



New South Wales

Public Accountability Legislation Amendment (Sydney Motorway Corporation) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Government Information (Public Access) Act 2009* to provide that information held by the Sydney Motorway Corporation may be accessed under that Act,
- (b) to amend the *Independent Commission Against Corruption Act 1988* to enable the ICAC to investigate allegations or complaints of corrupt conduct that relate to the Sydney Motorway Corporation and its employees,
- (c) to amend the *Ombudsman Act 1974* to enable complaints to be made to the Ombudsman about the conduct of the Sydney Motorway Corporation,
- (d) to amend the *Public Finance and Audit Act 1983* to provide for the financial reports and transactions of the Sydney Motorway Corporation to be inspected and audited by the Auditor-General,
- (e) to amend the *Public Interest Disclosures Act 1994* to extend the protections under that Act to employees of the Sydney Motorway Corporation who make disclosures in the public interest about any wrongdoing.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 contains the amendments described in the above overview.



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New South Wales

Public Accountability Legislation Amendment (Sydney Motorway Corporation) Bill 2017

No. , 2017

A Bill for

An Act to amend various legislation to ensure that the Sydney Motorway Corporation is subject to accountability requirements applying to public authorities and agencies; and for other purposes.

The Legislature of New South Wales enacts:

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1 Name of Act

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This Act is the *Public Accountability Legislation Amendment (Sydney Motorway Corporation) Act 2017*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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|-------------------|--|----------------------------|
| Schedule 1 | Amendment of Acts | 1 |
| 1.1 | Government Information (Public Access) Act 2009 No 52 | 2 |
| | Schedule 4 Interpretative provisions | 3 |
| | Insert after clause 2 (1) (f): | 4 |
| | (f1) Sydney Motorway Corporation Pty Limited (ACN 601 507 591) and any of its subsidiaries (including those referred to in section 45J (5) of the <i>Public Finance and Audit Act 1983</i>), or | 5 6 7 |
| 1.2 | Independent Commission Against Corruption Act 1988 No 35 | 8 |
| | Section 3 Definitions | 9 |
| | Insert after paragraph (f) of the definition of <i>public authority</i> : | 10 |
| | (f1) Sydney Motorway Corporation Pty Limited (ACN 601 507 591) and any of its subsidiaries (including those referred to in section 45J (5) of the <i>Public Finance and Audit Act 1983</i>), | 11 12 13 |
| 1.3 | Ombudsman Act 1974 No 68 | 14 |
| | Section 5 Definitions | 15 |
| | Insert after paragraph (f1) of the definition of <i>public authority</i> : | 16 |
| | (f2) Sydney Motorway Corporation Pty Limited (ACN 601 507 591) and any of its subsidiaries (including those referred to in section 45J (5) of the <i>Public Finance and Audit Act 1983</i>), | 17 18 19 |
| 1.4 | Public Finance and Audit Act 1983 No 152 | 20 |
| | Part 3, Division 4B | 21 |
| | Insert after Division 4A: | 22 |
| | Division 4B Special audit of Sydney Motorway Corporation | 23 |
| 45J | Special audit | 24 |
| | (1) The Auditor-General is, as soon as practicable after the end of each financial year of Sydney Motorway Corporation Pty Limited (ACN 601 507 591) (the <i>SMC</i>), to inspect and audit: | 25 26 27 |
| | (a) the financial report of the SMC and any of its subsidiaries, and | 28 |
| | (b) the books and records of financial transactions of or relating to: | 29 |
| | (i) the SMC and any of its subsidiaries, and | 30 |
| | (ii) assets of or in the custody of the SMC and any of its subsidiaries. | 31 |
| | (2) The Auditor-General, or a person (being the Deputy Auditor-General or an auditor) authorised by the Auditor-General, is to report to the SMC, the Minister for WestConnex and the Treasurer as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the Auditor-General or authorised person call for special notice. | 32 33 34 35 36 |
| | (3) The Auditor-General is to include a reference to any audit conducted under this section in the report referred to in section 52 (1). | 37 38 |

- (4) Towards defraying the costs and expenses of any such inspection and audit, the SMC is to pay to the Auditor-General such amounts, at such times, as the Treasurer determines. 1
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- (5) For the purposes of this section, a **subsidiary** of the SMC includes any of the following entities: 4
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- (a) WCX M4 Pty Limited (WCX M4), 6
 - (b) WCX M5 AT Pty Ltd, 7
 - (c) WCX M5 PT Pty Ltd, 8
 - (d) WCX M5 AHT Pty Ltd, 9
 - (e) WCX M5 PHT Pty Ltd, 10
 - (f) WCX M5 AT Pty Ltd as Trustee of WCX M5 Asset Trust (WCX M5 Asset Trust), 11
12
 - (g) WCX M5 PT Pty Ltd as Trustee of WCX M5 Project Trust (WCX M5 Project Trust), 13
14
 - (h) WCX M5 AHT Pty Ltd as Trustee of WCX M5 Asset Hold Trust (WCX M5 Asset Hold Trust), 15
16
 - (i) WCX M5 PHT Pty Ltd as Trustee of WCX M5 Asset Hold Trust (WCX M5 Project Hold Trust), 17
18
 - (j) WCX M5 Finco Pty Ltd (WCX M5 Finco). 19

1.5 Public Interest Disclosures Act 1994 No 92 20

Section 4 Definitions 21

Insert after paragraph (b) of the definition of **public authority**: 22

- (b1) Sydney Motorway Corporation Pty Limited (ACN 601 507 591) and any of its subsidiaries (including those referred to in section 45J (5) of the *Public Finance and Audit Act 1983*), 23
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