

SUPPLEMENTARY QUESTIONS

THE LEGISLATURE

Questions from Mr David Shoebridge MLC

Energy efficiency

1. *What steps are being taken to make NSW Parliament more energy efficient?*

The NSW Parliament remains committed to promoting sustainability in areas such as water and energy within Parliament House. The Department of Parliamentary Services reviews existing sustainability infrastructure and conducts sustainability reporting annually, in line with the NSW Government reporting policies. This information shows us how we are tracking with reducing energy and water consumption in the Parliament.

2. *Does the NSW Parliament have an environmental and/or sustainability policy in place?*

As part of NSW Parliament's ongoing commitment to improving sustainability at Parliament House, a new Environmental Sustainability Policy was published in January 2015 and is available on the Parliament's intranet.

 - a) *If so, please provide details?*

The Policy focuses on three key areas: compliance and reporting, workforce culture, and infrastructure and operations. The purpose of the Policy is to continue to promote the Parliament's commitment to an environmentally sustainable workplace.
 - b) *If not, why not?*

N/A.

3. *Has Parliament considered having solar panels installed?*

Solar panels were installed on the top of the Tower Building in 2008.

Animal welfare

4. *What steps is the NSW Parliament taking to develop a higher animal welfare procurement policy to aid in the purchase of more humane and sustainable foods?*

Parliamentary Catering recognises the importance of sourcing ethically and sustainably produced foods. A policy that formalises our approach to animal welfare procurement is currently in development, and will be published soon.

5. *Are the eggs used in the Parliament House cafeteria, public café, dining room and catering services free range?*

All our eggs come locally from free roaming cage-free chickens.

6. *How many vegan options does the Parliament House cafeteria, public café, dining room make available every day?*

The weekly menu in Café Quorum always contains one vegetarian or vegan option, and the soups are often vegan. If the vegetarian option contains an animal product (e.g. cheese), it can be made vegan on request. There is also capacity for the kitchen to cater for a request by staff for a vegan meal. In addition to hot meals, vegan options available at all times in the cafe include salads, sushi, hot chips and soy milk for hot drinks. There is also fresh fruit and packaged protein balls for snacks.

As with Café Quorum, there is always a vegetarian or vegan option on the Strangers and Members Dining menu and vegan requests can be accommodated. While not always advertised on the menu, there is vegan sorbet available as a dessert option.

7. *What steps is the NSW Parliament taking to ensure products are sourced from local suppliers?*

Our catering operation seeks to source produce from within New South Wales wherever possible, to increase the demand for ethically and sustainably produced foods in our State. A policy formalising our approach to sourcing products from local suppliers is currently in development, and will be published soon.

8. *What steps is the NSW Parliament taking to ensure it only uses sustainably sourced seafood?*

We attempt to source responsibly produced seafood with care for health and welfare in aquiculture production and farming which will provide an alternative to wild caught fish and other seafood. We benchmark with producers that follow Global Reporting Initiative's framework for sustainability reporting, considered to be world's best practice.

Renovations in Parliament

9. *How much over budget has the current set of renovations gone?*

Three major capital works projects were completed in the 2016/17 financial year. These projects met their budgets, with allowances for minor variations.

The Upgrade to Public Spaces on Level 7 has a small overspend variance of \$41,254, which was offset against unallocated funds from the Minor Capital Works Annual Provisions Budget. The Disabled Access Toilet Upgrade project and Upgrade to Security Infrastructure project both had small underspend variances of \$40,000 and \$30,000 respectively.

Reflex paper

10. *The Reflex paper brand has been linked to unsustainable native forestry practices, particularly in Victoria.*

a) *Has the parliament given consideration to the sustainability practice of their current paper suppliers and best practice in this field?*

The Parliament stocks a range of sustainable papers which is available through the Facilities Branch Procurement Office located next to the Loading Dock. Currently the following options are available to members and staff:

- Reflex Carbon Neutral Ultra White is virgin paper that is carbon neutral certified and Australian made
- Reflex 100% Recycled and Carbon Neutral is 100% recycled paper that is carbon neutral certified and Australian made
- Planet Ark White 100% Australian Recycled Paper

The choice of paper is left to the members and staff.

b) *Will the Parliament consider removing Reflex products from their inventory?*

i. *If not, why not?*

At this stage there has been no consideration given to remove the reflex paper from the stock list. The Facilities Branch Procurement Team offers a choice to members and staff of papers that are manufactured in Australia and promote sustainability practices.

11. Will Parliament consider using Planet Ark 100% recycled paper as their primary source of paper?

We now offer Planet Ark 100% recycled paper as one of paper options available to members and staff. The choice of paper is left to the members and staff.

Palm oil

12. Has the parliament taken any steps to avoid the purchasing of products containing unsustainable palm oil?

Yes.

a) If so, please outline these measures.

All cleaning products containing palm oil and triclosan were replaced at the end of last year. All the hand soaps were also replaced last financial year.

Parliamentary Catering takes the following steps to avoid the use of products containing unsustainable palm oil:

- 90% of all food is purchased in unprocessed, raw form which avoids risks associated with the use of palm oil which are higher with processed food.
- When processed food is sourced, clarification is sought from the supplier as to the ingredients used. For food types with a history of widespread use of unsustainable palm oil, such as biscuits, chocolates and snack items, Catering staff consult a list of sustainable brands and products which is maintained on the Borneo Orangutan Survival Australia (BOSA) website.

b) If not, why not?

N/A

Demonstrations policy

13. Parliament's Demonstrations Policy states that "banners, signs, t-shirts or any item bearing demonstration related branding" are not permitted inside the Parliament precinct, what discretion is used by Special Constables to define demonstration related branding?

The Parliament's Demonstration Policy ensures appropriate management and control of public demonstrations, protests and public stunts within the Parliamentary precincts, and applies to members, staff and the public who enter the precinct.

Banners, signs, t-shirts or any item bearing demonstration related branding that are used during a demonstration outside the Parliamentary precincts are not permitted into the precincts. These items must not be concealed and brought into the Parliament and then utilised to conduct any sort of protest within the Parliamentary precincts.

The Special Constables uphold the Demonstrations Policy and any persons who are part of a public demonstration, protest or public stunt wearing t-shirts, banners or signage that are associated with the demonstration are not permitted within the precincts with these items. If there are any concerns the matter can be either escalated to the Security Manager, Director Facilities Branch, Executive Manager Department of Parliamentary Services, Usher of the Black Rod or Serjeant-at-Arms.

14. *How many formal complaints have been lodged regarding the use of this discretion in:*
No formal complaint has been received in any of the below periods.

a) 2014/15?

b) 2015/16?

c) 2016/17?

15. *When was this policy last reviewed?*

The Demonstration Policy was last reviewed in December 2012.

16. *What substantive changes were implemented from the last review of this policy?*

Key changes to the revised policy:

- Defines and includes persons who attempt to conduct a public stunt that may be disruptive to the legitimate business of the Parliament
- Removes the restriction that accredited media are not allowed to film from the Macquarie Street veranda
- Better defines demonstration material that is not permitted inside the Parliamentary precincts.

a) 2016-17?

No changes were made to the policy in 2016/17.

Use of artificial intelligence

17. *What current uses of artificial intelligence does the department undertake? Note: Please include all uses of AI including uses for resource allocation and administrative support, big data analysis, replacement and assistance of experts and researchers, procedural matters, or summarising diverse data.*

None.

18. *When did the department implement AI technologies and which technologies were these?*

N/A.

19. *What planned uses does the department have for artificial intelligence?*

At this point the department has developed no plans to use artificial intelligence.

20. *What is the anticipated timeline for the expansion of existing AI uses or implementation of new technologies?*

N/A

21. *What policy guidelines, if any, guide the exploration and use of artificial intelligence by the department?*

N/A

22. *What research, if any, has the department undertaken regarding the use of AI in Government services?*

N/A

23. On page one of the LC Annual report 2016, (the year at a glance) shows there has been a reduction of staff in 2010/2011 from 41 fulltime equivalent to 2015/16 to 37 fulltime equivalent.

(a) From what sections and why was there a need for reduction in staff?

The Department has a fulltime equivalent establishment of 39 staff, although with flexible part time arrangements in place for staff in some years the full establishment may not be reached. In the years from 2010/11 to 2015/16 there has been only one restructure which resulted in reduction in staff, with two positions being omitted from the establishment, reducing the Department from 41 to 39 FTE in April 2016. These positions were from the chamber support staff. This change was made in consultation with the team, and reflected changing workloads particularly in non-sitting periods. During sittings the chamber support team is now assisted by committee administrative staff during busy periods.

(b) Are there any plans for further reductions of staff? (i) If so what department?

There are no current plans for reductions of staff.

(c) Can you guarantee there will not be any more reduction in staff in the foreseeable future?

There are no proposals to reduce staff.

(d) What impact has this reduction had on staff and whether the remainder of staff are coping with the reduction?

The impact of the chamber support team continues to be carefully monitored. The recently completed "People Matters" survey for the Department of the Legislative Council for 2017 reported very high positive results for areas such as employee engagement, high performance, communication, public sector values and other areas.

Questions from the Hon Shaoquett Moselmane MLC (on behalf of the NSW Labor Opposition)

Secretary/Research Assistants

24. The Secretary Research Assistants were cut between 2010/11 from 52 fulltime equivalent to 46 fulltime equivalent in 2015/16.

a) Why was there a cut in Full time Secretary Research Assistants?

The number of Secretary Research Assistants (SRAs) are set by the independent Parliamentary Remuneration Tribunal as a part of the members entitlements framework. There has been no cut to the entitlement for fulltime SRAs over the period in question. The number of SRAs employed has fluctuated over this period due to changes in the number of crossbench members (who are entitled to two SRAs) and members of parties with 10 or more members in the Legislative Council entitled to only one SRA. The other contributing factor is that Ministers over this period have not had an SRA in addition to their Ministerial staff.

b) Are there further plans for reductions of staff?

No.

i. If so why?

N/A

- c) *Can you guarantee there will not be any more reduction in staff in Secretary Research Assistants in the foreseeable future?*

A change to staffing arrangements can only be directed by the Parliamentary Remuneration Tribunal.

- d) *What impact has this reduction had on staff and whether the remainder of research staff are coping with the reduction?*

None because there has been no reduction in real terms.

Portfolio Committees

25. *As you are aware Mr President, the LC Portfolio Committees do a great job. At Committee meetings a question is often asked whether or not the committee is sufficiently funded to enable committee members to travel places or simply to assist in meeting the costs of witnesses.*

- (a) Has there been any discussions with the view to increase funding to committees for additional committee work?*

Each year a substantial estimated budget is allocated for committee travel which I understand is generally adequate to cover the necessary costs.

- (b) Has there been any consideration for any additional expenses to charter flights for committee members?*

I am not aware of any circumstance where a committee has not been able to travel within NSW or Australia due to budget limitations. It is routine practice for committee staff to compare the price of charter flights with commercial flights so that the committee have adequate information before them to make a decision on the best option.

- (c) In order to assist committees do their work, will you consider their needs by reviewing and funding Committee needs?*

As you would be aware, the Committee Office does an excellent job supporting committee inquires and they currently do this within budget.

The family response to the murders in Bowraville

26. *Recommendation 6 of the Bowraville Inquiry called on the Government to provide funding to the NSW Parliament to develop a training module for Members and Parliamentary staff on Aboriginal awareness.*

- (a) As the report was tabled three years ago, why has this not been implemented?*

In its response to this recommendation, the NSW Government supported members of Parliament and parliamentary staff undertaking Aboriginal cultural awareness training. In October 2015 the Department of Parliamentary Services launched an online Parliament-wide Aboriginal cultural awareness training course, comprised of seven modules on the key topics pertaining to Aboriginal cultural awareness.

In addition, the Legislative Council has undertaken to offer targeted cultural awareness training to members and staff on all inquiries which are likely to involve a significant level of interaction with Aboriginal communities. Such training was undertaken in 2015 by members and secretariat staff working on the General Purpose Standing Committee No. 3 inquiry into reparations for the Stolen Generations and the State Development Committee inquiry into economic development in Aboriginal communities.

The training was co-presented by an Aboriginal trainer, Dave Widders from Widders Consultancy, and Professor Diana Eades, who provided the same inter-cultural communication training that she provided to the Standing Committee on Law and Justice during the Bowraville inquiry.

(b) What plans are there to implement this in 2017-18?

The online cultural awareness training course continues to be available to members of Parliament and parliamentary staff, and if any Legislative Council committees conduct inquiries which are likely to involve a significant level of interaction with Aboriginal communities in 2017-18 then targeted cultural awareness training will be offered to the committee members and staff.

Mail

27. Every now and then Members receive mail that is scanned, cleared, opened and then sealed by a security sticker. Some of the letters have no metal or any substance other than a piece of paper in it.

a) Why in such a situation is there a need to open up the envelope and potentially have access to confidential information?

All mail items arriving at Parliament House are subject to screening via X ray, visual inspection, and internal inspection should there be something about the item that is deemed odd or suspicious. Grounds for opening and inspection can include an item that feels heavier than expected, has unusual markings or smell, is somewhat misaddressed or addressed with unusual method. These protocols are as per national standard, and items are resealed with a NSW Police seal if they have been opened.

b) What is the necessity for opening up an envelope that a scanner shows is empty of dangerous material?

While an item may not show anything other than paper on an initial X-ray scan, should it raise suspicions (as above) it will be opened in a Powdersafe container designed for opening potentially hazardous mail. This is to ensure that the contents have not been exposed to any noxious substance or be of any other concern. Explosive, toxic and incendiary preparations can be embedded into paper, rendering it a security risk.

c) Is the opening of mail not a Commonwealth offence?

There are Commonwealth laws which outline the circumstances under which it is unlawful to open mail addressed to another person. As part of providing a safe and secure environment, all mail entering the Parliament is subject to security screening. Mail is only opened where there is suspicion that it could cause threat, and for no other purpose. This is a long-standing procedure at Parliaments and other significant institutions in Australia and internationally.

d) Who authorises the opening of the mail?

Mail inspection at Parliament House is conducted as outlined in the Memorandum of Agreement between the Parliament and the Commissioner of NSW Police. All inspection duties are carried out by Special Constables of NSW Police Force who always conduct mail duties in pairs.

e) Are there particular officers who are authorised to open mail?

As per their standard rotation of duties, all Special Constables posted at Parliament House may undertake mail screening duties and they always do this in pairs.

f) *Who is responsible for monitoring the opening of private mail?*

The NSW Police Force Security Management Unit Operations Supervisors posted at Parliament House are responsible for the conduct of Special Constables. They in turn report to the DPS Security Manager.

Printing space L6

28. *I understand that the Printing space at L6 has been turned into an Education centre. When will the centre be opened?*

Construction is scheduled to be complete by the end of June 2018.

29. *Do members have to book the Education centre?*

a) *If so how? What is the procedure?*

The procedure for booking the Education Centre will be developed in the coming months.

Parking

30. *What is the annual budget for the provision of Parking within the Parliamentary Precinct?*

The annual budget for provision of parking within the Parliamentary precinct is based on the net cost of the previous year, with the budget for 2017/18 being \$558,905.76 as per the previous year's loss. The total cost of the car park including the space levy was \$1,002,573.00 in 2016/17, minus parking fees of \$443,667.24 which are used to offset the parking space levy.

31. *Apart from overhead, maintenance and administration costs, what is the nature of input costs borne by Parliament in the provision of parking for Members and staff within the Parliamentary Precinct?*

As per the Parking Space Levy Act 2009, the Parking Space Levy applies to all parking spaces at Parliament barring accessible parking spaces, contractor bays, motorcycle bays and emergency services bays. Fringe Benefit Tax also applies to parking spaces used for 4 hours or more between the hours of 7am and 7pm by members and staff for whom the Parliament was their primary place of work on the day in questions, including Electorate Office Staff. Fringe Benefit Tax is proportional to the amount of use of the car park. The current terms and conditions associated with parking are designed to minimise the Parliament's FBT liability.

32. *What is the cost per annum of overhead, maintenance and administration for providing parking in the Parliamentary Precinct?*

The total cost of running the car park in 2016/17, excluding the parking space levy, was \$567,147.

33. *Does the Parliament pay the NSW Parking Space Levy?*

As per the Parking Space Levy Act 2009, the Parking Space Levy applies to all parking spaces at Parliament barring accessible parking spaces, contractor bays, motorcycle bays and emergency services bays. Each year, the fee for annual and dedicated spaces is set at the cost of the Parking Space Levy plus a \$200 administrative fee for dedicated spaces. DPS collects this money and pays it to the Office of State Revenue to cover the levy.

34. *How much is raised per annum by all fees levied on parking spaces – whether ‘dedicated’ or general ‘Annual Parking’ – in the Parliamentary Precinct?*

In 2016/17 the total revenue raised by fees levied on dedicated and annual parking spaces was \$411,313.39. Aside from the \$200 administration fee for dedicated spaces, these fees were used towards the Parking Space Levy.

35. *Does DPS monitor the rate at which dedicated parking spaces are occupied by those who reserve them?*

When a dedicated spot is leased to a minister, member or staff it is their spot for that financial year. From a car park management perspective, it can be utilised at any time by that person, and is dedicated to their use. The Parliament tracks usage of the car park for the purpose of calculating our FBT liability, however this analysis does not track usage of dedicated parking spots individually.

a) *If yes, what is the average occupancy rate of dedicated parking spaces over the course of the year*

i. *By DPS staff?*

ii. *By MPs?*

iii. *By MoPS Act 2013 staff?*

36. *Does the Parliament pay Fringe Benefit Tax in respect of parking spaces reserved by DPS staff employed within the Parliamentary Precinct?*

Yes.

a) *What is the daily Fringe Benefit Tax liability borne by Parliament on each ‘dedicated’ parking space reserved by and occupied by DPS staff?*

In accordance with the *Fringe Benefits Tax Assessment Act 1986*, a car parking fringe benefit is incurred if a car parking space is used for more than 4 hours on one day between the hours of 07:00 and 19:00. The cost of the fringe benefit is assessed at the lowest daily car parking cost of a commercial car park within 1 kilometre of the location of the car space. For the 2016-17 Fringe Benefits Tax (FBT) return that daily rate was \$17.

37. *Does the Parliament pay Fringe Benefit Tax in respect of parking spaces reserved and occupied by Members of the LA or the LC?*

Yes.

a) *If yes, why? Parliamentarians are not employees of the legislature they sit as a Member of, per ATO Ruling 1999/10 Para 36.*

Paragraphs 38, 39 and 41 of ATO Ruling 1999/10 advise that a Member of an Australian Parliament is considered as an employee for FBT purposes.

38. *Does the Parliament pay Fringe Benefit Tax in respect of parking spaces reserved and occupied by MoPS Act 2013 staff?*

Yes.

a) *If yes, why? MoPS Act 2013 staff are employees of Members, not The Legislature.*

The employee of a Member is captured under Taxation Administration Act 1953 Schedule 1 as being an employee of the Legislature for taxation purposes given the staff member is in receipt of a salary or wage paid by the Legislature from which PAYG taxation instalments must be withheld.

39. *Is there a difference in costs borne by the Parliament when a dedicated parking space reserved by one class of occupant is instead occupied by another class of occupant? For example, if a Member allows a MoPS Act 2013 staffer to use their space, or vice versa?*

No. However, if by sharing a parking spot the overall use of the car park is increased, it will increase the Fringe Benefit Tax liability of the Parliament. The current terms and conditions associated with parking are designed to minimise the Parliament's FBT liability.

Neville Wran Bust

40. *When was the bust of former Premier Neville Wran relocated to the Parkes Room?*

The bust of former Premier Neville Wran was moved from the Fountain Court during extensive renovations on Level 7 in mid-2015 in order to prevent damage to the bust. The opportunity was taken to have conservation work undertaken on the bust, and it was temporarily taken offsite for this purpose, as is standard practice for conservation work. The bust was installed in the Parkes Room in July 2016

41. *Whose decision was it to move the bust from its prominent position in Parliament?*

Modern practice in managing public buildings includes regularly reviewing the placement of moveable display objects. The Facilities Branch and Presiding Officers work together to determine schedules for the rotation of objects.

42. *Was there any consultation undertaken with the Italian community who donated the bust?*

It is not usual practice for the Parliament to consult regarding movement of donated items in the collection.

43. *When will the bust of former Premier Wran be returned to its formerly prominent position within the main public areas of Parliament?*

The bust is currently located in the historic Parkes Room, where it can be viewed by the public. Busts may be rotated among the other public areas of Parliament in the years to come.

Questions from Mr Justin Field MLC

Legislative Council Chamber Bust

44. *Could you please update the committee on the progress of commissioning a new bust for the Legislative Council Chamber?*

a) *How much will it cost?*

While a final cost for the Hon Virginia Chadwick bust cannot be determined until a consultant has been engaged and the commission has gone to tender, the estimated cost is approximately \$80,000. This cost includes heritage advice, plasterwork by the artist, stonemasonry and marble, and project management fees.

b) *When will a decision be made?*

The decision has been made to go to the next stage, which is to engage a heritage consultant to provide advice on the best design approach for a commission. The Department of Parliamentary Services is currently seeking a fee proposal from a heritage consultant to develop the design approach for the commission.