

INQUIRY INTO PROTECTION OF PUBLIC SECTOR WHISTLEBLOWER EMPLOYEES

Organisation: NSW Legislative Council
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Date received: 8/05/2009



LEGISLATIVE COUNCIL

OFFICE OF THE PRESIDENT

Mr Frank Terenzini MP
Chair
Committee on the Independent Commission Against Corruption
Parliament House
Macquarie Street
SYDNEY NSW 2000



Dear Mr Terenzini

Inquiry into the protection of public sector whistleblower employees

Please find enclosed a supplementary submission by the Department of the Legislative Council to the above inquiry, in response to the Discussion Paper of your Committee, dated March 2009.

Yours sincerely

Peter Primrose
President

8 MAY 2009

Committee on the Independent Commission Against Corruption: Inquiry into the Protection of Public Sector Whistleblower Employees

Supplementary submission by the New South Wales Department of the Legislative Council

Introduction

In its original submission to this inquiry the Department of the Legislative Council outlined its strong commitment to protection of members' staff and parliamentary staff who report corrupt conduct, maladministration or serious and substantial waste of public money. This supplementary submission updates the original submission in relation to changes in the structure of the administration of the NSW Parliament. Comments are also made on Proposals 4, 13 and 14 of the Discussion Paper circulated by the Committee,¹ as these cover issues not specifically mentioned in the original submission.

Department of Parliamentary Services and HR Policies

It is important for the Committee to note the change in the structure of the administration of the NSW Parliament that has occurred since the original Legislative Council submission and since the evidence given by the Clerk of the Parliaments on 1 December 2008. Following a review by Internal Audit Bureau (IAB), responsibility for the administration of members' entitlements and human resources within the Parliament has been moved from the two House departments and combined into a single unit in the Department of Parliamentary Services (DPS). The development of policies on issues such as employment conditions, protected disclosures, grievances and inductions is now therefore the responsibility of the Executive Manager, DPS.

Despite this structural change, the Presiding Officers remain the employers, with the administration of the staff of members managed by the Clerks of each House. This means that a protected disclosure by the staff of a Legislative Council member will, under section 8 of the *Protected Disclosures Act 1994* ("the Act"), continue to be to the Clerk of the Parliaments.

It would be valuable for the Committee to seek a view from the Executive Manager, DPS regarding proposal 3 of the Discussion paper, as unlike the Department of Legislative Council, various sections in DPS make frequent and extensive use of contractors.

Proposal 4

Proposal 4

That the *Protected Disclosures Act 1994* be amended to make it clear that, in addition to public officials, disclosures made by volunteers and interns working in the office of a member of Parliament are eligible for protection.

¹ Committee on the Independent Commission Against Corruption, *Protection of public sector whistleblower employees: Discussion Paper*, Report no. 5/54 – March 2009

The Department of the Legislative Council believes that volunteers and interns should receive the same protections under *the Act* as is given to paid employees, so, to that extent, supports the proposal. The Department also suggests the proposal should be extended to cover secondary students on work experience. The ability of the Department of the Legislative Council to manage difficult situations differs across the three categories of individuals – interns, school students and volunteers – and separate policies cover each group. A person working in the Parliament should not, however, be excluded from the protections of *the Act* simply because they are not a paid employee. In many cases their position is more vulnerable than that of paid staff, particularly in the case of a volunteer working directly for a member. Policies need to state the protections available and volunteers need to be properly inducted to ensure volunteers, interns and work experience students are given guidance and support.

Interns

Interns are typically from a tertiary institution. They are placed with Legislative Council members or with a committee secretariat by a process administered by the Department of the Legislative Council. There is a formal internship arrangement made with the University of Sydney, the University of Notre Dame and Macquarie University. The induction process addresses OH&S, code of conduct issues, a harassment-free workplace, and confidentiality and use of official information. There is a finite period for the placement, with the period specified on the form to apply for an internship. The “Internships with Legislative Council members or committees” is included as an attachment to this submission (attachment 1). Members may make their own internship arrangements but all interns are asked to comply with the policy and undergo induction and training in relevant Departmental policies.

Secondary Students Work Placements

The Department of the Legislative Council notes that Years 10, 11, 12 and post secondary work experience students are also given placements in sections of the Department of the Legislative Council through a program administered by the Parliamentary Education Section of DPS. Placements are usually made for a one week period, but can last up to two weeks.

The policy for “Workplace Learning – HSC Vocational Education and Training (VET) Work Experience and Year 10 Work Experience” (attachment 2) states that “students have the same rights as employees to a safe workplace, free from harassment and discrimination and in addition free of any conduct that is unacceptable in terms of child protection”.² The program does not place students in members’ offices, although it states “Members who offer work experience to students ...may find the policy a useful guideline to their own program”.³

Work experience students from TAFEs or universities (excepting those who are part of the formal internship program) are covered by the policy “Work Experience – Post Secondary Students” (attachment 3). This policy predates the internships and VET policies, and is less comprehensive in its statement of the rights of work experience students in the workplace.

There is a code of conduct for work experience students (attachment 4). This includes the statement that “Work experience students must not discuss information told in confidence by a Member or other Parliamentary employee to anyone else except with the express permission of that Member, or unless it became public knowledge”.⁴

² at pg 2

³ *Ibid*

⁴ *Work Experience – code of conduct* pg 1 (Parliament wide policy, August 1998).

The Department of the Legislative Council therefore believes Proposal 4 should be amended to refer to “work experience students” in addition to interns.

Volunteers

Volunteers in members’ offices pose challenges to the administration of the Department of the Legislative Council. Since members make use of volunteers, there is a need for appropriate regulation. To manage risk and ensure a consistency of approach strict guidelines are required for the use of resources and the way in which volunteers operate in a member’s office. Council members are generally provided with an office on level 11, with space and equipment for one to two staff members who are Departmental employees. The use of volunteers raises difficulties with regard to security and other matters, including access to the Parliament’s computer network. There is no funding provided to the Parliament to support any demands made upon resources such as IT, furniture, equipment or training.

The position of volunteers working for the Department of the Legislative Council is covered by the “Policy on non-staff persons working in members’ offices” (attachment 5). “Non-staff” are defined as volunteers or other persons not employed by the Parliament who work in a member’s office. The Policy quotes the recommendation of a 1998 ICAC report that:

Consideration should be given to excluding persons other than the Member or his staff from using electorate or parliamentary office services, facilities and equipment to that Member.⁵

It is acknowledged that the actions of a volunteer in a Member’s office could lead to a situation where the activities of the volunteer themselves are the subject of a protected disclosure. All parliamentary facilities may only be used “for the purpose of facilitating the efficient performance of parliamentary duties of members”,⁶ and use of parliamentary resources by volunteers for other purposes (eg political campaigning or electioneering) could potentially raise issues of corrupt conduct as defined under section 8 and 9 of the *Independent Commission Against Corruption Act 1988*.

The Department of the Legislative Council seeks to offer protection to volunteers, within the limitations of the irregular nature of their working relationship with the Department. If the Department is advised that a volunteer is working in a member’s office they are inducted in the same way as an employee or intern, and are asked to sign a statement (attachment 6) that they have read the relevant documents and are aware of their responsibilities. Volunteers working for Legislative Council members are not employees of the Department, unlike members’ paid staff. However in inductions the Department of the Legislative Council advises that the Code of Conduct for Members’ staff, which includes whistle blowing procedures, applies to volunteers.

If *the Act* were amended to include volunteers, interns and work experience students, Parliament’s policy on Protected Disclosures would need to be amended to make it clear that volunteers and interns were included, for the purposes of the Act, as being able to make such disclosures.

Proposal 13 and 14: Vexatious complaints

⁵ At pg 1.

⁶ At pg 2.

Proposal 13

That the Protected Disclosures Act 1994 be amended to include definitions for “vexatious” and “frivolous” complaints as provided for in section 16 of the Act, to enable agencies to more easily identify complaints that are not eligible for protection.

Proposal 14

That public authorities include in their Protected Disclosures policies advice:

- that complaints made substantially to avoid disciplinary action, or made vexatiously or frivolously, are not eligible for protection under the provisions of the Protected Disclosures Act 1994; and
- specifying appropriate avenues for resolving grievance and performance related issues.

The Department of the Legislative Council supports the proposals of the Committee on the Independent Commission Against Corruption to enhance the ability of agencies to identify vexatious and frivolous complaints, and to direct complainants to grievance procedures if these are more appropriate. If these amendments were made the Protected Disclosures policy and the Grievance policy currently located on the Parliament’s intranet would need to be amended to encompass the definition under *the Act*.



LEGISLATIVE COUNCIL

Internships with Legislative Council members or committees

Definitions

- **intern** means a student undertaking a university program of study entailing a period of work with a Member of Parliament or parliamentary committee. It does not refer to non-staff persons working in members' offices (ie volunteers) or to work experience students.
- **staff employed by the Legislative Council** means permanent or temporary staff employed by the Parliament.

1. General information

A number of universities offer undergraduate students the opportunity to participate in one-semester internships as part of their program of study. Universities conducting internships seek partnerships with a range of organisations, including the Legislative Council, to provide suitable placements for their students. The internships provide for students to undertake research and related work for members or committee secretariats for a set number of days per week over one university semester.

Legislative Council Corporate Support administers internship arrangements, including coordinating communication between the university and the participating member or committee director.

The Legislative Council currently has formal internship arrangements with the University of Sydney, the University of Notre Dame and Macquarie University. These programs vary in length of internship, number of students available, and are offered at different times throughout the year. The process for participating in these formal programs is outlined in further detail below. It should be noted that Members wishing to engage an intern from another tertiary institution will need to contact Legislative Council Corporate Support for approval *before* the internship commences. Corporate Support will then facilitate the arrangement by providing the necessary administrative assistance.

The precise arrangements relating to the formal internship programs vary between universities. Generally, however, members and committee directors are approached annually to register an interest in participating in the program as a partner with the university. Students apply through their university to undertake an internship with a Legislative Council member or committee. Selection and matching of students to members or committee secretariats is undertaken by the university in conjunction with the Parliament's Education section. Once the selection and matching process has been completed, members and directors are informed of the outcome, usually several weeks prior to the commencement of the university semester.

Students undertaking an internship in Parliament House attend an orientation and induction day prior to commencement. This orientation includes a tour of the building, an introduction to the member or committee director and other staff they will be working alongside. The orientation also includes an overview of occupational health and safety (OHS), security and the code of conduct for staff.

The policy outlined below aims to ensure that interns working in a member's office or committee secretariat are treated in a consistent manner, and that the safety and security of members, staff and interns are protected.

2. Internship Nomination Form

To ensure that proper security and occupational health and safety requirements are met, members and committee directors will be required to complete and sign an Internship Nomination Form prior to the commencement of the internship. A copy of this form is attached at Appendix A. This form will confirm the student's internship and university program details, and provide for applications for a temporary security pass and computer log in access. The form will also provide confirmation that the member or committee director is able to accommodate the intern within existing facilities, and that due consideration has been given to the OHS of all office occupants.

Interns placed with a Legislative Council member or committee secretariat will be required to attend an induction session coordinated by the Corporate Support unit as part of their orientation to the Parliament. The induction will include:

- tour of the Parliament
- GroupWise and intranet introduction, including internet and email usage policy
- occupational health and safety
- staff code of conduct
- harassment-free workplace
- confidentiality and use of official information.

3. Security Arrangements

Interns will be granted general access to Parliament House on those days they are required to attend Parliament House to fulfil the requirements of their internship.

A security pass will be issued on completion of the intern form indicating the location and period of the internship. The intern must wear the security pass at all times whilst in Parliament House, and must alert Parliamentary Security Services if the pass is missing or stolen.

Members and directors must ensure that the security pass is returned at the conclusion of the internship.

4. Occupational Health & Safety

Interns are required to adhere to the Parliament's OHS policies. Interns must advise their member, committee director or a representative of the OHS Committee if they become aware of any potential hazards in the workplace. They must also report any injuries to the Corporate Support unit as well as to the university, including details of any injury management/return to work plan that is devised.

5. Accommodation, furniture & equipment

Accommodation of interns will be within a member's or committee secretariat's allocated office

accommodation. An internship should not proceed where occupational health and safety will be put at risk through such an arrangement, or where the facilities are unable to support an additional person.

In allowing interns to work in a member's office or committee secretariat, members and committee directors must be aware of OHS considerations. Allowing other persons to make use of the office must not adversely impact on the employment conditions or accommodation of staff employed by the Department of the Legislative Council.

6. Computers

Interns can be provided with limited access to the Parliament's computer network. Access can include:

- Internet and intranet
- GroupWise
- Software required to undertake research and writing, eg, Microsoft Word and Excel.

Ordinarily, interns will not have access to the Parliament's i-drive network. This is to ensure that the security of the network is not compromised.

7. Use of other facilities

Interns may access the staff cafeteria for meals.

Interns may access the Parliamentary Library and may make loans only in the name of the member or committee staff.

Interns may only use Parliament House facilities and resources in accordance with this policy on days they are working for a member or committee.

Interns are not entitled to:

- use the staff dining room or bar
- use the recreation facilities on level 2
- parking
- taxi vouchers on sitting nights
- after hours access to Parliament House, that is, outside of sitting hours and normal business hours.

8. Other policies

It is the responsibility of members or committee directors to ensure that interns adhere to any relevant policies of the Parliament. These include, for example:

- Code of Conduct for Members' Staff
- Chamber Access

-
- Communication Devices Policy
 - Internet and email usage policy
 - Emergency Services Plan
 - Harassment Free Workplace Policy
 - Smoke Free Parliament House
 - Lifts – Use of during Division.

These policies can be accessed on the Parliament's intranet site, or copies obtained from Corporate Support or the Procedure Office.

9. Requests for advice or assistance

For further advice on this policy or related matters, please contact the Clerk Assistant – Corporate Support on 9230 2900.

Lynn Lovelock
Clerk of the Parliaments

June 2008



LEGISLATIVE COUNCIL

CORPORATE SUPPORT

INTERNSHIP NOMINATION FORM

Member/committee director details

NAME

POSITION TITLE

ROOM NUMBER

PHONE NUMBER

Intern details

SURNAME

GIVEN NAMES

PHONE NUMBER

EMAIL ADDRESS

UNIVERSITY

SUBJECT

ACADEMIC SUPERVISOR

SCHOOL

PHONE NUMBER

EMAIL ADDRESS

PERIOD OF INTERNSHIP

From:

To:

DAYS THE INTERN WILL BE BASED
IN-PARLIAMENT HOUSE

☐ Monday

☐ Tuesday

☐ Wednesday

☐ Thursday

☐ Friday

I confirm that the abovementioned intern can be accommodated within my allocated office, and that the occupational health and safety of the intern and staff in the office has been considered.

Member/Director Signature: _____

Date: _____

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Workplace Learning - HSC Vocational Education and Training (VET) Work Placements and Year 10 Work Experience

Introduction

This policy details the procedures involved in workplace learning placements for HSC Vocational Education and Training (VET) Work Placements and Year 10 Work Experience students at Parliament House. The procedures are based on current practices in the range of Departments/ Sections that take secondary students on work placements.

Members who offer work experience placements to students make their own arrangements - however, they may find the policy and the appendices useful guidelines for adding to their own program.

Definition

Workplace learning programs are part of the NSW secondary school curriculum. They are work placements organised by a school in which the workplace becomes an extension of the classroom and young people gain practical experience of work places and learn industry and work place skills.

Programs are usually organised so that students spend a block of one or two weeks with an employer.

Workplace learning enables students to:

- be actively involved in gaining first hand knowledge of the world of work
- test tentative career choices against the reality of the workplace
- further develop their social and communication skills in a work environment

There are two main types of workplace learning programs available to students at Parliament House: Year 10 work experience and mandatory work placement for Year 11 and 12 students studying Higher School Certificate (HSC), industry based courses such as Business Services, Information Technology and Hospitality. These courses are known as vocational education and training (VET) courses.

Aims

Year 10 work experience programs aim to:

- provide a practical and informative work experience program for secondary students interested in the workings of the New South Wales Parliament
- ensure that the work experience at Parliament House reflects both the interests of the students concerned, and the needs of the specific Department/Section
- ensure that the students involved in a work experience placement gain a reasonable knowledge of the range of occupations within the Parliament

HSC work placement programs aim to:

- ensure that senior students who have elected to study a HSC vocational education and training course can spend time in a work placement and practice and develop specific industry skills related to that course
- assist students to complete the mandatory work placement as required by a range of HSC VET courses
- assist students to practise and extend, in a work place context, the knowledge and skills that they have learnt in their school courses
- enable employers to provide a contemporary and relevant insight into the industry that they are studying

Procedures

At the beginning of each year and at various times throughout the year the Education Section will send a memorandum to Section Managers requesting whether they are able to accommodate a Year 11 or 12 HSC VET work placement student in their Section for a period of one week during the year. Sections that have not taken work placement before are offered an induction program and information kit to assist them to plan a relevant and useful program for the work placement student and the Section.

Once offers to accept students are received from the various Sections, the Education office liaises with the Sydney Local Community Partnership and the Parramatta Schools Industry Group to allocate and place students for workplace learning at the Parliament.

In regards to Year 10 work experience, students contact the Parliament either by phone or in writing requesting information on work experience placements. Following this contact, the Parliamentary Education Officer will send a letter to the student (**Appendix A**), together with an Application Form (**Appendix B**). Following receipt of an application, including a statement from the Principal indicating the school's insurance and indemnity cover, the Parliamentary Education Officer will send a letter to successful applicants (**Appendix C**) detailing dates and the outline of the work experience placement. The student's Principal will be advised (**Appendix D**), with a copy of the student's letter attached. Placements are to be made under the supervision of the school Principal and Careers Advisor. Official approval must be given by the Principal before a student is accepted into a work experience program, otherwise insurance and indemnity provisions do not apply.

As Work Placement is a mandatory aspect of HSC VET courses, priority will be given to HSC VET work placements and once these positions have been filled any further available work placements will be made available to Year 10 work experience students.

The Education Section does not coordinate work experience placements in the offices of Members of Parliament. Members who offer work experience to students make their own arrangements, however, they may find the policy a useful guideline for adding to their own program. The Education Section is happy to provide further information and resources and to be of assistance to the Member's office in creating a program for the work experience student.

Upon arrival work placement students participate in a one hour induction program conducted by the Education Section which includes:

a brief tour of the Parliament including facilities such as the canteen and library; an overview of Occupational Health and Safety issues that the student should be aware of receiving a temporary Security access pass; receiving an information kit about the Parliament which includes a code of conduct and contact details of relevant people in the Parliament an introduction to their supervisor and the Section that they will be working in whilst on the work placement.

Supervision and Legal Requirements

As in all educational activities, teachers have a responsibility for the health, safety and welfare of students, commonly referred to as 'duty of care'. Work Placement is no exception, but because of the nature of work experience, supervision by the school cannot be as detailed, close and constant and some of the responsibility is shared by Parliament House.

In general, students will be visited by a teacher at least once during their placement. Where this is not possible, alternative arrangements will be made. Supervision visits from the student's teacher will be co-ordinated by the Parliamentary Education Section.

Employers are expected to act in accordance with workplace responsibilities as set out for all employees and members of the public. This includes responsibilities that flow from legislation such as Occupational Health and Safety, Child Protection, Privacy, Equal Employment Opportunity and Anti-Discrimination Legislation.

The role of the workplace supervisor is critical in ensuring the success of the work placement for the student. Students have the same rights as employees to a safe workplace, free from harassment and discrimination and in addition free of any conduct that is unacceptable in terms of child protection. Planning a variety of tasks and activities that the students can manage safely; focusing on knowledge that students can learn and skills that they can develop and providing good instruction and supervision will eliminate and minimise any risks to students.

If a student becomes ill, is injured, is absent or behaves inappropriately the Education Section should be notified and if it is an emergency appropriate First Aid procedures should be followed.

Insurance and indemnity requirements are arranged by the relevant educational sector for work placements organised by schools. Students are voluntary workers and should not be paid. Any payment may invalidate insurance and indemnity arrangements.

Evaluation

Schools provide an assessment form for the Parliament House Work Placement Supervisor to complete and return to the school.

In addition, at the completion of the work experience placement at Parliament House, the Parliamentary Education Officer will provide a questionnaire (**Appendix E**) for the student to complete and return to the Parliamentary Education Section.

Appendix A Initial letter to student following an enquiry

Appendix B Application Form

Appendix C Letter to student advising of placement

Appendix D Letter to school Principal advising of placement

Appendix E Questionnaire for student to complete at end of placement

To view or print, double-click on the selected Word document and select 'Launch'



WES Appendix A.pdf



WES Appendix B.pdf



WES Appendix C.pdf



WES Appendix D.pdf



WES Appendix E.pdf

Approved by the Presiding Officers: September 1992
This version issued: 13 February 2008

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Work Experience - Post Secondary School Students

Introduction

This policy is based on current practices in the Departments/Sections that take work experience students from TAFE colleges, universities and other educational institutions.

Members who offer work experience placements to students make their own arrangements, however they may find the policy a useful guideline.

Definition

Work experience is a placement organised by an educational institution in which the workplace becomes an extension of the classroom. It constitutes part of the syllabus and has relevance for students of all levels of ability.

Work experience enables tertiary level students to:

- practice career-specific skills in a workplace
- be actively involved in gaining knowledge of the world of work

Aims

Work experience placements aim to:

- provide a career-specific program for post-secondary students in a Department/ Section at New South Wales Parliament House
- promote skill sharing by a specific Department/Section

Participants

Post secondary school students seeking work experience placements at New South Wales Parliament House are likely to come from:

- TAFE colleges
- Universities
- Accredited educational institutions or organisations

Students engaged in work experience are volunteers and must not receive payment. Any payment made by the Legislature to a student will mean that the student is considered a 'worker' and will not be covered by their institution's insurance. Responsibility would then rest with the Legislature to provide Workers' Compensation cover.

Procedures

Applications Each Department/Section is to respond separately to requests from students for work experience placements, as it ensures post-secondary school students gain an appropriate placement.

It is critical that the Department/Section requests written confirmation that the student is covered by their institution's insurance and that the Legislature has the benefit of indemnity for student injuries and compensation for damage to property.

Approval Prior to a student being accepted for work experience, there must be written approval from the relevant Department/Section Head..

Terms of placement Students must accept that they will respect the conventions of the workplace. This applies equally to such conventions as confidentiality and to occupational health and safety. Departments/ Sections must put the terms of placement in writing.

Supervision It is the responsibility of the educational institution to:

- ensure the placement is relevant to the student's syllabus or course
- provide details of insurance, on request
- ensure that the work experience host and student are aware of their responsibilities
- arrange completion of necessary forms in the event of an accident

It is the responsibility of the supervisor within the Department/Section of the Parliament to:

- provide occupational health and safety guidelines
- ensure adequate supervision of the student in the workplace

Evaluation The educational institutions will provide an assessment form for the supervisor from the Department/Section of the Parliament to complete and return.

Reporting Each Department/Section should maintain a record of work experience students. These figures can then be included in their annual report. A copy of the forms should be forwarded to the Parliamentary Education and Community Relations Section.

Appendix A Response to student request
Appendix B Application form
Appendix C Student approval advice
Appendix D Student institution advice
Appendix E Checklist

To open or print these documents, double click on the icon and select 'Launch'



WEPS Appendix A.doc



WEPS Appendix B.doc



WEPS Appendix C.doc



WEPS Appendix D.doc



WEPS Appendix E.doc

This version issued: 16 February 1998

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Work Experience - Code of Conduct

Attendance

Work experience students should attend each day for the specified hours as arranged, and must telephone their supervisor if not attending for any reason. In addition students should advise their supervisor when proceeding to lunch and leaving for the day.

Dress and appearance

Work experience students are asked to maintain clean and neat standards of dress and appearance suitable to the workplace.

Personal behaviour

In performing their duties, work experience students should:

- treat Members, staff and the public with courtesy, sensitivity and honesty
- comply with any reasonable directions given by a supervisor and adhere to guidelines concerning the performance of their duties

Use of official resources

Work experience students must not misuse or waste the resources of the Parliament. Equipment should only be used for the purpose of carrying out official duties and waste should be kept to a minimum.

Confidentiality

Work experience students must not discuss information told in confidence by a Member or other Parliamentary employee to anyone else except with the express permission of that Member, or unless it has become public knowledge.

Use of official information

Work experience students must not disclose official information obtained during their time of work experience, except information that is on the public record or where formal approval has been given.

Political participation

Work experience students who are politically active must ensure that their participation in political matters does not impair their ability to serve all Members in a politically neutral manner.

Public comment

Other than in the course of any assigned duties, work experience students should not make public comment relating to the operations of the Parliament.

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LEGISLATIVE COUNCIL

Policy on non-staff persons working in members' offices

Definitions

In this policy:

- “non-staff person” means a volunteer or other persons not employed by the Parliament, such as those employed directly by a member or the member's political party, who provide assistance in a member's office
- “staff employed by the Legislative Council” means permanent or temporary staff employed as Secretary/Research Assistants for members.

Exclusions

- this policy does not apply to special temporary employees employed to carry out work for a political office holder under section 33 of the *Public Sector Employment and Management Act 2002*.

1. General information

- 1.1 The Presiding Officers have the right to control access of persons to the parliamentary precincts.
- 1.2 The Presiding Officers also have a duty towards the occupational health and safety of all building occupants.
- 1.3 Members sometimes require persons other than staff employed by the Legislative Council, such as volunteers or persons employed directly by the member or the member's political party, to assist them in their offices.
- 1.4 The Independent Commission Against Corruption (ICAC) recommended in its report “*Investigation into Parliamentary and Electorate Travel: Analysis of Administrative Systems and Recommendations for Reform*” dated December 1998 that:

“Consideration should be given to excluding persons other than the Member or his or her staff from using electorate or parliamentary office services, facilities and equipment allocated to that Member”.
- 1.5 Members should be aware that the engagement of such persons to work in a member's office can impact on the facilities and services of the Parliament. This is evident when such persons place requests and demands on the services and facilities provided by other permanent staff of the Parliament.

- 1.6 This policy aims to ensure that non-staff persons working in a member's office are treated in a consistent manner and that the reputation of the Parliament and safety and security of members and staff are protected through appropriate reference checking and that access to the facilities and services of the Parliament are controlled.

2. Security Arrangements

- 2.1 Non-staff persons should not be working on the Parliament House premises on a regular basis. Non-staff persons must apply for a security pass on the relevant form.
- 2.2 The appropriate security pass will be issued on the following basis:
- a 'Restricted Access Visitor' pass will be issued to non-staff persons who require access for up to 1 month.
 - for periods in excess of 1 month, written applications must be submitted to the Clerk for further extensions of up to six months.
- 2.3 A Security Pass application form is available on the Intranet under Admin Resources ? Policies & Forms ? Security ? Security - Passes for Parliament House, Policy and Application for.

3. Occupational Health & Safety

- 3.1 Non-staff persons are required to adhere to the Parliament's Occupational Health and Safety Policies. Non-staff persons must advise their member or a representative of the Occupational Health & Safety Committee if they become aware of any potential hazards in the workplace.

4. Accommodation, furniture & equipment

- 4.1 Non-staff persons will be required to work within a member's allocated office accommodation. Additional furniture, equipment or other resources will not be provided for non-staff persons. All parliamentary facilities may only be used "for the purpose of facilitating the efficient performance of the parliamentary duties of members" as prescribed by the Parliamentary Remuneration Tribunal in the current *"Determination of Additional Entitlements for Members of the Parliament of New South Wales"*.
- 4.2 In allowing non-staff persons to work in a member's office, members must be aware of occupational health and safety considerations. Other persons working in the office environment must not adversely impact on the employment conditions or accommodation of members' staff employed by the Legislative Council.

5. Computers

- 5.1 Only members and staff employed by the Legislative Council who have a user login may access the Parliament's computer network. Authorised users are not permitted to give their password to other persons. Users must also abide by the policy on use of e-mail and internet access.
- 5.2 It is not practicable for non-staff persons to have access to the Parliament's computer network, for a variety of reasons. These include:
- funding for user licence fees
 - training in software packages
 - computer help desk support

- risk of compromising the security of the network.

5.3 It should be noted that help desk support is only available to members and staff employed by the Legislative Council. Non-staff persons may not make requests for computer support.

6. Use of other facilities

6.1 Non-staff persons may access the staff cafeteria for meals.

6.2 Non-staff persons may access the Library on the written authorisation of a member and may make loans only in the name of the member.

6.3 Non-staff persons may only use Parliament facilities and resources in accordance with this policy on days they are working for a member.

6.4 Non-staff persons are not entitled to:

- use the staff dining room, bar or bottle shop
- use the recreation facilities on level 2
- parking
- taxi vouchers on sitting nights
- after hours access to Parliament House, that is, outside of sitting hours and normal business hours.

7. Other policies

7.1 It is the responsibility of members to ensure that non-staff persons observe relevant policies of the Parliament. These include, for example:

- Chamber Access
- Communication Devices Policy
- Emergency Services Plan
- Harassment Free Workplace Policy
- Smoke Free Parliament House
- Lifts – Use of during Division.

7.2 These policies can be accessed on the Parliament's intranet site by authorised users, or copies obtained from Legislative Council Corporate Support or the Procedure Office.

7.3 Non-staff persons working in member's offices will also find it useful to familiarise themselves with the provisions of the Parliamentary Staff Code of Conduct.

8. Requests for advice or assistance

- 8.1 For further advice on this policy or related matters, please contact the Clerk Assistant – Corporate Support on 02 9230 2323.

(signed)

John Evans
Clerk of the Parliaments

April 2006



Individual declaration

I have received and read the Legislative Council's 'Policy on non-staff persons working in members offices'.

I understand the policy and agree to abide by the conditions specified therein, including those relating to Occupational Health & Safety and the use of the Parliament's resources, facilities and computer network.

Print Name

Signed

____/____/____
Date

Please return the signed declaration to the Office of the Clerk.