes: Mr Graham, Mr Khan, Mr Mason-Cox, Mr Searle, Mrs Ward

Question resolved in the negative.

Resolved, on the motion of Mr Searle:

1. that the committee invites members to submit lists of topics and potential lists of witnesses to be examined in hearings to the secretariat by close of business of Tuesday 14 April 2020;
2. that the committee invites members to do the same in relation to any briefings sought by committee members;
3. that the compiled lists are then circulated to members for consideration;
4. that the committee then decides what list of topics and potential witnesses to submit to the Leader of the Government, together with a request for government to nominate potential hearing dates on which those persons and topics can be examined; and
5. that this decision to be made in a subsequent deliberation or by email exchange between the Chair and members on or by a Thursday 16 April.

4.2 Conduct of the inquiry – No submissions

Resolved, on the motion of Mr Graham: That material received by the secretariat via email is to be treated as correspondence and circulated to the committee.

4.3 Urgent committee activity to be undertaken during activity free dates

Resolved, on the motion of Mr Graham: That committee activity may be conducted in the period from 13 April to 17 April 2020 on the basis that such committee activity is urgent.

5. Adjournment

The committee adjourned at 11.30 am, *sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 21

Friday 24 April 2020

Public Accountability Committee

Webex conferencing at 10.02 am

1. Members

Mr Shoebridge, *Chair*

Mr Borsak, *Deputy Chair*

Ms Faehrmann (*participating*) (*until 10.22 am*)

Mr Graham

Mrs Houssos

Mr Khan

Mr Mason-Cox

Mr Searle (*substituting for Mrs Houssos for the management of the COVID-19 pandemic inquiry*) (until 10.22 am)
Mrs Ward

2. **Electronic participation**

The committee noted the provisions of the amended sessional order relating to electronic participation in committee proceedings require that when a committee deliberates, members of the committee constituting a quorum are able to speak to and hear each other.

The Chair briefed the committee about the conduct of proceedings.

Resolved, on the motion of Mr Borsak: That the meeting be recorded through Webex for the purposes of the secretariat cross-checking amendments following the meeting only.

Resolved, on the motion of Mr Borsak: That the draft minutes for meeting no. 21 be circulated to members electronically and be confirmed by members 24 hours after receipt of the draft minutes by agreement via email.

3. **Draft minutes**

Resolved, on the motion of Mr Mason-Cox: That draft minutes no. 20 be confirmed.

4. **Correspondence**

The committee noted the following items of correspondence:

Received:

- 25 February 2020 – Email from Mr Karl Sullivan, Head of Risk & Operations, Insurance Council of Australia, to secretariat, advising they have been focused on the bushfire response and will provide their answers to questions on notice as soon as possible
- 12 March 2020 – Email from Mr Grahame Vile, Director, BAAM Consulting, to secretariat, requesting an extension to provide answers to questions on notice from the hearing on 20 February 2020
- 13 March 2020 – Email from Ms Sarah Low, Manager Policy and Strategy, Department of Customer Service, to secretariat, seeking an extension to provide answers to questions on notice from the hearing on 24 February 2020
- 19 March 2020 – Email from Witness A, to secretariat, agreeing to the proposal to publish a statement as name suppressed to refer to this evidence in the committee's report
- 3 April 2020 – Email from Ms Barbara Ferris, Secretary, Body Corporate, local strata building, to secretariat, advising that Ms Therese Doyle is responding to the questions on notice on her behalf
- 9 April 2020 – Letter from Ms Margaret Crawford, Auditor-General for New South Wales, to Chair, advising that she expects to complete the audit into the effectiveness of financial arrangements and management practices within the next two months
- 22 April 2020 – Letter from Hon Damien Tudehope MLC, Minister for Finance and Small Business, Vice President of the Executive Council, Leader of the Government in the Legislative Council, to Chair, responding to the proposed dates for the initial COVID-19 pandemic hearings based on the agreed topics for examination.

Sent:

- 25 February 2020 – Email from secretariat, to Mr Karl Sullivan, Head of Risk & Operations, Insurance Council of Australia, following up the response to the questions taken on notice at the hearing on 11 December 2019
- 25 February 2020 Email from secretariat, to Mr Leighton Drury, State Secretary, and Ms Anastasia Polites, Senior Industrial Officer, Fire Brigade Employees Union, following up the response to the questions taken on notice at the hearing on 11 December 2019
- 12 March 2020 – Email from secretariat, to Mr Grahame Vile, Director, BAAM Consulting, approving the request for extension to provide answers to question on notice from the hearing on 20 February 2020

- 16 March 2020 – Email from secretariat, to Ms Sarah Low, Manager Policy and Strategy, Department of Customer Service, approving the request for extension to provide answers to questions on notice from the hearing on 24 February 2020
- 19 March 2020 – Email from secretariat, to Witness A, seeking confirmation to publish a statement as name suppressed to refer to this evidence in the committee's report
- 23 March 2020 – Email from secretariat, to Ms Maria Barreto-Tilman, Group Marketing Manager, Dincel Construction System, advising of the committee's decision regarding the publication status of their supplementary submission
- 23 March 2020 – Letter from Chair, to Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, advising that the committee is unable to extend the due date for a government response to the first report in order to provide a combined response
- 24 March 2020 – Email from secretariat, to Mr Grahame Vile, Director, BAAM Consulting, following up the response to the questions taken on notice at the hearing on 20 February 2020
- 24 March 2020 – Email from secretariat, to Ms Barbara Ferris, Secretary, Body Corporate, local strata building, following up the response to the questions taken on notice at the hearing on 20 February 2020
- 24 March 2020 – Email from secretariat, to Ms Therese Doyle, Member, Better Planning Network Inc and Co-convenor, Newcastle Hunter Urban Planning and Transport Alliance, following up the response to the questions taken on notice at the hearing on 20 February 2020.

Resolved, on the motion of Mrs Houssos: That the committee keep the following items of correspondence confidential, as per the recommendation of the secretariat, as they contain identifying and/or sensitive information:

- 19 March 2020 – Email from secretariat, to Witness A, seeking confirmation to publish a statement as name suppressed to refer to this evidence in the committee's report
- 19 March 2020 – Email from Witness A, to secretariat, agreeing to the proposal to publish a statement as name suppressed to refer to this evidence in the committee's report.

Mr Borsak left the meeting.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Topics and witnesses for initial hearings

The committee noted that the following was previously agreed to by members via email:

That the initial private briefings from government no longer be pursued in the event that they delay or replicate hearings, and instead public hearings be prioritised by the committee, with the government asked to nominate potential hearing dates on which the invited witnesses can be examined. The topics and witnesses for examination in the initial hearings are:

Initial hearing 1 – date to be determined following consultation

Health

- Minister for Health (Hazzard)
- Secretary of Health
- the Chief Health/Medical Officer or Deputy Chief Health/Medical Officer
- such other senior health officials as may be able to assist the committee.

Police

- Minister for Police (Elliot)
- Commissioner of Police
- Secretary of Department of Communities and Justice
- such other senior officials as may be able to assist the committee.

Initial hearing 2 – date to be determined following consultation

Treasury

- Secretary of the Treasury; and
- such other senior officials as can assist the committee.

Education

- Minister for Education
- Secretary of Department of Education
- Deputy Secretary, School Operations and Performance
- R/Deputy Secretary, Educational Services
- Executive Director, Learning and Business Systems
- Executive Director, Learning and Teaching
- such other senior officials as may be able to assist the committee.

Initial hearing 3 – date to be determined following consultation

Residential and commercial lease issues

- Minister for Finance and Small Business (Tudehope)
- Minister for Better Regulation and Innovation (Anderson)
- Ms Rose Webb
- such other senior officials as can assist the committee.

5.2 Consideration of the Minister's response and future hearing dates

The committee noted the correspondence received from Minister Tudehope's received on 22 April 2020.

Mr Searle moved:

- that the hearing on residential and retail/commercial leases be brought forward to sometime in the week prior to the sitting of parliament on 12 May, with potential dates being Tuesday 5 May, Wednesday 6 May or Thursday 7 May
- that the committee respectfully ask the Government to reconsider its unwillingness to make senior health officials available for hearings, and to invite the Government to nominate a date in the near future for a prompt hearing on the health response to COVID-19, as it has done for the other topics for examination
- that the committee accept and confirm the Government's proposed hearing dates for treasury and education on 15 May and police on 21 May
- that, for each portfolio or topic to be examined, two hours be allocated for non-government questions, with Opposition members and Cross bench members each allocated one hour, followed by 15 minutes for government questions if needed.

Question put.

The committee divided.

Ayes: Mr Graham, Mr Searle, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

There being an equality of votes, the Chair used his casting vote.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That the Chair write to the Leader of the Government in the Legislative Council to communicate the committee's resolution.

5.3 Provision of inquiry-related document to participating members

Resolved, on the motion of Mr Graham: That Ms Faehrmann be provided with all inquiry-related documents as a participating member for the life of the inquiry.

Mr Searle and Ms Faehrmann left the meeting.

Mr Borsak returned to the meeting.

6. Inquiry into the regulation of building standards, building quality and building disputes

6.1 Supplementary submission 172a

The committee considered the partial publication of a statement from Witness A, who appeared before the committee at a *in camera* hearing on 11 December 2019, to be able to reflect this evidence in the committee's report. The committee noted that Witness A has been consulted and agrees with the publication of the statement as a name suppressed supplementary submission.

Resolved, on the motion of Mr Khan: That the committee authorise the publication of submission no. 172a and keep confidential the name and identifying information, as per the request of the author.

6.2 Partially confidential submission

Resolved, on the motion of Mr Khan: That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submission no. 40.

6.3 Answers to questions on notice

The committee noted that the following answers to questions on notice and additional information were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Scott Rathgen, Section Manager, Building Certification, Central Coast Council, received 26 and 28 February 2020
- answers to question on notice from Mr Michael Corrigan, Senior Building Surveyor, Lake Macquarie City Council, received 5 March 2020
- answers to question on notice from Ms Michelle Bisson, Manager Regulatory, Planning & Assessment, City of Newcastle, received 9 March 2020
- additional information from Mr Peter Goudie, Consulting Engineer, received 16 March 2020
- answers to question on notice from the NSW Government, received 20 March 2020.

6.4 Confidential answers to questions on notice

Resolved, on the motion of Mrs Houssos: That the committee keep confidential the following answers to questions on notice, as per the recommendation of the secretariat as they contain identifying and/or sensitive information:

- answers to questions on notice from Witness C, received 12 March 2020
- answers to questions on notice from Witness B, received 16 March 2020
- answers to questions on notice from Mr Grahame Vile, Director, Baam Consulting, received 26 March 2020.

6.5 Transcript clarification

The committee noted the transcript clarification received 20 March 2020 from Mr Berkay Dincel, Director, Dincel Construction System, in relation to a clarification of the transcript of 24 February 2020.

Resolved, on the motion of Mrs Ward: That a footnote be included in the transcript of 24 February 2020 noting the clarification received by Mr Berkay Dincel, Director, Dincel Construction System.

6.6 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Regulation of building standards, building quality and building disputes – Final report*, which, having been previously circulated, was taken as being read.

Chapter 1

Resolved, on the motion of Mrs Houssos: That the list of recommendations from the committee's first report be inserted following paragraph 1.1.

Resolved, on the motion of Mr Khan: That the following committee comments be inserted after paragraph 1.39:

"The committee acknowledges the frank and forthright evidence provided by the NSW Building Commissioner and acknowledge his offer to continue to brief the committee in the event the committee holds a further review into the NSW Government's reforms of the building and construction industry.

The committee expresses its support for the efforts made by the NSW Building Commissioner and encourages the NSW Government to adopt the recommendations that he outlined to the committee for further reforms. Additionally, the committee supports and request for further resources that the NSW Building Commissioner may make.'

Mr Graham moved: That the following paragraph be inserted after paragraph 1.37:

'The committee notes that in response to the current COVID-19 crisis the NSW Government has taken steps to accelerate building and construction as a stimulus in this period. The committee considers that this makes it more urgent to ensure that the NSW Building Commissioner has in place the appropriate powers to ensure building standards. The committee further notes that such powers were planned to be gazetted and operational by the middle of 2020.

The committee therefore recommends that this powers bill is dealt with as a matter of urgency when the NSW Parliament is reconvened in May 2020, with prompt circulation of the proposed bill to members of Parliament.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Khan moved: That paragraphs 1.37, 1.38, 1.39, 1.40 and 1.41 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That paragraph 1.41 be amended by inserting 'including' after 'building industry'.

Mrs Houssos moved: That the following new paragraphs and recommendation be inserted after paragraph 1.40:

'The committee notes the testimony of the NSW Building Commissioner that outlined that 30 additional inspectors will be hired by the Department to audit the certification process of existing buildings. These inspectors will be largely former certifiers, builders and designers.

The inquiry also received compelling evidence of unlicensed workers, particularly electrical workers, and a small number of specialised inspectors within the Department of Fair Trading. The committee is concerned that these new inspectors will not have specialised expertise for electrical, gas or plumbing, or be conducting licence checks.

The committee believes that licencing and inspections, with the specialist expertise for these, should be centralised, under the supervision of the NSW Building Commissioner, within the newly created Building Commission. The committee also believes there should be additional licencing and specialist inspections across electrical, gas and plumbing in the NSW construction industry.

Recommendation X

That the NSW Government empower the NSW Building Commissioner to oversee all licencing inspections, within the newly created Building Commission. Further, that the Building Commission hire additional, specialised inspectors to create a more robust inspection regime for building, electrical and plumbing work in New South Wales.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Graham moved: That:

- a) the following new recommendation be inserted before paragraph 1.38:

'Recommendation X

That the NSW Government introduce and debate the powers bill granting the NSW Building Commissioner new powers to ensure building standards as a matter of urgency when the NSW Parliament is reconvened in May 2020, with prompt circulation of the proposed bill to members of Parliament.'

- b) the following new recommendation be inserted after paragraph 1.38:

Recommendation X

That the NSW Government resume debate on the Design and Building Practitioners Bill 2019 as a matter of urgency when the NSW Parliament is reconvened in May 2020.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Chapter 2

Resolved, on the motion of Mr Graham: That paragraph 2.3 be amended by omitting 'we effect be' and inserting instead 'are affected by'.

Resolved, on the motion of Mr Graham: That paragraph 2.33 be amended by:

- (a) inserting 'At the hearing on 24 February 2020, the Building Commissioner gave evidence that he is not yet in charge of cladding issues' after 'particularly cladding'.
- (b) inserting 'within a fortnight of commencing as Commissioner' after 'provided recommendations to the NSW Government on flammable cladding'

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 2.38:

'In addition the Victorian Building Authority provides a centralised flammable cladding risk assessment process and is the Municipal Building Surveyor for the highest risk buildings in Victoria.' [FOOTNOTE: State of Victoria Department of Environment, Land, Water and Planning, 'Victorian Cladding Taskforce, Report from the Co-Chairs, July 2019'.]

Resolved, on the motion of Mr Khan: That the following new paragraphs be inserted after paragraph 2.98:

'Specifically, the Government introduced the *Property, Stock and Business Agents Amendment Regulation 2019* – effective 23 March 2020 – that specifies the kinds of material facts that an agent knows or should reasonably know and must disclose to a prospective purchaser. These include that the property:

- is, or is part of, a building that contains external combustible cladding to which:
 - a fire safety order, or a notice of intention to issue a fire safety order, has been issued requiring the building to be rectified regarding the cladding

- a building product rectification order, or a notice of intention to issue a building product rectification order, has been issued requiring the building to be rectified regarding the cladding
- a development application or complying development certificate application has been lodged for rectification regarding the cladding.
- The agent will be liable if they fail to disclose these facts, whether or not they intended to conceal them from the prospective purchaser, if they knew of the fact, or should have reasonably known about the fact. [FOOTNOTE: *Property, Stock and Business Agents Amendment Regulation 2019*, cl 18.]

Commencing in July 2017, the Cladding Taskforce wrote to the registered owners and managers of identified buildings to alert them to the presence of potentially non-compliant cladding and encourage them to take action to check the documentation and approvals for the building and (if necessary) arrange an expert fire safety assessment.

The Taskforce has hand delivered over 33,000 letters to residents (owner-occupiers and tenants) with information about apartment fire safety and how to check that building owners are taking necessary action. [FOOTNOTE: Submission 132, NSW Government, p 43.]

Resolved, on the motion of Mr Khan: That paragraph 2.98 be amended by making the final sentence: 'However, stakeholders raised concerns about the notification process, not just for those living in affected buildings but also other building users' its own paragraph.

Resolved, on the motion of Mr Graham: That paragraph 2.104 be amended by inserting 'universities, hotels, entertainment centres, childcare centres' before 'and hospitals'.

Mr Graham moved: That paragraph 2.105 be amended by:

- (a) omitting 'public buildings' and inserting instead 'buildings designed for public use such as cinemas, shopping centres, universities, hotels, entertainment centres, childcare centres and hospitals'
- (b) inserting at the end: 'He was also asked whether shoppers in that shopping centre would be informed of flammable cladding. The Minister indicated he would take this on notice.'
- (c) inserting the Minister's answer to question on notice if it has been received at the end.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Khan moved: That paragraphs 2.116, 2.117, 2.118, 2.119 and 2.120 and Recommendation 1 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mr Graham moved: That the following new committee comments and recommendation be inserted after paragraph 2.116:

'Committee comment

The committee welcomes the fact that the NSW Building Commissioner provided advice within a fortnight of his appointment by the NSW Government in relation to flammable cladding. As the Building Commissioner has made clear to the committee, he currently does not have a role in regulating flammable cladding.

That advice was not available to the committee as government witnesses observed it was before Cabinet. At no point has the Government been able to explain what this advice is, why it has not yet been agreed to or dismissed, or when that might occur. The committee regards this delay on this important public safety matter as inexplicable and inexcusable.

Accordingly the committee recommends that the Government act immediately on the advice of the Building Commissioner in relation to flammable cladding, or alternatively release the advice and explain why it prefers an alternative approach.'

Recommendation X

That the NSW Government release and act immediately on the advice of the NSW Building Commissioner in relation to flammable cladding, or alternatively explain why it prefers an alternative approach.'

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Resolved, on the motion of Mrs Houssos: 'That Recommendation 2 be amended by inserting at the end: 'and when a property is open for inspection'.

Mr Khan moved: That paragraph 2.122 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mrs Ward moved: That paragraph 2.122 be amended by omitting: 'The NSW Government's position, that disclosure is up to local councils or business owners on a 'need to know basis' is inadequate. We acknowledge that this is a complicated area but we believe that the NSW Government must do more to ensure that people are informed where these types of buildings contain flammable cladding, and that these buildings are remediated quickly so that people are safe when they step inside' after 'may not be aware that these buildings contain flammable cladding'.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That paragraph 2.122 be amended by:

- (a) inserting the words 'universities, hotels, entertainment centres, childcare centres' before 'and hospitals'
- (b) inserting the words 'The committee is aware of no evidence that members of the public are being notified by building owners that they are entering a building designed as public use with high-risk flammable cladding' after 'is inadequate'.

Mr Khan moved: That Recommendation 3 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mr Graham moved: That Recommendation 3 be omitted: 'That the NSW Government ensure that all buildings that are open to the public and contain flammable cladding are remediated as a priority and that people entering those buildings are made aware if that building is high-risk', and the following new recommendation be inserted instead:

'Recommendation X

That the NSW Government ensure that all buildings designed for public use such as cinemas, shopping centres, universities, hotels, entertainment centres, childcare centres and hospitals that are high risk for flammable cladding are remediated as a priority. Additionally members of the public entering those buildings should be made aware that a building is high-risk. This might take the form of the compulsory display of a notice to this effect and compulsory notification at the time of booking where possible.'

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Khan moved:

- (a) That paragraph 2.123 be amended by omitting 'Owners need this information if they are to progress remediation of flammable cladding on their buildings. The public, the construction industry and insurers need this information if they are to have any faith in the Government's assessment of the risk to these buildings'
- (b) That paragraph 2.124 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Chapter 3

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 3.74:

"The most recent report of the Victorian Flammable Cladding Taskforce states:

"The VBA receives many enquiries from residents, owners and those looking to purchase or occupy specific properties. The VBA has a database of buildings with cladding based on the audit inspections and will share this information with genuine purchasers and potential tenants." '[FOOTNOTE: State of Victoria Department of Environment, Land, Water and Planning, 'Victorian Cladding Taskforce, Report from the Co-Chairs, July 2019', p 38.]

Mr Khan moved: That paragraphs 3.156, 3.157 and Recommendation 5 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mrs Houssos moved: That Recommendation 6 be amended by inserting 'free of charge' after 'advice'.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Graham moved: That the following new committee comments and recommendation be inserted after Recommendation 6:

'Committee comment

The committee notes that the Victorian Building Authority has adopted a practice where genuine purchasers and potential tenants are able to check the cladding database to confirm the status of their potential future home. The committee recommends that the NSW Government adopts a similar practice in New South Wales.

Recommendation X

That the NSW Government adopt a practice where genuine purchasers and potential tenants are able to access information from the cladding register or similar database to clarify the cladding status of their potential future home.'

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mr Khan moved: That paragraph 3.162 and Recommendation 7 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mrs Houssos moved: That Recommendation 7 be amended by:

- (a) inserting 'substantial' after 'provide a'
- (b) omitting 'similar' and inserting instead 'proportionate to'.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Mrs Houssos moved: That paragraph 3.166 be amended by inserting at the end: 'The committee believes that the specialised expertise within a Building Commission would be better suited to take this more proactive approach than the Department of Fair Trading.'

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative.

Resolved, on the motion of Mr Graham: That paragraph 3.171 be amended by omitting 'We are dissatisfied with this response'.

Mr Khan moved: That paragraph 3.171 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mr Khan moved: That paragraph 3.172 be omitted.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Chapter 4

Mr Khan moved: That paragraph 4.126, Recommendation 11 and paragraphs 4.127 and 4.128 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mr Khan moved: That Recommendation 12 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mrs Houssos: That:

- a) paragraph 4.128 be amended by omitting 'one obvious remedy' and inserting instead 'one potential remedy'
- b) Recommendation 12 be amended by omitting 'NSW Government amend the' and inserting instead 'NSW Government consider amending the'.

Resolved, on the motion of Mr Khan: That paragraph 4.132 be amended by:

- a) omitting 'and the Association of Accredited Certifiers' after 'Mr Lambert'
- b) inserting ', including to:' after 'Mr Lambert'
- c) inserting the following dot points after 'Mr Lambert, including to:'
 - 'provide practice guides for building certifiers and each other class of certifier of building work, setting out the role and responsibilities to which certifiers are held to account
 - undertake a regular audit program of the work of building certifiers
 - provide support for certifiers in the form of a help desk and a panel of experts on which they can draw for advice and a Reference Panel for mandatory reviews of select designated complex and higher risk developments

- put in place controls to mitigate conflicts of interest and increase the independence and transparency of engagement of building certifiers and building practitioners
- provide building certifiers with enhanced supervisory powers and mandatory reporting obligations in respect to building non-compliance
- establish and maintain a program of Continuing Professional Development for all building certifiers
- require building certifiers to be members of an approved professional association which is subject to a full professionalisation process overseen by the Professional Standards Authority
- establish a requirement for councils and building certifiers to work together, including a requirement for mandatory reporting to councils by building certifiers of non-compliance and for councils to act on such notices and keep the building certifier informed of developments.'

Resolved, on the motion of Mr Khan: That Recommendation 13 be amended by:

- a) omitting 'where applicable' and inserting instead 'where practical'
- b) omitting 'and the Association of Accredited Certifiers' after 'Mr Michael Lambert'
- c) inserting at the end: 'Specifically, the recommendations made by Mr Lambert to:
 - 'provide practice guides for building certifiers and each other class of certifier of building work, setting out the role and responsibilities to which certifiers are held to account
 - undertake a regular audit program of the work of building certifiers
 - provide support for certifiers in the form of a help desk and a panel of experts on which they can draw for advice and a Reference Panel for mandatory reviews of select designated complex and higher risk developments
 - put in place controls to mitigate conflicts of interest and increase the independence and transparency of engagement of building certifiers and building practitioners
 - provide building certifiers with enhanced supervisory powers and mandatory reporting obligations in respect to building non-compliance
 - establish and maintain a program of Continuing Professional Development for all building certifiers
 - require building certifiers to be members of an approved professional association which is subject to a full professionalisation process overseen by the Professional Standards Authority
 - establish a requirement for councils and building certifiers to work together, including a requirement for mandatory reporting to councils by building certifiers of non-compliance and for councils to act on such notices and keep the building certifier informed of developments.'

Resolved, on the motion of Mrs Houssos: That Recommendation 13 be amended by inserting 'as soon as possible and no later than within two years' after 'the certification system'.

Mr Khan moved: That paragraphs 4.133, 4.134, 4.135 and Recommendation 14 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Mr Graham moved: That paragraphs 4.133, 4.134, 4.135 and Recommendation 14 be omitted:

'However, the committee also believes the system needs much more of a shakeup to bring back the confidence in the industry. We therefore conclude that building certification should revert back to local councils. Over many years successive governments have tried to make the private certification system work, however we find ourselves with a system that is fundamentally flawed. Continually reforming the industry in an attempt to improve the system has not worked. We believe that local councils have in place the management structure, internal accountabilities, independent auditing and oversight that is missing from the private certification industry.

Importantly returning building certification to local councils and public control will send a crucial signal to the general public that the NSW Government is undertaking serious reform, that the rules have changed and that there are meaningful steps being taken to restore integrity and confidence to the construction industry. While we acknowledge the fact that private certifiers have received an inappropriately large share of the public's blame for the systemic failures in the industry, they are also emblematic of an industry where self-regulation and the lack of public oversight and control have made people's homes unsafe. Going forward restoring public confidence is an essential part of fixing the industry.

Noting the concerns that currently local councils do not have the resourcing to implement this change, we recommend a training and recruitment package be provided to local councils to rebuild these skills over a transition period. It is important that the NSW Government consult extensively with local councils on its implementation. We therefore recommend that the NSW Government revert building certification back under the control of local councils over a three-year period.

Recommendation 14

That the NSW Government revert building certification back under the control of local councils, including by:

- working closely with local councils over a three-year period to develop and implement a new model
- providing a state government training and recruitment package to local councils targeted at developing the skills and expertise of building certifiers in councils.'

And the following new paragraphs and recommendation be inserted instead:

'However, the committee also believes the system needs a larger shakeup. Over many years successive governments have tried to make the private certification system work. That is yet to succeed. What is clear from this committee's inquiry is that the status quo is broken.

The committee has concerns about the conflict of interest in the private certification system as it is currently structured and regulated. While the committee acknowledges the fact that private certifiers have received an inappropriately large share of the public's blame for the systemic failures in the industry, they have also become emblematic of an industry where self-regulation and a lack of public oversight and control have made people's homes unsafe. While these issues remain in certification it will prove difficult to persuade the public that the rules have changed and that there are meaningful steps being taken to restore integrity and confidence to the building and construction industry.

The committee seriously considered a recommendation strengthening public control of certification, such as returning all certification to local councils. In examining that specific proposition the committee has noted the concerns that currently local councils do not have the resourcing to implement this change. Such a change would require resourcing as well as a training and recruitment package be provided to local councils to rebuild these skills over a transition period.

Whilst not ruling out such a future recommendation, the committee does not do so at this time. This matter will be further considered as a part of the committee's foreshadowed inquiry into the NSW Government's reforms into the construction and building industry. This is expected to be initiated before the end of 2020. The committee will examine closely the effects of the implementation of the *Building and Development Certification Act 2018* on certification, and will carefully consider whether to recommend a strengthening of public control of certification at that stage.

Recommendation X

That the Public Accountability Committee as part of its foreshadowed inquiry to review the NSW Governments' reforms into the building and construction industry consider as one of its terms of reference the strengthening of public control of certification, such as returning certification to local councils.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Shoebridge.

Question resolved in the affirmative.

Chapter 5

Resolved, on the motion of Mr Graham: That Recommendation 15 be amended by inserting ', and to ensure that tribunal members have the relevant expertise' after 'streamline the dispute resolution process'

Resolved, on the motion of Mrs Houssos: That Recommendation 16 be amended by omitting 'That the NSW Government appoint a Strata Commissioner, to sit within the Building Commission, as recommended in the first report of this inquiry, with responsibility for:' and inserting instead:

'That the NSW Government appoint a Strata Commissioner, to sit within the Building Commission that was recommended in the first report of this inquiry. Once established, the Strata Commissioner should undertake an initial project to scope their specific responsibilities. These may include:'.

Mr Khan moved: That paragraphs 5.122, 5.123, 5.124, 5.125 and Recommendation 16 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That paragraph 5.126 be amended by omitting 'with no-where to turn' and inserting instead 'with nowhere to turn'.

Mr Khan moved: That paragraphs 5.126, 5.127 and 5.128 and Recommendation 17 be omitted.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That Recommendation 17 be amended by:

- a) omitting 'NSW Government provide a financial assistance package to strata homeowners' and inserting instead 'NSW Government explore additional financial assistance measures for strata homeowners'
- b) inserting ', noting that the committee will further consider this matter in its foreshadowed inquiry to review the NSW Governments' reforms into the building and construction industry' after 'Home Building Compensation scheme'.

Resolved, on the motion of Mrs Houssos: 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, tabled documents, answers to questions on notice and supplementary questions, responses to the online questionnaire and summary report of these responses, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions and responses to the online questionnaire be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, summary report of responses to the online questionnaire, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

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 within 24 hours after receipt of the draft minutes of the meeting;

That the report be tabled on Thursday 30 April 2020;

That the Chair hold a press conference on Thursday 30 April 2020.

Resolved, on the motion of Mr Mason-Cox: That the committee commend the secretariat and IT staff for a wonderful job in organising the Webex report deliberative and note it was a successful process.

7. **Adjournment**

The committee adjourned at 1.00 pm, *sine die*.

Sarah Dunn

Committee Clerk

Minutes no. 22

Thursday 7 May 2020

Public Accountability Committee

Webex videoconferencing at 10:00 am

1. **Members**

Mr Shoebridge, *Chair*

Mr Borsak, *Deputy Chair*

Ms Faehrmann (*participating member*)

Mr Graham

Mrs Houssos (*participating member*)

Mr Khan

Mr Mason-Cox

Mr Searle (*substituting for Mrs Houssos*)

Mr Secord (*participating member*)

Ms Sharpe (*participating member*)

Mrs Ward

2. **Draft minutes**

Resolved, on the motion of Mr Searle: That draft minutes no. 21 be confirmed.

3. **Correspondence**

The committee noted the following items of correspondence:

Received:

- 27 March 2020 – Email from Ms Margaret Kerr to the secretariat questioning the government's handling of the COVID-19 pandemic
- 3 April 2020 – Email from Ms Tiegan Dakin to the secretariat outlining her views on the COVID-19 restrictions

- 8 April 2020 – Email from Dr Ali Eshragh to the secretariat providing a summary of his modelling on the dynamics of COVID-19 cases in Australia
- 16 April 2020 – Email from the Chair to the secretariat advising that Ms Cate Faehrmann MLC will be a participating member for the duration of the COVID-19 pandemic inquiry
- 29 April 2020 – Letter from the Hon Damien Tudehope MLC, Leader of the Government in the Legislative Council, to the Chair advising that senior health officials could be made available and providing detailed witness lists for the initial hearings

Sent:

- 17 April 2020 – Letter from the Chair to the Hon Damien Tudehope MLC, Leader of the Government in the Legislative Council, providing a list of topics and witnesses for the initial hearings and seeking advice from the government on potential dates for the initial hearings
- 24 April 2020 – Letter from the Chair to the Hon Damien Tudehope MLC, Leader of the Government in the Legislative Council, accepting the proposed hearing dates and asking the Government to reconsider making senior health officials available
- 1 May 2020 – Letter from the Chair to the Hon Damien Tudehope MLC, Leader of the Government in the Legislative Council, confirming final dates and witnesses for the initial public hearings

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Topics and witnesses for initial hearings

The committee noted that the following was previously agreed to by members via email:

Initial hearing 1 – Health

That initial hearing 1 be confirmed for Thursday 7 May commencing at 10.00 am and concluding at or before 12.30 pm to examine the Minister for Health and Medical Research and senior health officials on the COVID-19 response, with a private committee meeting commencing at 9.30 am. The witnesses for this hearing are to be:

- The Hon Brad Hazzard MP, Minister for Health and Medical Research
- Ms Elizabeth Koff, Secretary NSW Health
- Dr Kerry Chant PSM, Chief Health Officer

Initial hearing 2 – Education and Treasury

That initial hearing 2 be confirmed for Friday 15 May 2020 to hear from the Education portfolio in the morning and Treasury in the afternoon, as follows:

Education Hearing

10.00am – to conclude at or before 12.30pm

Witnesses:

- The Hon. Sarah Mitchell MLC, Minister for Education and Early Childhood Learning
- Mr Mark Scott, Secretary, Department of Education
- Mr Murat Dizdar, Deputy Secretary, School Operations, Department of Education
- Ms Georgina Harrison, Deputy Secretary, People and Culture, Department of Education

Treasury Hearing

2.00pm – to conclude at or before 4.30pm

Witness:

- Mr Michael Pratt AM, Secretary, NSW Treasury

Initial hearing 3 – Police and Finance/Better Regulation

That initial hearing 3 be confirmed for Thursday 21 May 2020 to hear from the Police portfolio in the morning and the Finance and Better Regulation portfolio in the afternoon as follows:

Police Hearing

10.00am – to conclude at or before 12.30 pm

Witnesses:

- The Hon David Elliot, Minister for Police and Emergency Services
- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice
- Commissioner Michael Fuller APM, Commissioner, NSW Police Force

Finance / Better Regulation portfolio areas

2.00pm – to conclude at or before 4.30pm

Witnesses:

- The Hon. Damien Tudehope MLC, Minister for Finance and Small Business
- The Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation
- Ms Rose Webb, Deputy Secretary, Better Regulation Division, and Commissioner of Fair Trading, Department of Customer Service
- Mr John Tansey, Executive Director, Better Regulation Division, Department of Customer Service

For all initial hearings:

- A total of two hours is to be allocated for non-government questions for each topic or portfolio area, to be equally divided between opposition and cross bench members. An additional allowance of 15 minutes is to be made available for Government questions if needed.
- Witnesses are to be invited to make brief opening statements. Any opening statements are not to detract from the time allocated for committee questions.
- In accordance with the resolutions appointing committees, unless the committee decides otherwise, supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness.

4.2 Conduct of inquiry – no submissions

Consideration of suggested resolution deferred to a later meeting.

4.3 Consideration of request – briefing on the special commission of inquiry into the Ruby Princess

Resolved, on the motion of Mr Searle: That the Chair write to the Special Commissioner, Bret Walker SC, seeking a briefing on the conduct of the Special Commission of Inquiry into the Ruby Princess.

4.4 Allocation of question time

Resolved, on the motion of Mr Searle: That non-government question time be equally divided in 20 minute intervals/tranches between the opposition and the crossbench.

4.5 Public hearing

The committee proceeded to take evidence in public.

The Hon Brad Hazzard MP, Minister for Health and Medical Research, and other NSW Health witnesses were admitted via video link.

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

The following witnesses were sworn:

- Dr Kerry Chant PSM, Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health
- Ms Elizabeth Koff, Secretary, NSW Health

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

The public hearing concluded at 12:22 pm.

5. Adjournment

The committee adjourned at 12:38 pm, until 9.45 am Friday 15 May 2020 (video public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 23

Friday 15 May 2020

Public Accountability Committee

Webex videoconferencing at 9:47 am

1. Members

Mr Shoebridge, *Chair*
Mr Banasiak, *(substituting for Mr Borsak)*
Ms Boyd *(participating member) (from 2:04 pm)*
Mr D'Adam *(participating member) (until 12:26 pm)*
Mr Graham
Mrs Houssos *(substituting for Mr Searle from 9:47 am until 12:26 pm)*
Mr Khan
Mr Latham *(participating member) (until 12:26 pm)*
Mr Mason-Cox
Mr Mookhey *(participating member) (from 2:04 pm)*
Mr Searle *(from 2:04 pm)*
Mr Secord *(participating member) (from 2:04 pm)*
Mrs Ward

2. Draft minutes

Resolved, on the motion of Mr Mason-Cox: That draft minutes no. 22 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Sent:

- 14 May 2020 – Letter from the Chair to Commissioner Bret Walker SC, inviting the Commissioner to brief the committee on the scope, mechanics and duration of the Special Commission of Inquiry into the Ruby Princess

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Conduct of inquiry – Additional government witnesses for initial hearings

The committee noted that the following was previously agreed to by members via email:

Initial hearing 2 – Friday 15 May – Treasury Hearing (afternoon)

Additional witnesses:

- Ms Joann Wilkie, Deputy Secretary for the Economic Strategy & Productivity, NSW Treasury
- Mr Stephen Walters, Chief Economist, NSW Treasury

Initial hearing 3 – Thursday 21 May - Finance/Better Regulation Hearing (afternoon)

Additional witness:

- Ms Joann Wilkie, Deputy Secretary for the Economic Strategy & Productivity, NSW Treasury

4.2 Consideration of proposed dates for the briefing on the Special Commission of Inquiry into the Ruby Princess

Resolved, on the motion of Mrs Ward: That, on behalf of the Chair, the secretariat is to consult with members via email to find appropriate dates for the briefing on the Special Commission of Inquiry into the Ruby Princess.

4.3 Sequencing of witnesses to appear at Initial Hearing 3

Resolved, on the motion of Mr Banasiak: That the Hon Damien Tudehope MLC, Minister for Finance and Small Business and the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation provide evidence to the committee in separate one hour sessions at the public hearing on Thursday 21 May 2020.

4.4 Allocation of question time

Resolved, on the motion of Mr Graham: That non-government question time be equally divided in 20 minute intervals/tranches between the opposition and the crossbench. The final round of crossbench time for the Education portfolio hearing is to consist of 10 minutes for Mr Latham, 5 minutes for Mr Banasiak and 5 minutes for the Chair.

4.5 Public hearing

The committee proceeded to take evidence in public.

The Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, and other Department of Education witnesses were admitted via video link.

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

The following witnesses were sworn:

- Mr Mark Scott, Secretary, Department of Education
- Mr Murat Dizdar, Deputy Secretary, School Operations, Department of Education
- Ms Georgina Harrison, Deputy Secretary, People and Culture, Department of Education

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

NSW Treasury witnesses were admitted via video link.

The following witnesses were sworn:

- Mr Michael Pratt AM, Secretary, NSW Treasury
- Ms Joann Wilkie, Deputy Secretary, Economic Strategy & Productivity, NSW Treasury
- Mr Stephen Walters, Chief Economist, NSW Treasury

The departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.13 pm.

4.6 Publication of committee footage on the committee's website

Resolved, on the motion of Mr Searle: That the committee authorises the secretariat to publish video recordings of the COVID-19 hearings on the committee's website.

4.7 Timeline for answers to supplementary questions from Initial Hearing 1

Resolved, on the motion of Mr Khan: That answers to supplementary questions from Initial Hearing 1 be provided within 35 days, with the exception of answers to supplementary questions 1, 2 and 7 which are to be provided within 21 days.

5. Adjournment

The committee adjourned at 4.17 pm, until 9.45 am Thursday 21 May 2020 (video public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 24

Thursday 21 May 2020

Public Accountability Committee

Webex videoconferencing at 9:47 am

1. Members

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Ms Boyd (*participating - from 2.02 pm*)
Mr Graham
Mrs Houssos (*participating*)
Mr Khan
Mr Mason-Cox
Mr Mookhey (*participating member - from 2.02 pm*)
Mr Searle (*substituting for Mrs Houssos*)
Mr Secord (*participating member - from 2.02 pm*)
Mrs Ward

2. Draft minutes

Resolved, on the motion of Mr Searle: That draft minutes no. 23 be confirmed.

3. Correspondence

The committee noted the following item of correspondence:

Received:

- 14 May 2020 – Email from Senior Solicitor Assisting the Special Commission of Inquiry into the Ruby Princess to the secretariat asking the committee to indicate a range of potential dates for the briefing on the Special Commission of Inquiry.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Additional government witnesses for public hearing on 21 May 2020

Resolved, on the motion of Mr Graham: That the committee accept the following additional witnesses for the public hearing on 21 May 2020 (Finance and Better Regulation):

- Mr Andrew Gavrielatos, Executive Director, Community Engagement, Better Regulation Division, Department of Customer Service
- Mr Phillip Gardner, Deputy Secretary, Commercial, Commissioning and Procurement, NSW Treasury

4.2 Allocation of question time

Resolved, on the motion of Mr Searle: That non-government question time be equally divided in 20 minute intervals/tranches between the opposition and the crossbench for all inquiry hearings unless resolved otherwise.

4.3 Declaration of non-financial conflict of interest

The committee noted declarations from Mr Graham and Mr Searle of knowing and/or previously working with Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice, being a witness at the public hearing.

4.4 Public hearing

The committee proceeded to take evidence in public.

The Hon. David Elliot MP, Minister for Police and Emergency Services, Police Commissioner Michael Fuller APM and the Secretary of the Department of Communities and Justice were admitted via video link.

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

The following witnesses were sworn:

- Commissioner Michael Fuller APM, Commissioner, NSW Police
- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

The Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation and Department of Customer Service witnesses were admitted via video link.

The following witnesses were sworn:

- Ms Rose Webb, Deputy Secretary, Better Regulation Division, and Commissioner, Fair Trading, Department of Customer Service
- Mr John Tansey, Executive Director, Better Regulation Division, Department of Customer Service
- Mr Andrew Gavrielatos, Executive Director, Community Engagement, Better Regulation Division, Department of Customer Service

The Minister and departmental witnesses were examined by the committee.

The Hon. Damien Tudehope MLC, Minister for Finance and Small Business and NSW Treasury witnesses were admitted via video link.

Mr Phillip Gardener, Deputy Secretary, Commercial, Commissioning and Procurement, NSW Treasury, was sworn.

Ms Joann Wilkie, Deputy Secretary, Economic Strategy and Productivity, NSW Treasury, having been previously sworn at a committee hearing, was examined.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.24 pm.

4.5 Consideration of future public hearings

Resolved, on the motion of Mr Searle: That the following portfolios areas be examined in the next round of public hearings:

Hearing 4: That Hearing 4 be scheduled to examine the Planning portfolio in the morning and the Better Regulation and Innovation portfolio in the afternoon.

Hearing 5: That Hearing 5 be scheduled to examine the Primary Industries portfolio in the morning and the Health portfolio in the afternoon.

Hearing 6: That Hearing 6 be scheduled to examine the Industrial Relations portfolio in the morning and the Mental Health portfolio in the afternoon.

Hearing 7: That Hearing 7 be scheduled as a half-day hearing to examine the Arts portfolio.

That, for future hearings:

- On behalf of the Chair, the secretariat is to consult with members via email to find appropriate dates.
- Hearings are to be conducted in person with appropriate social distancing between members and witnesses.
- Morning sessions are to commence at 10.00 am and conclude at or before 12.30 pm, and afternoon sessions are to commence at 2.00 pm and conclude on or before 4.30 pm.

5. Adjournment

The committee adjourned at 4:39 pm, *sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 25

Thursday 28 May 2020

Public Accountability Committee

Via teleconference at 4:35 pm

1. Members

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Ms Boyd (*participating*)
Ms Faehrmann (*participating*)
Mr Graham (*from 4.51 pm*)
Mrs Houssos (*participating*)
Mr Khan
Mr Mason-Cox
Mr Searle (*substituting for Mrs Houssos*)
Mrs Ward

2. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 24 be confirmed.

3. Correspondence

The committee noted the following item of correspondence:

Received:

- 14 May 2020 – Email from Ms Jennifer Hoy, Senior Solicitor Assisting for the Special Commission of Inquiry into the Ruby Princess, to the Secretariat, asking the Committee to indicate possible dates for the briefing on the Ruby Princess inquiry.

Sent:

- 21 May 2020 – Email from the Secretariat to Ms Jennifer Hoy, Senior Solicitor Assisting for the Special Commission of Inquiry into the Ruby Princess, proposing a date for Commissioner Walker's briefing on the inquiry
- 22 May 2020 – Email from the Secretariat to Sam Tedeschi, providing dates and portfolio areas for future hearings for Government response
- 25 May 2020 – Email from the Secretariat to Ms Jennifer Hoy, Senior Solicitor Assisting for the Special Commission of Inquiry into the Ruby Princess, confirming Commissioner Walker's briefing on the inquiry.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Consideration of Government response to the dates and portfolio areas for future hearings

Consideration of item deferred to a later meeting.

5. Briefing from the Commissioner of the Special Commission of Inquiry into the Ruby Princess

The committee was briefed by Mr Bret Walker SC, Commissioner for the Special Commission of Inquiry into the Ruby Princess.

6. Adjournment

The committee adjourned at 5:21 pm until 2:15 pm Friday 29 May (public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 26

Friday 29 May 2020

Public Accountability Committee

Macquarie Room, Sydney, at 2:20 pm

1. Members

Mr Shoebridge, *Chair*

Ms Boyd (*participating*)

Mr Donnelly (*participating from 2:20 pm - substituting for Mr Searle from 3:41 pm*)

Ms Faehrmann (*participating*)

Mr Graham

Mr Khan

Mr Searle (*substituting for Mrs Houssos – until 3:41 pm*)

Mrs Ward

2. Apologies

Mr Borsak (*deputy Chair*)

3. Inquiry into the NSW Government's management of the COVID-19 pandemic

3.1 Consideration of Government response to the dates and portfolio areas for future hearings

Resolved, on the motion of Mr Khan: That the Government's proposal for future hearing dates and portfolios be accepted, as per the following:

- Friday 12 June – Mental Health (morning)
- Friday 12 June – Better Regulation (afternoon)
- Monday 15 June – Primary Industries/Agriculture (morning)

3.2 Public hearing

The committee proceeded to take evidence in public.

The Hon Rob Stokes MP, Minister for Planning and Public Spaces, and witnesses from the Department of Planning, Industry and Environment were admitted.

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

The following witnesses were sworn:

- Mr Jim Betts, Secretary, Department of Planning, Industry and Environment
- Mr James Hebron, General Counsel, Department of Planning, Industry and Environment

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

The public hearing concluded at 4:43 pm.

4. Adjournment

The committee adjourned at 4:43 pm until 9:45 am Friday 12 June 2020 (public hearing)

Anthony Hanna
Committee Clerk

Minutes no. 27

Friday 12 June 2020
Public Accountability Committee
Macquarie Room, Sydney, at 9:47 am

1. Members

Mr Shoebridge, *Chair*
Mr Graham (*from 2:00 pm*)
Mr Khan (*from 9:47 am to 10:53 am and from 11:51 am to 3:43 pm*)
Ms Moriarty (*substituting for Mr Graham – until 12:00 pm*)
Mr Searle (*substituting for Mrs Houssos*)
Mrs Ward

2. Apologies

Mr Borsak, *Deputy Chair*
Mrs Houssos

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes nos. 25 and 26 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 29 May 2020 – Email from Director of Government Business in the Legislative Council, Mr Sam Tedeschi, to the Secretariat proposing portfolios and dates for further public hearings on mental health, better regulation and primary industries/agriculture
- 1 June 2020 - Email from Director of Government Business in the Legislative Council, Mr Sam Tedeschi, to the Secretariat providing the Government's proposed witness list for further public hearings on mental health, better regulation and primary industries/agriculture

5. Briefing from the Commissioner of the Special Commission of Inquiry into the Ruby Princess

5.1 Consideration of meeting summary

Resolved, on the motion of Mr Searle: That the committee note and accept the summary of the briefing on the Special Commission of Inquiry into the Ruby Princess and keep it confidential pending further decision by the committee.

6. Election of Deputy Chair

The Chair called for nominations for Acting Deputy Chair.

Ms Moriarty moved: That Mr Searle be elected Acting Deputy Chair of the committee for the purpose of this meeting.

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

7. Inquiry into the NSW Government's management of the COVID-19 pandemic

7.1 Public hearing

The committee proceeded to take evidence in public.

The Hon Bronwyn (Bronnie) Taylor MLC, Minister for Mental Health, Regional Youth and Women, and witnesses from the Ministry of Health were admitted.

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

The following witnesses were sworn:

- Mr David Pearce, Executive Director, Mental Health, NSW Ministry of Health
- Dr Murray Wright, NSW Chief Psychiatrist, NSW Ministry of Health

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

Witnesses from the Better Regulation Division, Department of Customer Service, were admitted.

The following witness was sworn:

- Mr Peter Dunphy, Executive Director, Compliance and Dispute Resolution, Better Regulation Division, Department of Customer Service

The departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3:43 pm.

8. Adjournment

The committee adjourned at 3:43 pm until 9:45 am Monday 15 June 2020 (public hearing) .

Anthony Hanna
Committee Clerk

Minutes no. 28

Monday 15 June 2020

Public Accountability Committee

Macquarie Room, Sydney, at 9:47 am

1. Members

Mr Shoebridge, *Chair*
Mr Banasiak (*substituting for Mr Borsak*)
Mrs Houssos (*substituting for Mr Graham*)
Ms Hurst (*participating until 10:26 am*)
Mr Khan
Mr Searle (*substituting for Mrs Houssos*)
Mrs Ward

2. Apologies

Mr Mason-Cox

3. Election of Deputy Chair

The Chair called for nominations for Acting Deputy Chair.

Mr Khan moved: That Mr Searle be elected Acting Deputy Chair of the committee for the purpose of this meeting.

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

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Allocation of question time

Resolved, on the motion of Mrs Houssos: That the previously resolved allocation of question time be amended for the 15 June 2020 hearing to commence with the crossbench, and then alternate between the crossbench and opposition in 20 minute intervals/tranches.

4.2 Public hearing

The committee proceeded to take evidence in public.

The Hon Adam Marshall MP, Minister for Agriculture and Minister for Western NSW and the Director General, Department of Primary Industries, were admitted.

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

The following witness was sworn:

- Mr Scott Hansen, Director General, Department of Primary Industries

The Minister and departmental witness were examined by the committee.

The evidence concluded and the Minister and witness withdrew.

The public hearing concluded at 12:05 pm.

4.3 Consideration of Government response to the dates and portfolio areas for future hearings

Resolved, on the motion of Mr Searle: That, on behalf of the Chair, the secretariat is to canvass dates via email for hearings on the portfolios of health, industrial relations and arts, and invite members to nominate further portfolios for examination at future hearings.

5. Adjournment

The committee adjourned at 12:12 pm. *Sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 29

Monday 29 June 2020

Public Accountability Committee

Macquarie Room, Sydney, at 9:50 am

1. Members

Mr Shoebridge, *Chair*

Mr Graham

Mrs Houssos (*substituting for Mr Searle*)

Mr Khan

Mrs Ward

2. Apologies

Mr Borsak, *Deputy Chair*
Mr Mason-Cox
Mr Searle

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes nos. 27 and 28 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 25 June 2020 - Email from the Director of Government Business in the Legislative Council, Mr Sam Tedeschi, to the Secretariat providing the Government's witnesses for the hearing on the health portfolio on Monday 29 June
- 25 June 2020 – Email from the Director of Government Business in the Legislative Council, Mr Sam Tedeschi, to the Secretariat outlining the Government's proposal for hearings on health, industrial relations and arts
- 23 June 2020 – Email from Ms Rose Webb, Commissioner for NSW Fair Trading, to Chair, clarifying matters raised in evidence at a hearing for the inquiry into the regulation of building standards, building quality and building disputes.

Sent:

- 22 June 2020 – Email from the Secretariat to the Director of Government Business in the Legislative Council, Mr Sam Tedeschi, seeking Government witnesses for a hearing on Monday 29 June.

Resolved, on the motion of Mrs Houssos: That the committee accept and publish on the inquiry webpage the correspondence received on 23 June 2020 from Ms Rose Webb, Commissioner for NSW Fair Trading, clarifying matters raised in evidence at a hearing for the inquiry into the regulation of building standards, building quality and building disputes.

5. Election of Deputy Chair

The Chair called for nominations for Acting Deputy Chair.

Mrs Ward moved: That Hon Courtney Houssos MLC be elected Acting Deputy Chair of the committee for the purpose of this meeting.

There being no further nominations, the Chair declared Mrs Houssos elected Acting Deputy Chair.

6. Inquiry into the NSW Government's management of the COVID-19 pandemic**6.1 Consideration of publication status of attachments to post-hearing responses from 21 May**

Resolved, on the motion of Mr Graham: That the committee accept and publish on the inquiry webpage Attachments A and B, received on 22 June 2020 as part of Minister Elliot's post-hearing responses.

6.2 Conduct of inquiry – Government witnesses for the hearing on Monday 29 June

The Committee noted the Government's witnesses for the public hearing on 29 June 2020 (Health portfolio).

6.3 Public hearing

The committee proceeded to take evidence in public.

The Hon Brad Hazzard MP, Minister for Health and Medical Research and departmental witnesses were admitted.

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

The following witnesses were sworn:

- Dr Nigel Lyons, Deputy Secretary, Health System Planning and Strategy, NSW Health
- Ms Susan Pearce, Deputy Secretary, Patient Experience and System Performance, NSW Health

The Minister and departmental witnesses were examined by the committee.

The evidence concluded and the Minister and witnesses withdrew.

The public hearing concluded at 12:12 pm.

7. Adjournment

The committee adjourned at 12:18 pm until 11:45 am Wednesday 1 July 2020 (public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 30

Wednesday 1 July 2020

Public Accountability Committee

Preston Stanley Room, Sydney, at 11:49 am

1. Members

Mr Shoebridge, *Chair*

Mr Graham

Mrs Houssos (*participating*)

Mr Khan

Mr Searle (*substituting for Mrs Houssos*)

Mrs Ward

2. Apologies

Mr Borsak, *Deputy Chair*

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 29 be confirmed.

4. Election of Deputy Chair

The Chair called for nominations for Acting Deputy Chair.

Mr Khan moved: That Hon Adam Searle MLC be elected Acting Deputy Chair of the committee for the purpose of this meeting.

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

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Public hearing

The committee proceeded to take evidence in public.

Departmental witnesses were admitted.

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

The following witnesses were sworn:

- Dr Tim Reardon, Secretary, Department of Premier and Cabinet
- Ms Kate Foy, Deputy Secretary, Community Engagement, Department of Premier and Cabinet

The departmental witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2:02pm.

6. Adjournment

The committee adjourned at 2:02pm. *Sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 32

Monday 20 July 2020

Public Accountability Committee

Via teleconference at 2:32 pm

1. Members

Mr Shoebridge, *Chair*

Mr Graham

Mrs Houssos (*participating member*)

Mr Khan

Mr Mason-Cox

Mr Searle (*substituting for Mrs Houssos*)

Mrs Ward

2. Draft minutes

Resolved, on the motion of Mrs Ward: That draft minutes no. 31 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 9 July 2020 – Letter from the Hon Bronnie Taylor MLC, Minister for Mental Health, Regional Youth and Women, to the Chair, clarifying evidence given by Minister Taylor at the hearing on 12 June 2020

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Conduct of inquiry – Consideration of proposed format and allocation of question time for stakeholder hearings

Mr Searle moved: That each stakeholder hearing is to consist of a morning session with selected stakeholders followed by an afternoon session with Government witnesses from the relevant area/portfolio to respond to the stakeholder evidence. In particular:

Morning session – selected stakeholders

The morning session is to commence at 9:30 am and conclude at or before 12:30 pm. The sequence of questions to be asked at the morning session is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each. In the event that Government members do not use their allocation of question time, it will be reallocated to the Opposition or crossbench members.

Afternoon session – Government witnesses

The afternoon session is to commence at 2:00 pm and conclude at or before 4:30 pm. A total of two hours is to be allocated for non-government questions, to be equally divided between Opposition and crossbench members. An additional allowance of 15 minutes is to be made available for Government questions if needed.

Question put.

The committee divided.

Ayes: Mr Graham, Mr Searle, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

There being an equality of votes, the Chair used his casting vote.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That the committee accept and confirm the Chair's proposed themes for the first two stakeholder hearings, being:

1. Government's response to people facing financial hardship, homelessness and housing stress during the pandemic; and
2. Government's response to the arts and creative industries.

4.2 Conduct of inquiry – Consideration of witness list for initial stakeholder hearings

Resolved, on the motion of Mr Searle: That the committee agree in principle to the witness list for the first two stakeholder hearings, subject to further confirmation by the Chair of panel arrangements – especially Panel D and Panel E for arts and creative industries.

4.3 Conduct of inquiry – Consideration of themes for stakeholder hearings

The committee noted that the Chair will invite members to nominate proposed themes for future stakeholder hearings by email.

4.4 Conduct of inquiry – Dates for stakeholder hearings

The committee noted that the first stakeholder hearing is scheduled for Monday 17 August, and that the Chair, in consultation with the secretariat, is to liaise with members via email to canvass dates for further stakeholder hearings.

4.5 Clarification of evidence

Resolved, on the motion of Mr Mason-Cox: That the committee authorise the addition of a footnote to the evidence of the Hon Bronnie Taylor MLC noting the requested clarification.

5. Adjournment

The committee adjourned at 2:59 pm. *Sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 33

Monday 17 August 2020

Public Accountability Committee

Macquarie Room, Sydney at 9:19 am

1. Members

Mr Shoebridge, *Chair (via teleconference until 11:43 am; in person from 11:43 am)*

Mr Borsak *(from 9:36 am)*

Mr Graham *(from 9:19 am to 10:52 am; and from 12:10 pm to 12:56 pm)*

Mrs Houssos *(participating from 10:52 am)*

Mr Khan

Mr Mason-Cox *(via teleconference)*

Mr Searle *(substituting for Mrs Houssos)*

Ms Sharpe *(participating from 9:19 am to 11:07 am; and from 11:20 am to 12:56 pm)*

Mrs Ward

2. Draft minutes

Resolved, on the motion of Mr Searle: That draft minutes no. 32 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 20 July 2020 – Email from Ms Alana Skibola, Executive Assistant to Deputy Secretary, Better Regulation Division, Department of Customer Service, to the secretariat requesting partial confidentiality for Tab A of the Better Regulation Division's answers to questions on notice arising from the hearing on 12 June 2020
- 23 July 2020 – Letter from the Hon Adam Marshall MP, Minister for Agriculture and Western New South Wales, to the Chair enclosing the Minister's post hearing responses from the hearing on 15 June 2020
- 24 July 2020 – Letter from the Hon Brad Hazzard MP, Minister for Health and Medical Research, to the Chair enclosing the Minister's post hearing responses from the hearing on 29 June 2020
- 30 July 2020 – Email from Ms Kathryn Gong, Special Projects Manager, Foodbank NSW & ACT, declining the committee's invitation to give evidence on 17 August 2020
- 5 August 2020 – Letter from the Hon Paul Scully MP, Member for Wollongong, to the Chair asking the committee to consider holding a public hearing in Wollongong as part of its inquiry into the integrity, efficacy and value for money of NSW Government grant programs
- 10 August 2020 – Email from Mr Sam Tedeschi, Director of Government Business in the Legislative Council, to the secretariat nominating the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, to assist the committee with its inquiry on financial hardship, homelessness and housing stress and advising of his availability.

Sent:

- 23 July 2020 – Email from the secretariat to Mr Sam Tedeschi, Director of Government Business in the Legislative Council, inviting the Government to propose witnesses for the hearing on 17 August 2020.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic**4.1 Publication of answers to questions on notice**

Resolved, on the motion of Mr Khan:

- That the committee authorise the publication of Minister Taylor's answers to questions on notice, received on 9 July 2020, with the exception of identifying information which is to remain confidential, as per the recommendation of the secretariat
- That the committee authorise the publication of Ms Webb's answers to questions on notice, received 16 July 2020, with the exception of identifying/sensitive information, as per the request of the author.

4.2 Conduct of inquiry – Additional witnesses for hearing on 17 August 2020

Committee noted that it previously agreed (via email) to a proposal from the Chair to add Homelessness NSW and the Asylum Seekers Centre to the witness list for the hearing on 17 August 2020.

4.3 Allocation of question time

Resolved, on the motion of Mrs Ward: That the allocation of questioning be left in the hands of the Chair for the hearing on 17 August 2020.

4.4 Chairing duties to be shared

Resolved, on the motion of Mr Khan: That the Hon Adam Searle MLC chair the hearing while the Chair (Mr Shoebidge) appears via teleconference for the hearing on 17 August 2020.

4.5 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted.

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

The following witnesses were sworn:

- Dr Lucy Burgmann, Country Manager, Community Housing Ltd
- Ms Katherine McKernan, Chief Executive Officer, Homelessness NSW
- Mr Leo Patterson Ross, Chief Executive Officer, Tenants Union NSW
- Ms Joanna Quilty, Chief Executive Officer, NSW Council of Social Services

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Ms Rhiannon Cook, Manager, Policy and Advocacy, St Vincent de Paul Society
- Mr Tony Devlin, Manager, Money Care, Salvation Army
- Ms Nada Nasser, State Director (NSW, ACT, Victoria), Mission Australia

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Ms Rosanna Barbero, Chief Executive Officer, Addison Road Community Centre
- Mr Peter Hennessy, Company Secretary, St Francis Social Services
- Ms Miriam Pellicano, Executive Manager, House of Welcome, St Francis Social Services
- Ms Frances Rush, Chief Executive Officer, Asylum Seekers Centre

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 12:47 pm.

5. **Tendered documents**

Resolved, on the motion of Mr Khan: That the committee accept and publish the following document tendered during the public hearing:

- Document titled 'Addison Road Community Organisation – Report to NSW Parliamentary Inquiry into Covid-19 response', tendered by Ms Rosanna Barbero, Chief Executive Officer of the Addison Road Community Organisation

6. **Adjournment**

The committee adjourned at 12:56 pm. *Sine die.*

Anthony Hanna
Committee Clerk

Minutes no. 34

Friday 18 September 2020
 Public Accountability Committee
 Jubilee Room, Sydney at 9:06 am

1. **Members**

Mr Shoebridge, *Chair*
 Ms Faehrmann (*participating member from 9:06am to 10:00am; and from 10:24 am to 4:04pm*)
 Mr Graham

Mr Khan (*from 9:06am to 10:23am; from 10:48am to 12:30pm; and from 12:59pm to 4:22pm*)

Mr Mason-Cox (*from 9:06am to 10:00am; and from 10:00am to 1:20pm*)

Mrs Ward (*via video link*)

2. Apologies

Mr Borsak, Deputy Chair

Mr Searle

Mrs Houssos

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 33 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 15 September 2020 – Email from Mr Matthew Chesher, Director Legal and Policy, MEEA, to the secretariat, declining the invitation to appear as a witness at the hearing on 18 September 2020 (pandemic inquiry)
- 10 September 2020 – Email from Mr Anthony Trimarchi, Executive Manager – Policy and Government, Clubs NSW/Clubs Australia, to the secretariat, declining the invitation to appear as a witness at the hearing on 18 September 2020 (pandemic inquiry)
- 7 September 2020 – Letter from Ms Margaret Crawford, Auditor-General for New South Wales, to the chair, advising that she expects to table a final report on her audit on financial arrangements and management practices of the ICAC, LECC, Ombudsman and Electoral Commission by mid-October 2020.

Sent:

- 14 September 2020 – Email from the secretariat to Ms Adelaide Cuneo, Parliamentary Liaison Officer, Office of the Minister for Families, Communities and Disability Services, confirming the hearing with Minister Ward on 7 October 2020 (pandemic inquiry)
- 3 September 2020 – Letter from the chair to Ms Margaret Crawford, Auditor-General for New South Wales, seeking an update on the progress of her audit on financial arrangements and management practices of the ICAC, LECC, Ombudsman and Electoral Commission.

5. Inquiry into the budget process for independent oversight bodies and the Parliament of New South Wales

Resolved, on the motion of Mr Graham: That the committee:

- Allocate the afternoon of Friday 23 October 2020 as the final hearing for the inquiry
- Invite the Auditor-General to attend a hearing on 23 October 2020, and request that she provide her submission to the inquiry immediately on tabling of her report into the financial management arrangements of the independent oversight bodies, preferably by 16 October 2020, in order for the committee to have sufficient time to consider it in advance of the hearing
- Inform the oversight bodies that there will be a hearing with the Auditor General on 23 October 2020, and invite them to provide further submissions by 5 pm Wednesday 21 October
- Reconsider whether to proceed with an open call for submissions following the hearing on 23 October 2020.

6. Inquiry into the NSW Government's management of the COVID-19 pandemic

6.1 Witnesses for hearing on live music, arts and night time economy on 18 September 2020

Committee noted that it previously agreed (via email) to a proposal from the Chair outlining arrangements and witnesses for the hearing on the pandemic's impact on the live music, arts and night time economy.

6.2 Consideration of topics and witnesses for hearing on 23 October 2020

Consideration deferred to a later date.

6.3 Answers to questions on notice and supplementary questions

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

- answers to questions on notice from the Hon Brad Hazzard MP, Minister for Health and Medical Research, received on 8 June 2020
- answers to supplementary questions from the Hon Brad Hazzard MP, Minister for Health and Medical Research, received on 8 June 2020 and 23 June 2020
- answers to questions on notice from Mr Michael Pratt AM, Secretary, NSW Treasury, received on 12 June 2020
- answers to questions on notice from the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, received on 15 June 2020
- answers to questions on notice from the Hon David Elliot MP, Minister for Police and Emergence Services, received on 22 June 2020
- answers to questions on notice from the Hon Damien Tudehope MLC, Minister for Finance and Small Business, received on 22 June 2020
- answers to questions on notice from the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, received on 22 June 2020
- answers to questions on notice from the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, received on 22 June 2020

Committee noted that the following answers to questions on notice were partially published by the committee clerk with the exception of identifying and/or sensitive information, in accordance with previous committee resolutions:

- answers to questions on notice from Ms Rose Webb, Fair Trading Commissioner and Deputy Secretary, Better Regulation Division, , received on 15 July 2020
- answers to questions on notice from the Hon Bronwyn Taylor MLC, Minister for Mental Health, Regional Youth and Women, received on 9 July 2020

6.4 Election of Deputy Chair

Resolved, on the motion of Mr Khan: That Mr Graham be elected Deputy Chair for the hearing on 18 September 2020.

6.5 Allocation of questioning

Resolved, on the motion of Mr Khan: That the allocation of questioning be left in the hands of the Chair for the hearing on 18 September 2020.

6.6 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted via video link.

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

The following witnesses were sworn:

- Mr James Hulme, Director of Advocacy, Committee for Sydney
- Cr Linda Scott, President, Local Government NSW

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Ms Emily Collins, Managing Director, Music NSW
- Mr Nicholas Pickard, Executive Director, Public Affairs, Communications and Events, APRA AMCOS

- Ms Julia Robinson, General Manager, Australian Festivals Association
- Mr John Wardle, Consultant, Live Music Office

The witnesses were examined by the committee.

Mr John Wardle, tendered the following documents:

- Correspondence from APRA AMCOS, Solotel Group, Sydney Festival, Sydney Fringe Festival and the Live Music Office to various ministers of the NSW Government concerning support for the live music and performance sector in New South Wales
- Proposal from Mr Alex Masso regarding COVID-19 safety measures for school music ensembles
- Department of Education (Queensland) guidelines titled *Instrumental music program guidelines for managing hazards associated with COVID-19*
- Survey results document titled *Live Music and Performance Venue Impacts from COVID-19 Australia*

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Ms Kerri Glasscock, Executive Director and Chief Executive Officer, Sydney Fringe Festival
- Mr Christopher Tooher, Executive Director, Sydney Festival
- Ms Penelope Benton, Acting Chief Executive Officer, National Association for the Visual Arts
- Ms Nicole Beyer, Executive Director, Theatre Network Australia
- Ms Katrina Douglas, NSW Coordinator, Theatre Network NSW

The witnesses were examined by the committee.

Ms Nicole Beyer, tendered the following document:

- Theatre Network Australia, Member Insight NSW Government response to COVID-19

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Mr Sean Morrissey, Deputy Chief Executive Officer, Australian Hotels Association
- Mr John Green, Director, Liquor and Policing, Australian Hotels Association
- Mr Michael Rodrigues, Chair, Night Time Industries Association
- Mr Karl Schlothauer, President, Independent Bars Association

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Mr Sam Nardo, Chief Operating Officer, Century Venues
- Mr Mark Gerber, Chief Executive Officer/Founder and Licensee, Oxford Arts Factory
- Ms Caroline Buckingham, Owners, Butcher's Brew Bar
- Ms Tyla Dombroski, General Manager and Director, Crowbar Sydney

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn:

- Ms Caterina Giorgi, Chief Executive Officer, Foundation for Alcohol Research and Education
- Ms Kate DaCosta, NSW Campaigner, Alliance for Gambling Reform

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4:04 pm.

6.7 Tendered documents

Resolved, on the motion of Mr Khan: That the committee accept and publish the following document tendered during the public hearing, with the exception of identifying information:

- Correspondence from APRA AMCOS, Solotel Group, Sydney Festival, Sydney Fringe Festival and the Live Music Office to various ministers of the NSW Government concerning support for the live music and performance sector in New South Wales, tendered by Mr John Wardle, Consultant, Live Music Office
- Proposal from Mr Alex Masso regarding COVID-19 safety measures for school music ensembles, tendered by Mr John Wardle, Consultant, Live Music Office
- Department of Education (Queensland) guidelines titled *Instrumental music program guidelines for managing hazards associated with COVID-19*, tendered by Mr John Wardle, Consultant, Live Music Office
- Survey results document titled *Live Music and Performance Venue Impacts from COVID-19 Australia*, tendered by Mr John Wardle, Consultant, Live Music Office
- Document titled 'Theatre Network Australia, Member Insight NSW Government response to COVID-19', tendered by Ms Nicole Beyer, Executive Director, Theatre Network Australia

6.8 Open invitation to relevant Ministers to participate in roundtable

Resolved, on the motion of Mr Graham: That the Chair write to the NSW Government providing a copy of the transcript and making representations about the need for urgent roundtable discussions between relevant Ministers and witnesses appearing before the committee on 18 September 2020.

6.9 Government witnesses to appear on 7 October 2020

Resolved, on the motion of Mr Graham: that Government witnesses from the portfolios of Customer Service, Planning, Create NSW and Health be called to appear on the afternoon Wednesday 7 October 2020 to respond to evidence on the pandemic's impact on the live music, arts and night time economy, as per the following arrangements:

PANEL A (2 HOURS)

Portfolios areas:

- Customer Service (including Liquor and Gaming)
- Planning (including to respond to issues surrounding outdoor dining)
- Create NSW

Witnesses: Ministers, Secretaries and senior Departmental officials

PANEL B (1½ HOURS)

Portfolios areas:

- Health NSW

Witnesses: Secretary and Chief Medical Officer

This is to commence at 12.30pm and conclude at or before 5.00pm.

7. Adjournment

The committee adjourned at 4.22 pm, until 9:15 am Monday 21 September 2020 (public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 36

Wednesday 7 October 2020

Public Accountability Committee

Macquarie Room, Sydney at 9:15 am

1. MembersMr Shoebridge, *Chair (from 9.18 am to 1.52 pm; from 2.11 pm to 4.42pm)*Ms Faehrmann (*participating member from 12.30 pm*)

Mr Graham

Mrs Houssos (*substituting for Mr Searle from 12.30 pm*)Mr Khan (*from 9.18 am to 10.38 am; from 10.57 am to 2.21 pm; from 4.02 pm to 4.42 pm*)Ms Sharpe (*substituting for Mr Searle until 11.45 am*)

Mrs Ward

2. ApologiesMr Borsak, *Deputy Chair*

Mr Mason-Cox

Mr Searle

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 34 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 15 September 2020 – Email from Ms Katherine McKernan, Chief Executive Officer, Homelessness NSW, to the secretariat, advising Homelessness NSW is unable to provide answers to its questions on notice and supplementary question
- 20 September 2020 – Email from Mr John Green, Deputy CEO, Australian Hotels Association, to the Hon Natalie Ward MLC, providing further information to the committee on the tourism voucher scheme
- 29 September 2020 – Letter from the Hon Victor Dominello MP, Minister for Customer Service, to the Chair responding to the committee's open invitation to the Government for urgent roundtable discussions with industry groups and venue operators across live music, arts and the night time economy

Sent:

- 23 September 2020 – Email from the secretariat to Mr Sam Tedeschi, Director of Government Business in the Legislative Council, inviting the Government to nominate witnesses to respond to evidence on the pandemic's impact on live music, arts and the night time economy on 7 October 2020
- 23 September 2020 – Letter from the Chair to the Hon Don Harwin MLC, the Hon Rob Stokes MP and the Hon Victor Dominello MP, extending an open invitation to the Government for urgent roundtable discussion with industry groups and venue operators across live music, arts and the night time economy

5. Inquiry into the NSW Government's management of the COVID-19 pandemic**5.1 Government witnesses to appear on 7 October 2020**

Committee noted that it previously agreed (via email) to the Government's proposed witness list for the hearing on 7 October 2020.

5.2 Answers to questions on notice and supplementary questions

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

- Answers to questions on notice from Ms Miriam Pellicano and Mr Peter Hennessy of St Francis Social Services, received on 17 September

- Answers to questions on notice from Ms Rhiannon Cook of St Vince de Paul Society, received on 18 September
- Answers to questions on notice from Ms Rosanna Barbero of the Addison Road Community Centre, received on 15 September
- Answers to questions on notice from Mr Tony Devlin of the Salvation Army, received on 17 September
- Answers to questions on notice from Ms Nada Nasser of Mission Australia, received on 22 September
- Answers to questions on notice from Mr Leo Patterson Ross of the Tenants Union NSW, received on 21 September

5.3 Election of Deputy Chair

Resolved, on the motion of Ms Sharpe: That Mr Graham be elected Deputy Chair for the hearing on 7 October 2020.

5.4 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted.

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

The Chair reminded Minister Ward that he has already sworn an oath to his office as a member of Parliament.

The Chair reminded the following witness that he has already been sworn for this inquiry:

- Mr Michael Coutts-Trotter, Secretary, Department of Communities and Justice

The following witnesses were sworn:

- Ms Simone Walker, Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice
- Ms Simone Czech, Deputy Secretary, Child Protection and Permanency, District and Youth Services, Department of Communities and Justice
- Mr Paul Vevers, Deputy Secretary, Housing, Disability and District Services, Department of Communities and Justice

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The Chair reminded Minister Dominello and Minister Harwin that they have already sworn an oath to their office as members of Parliament.

The Chair reminded the following witnesses that they have already been sworn for this inquiry:

- Ms Rose Webb, Deputy Secretary Better Regulation Division and Commissioner Fair Trading
- Ms Kate Foy, Deputy Secretary, Community Engagement, Department of Premier and Cabinet

The following witnesses were sworn:

- Mr Paul Sariban, Director - Liquor and Gaming Policy, Better Regulation Division
- Ms Kristen Daghish Rose, Director Stakeholder Engagement and Regulatory Education, Better Regulation Division
- Mr Luke Walton, Executive Director, Policy, Department of Planning, Industry and Environment

Minister Harwin tendered the following document:

- Media release from the National Association for the Visual Arts titled *NAVA apologises to Create NSW staff and reports on artists' and organisations' key concerns*

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The Chair reminded Minister Hazzard that he has already sworn an oath to his office as a member of Parliament.

The Chair reminded the following witnesses that they have already been sworn for this inquiry:

- Ms Elizabeth Koff, Secretary, NSW Health
- Dr Kerry Chant PSM, Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4:45 pm.

5.5 Tended documents

Resolved, on the motion of Mrs Ward: That the committee accept and publish the following document tendered during the public hearing, with the exception of identifying information:

- Media release titled *NAVA apologises to Create NSW staff and reports on artists' and organisations' key concerns*, 18 September 2020, tabled by the Hon Don Harwin MLC.

Resolved, on the motion of Mrs Ward: That a link to the NSW Government's *Sydney 24 Hour Economy Strategy* be published on the committee's website.

6. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

6.1 Focus of hearing on 16 October 2020

Resolved, on the motion of Mr Graham: That the hearing on Friday 16 October 2020 is to focus on local government grants programs such as the Stronger Communities Fund and Stronger Country Communities Fund, and that the Chair, through the secretariat, is to advise the Department of Premier and Cabinet and Regional NSW accordingly.

7. Adjournment

The committee adjourned at 4.42 pm, until 9:15 am Friday 16 October 2020 (public hearing).

Anthony Hanna
Committee Clerk

Minutes no. 39

Friday 23 October 2020

Public Accountability Committee

Jubilee Room, Parliament House at 9.30 am

1. Members present

Mr Shoebridge, *Chair*
Mr Graham
Mrs Houssos
Mr Khan
Mr Mason-Cox
Mrs Ward

2. Apologies

Mr Borsak

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no 38 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 15 October 2020 – Letter from Ms Penelope Benton, Acting Chief Executive Officer, National Association for the Visual Arts, to the committee, requesting clarification of evidence from the hearing on 18 September for the inquiry into the NSW Government's management of the COVID-19 pandemic.
- 19 October 2020 – Email from Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, to secretariat, requesting reasons for the committee's invitations to Ms Sarah Lau and Ms Sarah Cruickshank to appear on 23 October 2020 for the inquiry into NSW government grant programs.
- 20 October 2020 – Email from Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, to secretariat, indicating that Ms Sarah Cruickshank will attend the hearing on 23 October 2020 for the inquiry into NSW government grant programs and Ms Sarah Lau will provide a response by the end of the day.
- 20 October 2020 - Email from Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, to secretariat, indicating that Ms Sarah Lau will attend the hearing on 23 October 2020 for the inquiry into NSW government grant programs.
- 21 October 2020 – Email from Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, to secretariat, confirming that Ms Sarah Lau will attend the hearing on 23 October 2020 and that the Department of Premier and Cabinet will not be nominating an alternative witness.

Sent

- 16 October 2020 – Letter from the chair to Ms Sarah Lau, Senior Policy Advisor, Office of the Premier, re-inviting her to appear at the hearing on 23 October 2020 and noting the committee will summon her if she declines for the inquiry into NSW government grant programs.
- 16 October 2020 – Letter from the chair to Ms Sarah Cruickshank, Deputy Secretary, Transformation Group, Department of Premier and Cabinet, re-inviting her to appear at the hearing on 23 October 2020 and noting the committee will summon her if she declines for the inquiry into NSW government grant programs.
- 20 October 2020 – Email from the secretariat to Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, providing reasons for the committee's request that Sarah Lau and Sarah Cruickshank appear as witnesses at the hearing on 23 October 2020 for the inquiry into NSW government grant programs.
- 21 October 2020 – Email from the secretariat to Ms Kate Boyd, General Counsel, Department of Premier and Cabinet, in response to Ms Kate Boyd's advice that the Department of Premier and Cabinet will not be nominating an alternative witness.

Resolved, on the motion of Mr Graham: That the committee authorise the publication of the correspondence received from and sent to Ms Kate Boyd on 21 October 2020 (noted above).

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Clarification of evidence

Resolved, on the motion of Mr Khan: That the committee authorise:

- the publication of correspondence from Ms Penelope Benton, dated 15 October 2020, clarifying evidence she provided at the hearing on 18 September 2020
- the addition of footnotes to the relevant sections of Ms Benton's evidence of 18 September 2020, reflecting her clarification of evidence.

6. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

6.1 Election of Deputy Chair

Resolved, on the motion of Mrs Ward: That Mrs Houssos be elected Deputy Chair for the purpose of today's meeting.

6.2 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questions to be asked at the hearing is to alternate between the opposition and crossbench, with 15 minutes reserved at the end for government questions.

6.3 Publication of hearing footage

The committee noted it had previously resolved by email to authorise the secretariat to publish the video footage of the hearing on 16 October 2020 on the committee's website.

6.4 Transcript from 16 October 2020

Mr Graham moved: That the committee authorise the immediate publication of the ICAC evidence from the hearing on 16 October 2020, noting that it may further consider this position pending future advice from the ICAC provided in answers to questions on notice.

Mrs Ward moved: That the motion of Mr Graham be amended by removing all words after '16 October 2020'.

Amendment of Mrs Ward put.

The committee divided.

Ayes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Noes: Mr Graham, Mrs Houssos, Mr Shoebridge.

There being an equality of vote, question resolved in the negative on the casting vote of the Chair.

Original question of Mr Graham put and passed.

6.5 Answers to questions on notice

Resolved, on the motion of Mr Mason-Cox: That the committee authorise the publication of the following answers to questions on notice:

- Mr Steven Head, General Manager, Hornsby Shire Council, received on 21 October 2020, including appendixes
- Cr Darcy Byrne, Mayor, Inner West Council, received on 22 October 2020, included appendixes
- Mr Michael Edgar, General Manager and Ms Chandi Saba, Chief Financial Officer, The Hills Shire Council, received on 22 October 2020
- Mr Tim Hurst, Chief Executive Officer, Office of Local Government, received on 22 October 2020.

6.6 Public hearing

Witnesses, the public and the media were admitted.

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

The following witnesses were sworn and examined:

- Ms Sarah Lau, Senior Policy Advisor, Office of the NSW Premier
- Ms Sarah Cruickshank, Former Chief of Staff, Office of the NSW Premier.

Ms Lau tendered the following document:

- Letter from Mr Tim Hurst, Office of Local Government to the Clerk of the Parliaments, regarding the Stronger Communities Fund tied grants round, signed 19 October

Mr Shoebridge tendered the following documents:

- Various emails returned to the Legislative Council, ordered under Standing Order 52 on 3 June 2020 relating to the Stronger Communities Fund.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 11.48 am.

Witnesses, the media and the public withdrew.

6.7 Tendered documents

Resolved, on the motion of Mrs Houssos: That the committee accept and publish the following tendered documents:

- Letter from Mr Tim Hurst, Office of Local Government to the Clerk of the Parliaments, regarding the Stronger Communities Fund tied grants round, signed 19 October 2020, tendered by Ms Sarah Lau, Senior Policy Advisor, Office of the NSW Premier.
- Various emails returned to the Legislative Council, ordered under Standing Order 52 on 3 June 2020 relating to the Stronger Communities Fund, tendered by Mr Shoebridge.

6.8 Witnesses for future hearings

The committee noted the witness list for the hearing on 27 November 2020:

- Panel (50 mins)
 - City of Newcastle
 - Lake Macquarie City Council
 - Wollongong City Council
- Panel (30 mins)
 - Mr Paul Scully MP, Member for Wollongong
 - Mr Tim Crakanthorp MP, Member for Newcastle
- Panel (50 mins)
 - Lismore City Council
 - Tweed Shire Council
 - Bega Valley Shire Council
- Panel (50 mins)
 - Federation Council
 - Brewarrina Shire Council
 - Tenterfield Shire Council
 - Queanbeyan-Palerang Regional Council
- Panel (50 mins)
 - Central NSW Joint Organisation
 - Canberra Region Joint Organisation
 - Hunter Joint Organisation.

The committee noted that the chair had previously circulated the proposed witnesses to appear at the hearing on 9 December 2020 (the arts):

- Theatre Network, MusicNSW, Ausdance NSW & Regional Arts NSW
- Live Music Office
- National Association for the Visual Arts
- Writing NSW
- Darren Heinrich
- Alex Masso
- Sydney Improvised Music Association
- Create NSW.

Resolved, on the motion of Mrs Houssos: That members nominate additional or alternative witnesses and suggest allocation of times for the arts hearing by 10.00 am Monday 26 October 2020.

7. Adjournment

The committee adjourned at 12.05 pm until 1.00 pm, Friday 23 October 2020 (hearing for the Budget Process inquiry).

Monica Loftus
Committee Clerk

Minutes no. 42

Friday 27 November 2020

Public Accountability Committee

Macquarie Room, Parliament House, 9.31 am

1. Members present

Mr Shoebridge, *Chair* (until 3.10 pm)

Mrs Houssos, *Acting Deputy Chair* (via Webex)

Mr Graham

Mr Khan (from 10.48 am)

Mr Mallard (substituting for Mrs Ward until 10.51 am)

Mrs Ward (via Webex, from 10.51 am)

2. Apologies

Mr Borsak

Mr Mason-Cox

3. Previous minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 41 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Inquiry into the NSW Government's management of the COVID-19 pandemic

Received:

- 6 November 2020 – Letter from the Hon Brad Hazzard MP, Minister for Health and Medical Research, to the Chair enclosing the Minister's post-hearing responses from the COVID-19 pandemic hearing on 7 October 2020.
- 9 November 2020 – Letter from the Hon Gareth Ward MP, Minister for Families, Communities and Disability Services, to the Chair enclosing the Minister's post-hearing responses from the COVID-19 pandemic hearing on 7 October 2020.
- 9 November 2020 - Letter from the Hon Don Harwin MLC, Minister for the Public Service, Employee Relations, Aboriginal Affairs and the Arts, to the Chair enclosing the Minister's post-hearing responses from the COVID-19 pandemic hearing on 7 October 2020.

Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

Received:

- 27 October 2020 – Letter from Mr Terry Dodds, Chief Executive, Tenterfield Shire Council, to secretariat, declining the committee's invitation to appear at the hearing on 27 November for the integrity of government grants inquiry.
- 30 October 2020 – Email from Todd Hopwood, Manager Governance and Customer Service, Wollongong City Council, to secretariat, declining the committee's invitation to appear at the hearing on 27 November for the integrity of government grants inquiry.
- 30 October 2020 – Letter from Mr Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment, to the Chair, regarding evidence provided relating to the Stronger Communities Fund.
- 2 November 2020 – Email from Dan Hughes, Government Relations and Policy Advisor, Lake Macquarie City Council, to secretariat, declining the committee's invitation to appear at the hearing on 27 November for the integrity of government grants inquiry.

- 9 November 2020 – Email from Mr Matthew Crocker, Former Policy Advisor, Office of the Premier, to the secretariat, requesting the committee provide reasons for their invitation that he appear as a witness at the hearing on 9 December 2020.
- 10 November 2020 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet, in response to the committee's request for deleted electronic records to be retrieved.
- 12 November 2020 – Letter from Mr Tim Hurst, Office of Local Government, to chair, regarding publication of documents tabled by Cr Darcy Byrne on 21 September 2020.
- 13 November 2020 – Letter from Mr Adam Lindsay, Executive Director, State Archives and Records Authority to the chair, in response to questions put to them regarding what constitutes a state records and what penalties exist for destruction of state records under the *State Records Act 1998* on 9 November 2020.
- 15 November 2020 – Email from Mr Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government, to the secretariat, advising he will attend the hearing on 9 December 2020 as a witness and requesting further information about his attendance.
- 16 November 2020 – Email from Mr Matthew Crocker, Former Policy Advisor, Office of the Premier, to the secretariat, advising he will attend the hearing on 9 December 2020 as a witness.
- 18 November 2020 – Email from Ms Laura Clarke, Former Deputy Chief of Staff, Office of the Deputy Premier, to the secretariat, advising she will attend the hearing on 9 December 2020 as a witness.
- 18 November 2020 – Email from Senada Bjelic, office of the Hon Robert Borsak MLC, advising Mr Borsak will be an apology for the hearings on 27 November and 9 December.
- 20 November 2020 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet, to the Deputy Chair, in response to his letter of 10 November regarding the involvement of the Department of Premier and Cabinet in the attendance of witnesses at the hearing on 23 October.
- 20 November 2020 - Letter from Bran Black, Director Cabinet and Legal, Office of the Premier, to the Chair, declining the committee's invitation to appear at a future hearing.
- 24 November 2020 – Email from Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government, to the secretariat, requesting that he appear via Webex on 9 December 2020.
- 27 November 2020 – Email from Kaelee Aboud, Office of the Government Whip, advising that the Hon Shayne Mallard MLC will substitute for the Hon Natalie Ward MLC on 27 November 2020 until 11.00 am.

Sent:

- 9 November 2020 – Letter from the Chair to Mr Adam Lindsay, Executive Director, State Archives and Records Authority, requesting information on what constitutes a state records and what penalties exist for destruction of state records under the *State Records Act 1998*.
- 9 November 2020 – Letter from the Chair to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, regarding retrieval of deleted working advice notes electronic copies.
- 10 November 2020 – Letter from the Deputy Chair to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, in response to his letter of 2 November 2020 and seeking clarification on the advice from the Department of Premier and Cabinet relating to witness attendance at the hearing on 23 October 2020.
- 10 November 2020 – Email from the secretariat to Mr Matthew Crocker, Former Director, Office of the Premier, providing reasons for the committee's invitation for him to appear at the hearing on 9 December 2020.
- 11 November 2020 – Letter from the Chair to the Hon Gladys Berejiklian MP, Premier, inviting her to appear at a future hearing for the inquiry into the integrity, efficacy and value for money of NSW Government grant programs.
- 11 November 2020 - Letter from the Chair to Ms Laura Clarke, Former Chief of Staff, Office of the Deputy Premier, re-inviting her to appear at the hearing on 9 December 2020 and noting the committee will summon her if she declines.
- 17 November 2020 – Email from the secretariat to Mr Kevin Wilde providing reasons for the committee's request he appear as witnesses at the hearing on 9 December 2020.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Answers to questions on notice and supplementary questions

The following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- the Hon Gareth Ward MP and witnesses from the Department of Communities and Justice
- the Hon Brad Hazzard MP and Dr Kerry Chant PSM
- the Hon Don Harwin MLC and Ms Kate Foy
- the Hon Victor Dominello MP, Ms Rose Webb and Mr Paul Sariban.

The following answers to supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- the Hon Gareth Ward MP.

6. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

6.1 Public submissions

The following submissions were published by the committee clerk under the authorisation of the resolution appointing the committees: submission nos 100-102.

6.2 Answers to questions on notice

The following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Cr Khal Asfour, Mayor, Canterbury-Bankstown Council, received 23 October 2020.
- The Hon Peter Hall QC, Commissioner, Independent Commission Against Corruption, received on 11 November.
- Mr Chris Hangar, Deputy Secretary, Public Works Advisory and Regional Development, Department of Regional NSW, received on 12 November.
- Ms Margaret Crawford, Auditor-General, including answers to supplementary questions, received on 12 November.
- Ms Sarah Lau, Senior Policy Advisor, Office of the NSW Premier, received on 20 November.
- Answers to supplementary questions from Ms Sarah Cruickshank, Former Chief of Staff, Office of the NSW Premier, received on 20 November.
- Answers to questions on notice from Ms Sarah Cruickshank, Former Chief of Staff, Office of the NSW Premier, received on 24 November.

6.3 Future inquiry activity

Resolved, on the motion of Mrs Houssos: That the chair circulate via email the draft witness list relating to Arts government grants for feedback from members by Monday 7 December 2020.

6.4 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questioning to be asked at the hearing is to be left in the hands of the chair.

6.5 Due date for answers to questions on notice and supplementary questions

Resolved, on the motion of Mrs Houssos: That answers to questions on notice and supplementary questions from today's hearing are due by Tuesday 12 January 2021.

6.6 Request for virtual appearance

Resolved, on the motion of Mr Graham: That the committee write to Mr Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government indicating its strong preference that he appear at the hearing on 9 December 2020 in person and noting the committee can assist in paying for petrol and provide free parking.

6.7 Tendered documents from hearing on 21 September 2020

Resolved, on the motion of Mrs Houssos: That the committee publish the documents tendered by Cr Darcy Byrne, Mayor of Inner West Council at the hearing on 21 September 2020 and correspondence from Mr Tim Hurst regarding the publication of the documents tendered by Cr Byrne, received 12 November 2020.

6.8 Public hearing

Witnesses, the public and the media were admitted.

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

The following witnesses were sworn and examined:

- Cr Nuatali Nelmes, Lord Mayor, City of Newcastle (*via Webex*)
- Mr Simon Massey, Economic Strategy and Government Relations Manager, City of Newcastle (*via Webex*).

Mr Simon Massey tendered the following documents:

- Documents entitled 'The Newcastle Response' to COVID-19 challenges, for arts sector, youth unemployment, tourism sector, community sector, and innovation economy.

Mrs Ward joined the meeting.

Mr Khan joined the meeting.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Paul Scully MP, Member for Wollongong
- Mr Tim Crakanthorp MP, Member for Newcastle.

Mr Tim Crakanthorp MP tendered the following document:

- Document outlining upgrades required to Passmore Oval, Wickham Park.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Shelley Oldham, General Manager, Lismore City Council (*via Webex*)
- Mr Tim Mackney, Manager Infrastructure Delivery, Tweed Shire Council (*via Webex*)
- Mr Anthony McMahon, Director, Assets and Operations, Bega Valley Shire Council (*via Webex*).

Mr Graham left the meeting.

The evidence concluded and the witnesses withdrew.

The committee proceeded to deliberate in private.

Witnesses, the media and the public withdrew.

6.9 Acting Chair

Resolved, on the motion of Mrs Houssos: That, as the Deputy Chair is not present and the Acting Deputy Chair is appearing via videoconference, Mr Graham act as Chair this day for any time in which the Chair is absent from the room for the purposes of the hearing only.

6.10 Answers to questions on notice received from Sarah Lau

Mrs Houssos moved: That the committee respond to Ms Sarah Lau requesting more comprehensive answers to the questions on notice and supplementary questions arising from the hearing on 23 October 2020 by 7 December 2020 and noting the committee will review the sufficiency of her answers and may recall her for further questioning.

Question put.

The committee divided.

Ayes: Mrs Houssos, Mr Khan, Mr Shoebridge.

Noes: Mrs Ward.

Question resolved in the affirmative.

The committee noted Mrs Ward's further opposition to this resolution.

6.11 Public hearing

Mr Graham joined the meeting.

Witnesses, the public and the media were re-admitted.

The following witnesses were sworn and examined:

- Mr Gerard Van Emmerik, Manager Community & Economic Development, Federation Council (*via Webex*)
- Cr Phillip O'Connor, Mayor, Brewarrina Shire Council (*via Webex*)
- Mr Jeff Sowiak, General Manager, Brewarrina Shire Council (*via Webex*)
- Ms Jacquelyn Richards, Portfolio General Manager, Community Choice, Queanbeyan-Palerang Regional Council (*via Webex*).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Bill West, Regional Prosperity Portfolio Mayor, Central NSW Joint Organisation
- Cr Rowena Abbey, Chair, Canberra Region Joint Organisation and Chair, NSW Joint Organisations Chairs' Forum (*via Webex*)
- Ms Kalina Koloff, Chief Executive Officer, Canberra Region Joint Organisation (*via Webex*)
- Cr Bob Pynsent, Chair, Hunter Joint Organisation (*via Webex*)
- Mr Joe James, Chief Executive Officer, Hunter Joint Organisation
- Mr Steve Wilson, Director of Regional Policy and Programs, Hunter Joint Organisation.

Cr Bill West tendered the following document:

- Various case studies outlining the involvement of Central NSW Joint Organisation in NSW Government grant programs.

Mr Shoebridge left the meeting.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.55 pm.

Witnesses, the media and the public withdrew.

6.12 Tended documents

Resolved, on the motion of Mr Khan: That the committee accept and publish the following documents tendered during the public hearing:

- Mr Simon Massey, Economic Strategy and Government Relations Manager, City of Newcastle- Documents entitled 'The Newcastle Response' to COVID-19 challenges, for arts sector, youth unemployment, tourism sector, community sector, and innovation economy.
- Mr Tim Crakanthorp MP, Member for Newcastle - Document outlining upgrades required to Passmore Oval, Wickham Park.
- Cr Bill West, Regional Prosperity Portfolio Mayor, Central NSW Joint Organisation - Various case studies outlining the involvement of Central NSW Joint Organisation in NSW Government grant programs.

6.13 Further submission from NSW Government

Resolved, on the motion of Mr Graham: That the Chair write to the Department of Premier and Cabinet inviting them to provide a more detailed submission to the inquiry.

7. Adjournment

The committee adjourned at 4.15 pm, until 9.45 am, Wednesday 9 December 2020 – public hearing for the inquiry into the integrity, efficacy and value for money of NSW Government grant programs.

Monica Loftus
Committee Clerk

Minutes no. 43

Wednesday 9 December 2020
Public Accountability Committee
Macquarie Room, Parliament House, 9.51 am

1. Members present

Mr Shoebridge, *Chair*
Mrs Houssos, *Acting Deputy Chair*
Mr Graham
Mr Khan
Mr Mason-Cox
Mrs Ward

2. Apologies

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mrs Ward: That draft minutes no. 42 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 24 November 2020 – Email from Mr Chris Rumore, ACP Sub-Committee – Sydney Wharf, to secretariat, raising a number of issues which their strata scheme would like the government to address immediately with regards to recommendations made by the committee for the inquiry into the regulation of building standards, building quality and building disputes.
- 30 November 2020 – Email from Mr Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government, to the secretariat, indicating he will appear at the hearing on 9 December in person.
- 3 December 2020 – Letter from Ms Jodie Hillard to the Deputy Chair, regarding the NSW Government's management of the COVID-19 pandemic.

Sent:

- 26 November 2020 – Email from secretariat, to Mr Chris Rumore, ACP Sub-Committee – Sydney Wharf, responding to his email of the 24 November and suggesting to seek action on their issues from the NSW Fair Trading Commissioner, NSW Building Commissioner or Minister for Better Regulation and Innovation.
- 27 November 2020 – Email from secretariat, to Mr Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government, in response to his request to appear at the integrity of government grants hearing on 9 December 2020 via Webex.
- 30 November 2020 – Letter from the chair to Ms Sarah Lau, Senior Policy Advisor, Office of the Premier, requesting more substantial answers to questions on notice and supplementary questions arising from the integrity of government grants hearing on 23 October 2020.

- 30 November 2020 – Letter from the chair to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, requesting he provide a more detailed whole-of-government submission to the integrity of government grants hearing.

5. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

5.1 Answers to further supplementary questions from Sarah Lau

The following answers to further supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Ms Sarah Lau, Senior Policy Advisor, Office of the Premier, received on 7 December 2020.

5.2 Witnesses for 1 February hearing

Resolved, on the motion of Mr Graham: That the Chair confer with members regarding witnesses for the 1 February arts grants hearing and will circulate a revised witness list by Wednesday 16 December 2020.

5.3 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questions to be asked at the hearing is to alternate between the opposition and crossbench, with 10 minutes reserved at the end of each session for government questions.

5.4 Due date for answers to questions on notice

Resolved, on the motion of Mr Khan: That answers to questions on notice and supplementary questions from the hearing on 9 December 2020 are due by Monday 25 January 2021.

5.5 Public hearing

Witnesses, the public and the media were admitted.

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

The following witness was sworn and examined:

- Mr Matthew Crocker, Former Policy Director, Office of the Premier.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Laura Clarke, Former Deputy Chief of Staff, Office of the Deputy Premier.

Mr Shoebridge tendered various documents relating to the Stronger Community Fund returned to the Legislative Council under standing order 52 and to Portfolio Committee No. 7 – Planning and Environment as part of Budget Estimates 2019-2020.

Mrs Houssos tendered a document relating to the Stronger Community Fund returned to the Legislative Council under standing order 52.

Mr Graham tendered various documents relating to the Stronger Community Fund returned to the Legislative Council under standing order 52.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Kevin Wilde, Former Chief of Staff, Office of the Former Minister for Local Government.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Tony Harris, Former NSW Auditor-General.

The evidence concluded and the witness withdrew.

The public hearing concluded at 3.45 pm.

Witnesses, the media and the public withdrew.

5.6 Additional further supplementary questions to Sarah Lau

Resolved, on the motion of Mr Graham: That the committee put additional further supplementary questions to Ms Sarah Lau, Senior Policy Advisor, Office of the Premier by 25 January 2021 and that proposed questions be circulated by Wednesday 16 December 2020 to be agreed on over email.

5.7 Future hearing activity

Mr Graham moved: That the committee invite the following Ministers to appear as witnesses at the hearing on 8 February 2021:

- the Hon Gladys Berejiklian MP, Premier (noting she has previously declined)
- the Hon John Barilaro MP, Deputy Premier
- Ms Gabrielle Upton MP, Former Minister for Local Government.

Question put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Mason-Cox, Mrs Ward.

Question resolved in the affirmative on the casting vote of the chair.

5.8 Tendered documents

Resolved, on the motion of Mrs Houssos: That the committee accept and publish the following documents tendered during the public hearing:

- Mr Shoebridge - Various documents relating to the Stronger Community Fund returned to the Legislative Council under standing order 52 and to Portfolio Committee No. 7 – Planning and Environment as part of Budget Estimates 2019-2020.
- Mrs Houssos - A document relating to the Stronger Community Fund returned to the Legislative Council under standing order 52.
- Mr Graham - Various documents relating to the Stronger Community Fund returned to the Legislative Council under standing order 52.

6. Adjournment

The committee adjourned at 3.55 pm, *sine die*.

Monica Loftus
Committee Clerk

Minutes no. 49

Monday 24 May 2021

Public Accountability Committee

Macquarie Room, Parliament House, 1.32 pm

1. Members present

Mr Shoebridge, *Chair*
Mr Graham (via Webex)
Mrs Houssos
Mr Khan
Mr Poulos
Mrs Ward

2. Apologies

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 48 be confirmed.

4. Consideration of terms of reference

The Chair tabled the letter proposing the self-reference:

1. That the Public Accountability Committee inquire into and report on:
 - a. the efficacy and adequacy of the government's regulation of building standards and specifically,
 - i. the cost, effectiveness and safety concerns arising from the use of flammable cladding,
 - ii. private certification of and engineering reports for construction projects, and
 - b. any other related matter.
2. That the committee report by 25 November 2021.

Mrs Houssos moved: That the committee adopt the terms of reference.

Mrs Ward moved: That the motion of Mrs Houssos be amended by omitting 'adopt the terms of reference' and inserting instead 'defer consideration of the terms of reference until 1 July 2022 to allow others reviews to take place'.

The committee divided.

Ayes: Mr Khan, Mr Poulos, Mrs Ward.

Noes: Mr Graham, Mrs Houssos, Mr Shoebridge.

There being an equality of votes, question resolved in the negative on the casting vote of the chair.

Original question of Mrs Houssos put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Khan, Mr Poulos, Mrs Ward.

There being an equality of votes, question resolved in the affirmative on the casting vote of the chair.

5. Conduct of inquiry into the regulation of regulation of building standards, building quality and building disputes – Further inquiry**5.1 Proposed timeline**

Resolved, on the motion of Mrs Houssos:

1. That the committee adopt the following timeline for the administration of the inquiry:
 - Call for submissions – Thursday 1 July 2021
 - Closing date for submissions – Sunday 29 August 2021
 - Hearing – Monday 11 October 2021 – focus on private certification
 - Report deliberative – Monday 22 November 2021.
2. That the secretariat canvass dates in late September and early October for an additional hearing to focus on cladding.

5.2 Stakeholder list

Resolved, on the motion of Mr Khan: 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.

5.3 Advertising

All inquiries are advertised via Twitter, Facebook, stakeholder emails 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.

6. Inquiry into the management of the COVID-19 pandemic

6.1 Extension of reporting date

Resolved, on the motion of Mrs Houssos: That the committee extend the reporting date of the inquiry into the NSW Government's management of the COVID-19 pandemic to 30 September 2021.

7. Adjournment

The committee adjourned at 1.43 pm, *sine die*.

Monica Loftus
Committee Clerk

Minutes no. 51

Wednesday 21 July 2021

Public Accountability Committee

via Webex at 2:32 pm

1. Members

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Ms Faehrmann (*participating*) (until 3.00 pm)
Mr Farlow
Mr Graham
Mrs Houssos (*participating*)
Mr Khan
Mr Poulos
Mr Searle (*substituting for Mrs Houssos*)
Ms Sharpe (*participating*)

2. Draft minutes

Resolved, on the motion of Mr Graham: That draft minutes no. 36 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 20 July 2021 – Email from the Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising that the Hon Penny Sharpe MLC will be a participating member for the remainder of the inquiry into the NSW Government's management of the COVID-19 pandemic.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Participating members

Resolved, on the motion of Mr Searle: That Ms Faehrmann, Mrs Houssos and Ms Sharpe, who have advised the committee that they intend to participate for the remainder of the inquiry into the NSW Government's management of the COVID-19 pandemic, be provided with copies of all inquiry related documents, including meeting papers and unpublished submissions.

4.2 Conduct of the inquiry – ongoing resolutions

The committee noted that it previously resolved to hold ongoing public hearings over the life of the inquiry, the frequency of which is to be deemed as necessary and determined by the committee. The dates for subsequent hearings are to be determined by the Chair after consultation with members regarding their availability. The public hearings are to be convened by audio-visual link and if internet connection does not support audio-visual for any member or witness, by phone link if necessary. Witnesses for each priority area are to appear separately (not as part of a panel). The chair and secretariat are authorised to determine necessary arrangements to implement the agreed arrangements.

4.3 Hearings and proposed witnesses

Mr Graham moved: That the committee:

- hold two public hearings with the following proposed witnesses:
 - Hearing 1:

<i>Minister of Health and Medical Research</i>	<i>1-1½ hours</i>
<i>Chief Health Officer</i>	
<i>Other relevant senior officers of the Ministry of Health</i>	<i>TBC</i>
<i>Epidemiologists and other experts (TBC)</i>	<i>TBC</i>

- Hearing 2 – witnesses TBC.
- defer to the Chair and secretariat to consult with the Minister for Health and Medical Research to determine the first available date that the Minister and the Chief Health Officer would be available to appear before the committee, but with a very strong preference for a hearing date before the next sitting day of the House, and
- defer to the Chair to consult with the Clerk regarding any arrangements necessary for the hearings to be organised and conducted in a COVID-safe manner.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mr Searle, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan and Mr Poulos.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That the committee have until 10.00 am, Monday 26 July 2021 to propose witnesses for the epidemiologists and experts panel on the first hearing day.

Resolved, on the motion of Mr Graham: That the Chair on behalf of the committee publicise that the committee intends to hold further hearings in relation to:

- the circumstances and the cause of the recent outbreak of COVID-19
- how the quarantine and transport protocols in place prior to the recent outbreak were assessed and set
- lessons learnt from the transportation of Fed Ex workers
- the steps that have now been taken to ensure that such an outbreak cannot happen again, including any changes to state and national health, quarantine or transport protocols since the outbreak
- the nature and content of the health advice relating to the imposition of additional restrictions and lockdown, and the timing of such additional restrictions and lockdown, and
- the future management of the COVID-19 pandemic..

4.4 Call for papers

Mr Graham moved:

1. That, under standing order 208, the following documents in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Health and Medical Research or

Ministry for Health be produced to the Clerk of the Parliaments by 3.00 pm Tuesday 3 August 2021, or such later date as may be agreed by the Chair that is not more than 48 hours before the proposed further hearing of the committee to take evidence from the Minister for Health and Medical Research, for the purposes of the Inquiry into NSW Government's management of the COVID-19 pandemic:

- (a) all documents, including briefs and correspondence, containing health advice provided between Monday, 1 June 2021 and Wednesday, 14 July 2021 from the NSW Chief Health Officer, Dr Kerry Chant or the Ministry of Health, advising on potential or additional restrictions and lockdowns and the timing of potential or additional restrictions and lockdowns for Greater Sydney, the Blue Mountains, Central Coast, Wollongong and Shellharbour, and
 - (b) any legal or other advice regarding the scope or validity of this order of the committee created as a result of this order of the committee.
2. That the correspondence note that:
- (a) the committee has the power to compel the production of the documents under standing order 208 and as reasonably necessary to carry out its function of scrutinising the executive,
 - (b) the documents sought fall within the inquiry terms of reference,
 - (c) the documents produced will be held in the custody of the Clerk and a claim or claims of privilege may be made over them, and
 - (d) for any documents produced as a result of this order, the procedure under the sessional order relating to committee orders for documents adopted on 8 May 2019 will apply, including the process for dealing with documents over which a claim of privilege is made, and the appointment of an independent legal arbiter to evaluate and report on the validity of a privilege claim if this claim is disputed.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mr Searle, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan and Mr Poulos.

Question resolved in the affirmative.

Resolved, on the motion of Mr Graham: That the committee authorise the publication of this resolution regarding a call for papers from the Premier, Department of Premier and Cabinet, Minister for Health and Medical Research or Ministry of Health.

4.5 Inquiry reporting date

The committee noted that the current reporting date for the inquiry is 30 September 2021 and deferred its consideration of any extension to a later date.

5. Adjournment

The committee adjourned at 3.04 pm, *sine die*

Helen Hong
Committee Clerk

Minutes no. 52

Monday 2 August 2021

Public Accountability Committee

via Webex at 2:34 pm

1. Members

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Ms Faehrmann (*participating*)
Mr Farlow
Mr Graham
Mrs Houssos
Mr Khan
Mr Poulos
Ms Sharpe (*participating*)

2. Draft minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 51 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 20 July 2021 – Email from the Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising that the Hon Penny Sharpe MLC will be a participating member for the duration of the inquiry into the NSW Government's management of the COVID-19 pandemic
- 21 July 2021 – Email from Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising that the Hon Courtney Houssos has resumed her role as a substantive member on the pandemic inquiry
- 23 July 2021 – Email from Ms Karina Amer, Private citizen, to the committee, regarding financial assistance for small businesses
- 2 August 2021 – Letter from the Hon Brad Hazzard MP, Minister for Health and Medical Research, to the Chair, providing a response to committee's invitation to nominate hearing date.

Sent:

- 22 July 2021 – Letter from the Chair to the Hon Brad Hazzard MP, Minister for Health and Medical Research, inviting him and the Chief Health Officer to appear at a hearing for the pandemic inquiry, date to be nominated
- 23 July 2021 – Letter from the Clerk of the Parliaments, to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, concerning an order for papers regarding the recent outbreak of COVID-19 and related papers
- 28 July 2021 – Email from the secretariat to the Office of the Hon Brad Hazzard MP, Minister for Health and Medical Research, following up on the committee's invitation to nominate a date for the pandemic hearing.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic**4.1 Survey results – experts panel**

Resolved, on the motion of Mrs Houssos: That the committee invite Professor Peter Collignon AM, Professor Tony Blakely and a representative of the Public Health Association to give virtual evidence as part of a panel from 2.15 to 3.45 pm on Tuesday 10 August 2021.

4.2 Update – Hearing with Minister for Health and Medical Research and Chief Health Officer

The committee noted the receipt of correspondence from the Hon Brad Hazzard MP, Minister for Health and Medical Research during its meeting. The Minister advised that he and Dr Kerry Chant PSM, Chief Health Officer, were available to give evidence from 12.30 to 1.30 pm on Tuesday 10 August 2021.

Mr Graham moved: That the Chair and secretariat consult with the Minister's office and request the following appearance times:

- 12.30 pm to 1.15 pm – Minister for Health and Medical Research, Chief Health Officer, Dr Nigel Lyons, Deputy Secretary, Health System Strategy and Planning, Ministry of Health and any other nominated health bureaucrats
- 1.15 pm to 2.00 pm – Chief Health Officer, Dr Nigel Lyons and any other nominated health bureaucrats.

Mr Khan moved: That the motion of Mr Graham be amended to accept the Minister's original offer for both himself and Dr Chant to appear for one hour from 12.30 to 1.30 pm.

The committee divided.

Ayes: Mr Farlow, Mr Khan, Mr Poulos.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Amendment resolved in the negative.

Original question put and passed.

4.3 Additional hearing – Education

Mr Graham moved: That the Chair invite the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning and relevant representatives from the Department of Education to attend a virtual hearing from 12.30 to 2.00 pm on Wednesday 11 August 2021, subject to any discussions the Chair may have with the NSW Government regarding the date. The committee to then hear evidence from:

- representatives of Independent and Catholic Schools from 2.15 to 3.00 pm, and
- representatives of the NSW Teachers Federation and Independent Education Union (NSW/ACT) from 3.00 to 3.45 pm.

Mr Khan moved: That the motion of Mr Graham be amended for the Chair to initially consult the Minister for Education and Early Childhood Learning regarding the first practicable date for a hearing.

The committee divided.

Ayes: Mr Farlow, Mr Khan, Mr Poulos.

Noes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Amendment resolved in the negative.

Original question put and passed.

4.4 Additional hearing TBC

The committee noted that it still held an additional hearing date in reserve and that it would decide how to proceed, pending the nature of evidence given at the two upcoming hearings.

5. Adjournment

The committee adjourned at 3.04 pm, *sine die*

Helen Hong
Committee Clerk

Minutes no. 53

Tuesday 10 August 2021

Public Accountability Committee

via Webex at 12:16 pm

1. MembersMr Shoebridge, *Chair*Mr Borsak, *Deputy Chair* (from 1.13 pm)Ms Faehrmann (*participating*)

Mr Farlow

Mrs Houssos (until 3.57 pm)

Mr Khan

Mr Poulos (from 12.28 pm)

Ms Sharpe (*substituting for Mr Graham*)**2. Draft minutes**

Resolved, on the motion of Mrs Houssos: That draft minutes no. 52 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 4 August 2021 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet, to the Clerk of Parliaments, responding to the committee's request for papers regarding the recent COVID-19 outbreak and related papers
- 5 August 2021 – Email from the Office of the Hon Brad Hazzard, MP, Minister for Health and Medical Research, to the secretariat, responding to committee's request that Minister and Health witnesses appear for a longer period at 10 August hearing
- 6 August 2021 – Email from the Office of the Hon Brad Hazzard, MP, Minister for Health and Medical Research, to the secretariat, advising that the Minister and Health witnesses will appear from 12.30 to 1.30 pm at 10 August hearing
- 6 August 2021 – Letter from Mr Dallas McInerney, Chief Executive Officer, Catholic Schools NSW, to the Chair, declining committee's invitation to give evidence at 11 August hearing
- 7 August 2021 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet, to the Chair, advising that request for order for papers has been passed on to Minister for Health and Medical Research
- 9 August 2021 – Letter from Mr Tim Reardon, Secretary, Department of Premier and Cabinet, to the Chair, attaching a set of documents responding to committee's order for papers
- 9 August 2021 – Email from Mr Jim Hanna, Manger, Government and Media Relations, Association of Independent Schools of NSW, to the secretariat, advising that the organisation will no longer be giving evidence at the hearing on 11 August
- 9 August 2021 – Email from Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising that the Hon Penny Sharpe will be substituting for the Hon John Graham as a substantive member of the committee for 10 August only
- 9 August 2021 – Email from Office of the Hon Brad Hazzard MP, Minister for Health and Medical Research, to the secretariat, advising again that witnesses will only be available to give evidence from 12.30 to 1.30 pm at 10 August hearing.

Sent:

- 2 August 2021 – Email from the secretariat to the Office of the Hon Brad Hazzard MP, Minister for Health and Medical Research, requesting Health representatives appear for a longer period at the hearing on 10 August

- 2 August 2021 – Letter from the Chair to the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, inviting her and departmental representatives to the pandemic hearing on 11 August 2021
- 5 August 2021 – Email from the secretariat to the Office of the Hon Brad Hazzard MP, Minister for Health and Medical Research, reiterating committee's request for Health representatives to appear for a longer period at the hearing on 10 August
- 6 August 2021 – Letter from the Chair to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, responding to his letter to the Clerk of Parliaments and reiterating committee's request for papers regarding the recent COVID-19 outbreak and related papers
- 9 August 2021 – Email from the secretariat to the Office of the Hon Brad Hazzard MP, Minister for Health and Medical Research, again reiterating committee's request for Health representatives to appear at requested times for the 10 August hearing.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Appearance of Minister Hazzard and Dr Chant

The committee noted the correspondence between the secretariat and Minister Hazzard's office regarding the appearance times of Minister Hazzard and Health representatives at the hearing on 10 August.

4.2 Allocation of questioning

Ms Sharpe moved: That the sequence of questioning at the hearings on 10 and 11 August 2021 alternate between opposition and crossbench, in that order, with 10 minutes reserved for government questions at the end.

Mr Farlow moved: That the motion of Ms Sharpe be amended by omitting all words after 'That' and inserting instead: 'the sequence of questioning of the hearing alternate between opposition and crossbench, in that order, with equal time allocated to each for the period of one hour, with 10 minutes reserved for government questions at the end'.

The amendment of Mr Farlow put.

The committee divided.

Ayes: Mr Farlow, Mr Khan

Noes: Mrs Houssos, Ms Sharpe, Mr Shoebridge

Amendment resolved in the negative.

Original question of Ms Sharpe put and passed.

4.3 Photo of committee for social media

Resolved, on the motion of Mrs Houssos: That the secretariat take a screenshot of the committee during its report deliberative for the purposes of publishing on social media.

4.4 Broadcasting and recording of hearing

Resolved, on the motion of Ms Sharpe: That the committee agrees to:

- record the hearings on 10 and 11 August 2021
- upload the recordings on the NSW Parliament's YouTube page and publish a link to it on the inquiry webpage as soon as practicable after the hearing subject to any comments or concerns from the secretariat or the committee after the hearing.

4.5 Public hearing

The committee proceeded to take evidence in public.

The Hon Brad Hazzard MP, Minister for Health and Medical Research, and departmental witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters. The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at an earlier hearing for the same inquiry.

- Dr Kerry Chant, Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health; and
- Dr Nigel Lyons, Deputy Secretary, Health System Strategy and Planning.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Professor Peter Collignon, Professor, ANU Medical School and Infectious Diseases Physician & Microbiologist, Canberra Hospital
- Professor Tony Blakely, Professorial Fellow in Epidemiology and Public Health Medicine Specialist, Melbourne School of Population and Global Health
- Adjunct Professor Terry Slevin, Chief Executive Officer, Public Health Association of Australia.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.57 pm.

4.6 Virtual hearing

The committee discussed and provided feedback to the secretariat on the second ever fully virtual hearing conducted by a committee of the Legislative Council and the first broadcast live on YouTube.

4.7 Return to order

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of the documents provide by Mr Tim Reardon, Secretary, Department of Premier and Cabinet, to the Chair, in response to committee's order for papers.

5. Adjournment

The committee adjourned at 4.05 pm until Wednesday 11 August 2021 at 12.15 pm.

Helen Hong

Committee Clerk

Minutes no. 54

Wednesday 11 August 2021

Public Accountability Committee

via Webex at 12:18 pm

1. Members

Mr Shoebridge, *Chair*

Mr Farlow

Mr Graham

Mrs Houssos

Mr Khan

Mr Poulos

Ms Sharpe (*participating*)

2. Apologies

Mr Borsak, *Deputy Chair*

Ms Faehrmann (*participating*)

3. Inquiry into the NSW Government's management of the COVID-19 pandemic

3.1 Election of Acting Deputy Chair

Resolved, on the motion of Mr Graham: That, in the absence of the Deputy Chair, Mrs Houssos be elected as Acting Deputy Chair for the duration of the hearing on 11 August 2021, and at any time in the future for this inquiry when the Deputy Chair is not present.

3.2 Photo of committee for social media

Resolved, on the motion of Mrs Houssos: That the committee authorise the secretariat to take screenshots of the committee at any time in the future for this inquiry, with its knowledge, for the purposes of publishing on social media.

3.3 YouTube footage

The committee noted problems with the footage of the committee hearing on 10 August 2021 posted to YouTube and the steps being taken to rectify the problem.

3.4 Reference to inquiry witnesses on Twitter

The committee discussed adverse reflections posted on Twitter on committee witnesses who appeared at the hearing on 10 August 2021.

3.5 Public hearing

The committee proceeded to take evidence in public.

The Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, and departmental witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters. The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Chair also reminded the following witnesses that they did not need to be sworn, as they had been sworn at an earlier hearing for the same inquiry.

- Ms Georgina Harrison, Secretary, Department of Education
- Mr Murat Dizdar, Deputy Secretary, School Performance – South, Department of Education.

The following witnesses were sworn:

- Ms Ruth Owen, Acting Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
- Ms Leanne Nixon, Deputy Secretary, School Performance – North, Department of Education
- Mr Paul Martin, Chief Executive Officer, NSW Education Standards Authority.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Mr Angelo Gavrielatos, President, NSW Teachers Federation
- Mr Mark Northam, Secretary, Independent Education Union NSW/ACT.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.03 pm.

3.6 Correspondence to Minister Hazzard

Resolved, on the motion of Mr Graham: That the Chair, on behalf of the committee:

- consider the correspondence with Minister Hazzard's office leading up to his appearance and that of Ministry of Health representatives' appearance at the hearing on Tuesday 10 August, and
- write a letter to the Minister seeking clarification on his comments made during the hearing about reaching an 'agreement' with the committee about his specific appearance times for the hearing.

3.7 Virtual hearing

The committee discussed and provided feedback to the secretariat on the two days of fully virtual hearings. The Chair requested that the secretariat draft up the lessons learned from the experience, to be shared with other committees for their information.

4. Adjournment

The committee adjourned at 3.14 pm, *sine die*

Helen Hong

Committee Clerk

Minutes no. 55

Monday 6 September 2021

Public Accountability Committee

via Webex at 12:01 pm

1. Members

Mr Shoebridge, *Chair*

Mr Borsak, *Deputy Chair*

Mr Farlow

Mr Graham

Mrs Houssos

Mr Khan (*from 12:04 pm*)

Mr Poulos

Ms Sharpe (*participating*)

2. Apologies

Ms Faehrmann (*participating*)

3. Draft minutes

Resolved, on the motion of Mrs Houssos: That draft minutes nos. 53 and 54 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 15 July 2021 – Email from Ms Claudia Migotto, Assistant Auditor-General – Performance Audit, Audit Office of NSW, to the secretariat, advising that the Audit Office does not have sufficient material to give evidence at the hearing on 3 August 2021 for the Grants inquiry
- 28 July 2021 – Email from Mr Darren Murphy, CEO, Core Integrity, to secretariat, advising that he is currently in Tasmania and will not be returning to New South Wales until the current COVID-19 outbreak is contained (Grants inquiry)
- 10 August 2021 – Email from Ms Alannah Norman, Individual and private citizen, to the committee, providing feedback on the 10 August hearing for the pandemic inquiry
- 11 August 2021 – Email from Mr Mikhail Gvozdev, Individual and private citizen, to the committee, providing information related to the pandemic inquiry
- 11 August 2021 – Letter from Ms Catherine Merchant, Individual and private citizen, to the committee, regarding the vaccination rollout in Greater Sydney (pandemic inquiry)
- 25 August 2021 – Letter from Dr Brian Lindsay, Chair, Board of State Archives and Records Authority, providing clarification around recommendation six of the first report for the inquiry into the integrity, efficacy and value for money of NSW Government Grants programs

- 30 August 2021 – Email from Mr Darren Murphy, CEO, Core Integrity, to secretariat, re-iterating that he plans to remain in Tasmania until the COVID-19 situation in New South Wales eases (Grants inquiry)
- 2 September 2021 – Email from Ms Zoe De Saram, Director, Performance Audit, Audit Office of NSW, to secretariat, inviting the committee to a virtual briefing on our 2021-2022 Annual Work Program.

Sent:

- 5 July 2021 – Email from the secretariat to Mr Darren Murphy, CEO, Core Integrity, advising of the committee's resolutions, including to summon him (Grants inquiry)
- 20 August 2021 – Letter from the Chair to Hon Brad Hazzard MP, Minister for Health and Medical Research, offering opportunity to clarify his evidence at 10 August hearing (pandemic inquiry)
- 26 August 2021 – Email from the secretariat to Mr Darren Murphy, CEO, Core Integrity, requesting an update on his whereabouts to re-schedule the public hearing for the Grants inquiry.

Resolved, on the motion of Mr Graham: That the committee authorise the publication of correspondence from Dr Brian Lindsay, Chair, Board of State Archives and Records Authority, providing clarification around recommendation six of the first report for the inquiry into the integrity, efficacy and value for money of NSW Government Grants programs, dated 25 August 2021.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Publication of Chair's letter to Minister Hazzard

Resolved, on the motion of Mr Khan: That the committee defer consideration of the publication of the Chair's letter to the Minister for Health and Medical Research, dated 20 August 2021, until its next meeting.

5.2 Publication of the correspondence regarding order for papers

Resolved, on the motion of Mrs Houssos: That the correspondence received and sent between the committee and the NSW Government regarding the order for papers under Standing Order 208 be published on the inquiry webpage.

5.3 Hearings and proposed witnesses

Resolved, on the motion of Mrs Houssos: That the committee conduct two further hearings on Monday 13 September 2021 and Friday 17 September 2021 at the following proposed times, with committee members to provide the secretariat with suggested witnesses by 12.00 pm, 7 September 2021 and 12.00 pm, 8 September 2021 for the respective hearing days:

Monday 13 September 2021	9.00 – 10.00 am	Panel 1 of Aboriginal elders and community organisations
	10.00 – 11.00 am	Panel 2 of Aboriginal elders and community organisations
	11.30 – 12.30 pm	Aboriginal Medical Service
	2.00 – 4.00 pm	Ministry of Health Far West Local Health District Aboriginal Affairs NSW Police Force
Friday 17 September 2021	10.00 – 12.30 pm	12 most affected LGAs
	2.00 – 4.00 pm	Prisons

5.4 SO52 – Production of health records

Resolved, on the motion of Mr Graham: That the committee defer consideration of ordering the publication of the health documents under Standing Order 52 until its next meeting.

6. Inquiry into the Integrity, efficacy and value for money of NSW Government grant programs**6.1 Attendance of Core Integrity**

The committee noted the correspondence from Mr Darren Murphy, CEO, Core Integrity, indicating that he will be remaining in Tasmania until the current COVID-19 outbreak in New South Wales has been contained.

Resolved, on the motion of Mrs Houssos: That the committee invite Mr Ian Misfeld, the former Director of the Strategic Investigations Unit, Core Integrity, to attend the hearing on Thursday 30 September 2021.

7. Briefing by the Auditor-General

The committee accepted the invitation by the Auditor-General for a virtual briefing on the Audit Office of NSW's 2021-2022 Annual Work Program, to be scheduled for 1.00 pm to 2.00 pm, Wednesday 22 September 2021.

8. Adjournment

The committee adjourned at 12.31 pm, *sine die*.

Helen Hong/Sarah Dunn
Committee Clerks

Minutes no. 56

Monday 13 September 2021

Public Accountability Committee

via Webex at 9:32 am

1. Members

Mr Shoebridge, *Chair*
Ms Faehrmann (participating)
Mr Farlow
Mr Graham (participating) (from 4.00 pm)
Mrs Houssos
Mr Khan (until 11.34 am)
Mr Poulos
Ms Sharpe (substituting for Mr Graham) (until 3.58 pm)

2. Apologies

Mr Borsak, *Deputy Chair*

3. Draft minutes

Resolved, on the motion of Mrs Houssos: That draft minutes no. 55 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 9 September 2021 – Email from Mr Bob Davis, Chief Executive Officer, Maari Ma Health, to the secretariat, noting the short notice given for the invitation to the 10 September hearing
- 10 September 2021 – Email from the Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising of substituting and participating members for the hearings on 13 and 17 September.

Sent:

- 9 September 2021 – Email from the secretariat, to Mr Bob Davis, Chief Executive Officer, Maari Ma Health, responding and acknowledging his concerns raised in his email.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Answers to questions on notice and supplementary questions

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

- Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, and the Department of Education, received 9 September 2021.

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of the answers to questions on notice and supplementary questions provided by the Hon Brad Hazzard MP, Minister for Health and Medical Research, and the Ministry of Health (received 10 September 2021).

5.2 Livestream and recording of hearing

Resolved, on the motion of Mr Khan: That the committee agree to record today's hearing, as well as any future virtual hearings for the inquiry, and that the recordings be placed on YouTube as soon as practicable after the hearing, subject to any further determination of the committee' at the end.

5.3 Allocation of questioning

Resolved, on the motion of Mrs Houssos: That the sequence of questioning at the hearing be divided between opposition and crossbench members for 10 minutes each, with 10 minutes reserved for government questions at the end of the session.

5.4 Publication of Chair's letter to Minister Hazzard

Resolved, on the motion of Mrs Houssos: That the committee defer consideration of the publication of the Chair's letter to the Minister for Health and Medical Research, dated 20 August 2021, until its next meeting.

5.5 SO52 – Production of health records

Resolved, on the motion of Ms Sharpe: That the committee defer consideration of ordering the publication of the health documents under Standing Order 208 until its next meeting.

5.6 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The following witnesses were admitted via video link, sworn and examined:

- Auntie Monica Kerwin, Community spokesperson, Wilcannia
- Mrs Mary Ronayne, Community and Culture Manager, Wilcannia Safe House
- Cr Darriea Turley AM, Mayor, Broken Hill City Council
- Cr Charles Lynch, Deputy Chair, NSW Aboriginal Land Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Dr Peter Malouf, Executive Director of Operations, Aboriginal Health and Medical Research Council of NSW
- Ms Wendy Spencer, CEO, Dharriwaa Elders Group, Walgett.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link and sworn:

- Ms Lillian Gordon, Head of Aboriginal Affairs
- Mr Scott McLachlan, Chief Executive, Western NSW Local Health District
- Dep Cmr Gary Worboys, Deputy Commissioner, NSW Police Force.

The Chair also reminded the following witness that she did not need to be sworn, as she had been sworn at an earlier hearing for the same inquiry:

- Ms Susan Pearce, Controller, State Health Emergency Operations Centre, Ministry of Health.

The witnesses were examined by the committee.

Ms Gordon left the hearing at 3.36 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.01 pm.

5.7 Additional witnesses for 17 September 2021 hearing

Resolved, on the motion of Mrs Houssos: That the committee invite the following witnesses to the 17 September 2021 hearing:

- Unions NSW
- Public Service Association of NSW
- Justice Health.

5.8 Additional hearing

Resolved, on the motion of Mr Graham: That the committee hold an additional hearing on Thursday 23 September 2021 focusing on issues pertaining to the roadmap out of lockdown and that members be invited to propose witnesses by 5.00 pm, Wednesday 15 September 2021.

5.9 Extension to reporting date

Resolved, on the motion of Mrs Houssos: That the committee extend the reporting date of the inquiry to 25 March 2021.

6. Adjournment

The committee adjourned at 4.14 pm, until Friday 17 September (virtual hearing – 12 LGAs and prisons).

Helen Hong
Committee Clerk

Minutes no. 57

Friday 17 September 2021
Public Accountability Committee
via Webex at 9:32 am

1. Members

Mr Shoebridge, *Chair*
Mr Buttigieg (substituting for Mr Graham) (from 3.15 pm)
Ms Faehrmann (participating)
Mr Farlow
Mr Graham (until 3.06 pm)
Mrs Houssos (until 1.50 pm)
Mr Khan
Mr Moriarty (substituting for Mrs Houssos) (from 2.15 pm)
Mr Poulos
Ms Sharpe (participating)

2. Apologies

Mr Borsak, *Deputy Chair*

3. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 56 be confirmed.

4. Correspondence

The committee noted the following correspondence:

Received:

- 11 September 2021 - Email from Dr Jamal Rifi, Belmore Medical, to the secretariat, declining the invitation to attend 17 September hearing, as it coincides with first day of operation of drive through vaccination clinic at Belmore Sports Ground
- 13 September 2021 – Email from Parramatta City Council, to the secretariat, providing apologies from City of Parramatta Lord Mayor Cr Bob Dwyer, declining the invitation to attend 17 September hearing
- 15 September 2021 - Email from Ms Kayla Dinsdale, Executive Assistant to Mayor, Burwood Council, to the secretariat, advising that the Mayor is no longer available to attend 17 September hearing
- 16 September 2021 – Email from Jumbunna Institute for Indigenous Education and Research, to the secretariat, declining the invitation to attend 17 September hearing
- 16 September 2021 – Correspondence from Ms Randa Kattan, Chief Executive Officer, Arab Council Australia, to the committee, providing information prior to giving evidence on 17 September
- 16 September 2021 – Email from the Office of the Hon Mark Buttigieg MLC, Opposition Whip, to the secretariat, advising that the Hon Mark Buttigieg will substitute the Hon John Graham from 3.15 pm at the 17 September hearing.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Correspondence from the Arab Council Australia

Resolved, on the motion of Mrs Houssos: That the correspondence from the Arab Council Australia be published by the committee on its website.

5.2 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questioning at the hearing be divided between opposition and crossbench members for 20 minutes each, with 10 minutes reserved for government questions at the end of the session.

5.3 Publication of Chair's letter to Minister Hazzard

Resolved, on the motion of Mr Graham: That the committee publish the Chair's letter to the Minister for Health and Medical Research, dated 20 August 2021, on the inquiry webpage.

5.4 SO 208 – Production of health records

Resolved, on the motion of Mr Graham: That the committee defer consideration of ordering the publication of the health documents under Standing Order 208 until its meeting on Thursday 23 September 2021.

5.5 Hearing – 23 September 2021

Resolved, on the motion of Mrs Houssos: That the committee adopt the current draft hearing schedule for 23 September 2021, noting that additional witnesses will be considered by Monday morning, 20 September with consultation of government members.

5.6 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The following witnesses were admitted via video link, sworn and examined:

- Ms Randa Kattan, Chief Executive Officer, Arab Council Australia
- Mr Rabih Elkassir, Board of Directors, Lebanese Muslim Association
- Mr Amar Singh, President, Turbans 4 Australia
- Mr Mark Morey, Secretary, Unions NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Cr Karen McKeown OAM, Mayor, Penrith City Council
- Cr Khal Asfour, Mayor, City of Canterbury Bankstown.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Assistant Cmr Tony Cooke, Assistant Commissioner, South West Metropolitan Command, NSW Police Force
- Ms Amanda Larkin, Chief Executive, South Western Sydney Local Health District
- Cmr Shane Fitzsimmons, Commissioner, Resilience NSW and Deputy Secretary, Emergency Management, Department of Premier and Cabinet
- Mr Joseph La Posta, Chief Executive Officer, Multicultural NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- Mr Brett Collins, Coordinator, Justice Action
- Mr Keenan Mundine, Deputy Chief Executive Officer, Deadly Connections
- Adjunct Professor George Newhouse, Chief Executive Officer, National Justice Project
- Mr Nathan Bradshaw, Industrial Manager, Public Service Association of NSW
- Dr Thalia Anthony, Professor, Faculty of Law, University of Technology.

The evidence concluded and the witnesses withdrew.

The following witnesses were admitted via video link, sworn and examined:

- A/Cmr Kevin Corcoran, Acting Commissioner, South West Metropolitan Command, NSW Police Force
- Ms Fiona Rafter, Inspector of Custodial Services
- Mr Paul Miller, NSW Ombudsman
- Ms Wendy Hoey, Executive Director, Clinical Operations, Justice Health and Forensic Mental Health Network, NSW Health.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.31 pm.

6. Adjournment

The committee adjourned at 4.35 pm, until Thursday 23 September 2021 (virtual hearing – roadmap out of lockdown).

Helen Hong
Committee Clerk

Minutes no. 58

Thursday 23 September 2021
Public Accountability Committee
via Webex at 11:17 am

1. Members

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Ms Boyd (participating) (until 12.58 pm)
Ms Faehrmann (participating) (from 3.35 pm)

Mr Farlow
 Mr Graham
 Mrs Houssos
 Mr Khan
 Mr Mookhey (participating) (until 12.58 pm, from 4.19 pm)
 Mr Poulos
 Ms Sharpe (participating) (from 11.30 am)

2. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 57 be confirmed.

3. Correspondence

The committee noted the following correspondence:

Received:

- 13 September 2021 – Email from Mr Darren Murphy, Chief Executive Officer, Core Integrity, to secretariat, declining the invitation to appear at the hearing for the Grants inquiry on 30 September 2021 without a summons
- 20 September 2021 – Email from Mr Ian Misfeld, former Director of Strategic Investigations Unit, Core Integrity, to secretariat, declining the invitation to appear at the hearing for the Grants inquiry on 30 September 2021
- 17 September 2021 – Letter from Hon Don Harwin MLC, Leader of the Government in the Legislative Council, to Mr David Blunt, Clerk of the Parliaments, providing the government's response to the first report of the Grants inquiry
- 20 September 2021 – Email from Ms Amal Etri, Policy Officer, NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), to secretariat, requesting STARTTS be considered as a witness for the 23 September hearing
- 21 September 2021 – Email from Ms Dominika Rajewski, Senior Business Partner – Parliament and Cabinet, Executive and Ministerial Services, NSW Health, to the secretariat, advising that NSW Health declines the committee's invitation to nominate witnesses to the 23 September hearing
- 21 September 2021 – Email from Office of Ms Abigail Boyd MLC, to secretariat, advising that Ms Boyd will be a participating member for the 23 September hearing
- 22 September 2021 – Email from Office of Hon Mark Buttigieg MLC, Opposition Whip, to secretariat, advising that the Hon Daniel Mookhey MLC will be a participating member for part of the 23 September hearing.

Sent:

- 8 September 2021 – Email from secretariat, to Mr Darren Murphy, Chief Executive Officer, Core Integrity, advising that the hearing will be going ahead for the Grants inquiry on 30 September 2021 and asking whether he would be willing to appear virtually without a summons
- 21 September 2021 – Email from secretariat, to Mr Ian Misfeld, former Director of Strategic Investigations Unit, Core Integrity, requesting reasons for declining the invitation to appear at the hearing for the Grants inquiry on 30 September 2021
- 21 September 2021 – Email from secretariat, to Ms Dominika Rajewski, Senior Business Partner – Parliament and Cabinet, Executive and Ministerial Services, NSW Health, inviting the Chief Health Officer and other Health representatives to give evidence on 30 September instead.

4. Briefing by the Auditor-General

The committee noted that on Wednesday 22 September 2021, the committee attended a virtual private briefing conducted by the Auditor-General on their 2021-2022 Annual Work Program.

5. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

5.1 Core Integrity witnesses

The committee noted the reasons from Mr Ian Misfeld, former Director of Strategic Investigations Unit, Core Integrity, for declining the invitation to attend the hearing on 30 September 2021.

Resolved, on the motion of Mrs Houssos: That the Chair continue to work with the secretariat to identify an appropriate witness from Core Integrity to invite to the hearing on 30 September 2021.

5.2 Government response to the first report

The committee noted the response from the Hon Don Harwin MLC, Leader of the Government in the Legislative Council, regarding the committee's first report. The committee also noted standing order 233, as amended by sessional order.

Mr Graham moved: That the Chair, on behalf of the committee:

- write to the President of the Legislative Council advising that the government response does not fulfil the requirements of standing order 233, and that the President inform the House on the next sitting day
- respond to the Hon Don Harwin MLC, Leader of the Government in the Legislative Council, advising that the government response does not fulfil the requirements of standing order 233, and that the committee will be requesting that the President inform the House on the next sitting day.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mr Poulos.

Question resolved in the affirmative.

6. Inquiry into the Transport Asset Holding Entity

Resolved, on the motion of Mrs Houssos: That the committee invite the following witnesses to give evidence for 1 hour 20 minutes each at the hearing on Friday, 1 October 2021:

- TAHE CEO and management
- Transport for NSW
- NSW Treasury.

7. Inquiry into the NSW Government's management of the COVID-19 pandemic

7.1 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questioning at the hearing be divided between opposition and crossbench members for 20 minutes each, with 10 minutes reserved for government questions at the end of the session.

7.2 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The Chair reminded the following witnesses that they did not need to be sworn, as they had been sworn at an earlier hearing for the same inquiry:

- Ms Joann Wilkie, Deputy Secretary, Economic Strategy and Productivity, NSW Treasury
- Mr Stephen Walters, Chief Economist, NSW Treasury.

The following witnesses were sworn:

- Ms Natasha Luschwitz, Acting Deputy Secretary, Transformation Group, Department of Premier and Cabinet

- Ms Fiona Dewar, Deputy Secretary, Strategy, Delivery & Performance, Department of Regional NSW.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

Witnesses were admitted via video link.

The Chair reminded the following witnesses that they did not need to be sworn, as they had been sworn at an earlier hearing for the same inquiry:

- Ms Georgina Harrison, Secretary, Department of Education
- Ms Ruth Owen, A/Group Deputy Secretary, School Improvement and Education Reform Group, Department of Education
- Mr Murat Dizdar, Deputy Secretary, School Performance – South, Department of Education
- Mr Paul Martin, Chief Executive Officer, NSW Education Standards Authority.

The following witnesses were sworn:

- Ms Yvette Cachia, Chief People Officer, Department of Education
- Mr Anthony Manning, Chief Executive Officer, School Infrastructure NSW, Department of Education.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The following witness was admitted via video link, sworn and examined:

- Prof Jodie McVernon, Professor and Director of Doherty Epidemiology, Doherty Institute.

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.25 pm.

7.3 Hearing – 30 September 2021

The committee noted that NSW Health declined to nominate witnesses for its upcoming hearing on Thursday 23 September but that following agreement from the committee, the secretariat had sent another invitation to NSW Health, requesting Dr Kerry Chant PSM and other nominated Health representatives to give evidence to the committee from 2.00 to 3.45 pm on Thursday 30 September 2021. A response had been requested by 4.00 pm, Thursday 23 September but it had not been received by the time of the committee meeting.

Chair to keep the committee updated.

8. Inquiry into the Transport Asset Holding Entity

8.1 Invitation to make a submission

Resolved, on the motion of Mrs Houssos: That the Chair, on behalf of the committee, write to the following and invite them to provide a submission and any documents they consider relevant to the terms of reference of the inquiry:

- Independent Pricing and Regulatory Tribunal (IPART)
- Auditor-General of NSW
- Australian Bureau of Statistics
- National Rail Safety Regulator
- Chair of Transport Asset Holding Entity (TAHE), as representative of the TAHE board
- Andrew Alam – Former Company Secretary, TAHE
- David Jurd – Former interim CEO, TAHE
- Anna Hayes – Former interim CEO, TAHE
- Rodd Staples, Former Secretary, Transport for NSW
- KPMG – addressed to CEO
- PWC – addressed to CEO

- Heather Watson, Partner, KPMG
- Brendan Lyons, Former Partner, KPMG.

9. Adjournment

The committee adjourned at 4.31 pm, until Thursday 30 September 2021 (virtual hearings for Grants and Pandemic inquiries).

Sarah Dunn/Helen Hong

Committee Clerks

Minutes no. 60

Thursday 30 September 2021

Public Accountability Committee

via Webex at 1:48 pm

1. Members

Mr Shoebridge, *Chair*
Ms Faehrmann (participating)
Mr Farlow
Mr Graham
Mrs Houssos
Mr Khan
Mr Poulos
Ms Sharpe (participating)

2. Apologies

Mr Borsak, *Deputy Chair*

3. Correspondence

Received:

- 29 September 2021 – Correspondence from the Hon Mick Veitch MLC, Chair, Regulation Committee, to the Chair, attaching a letter from the NSW Council for Civil Liberties regarding the need for greater scrutiny of the Public Health Orders being used to manage the COVID-19 pandemic.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Allocation of questioning

Resolved, on the motion of Mr Graham: That the sequence of questioning at the hearing be divided between opposition and crossbench members for 20 minutes each, with 10 minutes reserved for government questions at the end of the session.

4.2 Public hearing

The committee proceeded to take evidence in public.

Witnesses were admitted via video link.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The Chair reminded the following witnesses that they did not need to be sworn, as they had been sworn at an earlier hearing for the same inquiry:

- Dr Kerry Chant PSM, Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health

- Ms Susan Pearce, Controller, State Health Emergency Operations Centre, NSW Health
- Dr Nigel Lyons, Deputy Secretary, Health System Strategy and Planning, NSW Health.

The witnesses were examined by the committee.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.53 pm.

4.3 Correspondence from Chair of Regulation Committee.

Resolved, on the motion of Mr Graham: That the Chair, on behalf of the committee:

- write back to the Hon Mick Veitch MLC, thanking him for sharing the letter from the NSW Council for Civil Liberties and indicating that it is of assistance to the committee, but indicating also that the committee is of the opinion that there is no barrier to the Regulation Committee conducting its own inquiry into the matters raised in the letter, and
- publish the letter on the inquiry webpage.

5. Adjournment

The committee adjourned at 3.58 pm, until Friday 1 October 2021 (virtual hearing for TAHE inquiry).

Helen Hong

Committee Clerk

Minutes no. 62

Monday 11 October 2021

Public Accountability Committee

Via videoconference at 9.32 am

1. Members present

Mr Shoebridge, Chair

Mr Borsak, Deputy Chair (until 12.10 pm)

Mr D'Adam (substituting for Mr Graham for the duration of the further inquiry into the regulation of building standards)

Mr Fang (substituting for Mr Farlow from 10.50 am to 12.05 pm)

Mr Farlow

Mrs Houssos

Mr Khan

Mr Poulos

2. Previous minutes

Resolved, on the motion of Mr Poulos: That draft minutes no. 59 and 60 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 14 July 2021 – Letter from Mr Andrew Ziolkowski, Group Executive, Insurance for NSW & HBCF, icare, to Chair, advising that icare will not be making a submission to the Further inquiry into building standards
- 1 October 2021 – Email from Cara Punch, Office of the Opposition Whip, advising that the Hon Anthony D'Adam MLC will be substituting for the Hon John Graham MLC for the duration of the further inquiry into the regulation of building standards
- 6 October 2021 – Email from Mr Craig Woods, Manager – Regulatory Services, The Hills Shire Council, declining the invitation to appear before the building standards hearing on 5 October 2021.

Sent:

- 1 October 2021 – Letter from Chair, to Hon Mick Veitch MLC, Chair, Regulation Committee, responding to his recent correspondence relating to the NSW Council for Civil Liberties (pandemic inquiry)

4. Further inquiry into the regulation of building standards**4.1 Submissions**

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-10, 15-22, 24-32, 34-40, 42-47, 50, 53, 55, 57, 58, 60-65, 67 and 68.

Resolved, on the motion of Mr Khan: That the committee authorise the publication of submission no. 70.

4.2 Partially confidential submissions

Resolved, on the motion of Mrs Houssos: That the committee keep the following submissions partially confidential as per the request of the author's: submission no's 12, 14, 23, 33, 41, 48, 52, 56, 59 and 69.

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of submission no 13, with the exception of potential adverse mention, which is to remain confidential as per the recommendation of the secretariat.

4.3 Confidential submissions

Resolved, on the motion of Mrs Houssos: That the committee keep submission no's 11, 49, 51, 54, 66 confidential as per the request of the author.

4.4 Allocation of questioning

Resolved, on the motion of Mrs Houssos: That the timing of questioning be left in the hands of the Chair.

4.5 Extension of reporting date

Resolved, on the motion of Ms Houssos: That the committee extend the reporting date in the terms of reference to 28 February 2022.

4.6 Public hearing

Witnesses were admitted via videoconference.

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

The following witnesses were sworn and examined:

- Mr Patrick Wang, Individual property owner
- Mr Oliver Burgess, Individual property owner.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Linda Scott President, Local Government NSW
- Mr Roman Wereszczynski Manager Health, Building & Regulatory Services, Randwick Council
- Mr Andrew Thomas, Executive Manager, Planning and Development, City of Sydney Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jane MacMaster Chief Engineer, Engineers Australia
- Mr Baoying Tong, Senior Manager, Building Reform and Projects, Engineers Australia
- Mr Corey Nugent, Subject Matter Expert, Insurance Council Australia
- Ms Kristy Eulenstein, Head of Policy and Government Relations, Consult Australia.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jeremy Turner, Technical and Policy Manager, Australian Institute of Building Surveyors
- Ms Jill Brookfield, Chief Executive Officer, Association of Australian Certifiers
- Mr Charles Slack-Smith, Director, DLA, Association of Australian Certifiers

5. Adjournment

The committee adjourned at 3.29 pm, until Monday 15 November 2021 (public hearing – Transport Asset Holding Entity).

Donna Glover
Committee Clerk

Minutes no. 63

Wednesday 3 November 2021
Public Accountability Committee
Via videoconference at 1.04 pm

1. Members present

Mr Shoebridge, *Chair*
Mr Farlow
Mr Graham
Mrs Houssos
Mr Khan
Mr Poulos
Ms Boyd (participating for the duration of the inquiry into the Transport Asset Holding Entity)
Mr Mookhey (participating for the duration of the inquiry into the Transport Asset Holding Entity)

2. Apologies

Mr Borsak, *Deputy Chair*

3. Previous minutes

Resolved, on the motion of Mr Poulos: That draft minutes no. 61 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 7 October 2021 – Email from Caedyn Stinson, Private citizen, to the committee, regarding the situation faced by Australians abroad (pandemic inquiry)
- 8 October 2021 – Email from Ms Anju Sharma, A/Manager, Government Services Office of the Secretary to the secretariat, advising that Ms Fiona Trussell, former Deputy Secretary, Transport for NSW, will not be making a submission to the inquiry into the Transport Asset Holding Entity
- 15 October 2021 – Email from Mr Rodd Staples, former Secretary, Transport for NSW to the Chair, advising that he will not be making a submission to the inquiry into the Transport Asset Holding Entity
- 18 October 2021 – Email from Mr Bruce Morgan, Chair, Transport Asset Holding Entity, Advising that he will not be making a separate submission to the inquiry into the Transport Asset Holding Entity
- 19 October 2021 – Email from Mr James Copsey, Director, Government & Regulatory Affairs, KPMG Australia to the Chair advising that Mr Andrew Yates, CEO, KPMG and Ms Heather Watson, Partner, KPMG will not be making a submission to the inquiry into the Transport Asset Holding Entity
- 22 October 2021 – Letter from Mr Michael Coutts-Trotter, Secretary, Department of Premier and Cabinet, requesting that the committee delete cabinet documents from the inquiry's website (TAHE inquiry)

- 29 October 2021 – Email from Ms Leanne Grant, Executive General Manager, Corporate Services, Transport Asset Holding Entity, requesting an extension on answers to questions on notice
- 29 October 2021 – Email from Mr Brendan Lyon, former KPMG partner, to the secretariat, declining the invitation to give evidence at the hearing for the inquiry into the Transport Asset Holding Entity on Monday 8 November 2021
- 1 November 2021 – Email from Mr James Copsey, Director, Government & Regulatory Affairs, KPMG Australia, to the secretariat, advising that Ms Heather Watson, Partner, KPMG declines the invitation to give evidence at the hearing for the inquiry into the Transport Asset Holding Entity on Monday 15 November 2021
- 2 November 2021 – Email from Mr Rodd Staples, to the secretariat, declining the invitation to give evidence at the hearing for the inquiry into the Transport Asset Holding Entity on Monday 15 November 2021.

Sent:

- 27 October 2021 – Letter from the Chair, to Mr Michael Coutts-Trotter, Secretary, Department of Premier and Cabinet, requesting that the department provide a written submission with more information on their request to delete cabinet documents from the website.

5. Inquiry into the Transport Asset Holding Entity

5.1 Public submission

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 7.

5.2 Answers to questions on notice

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of answers to questions on notice from Transport for NSW received 1 November 2021.

5.3 Extension request

The committee considered correspondence from the Transport Asset Holding Entity, requesting an extension for the return of their answers to questions on notice until 14 or 15 November 2021.

Mrs Houssos moved: That the committee approve an extension for the return of answers to questions on notice from the Transport Asset Holding Entity until 4.00 pm Friday 5 November 2021.

Mr Khan moved: That the motion of Mrs Houssos be amended by omitting 4.00 pm Friday 5 November 2021 and inserting instead 9.00 am Monday 8 November 2021.

Amendment of Mr Khan put.

The committee divided.

Ayes: Mr Farlow, Mr Khan, Mr Poulos.

Noes: Mr Graham, Mrs Houssos, Mr Shoebridge.

There being an equality of votes, amendment of Mr Khan resolved in the negative on the casting vote of the Chair.

Original question of Mrs Houssos put and passed.

5.4 Attendance of Mr Brendan Lyon, former Partner, KPMG Australia at the hearing on 8 November 2021

Mrs Houssos moved: That:

- the committee re-issue the committee's invitation to Mr Brendan Lyon to attend and give evidence before the committee on Monday 8 November 2021, noting the committee's power to issue a summons
- in the event that Mr Lyon declines the second invitation, the committee issue a summons to Mr Lyon, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, to attend and give evidence before the committee on Monday 8 November 2021 at 10.00 am.

Question put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mr Poulos.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

5.5 Attendance of Ms Heather Watson, KPMG Australia at the hearing on 15 November 2021

Mrs Houssos moved: That:

- the committee re-issue the committee's invitation to Ms Heather Watson to attend and give evidence before the committee on Monday 15 November 2021, noting the committee's power to issue a summons
- in the event that Ms Watson declines the second invitation, the committee issue a summons to Ms Watson, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, to attend and give evidence before the committee on Monday 8 November 2021 at 9.30 am.

Question put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mr Poulos.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

5.6 Attendance of Mr Rodd Staples, former Secretary, Transport for NSW at the hearing on 15 November 2021

Mrs Houssos moved: That:

- the committee re-issue the committee's invitation to Mr Rodd Staples to attend and give evidence before the committee on Monday 15 November 2021, noting the committee's power to issue a summons
- in the event that Mr Staples declines the second invitation, the committee issue a summons to Mr Staples, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, to attend and give evidence before the committee on Monday 15 November 2021 at 11.15 am.

Question put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mr Poulos.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

6. Adjournment

The committee adjourned at 1.19 pm until Monday 8 November 2021, 9.45 am, Macquarie Room, Parliament House (public hearing – TAHE)

Shaza Barbar
Committee Clerk

Minutes no. 66

Monday 15 November 2021

Public Accountability Committee

Macquarie Room, Parliament House, Sydney at 9.23 am

1. Members presentMr Shoebridge, *Chair*

Mr Farlow

Mr Graham

Mrs Houssos

Mr Khan

Mr Mookhey (substituting for Mrs Houssos)

Mr Poulos

Ms Boyd (participating for the duration of the inquiry into the Transport Asset Holding Entity)

2. ApologiesMr Borsak, *Deputy Chair***3. Correspondence**

The committee noted the following items of correspondence:

Received:

- 8 November 2021 – Email from Mr James Copsey to the secretariat, requesting that Mr Paul Low, Lead Partner, Planning & Infrastructure Economics, KPMG attend and give evidence alongside Ms Heather Watson at the hearing on Monday 15 November 2021 (TAHE inquiry)
- 8 November 2021 – Email from Mr Darren Murphy, Chief Executive Officer, Core Integrity, to secretariat, confirming his and Mr Dylan Bohnen's attendance at the hearing on 9 December 2021 and requesting that they both be issued with a summons (Grants inquiry)
- 9 November 2021 – Email from Ms Lan Nguyen, Business and Procurement Manager, Corporate Services, Transport Asset Holding Entity to the secretariat, requesting that the attachment to answers to questions on notice be kept confidential on the basis it is commercial in confidence.

Sent:

- 5 November 2021 – Letter from the secretariat to Mr Frank Yi, Parliamentary Accountant, Department of Parliamentary Services, authorising a cheque to be issued to Mr Rodd Staples who is being summoned to appear before the committee on Monday 15 November 2021 (TAHE inquiry)
- 8 November 2021 – Summons from the Chair to Mr Brendan Lyon, former Partner, KPMG Australia, ordering Mr Lyon to attend and give evidence at a hearing on Monday 8 November 2021 and to produce documents in relation to the establishment and operation of the Transport Asset Holding Entity (TAHE inquiry)
- 8 November 2021 – Summons from the Chair to Mr Rodd Staples, former Secretary, Transport for NSW, ordering Mr Staples to attend and give evidence at a hearing on Monday 15 November 2021 (TAHE inquiry)
- 12 November 2021 – Letter from the Hon Mark Latham MLC to the Chair, concerning isolation requirements (Pandemic inquiry).

4. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs**4.1 Summoning Core Integrity witnesses**

Resolved, on the motion of Mr Mookhey: That, under the authority of s 4(2) of the *Parliamentary Evidence Act 1901*, the committee issue a summons to the following witnesses to attend and give evidence before the committee on Thursday 9 December 2021 at 10.15 am to 11.45 am:

- Mr Darren Murphy, Chief Executive Officer, Core Integrity
- Mr Dylan Bohnen, Senior Manager, Core Integrity.

4.2 Meeting with the Productivity Commission

Resolved, on the motion of Mr Graham: That a meeting be arranged with the NSW Productivity Commissioner, Mr Peter Achterstraat, on a date to be determined in consultation with the Chair and committee.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Correspondence from the Hon Mark Latham MLC

Resolved, on the motion of Mr Graham: That the Chair write to the Minister for Health and Medical Research, enclosing Mr Latham's correspondence concerning the application of isolation requirements and request a response.

6. Inquiry into the Transport Asset Holding Entity

6.1 Election of acting Deputy Chair

The Chair noted the absence of the Deputy Chair for the meeting.

Mr Mookhey moved: That Mr Graham be elected acting Deputy Chair of the committee for the duration of the inquiry into the Transport Asset Holding Entity.

There being no further nominations, the Chair declared Mr Graham acting Deputy Chair.

6.2 Answers to questions on notice

Resolved, on the motion of Mr Mookhey: That the committee authorise the publication of answers to questions on notice from the Transport Asset Holding Entity, received 8 November 2021, with the exception of the attachment to question three which is to be kept confidential, at the request of the Transport Asset Holding Entity.

6.3 Documents produced by Mr Lyon at 8 November hearing

The following documents were published at the meeting on 8 November 2021: 246- 247, 250-257, 263-266.

Resolved, on the motion of Mr Mookhey: That the committee authorise the publication of the following documents provided by Mr Brendan Lyon, Former Partner, KPMG Australia, at the hearing on 8 November, with the exception of identifying and sensitive information which are to remain confidential, as per the recommendation of the secretariat: 153 – 262, 267-271, 283-301.

6.4 Further document produced by Mr Lyon

Mr Mookhey moved: That the committee authorise the publication of the following document produced by Mr Brendan Lyon, Former Partner, KPMG Australia, in accordance with his summons: KPMG, *Transport Asset Holding Entity: Initial assessment of options*, 21 July 2021.

Question put.

The committee divided.

Ayes: Mr Graham, Mr Mookhey, Mr Shoebridge

Noes: Mr Farlow, Mr Khan, Mr Poulos.

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

6.5 Procedural fairness opportunity

Resolved, on the motion of Mr Mookhey: That, in accordance with the Procedural Fairness Resolution, the following individuals/organisations be invited to provide a written response in relation to potential adverse mention contained in evidence of Mr Brendan Lyon, Former Partner, KPMG Australia:

- Mr James Hunter, KPMG
- Mr Matthew Box, KPMG
- Ms Anne Hayes, Former A/CEO, Transport Asset Holding Entity
- NSW Treasury.

6.6 Public hearing

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 and examined:

- Ms Heather Watson, Partner, KPMG Australia
- Mr Paul Low, Partner, KPMG Australia.

Mr Mookhey tabled the following documents:

- Extracts from documents produced by Mr Brendan Lyon, Former Partner, KPMG Australia at the hearing on 8 November 2021, referred to as: KPMG emails 009 cabinet submissions, KPMG emails 006 maintenance; KPMG emails 003 Audit Office; 010A Treasury; 005 Joint Submission; KPMG emails 003 Staples; KPMG emails 011 conflicts.
- PWC, *TfNSW Structure Considerations - 'TAHE' Business Model Assessment*, Transport for NSW, December 2019
- KPMG, *Transport Asset Holding Entity (TAHE): Assessment of assumptions used for accounting estimates*, 3 November 2020.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Rodd Staples, private citizen, former Secretary, Transport for NSW.

Mr Mookhey tabled the following documents:

- Extracts from documents produced by Mr Brendan Lyon, Former Partner, KPMG Australia at the hearing on 8 November 2021, referred to as: KPMG emails 009 cabinet submissions, KPMG emails 006 maintenance; KPMG emails 003 Audit Office; 010A Treasury; 005 Joint Submission; KPMG emails 003 Staples; KPMG emails 011 conflicts.
- PWC, *TfNSW Structure Considerations - 'TAHE' Business Model Assessment*, Transport for NSW, December 2019
- KPMG, *Transport Asset Holding Entity (TAHE): Assessment of assumptions used for accounting estimates*, 3 November 2020
- Correspondence relating to Mr Staples' termination.

The evidence concluded and the witness withdrew.

The hearing concluded at 1.36 pm.

6.7 Tabled documents

Mr Mookhey moved: That:

- the committee publish the following documents tabled by Mr Mookhey:
 - Extracts from documents produced by Mr Brendan Lyon, Former Partner, KPMG Australia at the hearing on 8 November 2021, with the exception of identifying information (referred to as KPMG emails 009 cabinet submissions; KPMG emails 006; 010A Treasury; KPMG emails 003 Staples).
 - PWC, *TfNSW Structure Considerations - 'TAHE' Business Model Assessment*, Transport for NSW, December 2019
 - KPMG, *Transport Asset Holding Entity (TAHE): Assessment of assumptions used for accounting estimates*, 3 November 2020.
- the Chair write to the Privileges Committee to alert it to the publication of two additional Cabinet documents, as part of the inquiry into the examination, publication and use of cabinet documents by Legislative Council committees as part of an inquiry: PWC, *TfNSW Structure Considerations - 'TAHE' Business Model Assessment*, Transport for NSW, December 2019 and KPMG, *Transport Asset Holding Entity (TAHE): Assessment of assumptions used for accounting estimates*, 3 November 2020.

Mr Khan moved: That the motion of Mr Mookhey be amended by omitting the 'PWC, *TfNSW Structure Considerations - TAHE Business Model Assessment*, Transport for NSW, December 2019 and KPMG, *Transport Asset Holding Entity (TAHE): Assessment of assumptions used for accounting estimates*, 3 November 2020' in the first bullet point.

Amendment of Mr Khan put.

The committee divided.

Ayes: Mr Farlow, Mr Khan, Mr Poulos.

Noes: Mr Graham, Mrs Houssos, Mr Shoebridge.

There being an equality of votes, amendment of Mr Khan resolved in the negative on the casting vote of the Chair.

Original question of Mr Mookhey put.

The committee divided.

Ayes: Mr Graham, Mrs Houssos, Mr Shoebridge.

Noes: Mr Farlow, Mr Khan, Mr Poulos.

There being an equality of votes, the original motion of Mr Mookhey resolved in the affirmative on the casting vote of the Chair.

7. Adjournment

The committee adjourned at 1.44 pm until Monday 22 November 2021, Macquarie Room, Parliament House (public hearing – Building standards inquiry)

Shaza Barbar

Committee Clerk

Minutes no. 67

Monday 22 November 2021

Public Accountability Committee

Macquarie Room, Parliament House, Sydney at 9.31am

1. Members present

Mr Shoebridge, Chair

Mr D'Adam

Mr Farlow

Mrs Houssos

Mr Khan

Ms Cusack (substituting for Mr Poulos) (via videoconference)

2. Apologies

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 62 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 November 2021 – Email from Ms Rose Webb, Deputy Secretary, Commissioner for NSW, Fair Trading to the secretariat, indicating that Mr John Tansey, Executive Director, Policy and Strategy, Better Regulation Division, Department of Customer Service will give evidence at the 22 November 2021 hearing (building standards inquiry)
- 16 November 2021 – Email from Ms Leza Turnbull, Personal Assistant to Mr Darren Greenfield, NSW State Secretary, Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU), to secretariat, declining the invitation to appear before the committee (building standards inquiry)
- 18 November 2021 – Email from Ms Connie Vartuli, Executive Assistant to Mr Mark Morey, Secretary Unions NSW, to secretariat, declining the invitation to appear before the committee (building standards inquiry)
- 18 November 2021 – Letter from the Hon Brad Hazzard MP, Minister for Health and Medical Research, to the Chair, responding to Chair's letter inviting a response to a letter from Hon Mark Latham MLC to the Chair, received 11 November 2021 regarding isolation requirements (pandemic inquiry).

Sent:

- 16 November 2021 – Letter from Chair, to Hon Brad Hazzard MP, Minister for Health and Medical Research, enclosing Mr Latham's correspondence received 11 November 2021 regarding isolation requirements and inviting the Minister's response (pandemic inquiry).

Resolved, on the motion of Mr Farlow: That the committee note Mr Hazzard's response to the correspondence from Mr Latham, invited by the Chair and received 18 November 2021, and that the committee defer further discussion until its next meeting.

5. Inquiry into the Transport Asset Holding Entity

5.1 Documents produced by Mr Lyon

The following documents were published at the meeting on 8 November 2021: 246-247, 250-257, 263-266.

The following documents were published at the meeting on 15 November 2021: 153-262, 267-271, 283-301.

Resolved, on the motion of Mrs Houssos: That the committee authorise the publication of the following documents produced by Mr Brendan Lyon, Former Partner, KPMG Australia, at the hearing on 8 November, with the exception of identifying and sensitive information which are to remain confidential, as per the recommendation of the secretariat: 1-152.

5.2 Reporting date

The committee discussed extending the reporting date from the end of February 2022, due to the following factors:

- committee office workload and staffing constraints
- Hansard delays for the 8 and 15 November hearing transcripts, which impact the secretariat's capacity to draft components of the report this year
- the additional hearings scheduled for December and February.

6. Further inquiry into the regulation of building standards

6.1 Publication of 11 October 2021 transcript

The committee noted that it agreed via email to the publication of the unsubedited transcript of the 11 October 2021 hearing.

6.2 Allocation of questioning

Resolved, on the motion of Mr D'Adam: That the timing of questioning be left in the hands of the Chair.

6.3 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 and examined:

- Mr Chris Duggan, President, Strata Community Association NSW
- Mr Stephen Brell, Vice President, Strata Community Association NSW
- Ms Karen Stiles, Executive Director, Owners Corporation Network
- Mr Banjo Stanton, Solicitor, Stanton Legal, assisting the Owners Corporation Network.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Lisa King, Policy and Advocacy Manager, Australian Institute of Architects
- Ms Laura Cockburn, NSW State President, Australian Institute of Architects
- Mr Joe Smith, Acting Chief Executive Officer, National Fire Industry Association
- Mr Bradley Schott, Policy Committee Chair, Design Institute of Australia
- Ms Denise Ryan, Senior Policy Advisor, Design Institute of Australia (via videoconference)
- Mr Clint Gavin, National Sales Manager, Network Architectural
- Mr Kim Regler, Managing Director, Network Architectural.

Mr Gavin tendered the following items:

- sample of solid aluminium cladding product
- sample of Mitsubishi ALPOLIC cladding product
- sample of corrugated core cladding product.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Steve Mann, Chief Executive Officer, Urban Development Institute of Australia – NSW Division
- Ms Lauren Conceicao, NSW Deputy Executive Director, Property Council of Australia
- Mr Charles Kekovich, NSW Senior Policy Advisor, Property Council of Australia

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Con Tsiakoulas, Compliance Officer, Plumbing Trades Employees Union
- Mr Leighton Drury, State Secretary, Fire Brigade Employees Union

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Chandler, NSW Building Commissioner
- Mr John Tansey, Executive Director, Policy and Strategy, Better Regulation Division, Department of Customer Service
- Mr Trent Curtin, A/Deputy Commissioner, Field Operations, Fire and Rescue NSW
- Mr Jamie Vistnes, Manager, Fire Safety Policy Unit, Field Operations, Fire and Rescue NSW.

Mr Chandler tendered the following document:

- Undertaking sought but not obtained from Mr David Chandler, NSW Building Commissioner, by the legal representatives of Icon Co (NSW) Pty Ltd, September 2021, titled, 'Icon Co (NSW) PTY Ltd v Secretary of the Department of Customer Service (2021/00228168)'

The evidence concluded and the witnesses withdrew.

The hearing concluded at 4.30 pm.

6.4 Tabled document and items

Resolved, on the motion of Mrs Houssos: That the committee accept and publish the following document tendered during the public hearing:

- Undertaking sought but not obtained from Mr David Chandler, NSW Building Commissioner, by the legal representatives of Icon Co (NSW) Pty Ltd, September 2021, titled, 'Icon Co (NSW) PTY Ltd v Secretary of the Department of Customer Service (2021/00228168)', tendered by Mr Chandler.

Resolved, on the motion of Mrs Houssos: That the committee accept the following items tendered during the public hearing:

- sample of solid aluminium cladding product, tendered by Mr Gavin
- sample of Mitsubishi ALPOLIC cladding product, tendered by Mr Gavin
- sample of corrugated core cladding product, tendered by Mr Gavin.

7. Inquiry into the NSW Government's management of the COVID-19 pandemic

7.1 Answers to questions on notice and supplementary questions

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

- answers to questions on notice and supplementary questions from the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, received 9 September 2021
- answers to questions on notice and supplementary questions from the Hon Brad Hazzard MP, Minister for Health and Medical Research, received 10 September 2021
- answers to supplementary questions from Ms Mary Ronayne, Community and Culture Manager, Wilcannia Safe House, received 23 September 2021
- answers to questions on notice, from NSW Police Force, received 11 October 2021 (13 September hearing)
- answers to questions on notice, from NSW Police, received 11 October 2021 (17 September hearing)
- answers to questions on notice, from NSW Ombudsman, received 11 October 2021
- answers to questions on notice, from Multicultural NSW, received 11 October 2021
- answers to questions on notice, from Corrective Services NSW, received 15 October 2021
- answers to questions on notice, from NSW Health, received on 18 October 2021
- answers to questions on notice, from Department of Premier and Cabinet, received 18 October 2021
- answers to questions on notice, from Justice Health and Forensic Mental Health Network, NSW Health, received 18 October 2021
- answers to questions on notice, from Ms Randa Kattan, Chief Executive Officer, Arab Council Australia, received 19 October 2021
- answers to questions on notice, from Professor Jodie McVernon, Professor and Director of Doherty Epidemiology, Doherty Institute, received 21 October 2021
- answers to questions on notice, from Mr Nathan Bradshaw, Industrial Manager, Public Service Association of NSW, received 22 October 2021
- answers to questions on notice and supplementary questions, from Department of Education, received 22 October 2021
- answers to questions on notice and supplementary questions, from South Western Sydney Local Health District, received 26 October 2021
- answers to supplementary questions, from Cr Charles Lynch, Deputy Chair, NSW Aboriginal Land Council, received 26 October 2021
- answers to question on notice, from NSW Treasury, received 29 October 2021
- answers to questions on notice and supplementary questions, from NSW Health, received 3 November 2021
- answers to questions on notice, from Resilience NSW, received 15 November 2021.

7.2 Clarifications to the transcript

The committee noted that it agreed via email to authorise the publication of the following witnesses' clarifications of evidence and the insertion of a footnote in the respective hearing transcript linked to their correspondence:

- Ms Wendy Hoey, Executive Director, Clinical Operations, Justice Health and Forensic Mental Health Network, NSW Health, dated 19 October 2021
- Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, dated 22 October 2021
- Nathan Bradshaw, Industrial Manager, Public Service Association of NSW, dated 22 October 2021.

8. Inquiry into the Transport Asset Holding Entity

8.1 Documents produced by Mr Lyon

Resolved, on the motion of Mr Farlow: That the following documents produced by Mr Lyon, Former Partner, KPMG Australia, at the hearing on 8 November be kept confidential: 272 – 282, and that the committee further consider the documents at its next TAHE meeting.

9. Adjournment

The committee adjourned at 4.32 pm, until Thursday 9 December 2021 (public hearing for the NSW Government grant programs inquiry).

Donna Glover and Shaza Barbar
Committee Clerks

Minutes no. 69

Thursday 9 December 2021
Public Accountability Committee
Macquarie Room, Parliament House, Sydney at 10.05 am

1. Members present

Mr Shoebridge, *Chair*
Mr Farlow
Mr Graham
Mrs Houssos (*via videoconference*)
Mr Khan
Mr Poulos

2. Apologies

Mr Borsak, *Deputy Chair*

3. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes nos. 65, 66, 67 and 68 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Sent:

- 15 November 2021 – Letter from Chair, to Mr Malik Arunachalam, Manager Account Services and Systems, and Mr Frank Yi, Parliamentary Accountant, Department of Parliamentary Services, authorising two cheques to be issued to Mr Darren Murphy and Mr Dylan Bohnen who are being summoned to appear before the committee on Thursday 9 December 2021
- 15 November 2021 – Summons from Chair, to Mr Dylan Bohnen, ordering Mr Bohnen to attend and give evidence at a hearing on Thursday 9 December 2021

- 15 November 2021 – Summons from Chair, to Mr Darren Murphy, ordering Mr Murphy to attend and give evidence at a hearing on Thursday 9 December 2021
- 29 November 2021 – Affidavit of service of summons signed by Ms Laura Ismay, Office of the Black Rod, confirming a summons had been served on Mr Dylan Bohnen on 29 November 2021
- 29 November 2021– Affidavit of service of summons signed by Ms Laura Ismay, Office of the Black Rod, confirming a summons had been served on Mr Darren Murphy on 29 November 2021.

5. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

5.1 Report deliberative and tabling dates

The committee noted that the report deliberative will be held at 10.00 am, Friday 18 February 2022 in Room 814/815. The report will be tabled in the House on Thursday 24 February 2022.

5.2 Recording of hearing

Resolved, on the motion of Mr Khan: That the committee agree to record the hearing on 9 December 2021, and that this recording be placed on Parliament's YouTube channel as soon as practicable after the hearing.

5.3 Allocation of questioning

Resolved, on the motion of Mrs Houssos: That the sequence of questions at the public hearing on 9 December 2021 be left in the hands of the Chair.

5.4 Public hearing

Witnesses were admitted.

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

The following witnesses were sworn and examined:

- Mr Darren Murphy, Founder and Chief Executive Officer, Core Integrity
- Mr Dylan Bohnen, Senior Manager, Core Integrity.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 11.40 am.

5.5 Return of answers to questions on notice

Resolved, on the motion of Mr Poulos: That questions taken on notice during the hearing on Thursday 9 December 2021 be due by Friday 14 January 2022.

5.6 Further meeting with the NSW Productivity Commissioner

Resolved, on the motion of Mr Farlow: That the committee meet with Mr Peter Achterstraat AM, NSW Productivity Commissioner, on Tuesday 8 February 2022 for a private one hour meeting.

6. Inquiry into the NSW Government's management of the COVID-19 pandemic

6.1 Correspondence with the Hon Brad Hazzard MP, Minister for Health and Medical Research

Resolved, on the motion of Mr Graham: That the Chair refer his initial letter regarding the isolation requirements of the Minister for Health, dated 16 November 2021, and the Minister's response, dated 18 November 2021, to Portfolio Committee No. 2 – Health to request that it be considered by that committee given their portfolio allocation.

7. Adjournment

The committee adjourned at 11.45 am, until Thursday 16 December 2021 (public hearing for the TAHE inquiry).

Sarah Dunn
Committee Clerk

Minutes no. 70

Thursday 16 December 2021

Public Accountability Committee

Jubilee Room, Parliament House, Sydney, 10.15 am

1. Members presentMr Shoebridge, *Chair* (via Webex)Ms Boyd, *Acting Chair* (substituting for Mr Borsak)

Mr Farlow

Mr Graham

Mr Mallard (substituting for Mr Khan)

Mr Mookhey (substituting for Mrs Houssos)

Mr Poulos

2. Previous minutes

Resolved, on the motion of Mr Graham: That draft minutes no. 69 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 5 November 2021 – Correspondence from Ms Jenelle Moore, Usher of the Black Rod to the committee, providing affidavit of service of summons to Mr Brendan Lyon
- 8 November 2021– Correspondence from Ms Jenelle Moore, Usher of the Black Rod to the committee, providing affidavit of service of summons to Mr Brendan Lyon
- 10 November 2021 – Correspondence from Ms Jenelle Moore, Usher of the Black Rod to the committee, providing affidavit of service of summons to Mr Rodd Staples
- 22 November 2021 – Letter and email from Mr David Chandler, NSW Building Commissioner, to the secretariat, forwarding a cover letter from Minter Ellison, legal representative of Icon (NSW) Pty Ltd and email from Icon (NSW) Pty Ltd to the NSW Department of Customer Service
- 23 November 2021 – Email from Mr Jonathon Russell, General Manager, Policy and Advocacy, Engineers Australia, to the secretariat, seeking to correct evidence provided by Mr David Chandler, NSW Building Commissioner
- 24 November 2021 – Email from Mr James Copsey to the secretariat, advising that Mr James Hunter and Mr Matthew Box will be not be taking the opportunity to respond to evidence provided by Mr Brendan Lyon
- 30 November 2021 – Email from Ms Anne Hayes to the secretariat, advising that she will not be taking the opportunity to respond to evidence provided by Mr Brendan Lyon
- 30 November 2021 – Letter from Mr Michael Pratt, Secretary, Mr San Midha, Deputy Secretary and Ms Cassandra Wilkinson, Executive Director – Transport, Regions, Infrastructure and Planning, NSW Treasury, responding to evidence provided by Mr Brendan Lyon
- 8 December 2021 – Email from Ms Renata Trkulja, NSW Treasury to the secretariat, confirming NW Treasury witnesses to appear at the TAHE hearing on 16 December 2021 and requesting that the committee invite Mr Rob Sharp, Secretary, Transport for NSW and Mr Bruce Morgan, Chair, TAHE to appear alongside the Treasury witnesses
- 15 December 2021 – Email from Ms Renata Trkulja, NSW Treasury to the secretariat, advising that Mr Sean Osborn and Ms Anne Bible can no longer attend the TAHE hearing on 16 December 2021.

Sent:

- 17 November 2021 – Letter from the Chair to the Hon Peter Primrose MLC, Chair, Privileges Committee, alerting Privileges Committee to the publication of additional documents marked cabinet-in-confidence

- 23 November 2021 – Letter from the Chair to Ms Anne Hayes, Former A/CEO, Transport Asset Holding Entity, providing an opportunity to respond to evidence provided by Mr Brendan Lyon
- 23 November 2021 – Letter from the Chair to Mr Michael Pratt, Secretary, NSW Treasury, providing an opportunity to respond to evidence provided by Mr Brendan Lyon
- 23 November 2021 – Letter from the Chair to Mr James Hunter, Partner, Management Consulting, KPMG Australia, providing an opportunity to respond to evidence provided by Mr Brendan Lyon
- 23 November 2021 - Letter from the Chair to Mr Matthew Box, Associate Director, KPMG Australia, providing an opportunity to respond to evidence provided by Mr Brendan Lyon
- 15 December 2021 – Letter from the Chair to Hon Greg Donnelly, Chair, Portfolio Committee No. 2 – Health, enclosing correspondence to and from Health Minister regarding his isolation requirements.

Resolved, on the motion of Mr Mookhey: That the committee authorise the publication of the correspondence from Mr David Chandler dated 22 November 2021.

4. Further inquiry into the regulation of building standards

4.1 Correction of evidence

Resolved, on the motion of Mr Graham:

- That the committee authorise the publication of the following correspondence: Email from Mr Jonathon Russell, General Manager, Policy and Advocacy, Engineers Australia dated 23 November 2021, correcting evidence provided by Mr David Chandler, NSW Building Commissioner, that Engineers Australia does not have a chartered scheme for fire engineers
- That the committee authorise the addition of a footnote to the evidence of Mr David Chandler, 22 November 2021, reflecting the correction of evidence.

5. Inquiry into the Transport Asset Holding Entity

5.1 Election of Acting Chair

As the Chair was attending via Webex, the committee elected an Acting Chair for the purposes of the meeting.

The Chair called for nominations for the Acting Chair.

Mr Mookhey moved: That Ms Boyd be elected Acting Chair of the committee.

There being no further nominations, the Chair declared Ms Boyd elected Acting Chair.

5.2 Public submission

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 9.

5.3 Hearing dates

The committee noted that it agreed via email to hold additional hearings on Thursday 16 December 2021 and Thursday 10 February 2021.

5.4 Answers to questions on notice

Resolved, on the motion of Mr Farlow: That the committee request that answers to questions on notice following the hearing on Thursday 16 December 2021 be returned by Monday 24 January 2022.

5.5 Reporting date

Resolved, on the motion of Mr Shoebridge: That the committee resolve a new reporting date over email by Tuesday 21 December 2021.

5.6 Documents produced by Mr Lyon

Resolved, on the motion of Mr Farlow: That the following documents produced by Mr Lyon be kept confidential: 272-282.

5.7 Request to take photos at the hearing

Resolved, on the motion of Mr Shoebridge: That Mr Nick Moir, a photographer with the Sydney Morning Herald, be authorised to take photos during the public hearing.

5.8 Allocation of questioning

Resolved, on the motion of Mr Mookhey: That the timing of questioning for today's hearing be as follows: 20 minutes each for Opposition, Crossbench and Government with the remainder to be divided evenly.

5.9 Public hearing

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 and examined:

- Mr Michael Pratt, Secretary, NSW Treasury
- Mr Stewart Walters, Chief Finance and Operations Officer, NSW Treasury
- Mr Rob Sharp, Secretary, Transport for NSW.

The following witnesses were examined on their former oaths:

- Mr San Midha, Deputy Secretary Policy and Budget, NSW Treasury
- Ms Cassandra Wilkinson, Executive Director Transport and Planning/Industry, NSW Treasury
- Mr Bruce Morgan, Chair, Transport Asset Holding Entity (via videoconference).

The public hearing was adjourned due to technical difficulties.

The witnesses and media withdrew.

The committee re-convened at 12.00 pm to continue the hearing.

The witnesses and media were admitted.

The witnesses were examined.

Mr Mookhey tabled the following document:

- KPMG, Transport Asset Holding Entity (TAHE): Application of financial and budgetary framework to NSW Government funding for heavy rail infrastructure, Draft, August 2021.

The evidence concluded and the witnesses withdrew.

The hearing concluded at 1.02 pm.

5.10 Tabled documents

Resolved, on the motion of Mr Mookhey: That the committee accept and publish the following document tendered by Mr Mookhey: KPMG, Transport Asset Holding Entity (TAHE): Application of financial and budgetary framework to NSW Government funding for heavy rail infrastructure, Draft, August 2021.

5.11 Witnesses for hearing on 10 February 2022

Resolved, on the motion of Mr Shoebridge: That the committee reinvite the witnesses scheduled to appear on 16 December 2021, in addition to the Auditor-General on Thursday 10 February 2022.

6. Adjournment

The committee adjourned at 1.05 pm until Thursday 10 February 2021 (public hearing – TAHE).

Shaza Barbar
Committee Clerk

Minutes no. 71

Tuesday 8 February 2022

Public Accountability Committee

Via videoconference at 12.07 pm

1. Members present

Mr Shoebridge, *Chair*

Mr Amato

Mr Farlow

Mr Graham

2. Apologies

Mr Borsak

Mrs Houssos

Mr Poulos

3. Inquiry into the Transport Asset Holding Entity

3.1 Further hearing

The secretariat briefed the committee on preparations for the hearing on 10 February 2022.

4. Inquiry into the NSW Government's management of the COVID-19 pandemic

4.1 Further hearing

The committee noted that it resolved via email to conduct a further hearing on 11 February 2022. The secretariat briefed the committee on preparations for the hearing.

5. Inquiry into the integrity, efficacy and value for money of NSW Government grant programs

5.1 Meeting with the NSW Productivity Commissioner

The committee met with Mr Peter Achterstraat AM, NSW Productivity Commissioner, and Ms Geraldine Carter, Director, Productivity Reform, NSW Productivity Commission, to discuss the inquiry and the Commissioner's review of grants administration in New South Wales.

6. Adjournment

The committee adjourned at 1.05 pm, until 9.45 am, Thursday 10 February 2022 (public hearing, Transport Asset Holding Entity inquiry).

Merrin Thompson

Committee Clerk

Minutes no. 73

Friday 11 February 2022

Public Accountability Committee

via Webex at 9.33 am

1. Members

Mr Shoebridge, *Chair*

Mrs Houssos, *Acting Deputy Chair*

Mr Amato

Mr Farlow

Mr Graham

Mr Poulos

Ms Boyd (participating)

Ms Faehrmann (participating)

Ms Sharpe (participating) (from 3.02 pm)

2. Apologies

Mr Borsak, *Deputy Chair*

3. Acting Deputy Chair

Resolved, on the motion of Mr Amato: That Mrs Houssos be elected Acting Deputy Chair.

4. Draft minutes

Resolved, on the motion of Mr Poulos: That draft minutes no. 60 be confirmed.

5. Correspondence

The committee note the following items of correspondence:

Received:

- 5 October 2021 - Email from Councillor Charles Lynch, Deputy Chair, NSW Aboriginal Land Council, to the secretariat, providing additional information post hearing on 13 September
- 7 October 2021 - Email from Caedyn Stinson, Private individual – to committee – regarding the difficulties faced by Australians abroad
- 11 November 2021 - Letter from the Hon Mark Latham MLC – to Chair – recommending PAC investigate classification of Health Minister during recent COVID-19 outbreak
- 18 November 2021 - Letter from Hon Brad Hazzard, Minister for Health and Medical Research – to Chair – providing response to letter about isolation requirements
- 4 February 2022 - Email from Catherine Bennett, Deakin University – to secretariat – advising that she is unable to attend 11 February Hearing
- 6 February 2022 - Email from Ravit Danieli-Vlandis, University of New South Wales - to secretariat - advising that Professor Mary-Louise McLaws is unable to attend 11 February Hearing
- 6 February 2022 - Email from Professor Rebecca Ivers, School of Population Health, University of New South Wales - to secretariat - advising that Professor Mary-Louise McLaws is unable to attend 11 February Hearing
- 7 February 2022 - Email from Lauren Kelly, United Workers Union – to secretariat – advising that United Workers Union would not be sending a representative to attend 11 February Hearing
- 8 February 2022 - Email from Adjunct Professor Jane Halton AO, Coalition for Epidemic Preparedness Innovations – to secretariat – advising that she is unable to attend 11 February Hearing

Sent:

- 16 November 2021 - Letter from Chair – to Hon Brad Hazzard MP, Minister for Health and Medical Research – providing copy of Mr Latham's correspondence and inviting response
- 15 December 2021 - Letter from Chair – to Hon Greg Donnelly MLC, Chair, Portfolio Committee 2 – attaching correspondence relating to Health Minister and COVID-19 isolation requirements
- 4 February 2022 - Letter from Chair – to Hon Brad Hazzard MP, Minister for Health, inviting him and NSW Health staff to appear at a hearing on 11 February 2022

6. Inquiry into the NSW Government's management of the COVID-19 pandemic

6.1 Answers to questions on notice and supplementary questions

The committee noted the answers to questions on notice and supplementary questions that were published by the committee clerk under the authorisation of the resolution appointing the committee.

- answers to questions on notice from Nicole Miller, Executive Director of the Commissioner, NSW Police, received 8 October 2021
- answers to questions on notice from Paul Miller, NSW Ombudsman, received 11 October 2021
- answers to questions on notice from Mr Joseph La Posta, CEO, Multicultural NSW, received 11 October 2021

- answers to questions on notice from Leigh Costa, Assistant Principal Manager, Corrective Services NSW, received 15 October 2021
- answers to questions on notice from Natasha Luschwitz, Executive Director, Premier & Cabinet, received 18 October 2021
- answers to questions on notice from Dominika Rajewski, Senior Business Partner, NSW Health, received 18 October 2021
- answers to questions on notice from Ms Wendy Hoey, Executive Director, Clinical Operations, Justice Health and Forensic Mental Health Network, NSW Health, received 19 October 2021
- answers to questions on notice from Randa Kattan, Chief Executive Officer, Arab Council Australia, received 19 October 2021
- answers to questions on notice from Jodie McVernon, Professor and Director of Doherty Epidemiology, Doherty Institute, received 21 October 2021
- answers to supplementary questions from Charles Lynch, Deputy Chair, Aboriginal Land Council, received 21 October 2021
- answers to questions on notice from Nathan Bradshaw, Manager, Justice Team, Public Service Association of NSW, received 22 October 2021
- answers to questions on notice from Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, received 22 October 2021
- answers to supplementary questions from Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, received 22 October 2021
- answers to questions on notice from Ms Amanda Larkin Chief Executive, South Western Sydney Local Health District, received 26 October 2021
- answers to supplementary questions from Ms Amanda Larkin Chief Executive, South Western Sydney Local Health District, received 26 October 2021
- answers to questions on notice from Renanta Trkulja, Associate Director, NSW Treasury, received 1 November 2021
- answers to supplementary questions from Renanta Trkulja, Associate Director, NSW Treasury, received 1 November 2021
- answers to questions on notice from Dr Kerry Chant, Chief Health Officer and Deputy Secretary, Population and Public Health, Ms Susan Pearce, Controller, State Health Emergency Operations Centre, Dr Nigel Lyons, Deputy Secretary, Health System Strategy and Planning, received 3 November 2021
- answers to questions on notice from Phillip Leslie, Manager, Ministerial Coordination, Resilience NSW, received 15 November 2021.

6.2 Livestream and recording of the hearing

Resolved, on the motion of Mrs Houssos: That the committee agree to record today's hearing, as well as any future virtual hearings for the inquiry, and that the recordings be placed on YouTube as soon as practicable after the hearing.

6.3 Allocation of questions

Resolved, on the motion of Mrs Houssos: That the sequence of questioning at the hearing be divided between opposition and crossbench members for 15 minutes each, with 10 minutes reserved for government questions at the end of the session.

6.4 Public hearing

Witness were admitted via video link.

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

The following witnesses were sworn and examined:

- Dr Danielle McMullen, President, Australian Medical Association (NSW)
- Ms Shaye Candish, Assistant General Secretary, NSW Nurses and Midwives' Association
- Mr Gerard Hayes, State Secretary, Health Services Union.

The evidence concluded and the witness withdrew.

Witnesses were admitted via video link.

The following witnesses were sworn and examined:

- Professor Tony Blakely, Professorial Fellow in Epidemiology and Public Health Medicine Specialist, Melbourne School of Population and Global Health Adjunct
- Professor Raina Macintyre, National Health and Medical Research Council Principal Research Fellow and Professor of Global Biosecurity, University of New South Wales
- Mr Mark Burdack, Chief Executive Officer, Rural and Remote Medical Services.

Professor Macintyre tabled a document entitled 'NSW Government's management of the COVID-19 pandemic'.

The evidence continued.

The evidence concluded and the witness withdrew.

Witnesses were admitted via video link.

The following witnesses were sworn and examined:

- Mr Paul Sadler, Chief Executive Office, Aged Care and Community Services Australia
- Mr Mark Sewell, Chief Executive Officer, Warrigal Care
- Ms Mary Carpenter, Director, Governance, Risk and Quality, Uniting Care Australia.

The evidence concluded and the witness withdrew.

Witnesses were admitted via video link.

The Chair noted that The Hon Brad Hazzard MP, Minister for Health, had sworn an oath to his office and therefore did not need to be sworn prior to giving evidence before the committee.

The Chair also reminded Dr Kerry Chant PSM, Chief Health Officer and Deputy Secretary, Population and Public Health, NSW Health, that she did not need to be sworn as she had been sworn in at a previous hearing.

The Chair also reminded Ms Elizabeth Koff, Secretary, NSW Health, that she did not need to be sworn as she had been sworn in at a previous hearing.

The following witnesses were sworn:

- Mr Phil Minns, Deputy Secretary, People, Culture and Governance, NSW Health
- Ms Susan Pearce, Deputy Secretary, System, Performance and Patient Experience, NSW Health

The witnesses were examined by the committee.

The evidence concluded and the witness withdrew.

The hearing concluded at 4.33 pm.

6.5 Tendered document

Resolved, on the motion of Mr Farlow: That the committee accept and publish the following document tendered during the public hearing:

- 'NSW Government's management of the COVID-19 pandemic', tabled by Professor MacIntyre

7. Adjournment

The committee adjourned at 4.35 pm.

Jessie Halligan and Stephen Fujiwara
Committee Clerks

Minutes no. 74

Monday 21 February 2022

Public Accountability Committee

Macquarie Room, Parliament House, Sydney at 9.50 am

1. Members presentMr Shoebridge, *Chair*

Mr Amato (via videoconference)

Mr Farlow

Mr Graham (via videoconference)

Mr Mookhey (substituting for Mrs Houssos for the duration of the inquiry into the Transport Asset Holding Entity)

Ms Boyd (from 955 am) (participating for the duration of the inquiry into the Transport Asset Holding Entity)

2. ApologiesMr Borsak, *Deputy Chair*

Mr Poulos

3. Previous minutes

Resolved, on the motion of Mr Amato: That draft minutes no. 72 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 14 February 2022 – Email from Mr Paul Sadler, CEO of Aged and Community Services Australia, following the government's evidence at the Pandemic hearing on 11 February 2022 (Pandemic inquiry)
- 14 February 2022 – Letter from Ms Louise Capon, General Counsel to the Chair, requesting that the committee remove from its website the answer to question on notice from Mr Brendan Lyon (TAHE inquiry)
- 14 February 2022 – Letter from Dr Paul Grimes, Secretary, NSW Treasury to the Chair, advising that the second invitation to Mr Michael Pratt, former Secretary, NSW Treasury has been forwarded with a recommendation that Mr Pratt respond directly to the committee (TAHE inquiry)
- 16 and 17 February 2022 – Emails between Mr Michael Pratt, Former Secretary, NSW Treasury and the secretariat, regarding the committee's invitation to attend a hearing on Monday 21 February 2022 (TAHE inquiry)
- 18 February 2022 – Email from Mr Michael Pratt, Former Secretary, NSW Treasury to the secretariat, regarding his appearance in person at the TAHE hearing on Monday 21 February 2022 (TAHE inquiry)
- 18 February 2022 – Email from Mr Michael Pratt, Former Secretary, NSW Treasury to the secretariat, advising that he will be bringing a legal advisor to the TAHE hearing on Monday 21 February 2022 (TAHE inquiry)
- 21 February 2022 – Email from the Opposition Whip's office to the secretariat, advising that the Hon Daniel Mookhey MLC will be substituting for the Hon Courtney Houssos for the duration of the inquiry into the Transport Asset Holding Entity (TAHE inquiry).

Sent:

- 11 February 2022 – Letter from the Chair to Dr Paul Grimes, Secretary, NSW Treasury, providing an opportunity to respond to Mr Lyon's answer to question on notice (TAHE inquiry)
- 11 February 2022 – Letter from the Chair to Mr Andrew Yates, Chief Executive Officer, KPMG Australia, providing an opportunity to respond to Mr Lyon's answer to question on notice (TAHE inquiry)

- 11 February 2022 – Letter from the Chair to Mr Michael Pratt, former Secretary, NSW Treasury, reissuing the committee's invitation to appear at a hearing, noting the committee's powers to issue a summons and providing an opportunity to respond to Mr Lyon's answer to question on notice (TAHE inquiry)
- 18 February 2022 – Summons from the committee to Mr Michael Pratt, Former Secretary, NSW Treasury, ordering Mr Pratt to attend and give evidence at a hearing on Monday 21 February 2022 (TAHE inquiry).

Resolved, on the motion of Mr Graham: That the committee authorise the publication of the correspondence and annexures from Mr Paul Sadler, CEO of Aged and Community Services Australia.

5. Inquiry into the Transport Asset Holding Entity

5.1 Timeframe for return of answers to questions on notice

Resolved, on the motion of Mr Mookhey: That the committee request that answers to questions on notice following the hearing on Monday 21 February 2022 be returned within 14 days of the date on which questions are forwarded to the witness by the secretariat.

5.2 Correspondence from KPMG Australia

The committee received correspondence on Monday 14 February 2022 from Ms Louise Capon, General Counsel to the Chair, requesting that the committee remove from its website the answer to question on notice from Mr Brendan Lyon.

The committee noted that it had previously agreed via email to await a detailed response from KPMG Australia in response to the committee's opportunity for a right of reply to determine what, if any, action the committee takes.

Resolved, on the motion of Mr Farlow: That the committee identify any further redactions to the answer to question on notice from Mr Brendan Lyon, former Partner, KPMG Australia by COB Tuesday 22 February 2022.

5.3 Allocation of questioning

Resolved, on the motion of Mr Mookhey: That the timing of questioning for today's hearing be as follows: 10 minutes each for Opposition and Crossbench with 15 minutes reserved at the end for Government questions.

5.4 Attendance of Mr Michael Pratt at hearing with legal advisor

Resolved, on the motion of Mr Mookhey: That:

- the committee allow Mr Pratt to be accompanied by and have reasonable opportunity to consult with a legal advisor during the hearing
- the legal advisor is not to be sworn in or give evidence on behalf of Mr Pratt.

5.5 Public hearing

The witness and legal advisor were admitted.

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

The following witness was sworn and examined:

- Mr Michael Pratt, Former Secretary, NSW Treasury.

The evidence concluded and the witness withdrew.

The public hearing concluded at 12.02 pm.

5.6 Acknowledgement of secretariat

Resolved, on the motion of Mr Mookhey: That the committee note with gratitude the efforts of the secretariat to alert Mr Michael Pratt, Former Secretary, NSW Treasury of the committee's invitation to attend a hearing for the inquiry into the Transport Asset Holding Entity.

6. Adjournment

The committee adjourned at 12.08 pm until Monday 21 February 2022 at 12.30 pm in the Macquarie Room (report deliberative – building standards).

Shaza Barbar

Committee Clerk

Draft minutes no. 77

Thursday 24 March 2022

Public Accountability Committee

Members' Lounge, Parliament House, Sydney at 1.34 pm

1. Members present

Mr Shoebridge, *Chair*
Mr Borsak, *Deputy Chair*
Mr Farlow
Mr Graham
Mrs Houssos (*via video conferencing*)
Mr Poulos

2. Apologies

Mr Barrett
Ms Faehrmann
Ms Sharpe

3. Previous minutes

Resolved on the motion of Mr Farlow: That draft minutes no. 73 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 26 February 2022 - Email from Mr Winston Cheung, Senior Staff Specialist, ICU, Concord Repatriation General Hospital to committee seeking permission to provide feedback on how COVID-19 affected Sydney hospitals and ways to manage it better in the future.
- 28 February 2022 - Email from Mr Winston Cheung, Senior Staff Specialist, ICU, Concord Repatriation General Hospital to committee seeking further information in order to make a submission to the inquiry
- 1 March 2022 - Email from Mr Winston Cheung, Senior Staff Specialist, ICU, Concord Repatriation General Hospital to committee advising that further submissions will be provided to the committee by 7 March 2022
- 2 March 2022 - Email from Ms Kylie Pleming, Clinical Nurse Consultant, Intensive Care, Murrumbidgee Local Health District to committee inquiring about submission privacy
- 2 March 2022 - Email from Mr Kar-Soon Lim to committee seeking information to make a submission to the inquiry
- 3 March 2022 - Email from Nicola Ferguson to committee seeking information to make a submission to the inquiry
- 4 March 2022 - Email from Winston Cheung, Senior Staff Specialist, ICU, Concord Repatriation General Hospital, to the committee providing a submission to the inquiry
- 10 March 2022 - Email from Dominika Rajewski, Senior Business Partner, Parliament and Cabinet, Ministry of Health, requesting an extension to provide answers to questions on notice

- 11 March 2022 - Email from Mr Winston Cheung - Senior Staff Specialist, ICU, Concord Repatriation General Hospital, to committee informing committee of a number of nurses who are interested in making a submission to the inquiry

Resolved, on the motion of Mr Farlow: That the committee note the submission from Dr Winston Cheung dated 4 March 2022 and refer the submission and other related correspondence to Portfolio Committee 2 – Health for its consideration, and that this resolution be communicated to Dr Cheung.

5. Inquiry into the NSW Government's management of the COVID-19 pandemic

5.1 Answers to questions on notice

The committee noted that the following answers 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 Minister for Health and NSW Health Department from the hearing on 11 February, received Friday 18 March 2022.

5.2 Consideration of the Chairs draft report

The Chair submitted his draft report entitled NSW Government's management of the COVID-19 pandemic, which, having been previously circulated, was taken as being read.

Resolved on the motion of Mr Graham:

- a) The draft report be the report of the committee and that the committee present the report to the House;
- b) The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- c) Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- d) The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- e) Dissenting statements be provided to the secretariat by COB 24 March 2022; and
- f) The report be tabled with the Clerk on 25 March 2022.

6. Adjournment

The committee adjourned at 1.42 pm, *sine die*.

Jessie Halligan and Stephen Fujiwara
Committee Clerks

