

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Monday, 29 August 2016

Examination of proposed expenditure for the portfolio area

THE LEGISLATURE

UNCORRECTED PROOF

The Committee met at 11:15.

MEMBERS

The Hon. N. Maclaren-Jones(Acting Chair)

The Hon. S. Mitchell

The Hon. B. Franklin

The Hon. S. Moselmane

The Hon. P. Primrose

Reverend the Hon. F. Nile

Mr D. Shoebridge

PRESENT

The Hon. D. Harwin, *President of the Legislative Council of New South Wales*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

DON HARWIN, President of the Legislative Council, on previous oath

JOHN GREGOR, Director, Finance, Department of Parliamentary Services, sworn and examined

MARK WEBB, Executive Manager, Department of Parliamentary Services, affirmed and examined

DAVID BLUNT, Clerk of the Parliaments, sworn and examined

The ACTING CHAIR: I declare open the public hearings for the inquiry into budget estimates 2016-17. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land, and pay respects to elders past and present of the Eora nation and extend that respect to other Aboriginal people present.

I welcome the President and accompanying officials to the hearing today. The Committee will examine the proposed expenditure for the portfolio of the Legislature. Today's hearing is open to the public and is being broadcast live by the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence to the hearing, and so I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence, as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for broadcast of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they had more time or with certain documents at hand. In these circumstances, witnesses are advised that they can take a question on notice and provide the answer within 21 days. Any messages from advisers or members of staff seated in the public gallery should be delivered through the Committee secretariat. I remind the President that he is able to pass messages to advisers behind him, and they can do the same to him. Transcripts of the hearing will be available on the Committee's website as of tomorrow morning. Finally, could I ask everyone to turn their mobile phones off or onto silent. All witnesses from departments, statutory bodies or corporations will be sworn in prior to giving evidence. Mr President, I remind you that you do not need to be sworn in as you have already sworn an oath to your office as a member of Parliament. For all other witnesses, I ask that you state your name, your title and agency and either swear the oath or take the affirmation.

I declare the proposed expenditure for the portfolio of the Legislature open for examination. The questions for the portfolio will run till 11:45. There is no provision for the President to make an opening statement and we will commence with questions from the Opposition.

The Hon. SHAOQUETT MOSELMANE: Mr President, we all agree that Parliamentary Services staff, particularly the cleaners, are hardworking—I can vouch for that. But at times the windows are not cleaned and sometimes the waste bins are not collected on time. In fact, at times the bins are collected the following day. Mr President, are you aware of this?

Mr DAVID SHOEBRIDGE: The cleaners do amazing work.

The Hon. SHAOQUETT MOSELMANE: They do.

Mr DAVID SHOEBRIDGE: The cleaners are extraordinarily commendable, wonderful workers.

The PRESIDENT: I have to say that I think this is the first time that those concerns have been raised with me by a member. I am surprised by them. I agree with the comments made by way of interjection by Mr Shoebridge. I think that the cleaners do a very good job. Of course, always there will be lapses, and if there are serious, systemic lapses then I hope that members would bring them to my attention. But in any case, in the first instance, if there is a problem, that problem should be brought to the attention of the relevant members of staff in the Department of Parliamentary Services.

The Hon. SHAOQUETT MOSELMANE: Mr President, can you tell us the number of cleaners we have in Parliament?

The PRESIDENT: Yes. The cleaners that we have are a mix of permanent staff and also staff who are contracted. Basically we have eight agency staff and a permanent team comprising 17 part-time cleaners and eight building assistants.

The Hon. SHAOQUETT MOSELMANE: Are staff members who have been made redundant being replaced by casualised staffing services?

The PRESIDENT: I am advised, having just checked with the head of the Department of Parliamentary Services, that there are no members of the cleaning staff who have been made redundant.

The Hon. SHAOQUETT MOSELMANE: Is there a plan to casualise the DPS cleaning service staff? It appears there has been an increase in the number of casual cleaners. Is this your plan?

The PRESIDENT: As permanent members have retired they have been replaced by contractors, by agency staff. Permanent cleaners who leave have not been replaced. I think this is a matter that has come up previously at estimates and I have made that fairly clear.

The Hon. SHAOQUETT MOSELMANE: What will you do about the number of staff who have left and been replaced by casual workers, Mr President?

The PRESIDENT: I think that the current system is working quite well and I see no particular reason to change it. As I said earlier, I literally cannot remember ever having a member come to me with a complaint about the way that cleaning is done in their office. I think the current hybrid model that we have works quite well.

The Hon. SHAOQUETT MOSELMANE: The fact is that I have had the bins in my office not emptied and replaced until the morning of the following day. I made an inquiry and found out that a number of permanent staff are being placed by casual staff.

The PRESIDENT: I would make the same point again. Until you raised this matter now, you have never come to see me to raise what you consider to be serious or systemic problems with cleaning. If you would like to do that in future, or if that is the view generally of Opposition members or any other members in any party, I am happy to listen to those concerns. But since I have not had those concerns brought to me, I have, I think, fairly the view that the current approach is working well.

The Hon. PETER PRIMROSE: Given the time available, I ask that you take this question on notice. You would be aware from discussions in the House last week of the issue of the cost of removing stickers from an office on level 11. I ask you to advise us of the cost and the length of time involved and whether you propose a change of policy in relation to stickers.

The PRESIDENT: I think we will be able to get that information for you relatively quickly. Before the work was done to make the office fit for purpose for the new member, I asked that an accounting of the cost be retained. I have not brought it with me, but I am sure it will be available.

The Hon. PETER PRIMROSE: One of the things I have become aware of that seems particularly beneficial for the future is the digitisation project of records. I was wondering if you could fill us in on what is happening.

The PRESIDENT: Here in this room—an incredibly historic room that has been restored to its glory—it is interesting to reflect on the fact that we are now literally only eight years away from our 200th anniversary as a Chamber. With the interest I have always had in the history of the place, I am very conscious of that and very conscious of the role that our House played as the first legislative Chamber in this part of the world, effectively.

Mr DAVID SHOEBRIDGE: Now we know if you're running again, Don.

The PRESIDENT: Make no assumptions—I certainly do not! It was a thrill to be able to put to the Treasurer and have him approve 2014-15 budget capital funding to digitise and preserve documents and records of the Parliament from 1824 to 1901. As part of that project, we will be making those important historical records, some of which have never been available outside Parliament before, available online to members of the public, historians and researchers. As a package, these documents form a unique record of our nation's transition from a penal colony to responsible government and to Federation. They are important not just to our Chamber's history, let alone our State's history, but also bear in mind that in 1824 the Legislative Council covered the States of Queensland, Victoria and Tasmania as well, so we were the first legislative body for all of eastern Australia. Those documents record the relationship between leading historical figures in early Australian history as they petitioned, negotiated and corresponded with the Legislative Council in relation to personal, business and political matters.

To date, all of the documents between 1824 and 1856 have been digitised. This includes correspondence with the Imperial Parliament, documents of important historical figures and records of the early society of New South Wales and Australia, as well as of the great political debates leading to Federation. The collection amounts to approximately 60,000 documents, and a process of identifying each document and linking it to the metadata has been undertaken so that the documents can be correctly identified, discovered and linked

to modern-day records and parliamentary papers. I am advised by the Clerk that this important project will be finalised in the coming months, at which time information about the documents and how to access them will be provided so that they can be a treasure trove for interested members of the public and historians.

Once they are on the website, the original documents are going to be transferred to the State Records Authority. Under the existing memorandum of understanding between the Parliament and State Records, we will retain custody of the records, and State Records will manage and care for the records in appropriate environmental conditions and make them available to the public and to researchers on request. I think this is appropriate because when I took up office as President in 2011, I discovered that they were all underneath the old Rum Hospital in a facility that was completely unfit for purpose. We were at great risk of some of those documents being irreparably damaged. Indeed, from memory there was some damage, although it might have been to other documents stored nearby. When we did the library stack project, we were able to move everything that was at risk into safe custody in the new library stack. I think it is appropriate that they be at State Records at their repository in Western Sydney, because they have the public access capacity there that we as the Parliament do not have here.

The Hon. PETER PRIMROSE: That is a good decision. Have there been any developments regarding the use of the Fountain Court for exhibitions?

The PRESIDENT: I have to say we have not been getting quite as many applications from members as used be the case. We always particularly welcome exhibitions brought to the Parliament by members who have vibrant artistic communities within their electorates. Nevertheless we have had quite a few of those in the past couple of years, and we have had some outstanding exhibitions from Illawarra artists, an art community in Bundeena, Pittwater and, from memory, the Blue Mountains. One of the things we have tried to do since 2011 is ensure that at some peak visitation periods we fulfil our community access obligation and engage more with visitors by telling them something about our history and our work. Given the time, I will not expand on the two key exhibitions that we have had but I will foreshadow the next big one that we have coming up is Women in Parliament next year, and we are really excited about the work that is being done on that here. I think it is going to be something that members will really appreciate, and that will be in the Fountain Court from January to April. *[Time expired.]*

The ACTING CHAIR: We will move to questions from the crossbench, starting with Reverend the Hon. Fred Nile.

Reverend the Hon. FRED NILE: President, could you give me a follow-up to your previous report on the progress of returning the royal portraits to the Strangers Dining Room?

The PRESIDENT: I was delighted in 2011 to support your call for the return of the royal portraits to Strangers Dining Room. I felt that was an appropriate thing to do. You would be aware, Reverend Nile, because you would have been a member when Her Majesty and the Duke of Edinburgh visited in 1992, that those portraits date from that time.

Reverend the Hon. FRED NILE: That is right.

The PRESIDENT: The Strangers Dining Room faces east and, despite the nature of the windows that keep a reasonable amount of light out, the portraits have faded quite a lot. In fact the signatures are now almost indecipherable and cannot be seen. When we decided at the beginning of the year to upgrade the Strangers Dining Room wall coverings, which had not been touched for over 35 years, we decided it was also the time to get more contemporary portraits of the Queen and the Duke of Edinburgh, also signed, as the previous ones were. That takes a little bit of time to arrange. They have now arrived and we are looking at framing options that are in keeping with the room. They will be reinstalled as soon as possible. However, they are certainly at a very advanced stage in regard to replacement. I think they will be going up before the end of the year.

Reverend the Hon. FRED NILE: We have had one or two functions related to the monarchy. Could temporary arrangements be implemented, such as having the portraits on a stand, for those sorts of events?

The PRESIDENT: I am sure Parliamentary Catering would be delighted to do that for any group that wanted it in the interim.

Reverend the Hon. FRED NILE: Following legislation being passed by the Parliament, the royal coats of arms were replaced by new coats of arms in the Legislative Assembly and the Legislative Council. They were then moved and placed in this room, but they have mysteriously disappeared. Where are they and will they be reinstalled for public display, given that they are historic and the heritage coats of arms from the beginning of the Parliament?

The PRESIDENT: Never fear, they are gone, but they are not forgotten; they are re-emerging. I like the new coats of arms and the people involved have done a tremendous job. I was not very happy about the old ones coming down, but I think the new ones are first class. I think it was President Primrose who authorised the new coats of arms, but it might have been his predecessor.

The Hon. PETER PRIMROSE: I think it was my predecessor.

The PRESIDENT: They are outstanding pieces of craftsmanship and I am very proud of them. The Legislative Council coat of arms was hung over the fireplace. However, we have refurbished this room to convert it from an interpretative room back to what it was always envisaged to be when it was given to the Parliament in 1906. It was originally the reading room of the Parliamentary Library and we wanted to restore it as closely as possible to that while retaining functionality. All of the aspects of the room that were previously associated with its museum role—there were interpretive panels around the walls—including the coats of arms, were moved out. We now plan to put the royal coats of arms in close proximity to the two Chambers so that they can be viewed by members of the public when they visit.

I cannot speak for the Legislative Assembly about where it will finally put its coat of arms. In any case, arrangements to visit its Chamber are different from ours because the Legislative Assembly Chamber is behind a security door. However, as you know, when members of the public visit our Chamber they are able to walk into it. My view is that the royal coat of arms should be in very close to proximity to the Chamber and near the doors so that everybody can see it. Of course, we cannot make final decisions about the location of these sorts of things without having discussions with the Office of Environment and Heritage. The final location of our coat of arms is pretty much settled, but I think there are still some discussions going on with the Legislative Assembly about the future location of its coat of arms. Ours will be very close to the door through which we enter the Chamber when we come down from the tower block.

Reverend the Hon. FRED NILE: Thank you for that answer. Mr President, I am very pleased to congratulate you and the staff of the education section on the programs that have been conducted. I note in the budget papers that the education section has increased its programs from 66 to 142, but the number of staff has remained at 31.

The PRESIDENT: Yes.

Reverend the Hon. FRED NILE: I assume that is correct. If so, they have been very busy in carrying out this important role. Is there a summary of the education programs?

The PRESIDENT: Given that the bell has just rung and that I do not want to take too much of Mr Shoebridge's time, I will not go into great detail about the education programs. Thank you for your comments about how well the staff are doing. In regard to the budget paper which describes community access and which refers to 31 staff, I point out that they are not all engaged in the activities that we describe as "parliamentary education". In fact, fewer staff members deal directly with education. Yes, they do great work. The funding available in the capital works budget this year will revolutionise our civics education process. For the first time the capital works funding will allow for the creation of a purpose-built education centre on level 6, which will enable us to have students involved in education programs on sitting days.

Reverend the Hon. FRED NILE: Thank you.

The PRESIDENT: Madam Acting Chair, I apologise for going a little over time. If Mr Shoebridge needs to make up some time later, I will try to accommodate him.

Mr DAVID SHOEBRIDGE: Thank you, Mr President. Last Thursday a number of people came into the public gallery and I wished to advise them about what was happening in relation to parliamentary procedure. However, the public entrance was locked and I could not get in without swiping my card. When I asked the security staff to open the door, they said that they could not do so without an attendant present. What is the policy towards having, I would have hoped, free and open public access to the Chamber?

The PRESIDENT: I will ask the Clerk to deal with that matter. Frankly, I am surprised that members of the public were not able to do that. However, there are arrangements in place that I am sure the Clerk will be able to outline.

Mr BLUNT: Visitors wishing to observe proceedings in the Chamber from the public galleries have access at virtually any time the House is sitting via the Chamber and support front desk outside the Chamber. They will be escorted around and swiped in. If any such incidents have occurred—that is, if access has been difficult or denied—I would be concerned about that and would be happy to investigate it.

Mr DAVID SHOEBRIDGE: There was nothing on the door providing information about access to a member of the general public wishing to enter the Chamber who found the door closed. There was no advice about going to the Legislative Council front desk. I do not know whether anyone has been discouraged from attending, but I hope you take these concerns on board and ensure that members of the public are able to access the public galleries if they wish to do so when Parliament is sitting.

The PRESIDENT: Thank you for drawing that to our attention. It is certainly worth investigating and addressing. In regard to the Chamber being permanently open, it is not that simple. Of course, we must always be conscious of security, and if the Chamber is not always open, the security of members and staff would be the reason.

There needs to be a balance. The sorts of arrangements that the Clerk has talked about have resulted from security concerns in terms of keeping the door locked when a staff member cannot be present.

Mr DAVID SHOEBRIDGE: Is it a question of staffing?

The PRESIDENT: It is not unrelated to staffing.

Mr DAVID SHOEBRIDGE: So the prima facie position, I would have thought, would be in accordance with what Reverend the Hon. Fred Nile said: The door should be open at all times when the Chamber is sitting. Is it that there are not sufficient staff to implement that? If so, can we make a call? How do we go about getting sufficient resources to ensure that the public chamber is open?

Mr BLUNT: The current arrangements have been in place for some time. I am certainly happy to look at the matter further. I would be concerned if anything was happening that was discouraging members of the public from observing the sittings.

Mr DAVID SHOEBRIDGE: A locked door is pretty discouraging.

The PRESIDENT: We are very alive to these concerns. When they are brought to our attention we try to respond as quickly as we can. I can honestly say that I do not recall anyone ever raising this with me before.

Mr DAVID SHOEBRIDGE: I am not asking for a solution now but I am asking you to take it on board and perhaps respond on notice.

The PRESIDENT: In terms of what the Clerk said, he has clearly stated that arrangements have been in place for some time. As I said, this is the first time anyone has raised the issue with me.

Mr DAVID SHOEBRIDGE: They may simply have gone away though.

The PRESIDENT: But if there is actually a real issue please come to us and we will have a look at it.

Mr DAVID SHOEBRIDGE: In terms of the budget for committees, is there a separate committee budget for the upper House and the lower House? If so, what is the size of the two pools?

The PRESIDENT: The way the Parliament and its finances work is that we get one appropriation for the whole Parliament and there is an agreed split between departments. So an agreed amount goes to the Legislative Assembly and then to the Legislative Council and then to DPS, because there are effectively three departments within the legislative cluster, if we could use the terminology that generally pertains. By and large that split between the departments has not changed substantially for a fairly long period of time—is that not right?

Mr BLUNT: That is right—the percentage is the same.

The PRESIDENT: So in terms of comparing committee budgets between the two Houses I have to say that first of all, because of the longstanding conventions on comity between the Houses, I am not told terribly much—in fact, I do not think we are told at all the amount the Legislative Assembly spends on committees, but I am sure the Clerk is able to give you some information on our budget. Would you be able to clarify exactly what you are seeking?

Mr DAVID SHOEBRIDGE: I am interested in what our committee budget is. I was interested in a comparison with the Legislative Assembly. Also what proportion of the Legislature budget goes to the Legislative Council?

The PRESIDENT: We can probably tell you what proportion of the Department of the Legislative Council budget goes to committees, but we would not be able to tell you how much the Legislative Assembly spends on it.

Mr DAVID SHOEBRIDGE: I understood that which is why I picked that up in my question.

The PRESIDENT: Okay.

Mr BLUNT: Very briefly, Mr Shoebridge, the Legislative Council gets approximately 19 per cent of the budget of the whole of the Parliament. That of course includes the members program which includes members' salaries and expenses and members' staff salaries and entitlements. The Department of the Legislative Council itself gets 4.3 per cent of the budget of the whole of the Parliament. In the last financial year that amounted to \$5.758 million. Of that \$5.758 million, \$2 million was devoted to supporting the work of Legislative Council committees.

Mr DAVID SHOEBRIDGE: My last question is: Where is it tracking? Are we on budget for committees? What budget do we have left for any committees for the balance of the financial year?

The ACTING CHAIR: The time has expired so we need a quick answer.

The PRESIDENT: That is right—for the balance of this financial year?

Mr DAVID SHOEBRIDGE: Yes.

The PRESIDENT: Do you want to address that now, Mr Blunt, or will we take it on notice?

Mr BLUNT: I give a very brief response: It is very early days for this financial year, of course. We are only two months into the financial year. Generally speaking, resources allocated to support Legislative Council committees are adequate and appropriate for the sorts of committee workloads that we have seen in recent years. The workloads of committees, however, are unpredictable. We never know exactly how many inquiries or references there will be, so one has to be agile—I think that is the word—to be able to respond in those circumstances. But certainly I have no concerns at this point in time, given the anticipated workload, that the current resources are not going to be adequate.

The ACTING CHAIR: Thank you very much. Unfortunately time has expired for this hearing. Thank you very much, Mr President, and to all of your officials for appearing.

The PRESIDENT: Madam Acting Chair, we have some information available in relation to a previous question if you would like me to respond now or I can respond on notice—whatever members need.

The ACTING CHAIR: Now is fine.

The PRESIDENT: In relation to room 1150, all the stickers were removed and the glue residue was removed as well. It was a little more complicated than first thought. The cost of the removal equates to a staff cost for 30 hours of staff time, which is a total of \$960. The equipment was, of course, in-house, so nothing was required to be done with contractors from outside the Parliament. However, the frosting on the glass was damaged by the stickers and will also be replaced. I think that does have to be by an external contractor.

Mr WEBB: Yes.

The PRESIDENT: The cost of that is \$350. So the total cost of fixing the office is \$1,310.

Reverend the Hon. FRED NILE: Will there be a ban on stickers going on windows?

The PRESIDENT: I thought time had expired, so I do not know if I can take that question even on notice.

The ACTING CHAIR: It can be put as a supplementary question at a later stage.

The PRESIDENT: Thank you.

The ACTING CHAIR: Again thank you very much for appearing today. That concludes our session for this morning.

(The witnesses withdrew)

The Committee proceeded to deliberate.