



The Hon David Shoebridge MLC
Chair, Public Accountability Committee
Parliament House
Macquarie Street
Sydney NSW 2000

By email: public.accountability@parliament.nsw.gov.au

Dear Chair

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

I refer to the public statements made by you on 30 October 2020 concerning the Department of Premier and Cabinet's (**DPC's**) recent communications with the Public Accountability Committee (the **Committee**) in relation to the appearance of witnesses at the 23 October public hearing of the Inquiry into the integrity, efficacy and value for money of NSW Government grant programs (the **Inquiry**).

DPC routinely provides support and assistance to public officials who are invited to attend public hearings. It is common practice for DPC to be the nominated contact for Parliamentary committees regarding the availability and suitability of witnesses. This assists the Parliament by reducing the administrative burden of arranging public hearings, and allows the Parliament to seek advice from DPC as to which parts of government are responsible for various policies and programs, having regard to DPC's knowledge of machinery of government changes.

As you know, the Inquiry's terms of reference are expressed in broad and general terms, and include the range and availability of funding programs, including the Stronger Communities Fund, and the manner in which grants are determined.

On 16 October 2020, the Committee issued invitations to two witnesses (Ms Sarah Cruickshank of DPC and Ms Sarah Lau of the Office of the Premier) to attend the Committee's public hearing on 23 October 2020. The invitations were copied to DPC. Both witnesses immediately raised concerns with DPC that their attendance in person would be unlikely to assist the Committee further because:

- in Ms Lau's case, the papers produced to the Legislative Council by the Office of Local Government under Standing Order 52 were a comprehensive record of her role in relation to the Stronger Communities Fund; and
- in Ms Cruickshank's case, she did not have direct involvement with the Stronger Communities Fund during her time as Chief of Staff.

Both witnesses requested that DPC communicate their concerns to the Committee. DPC did so on 15 and 16 October 2020. On 19 October 2020, DPC sought further information from the Committee as to the specific matters that the Committee intended to raise with each witness. DPC's purpose in seeking this information was to assist Ms Lau and Ms Cruickshank in considering whether to accept the Committee's invitation, consistent with the procedural fairness resolution adopted by the House.

On 20 October 2020, the Committee responded to DPC's request, advising that the Committee was "...particularly interested in examining the *process* for approving and allocating each of the projects under the Stronger Communities Fund" [emphasis added], and outlining the reasons why the Committee considered it necessary to call each witness to give evidence at the public hearing. The Committee's response was particularly instructive given that process is not a matter specifically referred to in the Committee's terms of reference.

The Committee's response to DPC dated 20 October 2020 demonstrates that DPC's request for further information was both reasonable and appropriate. It is disappointing that the Committee has not published its response of 20 October 2020 on its website, opting instead to take a selective approach by publishing only DPC's emails to the Committee Secretariat.

On the basis of the further information provided by the Committee on 20 October 2020, both witnesses advised that they would be willing to attend the public hearing on 23 October 2020 on a voluntarily basis. DPC confirmed their attendance with the Committee on 20 October 2020.

At all times, DPC has sought to foster a cooperative and collegial working relationship with the Parliament and its staff to support the effective functioning of the committee system. On this occasion, DPC simply relayed the legitimate concerns of individual witnesses and sought to ensure that they were afforded procedural fairness by requesting further information about the Committee's areas of inquiry – a request which was promptly accommodated by the Committee.

DPC has not misled the Parliament. Contrary to statements made by the Chair at his press conference on 30 October 2020, DPC at no stage informed the Committee that Ms Lau had no role in the Stronger Communities Fund.

In the interests of honesty and transparency, I would be grateful if the Committee would consider publishing this letter, and the Committee Secretariat's emails to DPC, particularly its email dated 20 October 2020, on the Committee's website in addition to DPC's emails (subject to any redactions the Committee may wish to make to ensure that the names and contact details of individual staff are not publicly disclosed). A copy of the Committee Secretariat's email to DPC dated 20 October 2020 is enclosed for your reference.

Yours sincerely

Tim Reardon
Secretary

2 November 2020