

## **Supplementary Questions**

### **No. 1 - Supplementary Question**

**(1) What is the inaccessibility problem requiring refurbishment of the Level 2 exercise areas?**

**(a) How much will this cost and when will it be completed?**

**(b) For how long will the area be closed for use?**

### **Answer**

1        Currently, wheelchair users cannot access the gym area or changing facilities. Equitable access is required to comply with the Disability Discrimination Act.

A        Indicative construction cost is estimated at \$1.7M, which includes the provision of equitable access, replacement, and upgrade to the bathroom facilities.

B        It is anticipated that construction will commence in late May – early June 2024 and take approximately 14 weeks to complete.

## No. 2 - Supplementary Question

(2) Why does it take so long to replace a passenger lift in the building?

(a) What tenders were received for the prompt completion of this work and why were they rejected?

### Answer

2 The lift works program includes five (5) passenger lifts and three (3) goods lifts. The program is driven by a few key factors, all of which impacts the program and methodology of the works. These include:

- Each lift takes approximately 16 weeks to upgrade, involving full strip-out and replacement of the lift car interiors, works through the entire lift shaft from Level 2 to Level 12, replacement, and upgrade of the existing infrastructure, associated lift machinery (much of which is large and has considerable weight), controls and installation of the new replacement infrastructure.
  - Only one (1) lift to be removed from service for upgrade at a time, to ensure the functions of Parliament can be supported.
  - Noisy/disruptive activities/works, which forms a large majority of the lift works, cannot commence during normal business hours of Parliament House, whilst Parliament is sitting or functions are underway, which limits these works to only being undertaken at night, to ensure the functions of Parliament are not impacted.
  - Maintaining two operating systems, one for the upgraded lifts and one for the lifts not yet upgraded and ensuring the two systems still communicate with each other.
  - Complexity of the work being undertaken and its associated risks with working at height, moving parts and heavy lifting, which necessitates a high level of planning, rigor, supervision, cross checking, safety considerations and compliance.
  - Incorporation of the new lifts testing and performance, undertaking adequate simulation period before lifts are returned to service and adequate proving period before the next lift is removed from service for upgrade.
- a. Competitive tendering was undertaken from four (4) tenders from suitably experienced and qualified organisations, were assessed over a range of evaluation criteria, inclusive of time and cost, with the successful tenderer providing the shortest program and value for money submission.
- Consideration was given to shorten the program by upgrading multiple lifts at the same time, this involves taking two (2) lifts offline for 16 weeks compared to one (1), this was not pursued due to:

- More disruptive to the Parliament operations, requiring at some point for there to be two (2) passenger lifts taken out of service, thus restricting passenger/member movements to three (3) lifts and only two (2) lifts if one (1) of the three (3) suffered a mechanical failure/breakdown during that period.
- Represent a greater risk during the upgrade works and in returning two (2) upgraded lifts to service at the same, rather than one (1) at a time.

### **No. 3 - Supplementary Question**

(3) In the out-years of the Forward Estimates, will there be an increase in HR staff beyond the extra 11 in 2023/24?

(a) What are the details?

#### **Answer**

3. Nil proposed

a. N/A

#### No. 4 – Supplementary Question

(4) In the matter of Abigail Boyd's Electoral Allowance reports to The Greens (as tabled):

(a) If there is an allegation of misuse of parliamentary entitlements (in this case referred to by ICAC) how can the parliament not conduct a full and thorough investigation?

(b) What are the guidelines or protocols for the conduct of 'administrative reviews' in the parliament for allegations of financial impropriety against MPs? Was there a precedent for handling the Boyd matter this way and not conducting a proper investigation?

(c) Why did Mr. Blunt and the Acting CEO, DPS not ask Ms. Boyd for the relevant legal bills and invoices for the costs she reported to The Greens, to ensure they were within the rules for Electoral Allowance use?

(d) Will Mr. Blunt now assist in fulfilling Ms. Boyd's promise to the Committee of producing all her bills, invoices and bank accounts in this matter for inspection by Mr. Latham, as per the letter Mr. Latham has written to Mr. Blunt to make this possible in the Clerk's office?

(e) In their 'administrative review' did Mr. Blunt and the Acting CEO, DPS consider:

i. the Greens party Electoral Allowance reports provided to ICAC? and

ii. the original detailed letter of complaint to ICAC?

iii. What conclusions were reached from this consideration?

(f) Given that Ms. Boyd told the Committee her Electoral Allowance was used with "something that has been connected with future legal cases" (page 34 Transcript) how can her expense claim dating back to March 2019 (as reported to The Greens) be valid?

(g) Given that in the cost determination for *Johnston v The Greens NSW* [2019] NSWSC 215, Ms. Boyd's costs were the same quantum as the amounts of Electoral Allowance reported to The Greens, doesn't this indicate she was claiming for a case heard (on 1 March 2019) prior to her election to the Legislative Council?

i. How can this be a valid use of Electoral Allowance (with the associated income tax benefits this brings)?

ii. Will a full and thorough investigation now be held given the amount of public money (\$34,675.54) involved?

(h) Did Mr. Blunt and the Acting CEO, DPS realise that in the MPs' reports to The Greens (as published on the party's website and available to any reviewer or investigator) Ms. Boyd and Mr. David Shoebridge MLC claimed identical amounts of legal costs as Electoral Allowance in 2021, that is, \$4,569?

i. Both Boyd and Shoebridge were respondents to Mr. Johnston's appeal against the original judgement and they used the same solicitor. Doesn't this indicate they were claiming off the same appeal case?

(i) In any of the material Ms. Boyd sent to Mr. Blunt in mid-2023 is there a court judgment clearing Ms. Boyd of the misuse of Electoral Allowances?

i. What does it say?

(j) Do the court judgments submitted by Ms. Boyd deal with the question of "double dipping", that is, the prohibition on litigants profiting from costs, rather than the appropriateness of her Electoral Allowance claims?

## **Answer**

### **4 a) Investigations of members' use of entitlements**

Neither the Clerk of the Parliaments or the Chief Executive of the Department of Parliamentary Services have been authorised to conduct investigations into members' use of their entitlements.

Since the appointment of the Independent Complaints Officer in August 2023, that officer now has authority to investigate such matters.

The entitlements framework requires Members to self-assess the use of their entitlements in accordance with the Parliamentary remuneration Tribunal determination and the guidelines issued by the Department of Parliamentary Services. Members are accountable for their use of entitlements via external audit by the Audit Office of NSW and the Parliament's internal audit program, which ensures each member is subject to an audit at least once during each parliamentary term.

In relation to claims for a tax deduction for the use of a members' electoral allowance – these are matters for the Australian Taxation Office to determine whether the deduction is appropriate or not.

Finally, it should be noted that in this matter the Independent Commission Against Corruption did not refer the matter for investigation, but rather referred it for information.

### **4. b) Administrative reviews**

In the absence of authority to investigate members' use of their entitlements, for as long as the Clerk can recall (ie well over 20 years) the Clerk of the Parliaments and Chief Executive of the Department of Parliamentary Services have responded to complaints about these matters as follows. The substance of the complaint or allegation is put to the member for a response. If the response is satisfactory the matter is closed. If there is clear evidence of a misuse of entitlements the member is encouraged to repay the relevant amount. In the event that there is evidence of corrupt conduct or fraud the matter is drawn to the attention of the relevant authorities.

### **4. c) Requests for legal bills etc**

The matter was handled in accordance with long standing practices. Given the appointment of the Independent Complaints Officer in August 2023, such matters are now able to be investigated by that body.

### **4. d) Following up Ms Boyd**

It is understood that Ms Boyd is awaiting legal advice in relation to the material that can be provided to Portfolio Committee 1.

#### 4. e) to i) Details of the matters reviewed

As outlined at the hearing on 4 March 2023, the Clerk of the parliaments and the Acting Chief Executive sought a response from Ms Boyd in relation to the information provided by the Independent Commission Against Corruption. Other than court judgements attached to Ms Boyd's response, no further documents were sighted or sought. (Neither of the items referred to in questions e) i) and ii) were provided to the Parliament by the ICAC.)

#### 4. i) to j) Court judgements

The judgements to which we had access were those in *Johnston v Boyd [2023] NSWSC*, judgement dated 2 March 2023, and *Daryl Lindsay Johnston v Abigail Boyd 2022/00264349*, judgement also dated 2 March 2023 dismissing a notice to produce certain documents. The judgement in *Johnston v Boyd [2023] NSWSC* referenced earlier decisions in the same matter: *Johnston v The Greens NSW [2019] NSWSC 215*; *Johnston v The Greens NSW [2020] NSWSC 10*; *Johnston v The Greens NSW (No 2) [2020] NSWSC 10*; *Johnston v The Greens NSW [2020] NSWCA 357*; and *Johnston v The Greens NSW (No 2) [2021] NSWCA 291*.

## No. 5 - Supplementary Question

(5) What was the Government/Opposition/Crossbench breakdown (of the employing members) of participants who provided some form of evidence to the Edwards review?

(a) For each category of evidence gathered

- i. In actual numbers
- ii. By proportion

(b) Overall

- i. In actual numbers
- ii. By proportion

### Answer

The Edwards review comprised a number of different methodologies, including:

- Focus groups - 10 LA staff, 2 MLAs, 10 LC staff, 3 LC members

Crossbench 20.75 %

Opposition 50.75 %

Government 28.25 %

- Survey of Staff and Members of the Upper and Lower Houses of NSW  
(breakdown of Gov/Opp/CrossB not available)

Survey response rates:

*Employees of Members of the Legislative Assembly (Lower House)*

101 (28%)

*Employees of Members of the Legislative Council (Upper House)*

23 (31%)

*Staff of Special Office Holders*

4

*Legislative Assembly (Lower House) Members*

12/93 (13%)

*Legislative Council (Upper House) Members*

8/42 (19%)



## **No. 6 – Supplementary Question**

(6) What evidence was used to support the conclusion reached by the Parliamentary Executive Group that the results of the Edwards review weren't accurately reflective of staff experience?

(a) Could this evidence be provided?

### **Answer**

6. PEG considered the methodology and evidence of consultation contained in the report in determining its lack of cross-representation.

6a. As the evidence is contained within the report which was not accepted, it can therefore not be provided. As discussed at the hearing, further work has been undertaken to address the gaps in the original report and the parliamentary administration will shortly begin engaging with members and members' staff on a proposed model for changes to workplace arrangements to accommodate the feedback received during the Edwards review and subsequent follow up consultations.

### **No. 7 - Supplementary Question**

(7) Given Members of the Legislative Council only have 1 staff member and there is no budget for casual staff, is it possible for a short-term relief staff member to be trained by the permanent member to do their role, and for both the permanent members and the STR member to both be paid?

### **Answer**

The Parliamentary Remuneration Tribunal (PRT) currently determines the number of staff to be provided to Members. There is currently no entitlement in the PRT Determination for additional staff during a handover period such as that proposed in the question. Members will have an opportunity to make representations on this matter, should they choose to at the next annual review.

### **No. 8 - Supplementary Question**

(8) Similarly, when staff leave an office and a new staff member is brought in, is it possible for both the outgoing and incoming staff members to be paid during a handover period?

### **Answer**

The Parliamentary Remuneration Tribunal (PRT) currently determines the number of staff to be provided to Members. There is currently no entitlement in the PRT Determination for additional staff during a handover period such as that proposed in the question. Members will have an opportunity to make representations on this matter, should they choose to at the next annual review.

### **No. 9 - Supplementary Question**

(9) Would the Presiding Officers consider introducing a pool of 10 days each year that would allow for these training and handovers to occur in such a way that all staff are paid for the work that they do?

#### **Answer**

The Parliamentary Remuneration Tribunal (PRT) currently determines the number of staff to be provided to Members. There is currently no entitlement in the PRT Determination for additional staff during a handover period such as that proposed in the question. Members will have an opportunity to make representations on this matter, should they choose to at the next annual review.

## **No. 10 - Supplementary Question**

(10) Currently, short-term relief staff can't claim short-term relief in the SAP portal unless the permanent staff member that they are replacing has had their leave for that day approved. This is often unrealistic due to staff having to take leave at short notice due to illness, and members being unable to approve leave for a variety of reasons. Most people would consider it unacceptable that STR staff either need to come in, unpaid, on a different day to claim payment for the casual work, or have to wait until the next day they are called in to work, often weeks or months later, to be paid for their work. What can be done about this?

### **Answer**

There is a work around when this situation occurs by contacting Human Services (HS). Leave can be entered on the permanent staff members behalf in the backend of SAP.

HS will follow up by emailing the Member and asking for their approval for the staff member's leave by way of a return email, simply stating – Approved.

## **No. 11 - Supplementary Question**

(11) What levels of Parliament have zip taps available to all?

(a) How many are on each level?

### **Answer**

23 in total throughout the building

12 available to all.

3 on level 6

4 on level 8

1 on level 9

2 on level 10

1 on level 11 and

1 on level 12

### **(a) How many are on each level?**

Lv6 Media West

Lv6 Media North

Lv6 Café

Lv8 Corp Accommodation

Lv8 Corp Accommodation

Lv8 North (cold only)

Lv8 Northwest (near Digital Projects)

Lv9 North (cold only)

Lv10 North (cold only)

Lv10 Room 1011- Kitchenette

Lv11 North (cold only)

Lv12 North (cold only)

**No. 12 - Supplementary Question**

(12) What is the installation cost of one zip tap?

**Answer**

Installation varies depending on inclusions and location in cabinetry and is about \$500.

Installation includes: New feed for water and electricity  
Installation in cabinetry

Individual units range for \$3500 - \$6000 depending on cup output.

**No. 13 – Supplementary Question**

(13) Has consideration been given to installing more zip taps around Parliament, for example on each level frequented by parliamentary staff?

**Answer**

There is no stand alone program of work considering zip taps across the precinct as a whole. As specific areas of the parliamentary precinct are refurbished, consideration is given to the infrastructure required in those areas, including the provision of facilities such as zip taps.



## No. 14 - Supplementary Question

(14) How much money has DPS spent on products purchased from Hewlett Packard (inclusive of HP Enterprise businesses, HP end-user businesses, and any other businesses representing the Hewlett Packard brand) (HP):

(a) Please provide this information for each financial year since 2018/19 including 2023/24 to 31 December 2023, divided by agency, and include a short description of the kinds of products purchased for each agency each year, including whether any money has been spent since 7 October 2023.

### Answer

Financial years	Spending directly with HP	Spending with third-party vendors for HP hardware	TOTAL
1.7.18 - 30.6.19	\$ 180,137.82		\$ 180,137.82
1.7.19 - 30.6.20	\$ 126,066.78		\$ 126,066.78
1.7.20 - 30.6.21	\$ 796,051.78		\$ 796,051.78
1.7.21 - 30.6.22	\$ 213,291.90	\$ 1,282,198.15	\$ 1,495,490.05
1.7.22 - 30.6.23	\$ 979,321.10		\$ 979,321.10
1.7.23 - 6.10.23	\$ 33,256.01		\$ 33,256.01
7.10.23 - 18.3.24	\$ 56,942.20	\$ 723,710.80	\$ 780,653.00
			<b>\$ 4,390,976.54</b>

Hardware purchased from HP or third-party vendors includes:

- Computer hardware for all members, members staff and corporate staff. This includes laptops, desktops, docking stations, monitors, bags, keyboards, and mice.
- Printers
- HP Servers and storage

### **No. 15 - Supplementary Question**

(15) What policies and procedures are used to ensure that procurement is ethical and meets community standards?

#### **Answer**

IT Services adheres to the NSW Governments ICT Purchasing Framework, along with the ICT Services Scheme nested within it, and the NSW Government eTendering guidelines when procuring all ICT goods and services. This entails opening tenders to suppliers registered with NSW Buy and conducting comprehensive tender evaluations to fulfill the business's requirements while ensuring optimal value for money.

## No. 16 - Supplementary Question

(16) If products are procured from Hewlett Packard (meaning any business representing the Hewlett Packard brand), what probity checks have been done to investigate whether HP is involved in the 'plausible genocide' taking place in Gaza?

### Answer

IT Services procures all HP devices through the NSW Government's whole-of-government ICT End User Devices and Services Contract 9826 (formerly ICT End User Devices and Services Contract 999, as of October 1, 2023) which is managed through DCS.

When approached DCS were not able to comment specifically about the situation in Gaza.

This contract is a mandatory, whole-of-government agreement and all NSW Government agencies are eligible to use, and must use, this contract when buying ICT end user devices and services. HP, as an approved supplier under this contract, was selected as their devices closely aligned with our technical specifications and pricing requirements.

The ICT End User Devices and Services panel contract falls under the NSW Government's ICTA/MICTA contracting framework, effective from October 1, 2023, to September 30, 2026. It was established based on responses to the NSW Government's request for proposal through the NSW Government tendering platform, catering to the needs of all agencies.

For HP products procured through distributors or resellers, IT Services invites suppliers registered with NSW Buy to participate by responding to a tender or providing quotes. A thorough tender evaluation process then follows to ensure that the products align with our business requirements, offer value for money, and are sourced ethically without involvement in modern slavery. This process ensures transparency, fairness, and accountability in our procurement practices.

DCS undertook an open-market procurement process in accordance with NSW Government procurement manual in establishing the All-of-Government panel for End User Devices and Services (C9826). The due diligence checks include compliance to applicable NSW Government policies\*.

\*These policies included policies such as [Supplier Code of Conduct](#), [NSW Government Procurement Policy](#), [NSW Government Small and Medium Enterprise and Regional Procurement Policy](#) and [NSW Aboriginal Procurement Policy](#) and applicable legislation and standards such as [NSW Work Health and Safety Regulation 2017](#), [NSW Workplace Injury Management and Workers Compensation Act 1998](#), and [Modern Slavery Act 2018 NSW](#).