

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday, 27 October 2021

Examination of proposed expenditure for the portfolio area

THE LEGISLATURE

The Committee met at 9:30.

UNCORRECTED

MEMBERS

The Hon. Tara Moriarty (Chair)

The Hon. Robert Borsak (Deputy Chair)

The Hon. Mark Buttigieg

The Hon. Catherine Cusack

The Hon. Ben Franklin

The Hon. Mark Latham

The Hon. Peter Poulos

Mr David Shoebridge

MEMBERS PRESENT VIA VIDEOCONFERENCE

The Hon. Anthony D'Adam

PRESENT

The Hon. Matthew Mason-Cox, *The President*

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**

* Please note:

[inaudible] is used when audio words cannot be deciphered

[audio malfunction] is used when words are lost due to a technical malfunction

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2021-22. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals present. I welcome the President of the Legislative Council, the Hon. Matthew Mason-Cox, and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of The Legislature.

Before we commence I would like to make some brief comments about the procedures for today's hearing. Today's proceedings are being broadcast live from Parliament's website, and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff.

Mr President, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated next to you. In terms of the audibility of the hearing, we have witnesses in person and some Committee members via videoconference so I ask Committee members to clearly identify who questions are directed to, and I ask everyone appearing remotely to please state their name when they begin speaking. Could everyone please mute their microphones when they are not speaking. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses will be sworn prior to giving evidence. Mr President, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

DAVID BLUNT, Clerk of the Parliaments and Clerk of the Legislative Council, Department of the Legislative Council, sworn and examined

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

The CHAIR: Today's hearing will be conducted from 9.30 a.m. to 12.45 p.m. with the President and departmental witnesses, with questions from the Opposition and crossbench members only. If required, an additional 15 minutes will be allocated at the end of the session for Government questions. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. MARK BUTTIGIEG: Mr President, I preface my questions by saying that we understand that you are relatively new to the position so feel free for anyone to jump in and answer any of these questions. I want to go to some matters that were raised during the last round, particularly with regard to staff regrading and positions. There was an issue raised about the relativity of members' staff and perhaps looking at regrading them in accordance with the clerical award. My understanding is that there was not any action on that up until relatively recently. I understand that there were letters exchanged on Monday. Can you explain to us why it has taken so long for that review to be looked into?

The PRESIDENT: By all means. It has been less than six months, but it has been one hell of a ride as we all know, particularly through COVID. In terms of this item coming out from the last estimates, as you alluded to, it is something that was in the system that had not been addressed because of all the other factors that had intervened, particularly the COVID situation. But I became aware of it and as soon as I did I asked the Chief Executive officer to initiate an urgent review. The letters only went out recently, but that process is in hand. In that regard, I am looking forward to setting up a consultation group amongst members of the Legislative Council, including hopefully a Minister and indeed a range of members from both Government, Opposition and the crossbench, to ensure that we have a very good feel for what the secretary/research assistants [SRA] are doing in each of the offices and are able to filter through what the appropriate work levels are, and in that sense have a full review of that work program. In that regard, an independent assessment of that as well is part of the review process.

The Hon. MARK BUTTIGIEG: I just take you to that then because in the letter from, I think, Mr Wheeler on Monday advising that the review would be undertaken there is a degree of ambiguity that concerns me in respect of the working group which you just touched on. That working group does not appear to involve staff members directly, which I think is probably defective. Would you be able to give us your views on that? My understanding from the letter is that the working group will only involve members. Is there a proposition that the staff members will be involved as well given they are the subject matter of the review?

The PRESIDENT: Absolutely, and there will also be consultation with the unions as part of this. The process will go through to ensure that we have got the views from staff and the views from members across the broad range of parties and the crossbench to ensure that we have got a very good assessment of the working arrangements in offices from each of those perspectives, and then with an independent review in the process as well to assess that, if you like, work definition and be able to make an independent assessment of that so that we can then bring that back for further consultation before finalising that review and understanding what the needs are and what we need to do to change things. Indeed, we need to change things.

The Hon. MARK BUTTIGIEG: To clarify, the working group will include staff representatives as well.

The PRESIDENT: The working group itself with members will not include staff representatives, but we will have a separate process which involves consultation with staff representatives and indeed their union representatives. I might ask the Chief Executive officer to comment specifically on that part of it in more detail.

Mr WEBB: I am happy to. The communication that you are referring to, Mr Buttigieg, was a draft proposal for how we would go about consultation that we put to the Public Service Association [PSA] earlier this week to test whether we were hitting all the right buttons when it came to consultation. The intent is to consult with the groups that the President has outlined. There will be separate consultation with each of the affected groups but also opportunities to bring that information together. We will be consulting separately with staff so they can give their opinions and their thoughts independently, but also at points in the consultation we will be bringing together members and staff so that there can be a discussion. In particular, in order to reassess the grading and the salary, we need to understand the position description, if you would like to call it that—what the duties of the SRA are and to what extent they go through—and that means consultation with absolutely everybody involved.

The Hon. MARK BUTTIGIEG: This firm Mercer Cullen Egan Dell is the consultancy company that has been chosen to do the evaluation. How was it chosen?

Mr WEBB: I think at the last budget estimates you indicated that you wanted alignment with the public sector clerical grades. The Mercer methodology is what the public sector uses to evaluate positions there so we directly sourced them on the basis of providing that connection to the public sector as requested.

The Hon. MARK BUTTIGIEG: They will be specifically tasked with measuring work value vis-a-vis remuneration?

Mr WEBB: Yes, that is right. Once everyone has been consulted to put together the position description—what is it that the job does—they will then independently assess that position description to say, "What should the remuneration be for this kind of work?"

The Hon. MARK BUTTIGIEG: President, in terms of alignment, obviously that spills over into the Legislative Assembly as well, notwithstanding the whole comity between the Houses and all the rest, which is something I would like to pursue down the track—

The PRESIDENT: Wouldn't we both!

The Hon. MARK BUTTIGIEG: Absolutely. Have you had a dialogue with the Speaker as to alignment with the lower House and conducting a similar review there?

The PRESIDENT: I understand the Speaker is interested in looking at the outcomes of this review. Obviously there are natural ties between the electorate office positions and the SRAs. In that regard I am restricted by issues of comity in terms of giving any further details, but I think it is safe to say that the Speaker will be looking with a great deal of interest at what is happening in this area. Indeed, when you look at the whole industrial framework for the Parliament it needs to be reviewed in that context as well. As a brief aside, this is a summary of Parliament's industrial framework, which shows you just how complex and, indeed, in some places how archaic it is. In this regard, there is a need for a review and I think that is widely acknowledged. The process that has been put in place will give us a good outcome.

The Hon. MARK BUTTIGIEG: On a related point, do you find it strange that there is no jurisdictional recourse for staff members in the event of an industrial dispute? It is somewhat out of alignment with the rest of the country, I would have thought.

The PRESIDENT: As I said, the industrial framework itself is extraordinary, but it comes as a result of the fact that Parliament and its employment of officers—and, indeed, across the board—under section 47B of the Constitution Act is such that it requires it emanating from delegation and the production of awards over time that really have not been reviewed in detail. For example, if you look at the Hansard award, which was recently in the Industrial Relations Commission, was referred to as not fit for purpose. All these things have been going on in a bandaid sort of way for some time, and because it emanates from the constitutional provisions we are not subject to the same, if you like, government sector employment arrangements that we find in the wider public sector, although we do seek to duplicate those through the awards process internally in Parliament. I am happy to pass to the CEO—

The Hon. MARK BUTTIGIEG: No, that is okay. I just want to try to get through as much as I can in the limited time we have got.

Mr WEBB: Yes, of course.

The Hon. MARK BUTTIGIEG: I again take you to the review. One of the issues we want to pursue—perhaps in another bracket of questioning, but I will raise it here now—is the compensation for additional hours worked, which is covered, allegedly, by the all incidence allowance. Will this review form part of that as well?

Mr WEBB: Yes, that is correct. We will look at all conditions of employment, including whether the all incidence allowance is an appropriate way of compensating for the strange work hours that members' staff go through.

The Hon. MARK BUTTIGIEG: Have you got any plans afoot to try to ascertain the amount of hours being worked so that the review is informed by hard data?

Mr WEBB: Yes, it will be part of the consultation processes to try to gather that. One of the issues that staff have raised with us through the joint consultative committee process is that there can be a wide variety—different members operate their offices differently; different staff work different hours. We want to make sure we are canvassing, as you say, a wide range of consultation in that regard so we can gather hard data to inform what the new arrangements could be.

The Hon. MARK BUTTIGIEG: When that all incidence allowance was struck originally, back in the day, it was to compensate for about three hours of additional work per week. My understanding is that that was

not based on any objective analysis; it was just a kind of, "Well, this is what we reckon. Three hours is enough." Would it be fair to say here on record that that is woefully inadequate, given what our staff are experiencing in terms of additional hours worked?

Mr WEBB: I am not sure when that was originally set that it was set on the basis of any particular hours. What we want to do through this consultation is get some facts on the table—some data—so that we can look at what the new arrangements should be. You are quite right in saying that the general compensation for members' staff was set so long ago that the reasoning behind even the base salary amount is lost to the mists of time. We cannot find any records that underpin how that figure was originally arrived at. For those members who were here in 2014, they will know that part of the introduction of the Members of Parliament Staff Act 2013 was that the salaries were explicitly left out of the discussions of the introduction of that Act. It is not just since 2014; the original salaries were set many, many, many years ago and we do not have any records of how they were struck.

The Hon. MARK BUTTIGIEG: The PSA has apparently done some research into this and its calculation, from what its members are telling it, is that it is about an additional nine hours per non-sitting week and 10 hours per sitting week. Are you aware of that?

Mr WEBB: Yes. Of course we would always consult with the unions as a part of any re-look at things. We want that perspective brought into these discussions so we have the data necessary to make informed judgements about what happens.

The Hon. MARK BUTTIGIEG: Is there a time line for when that research or survey will commence?

Mr WEBB: We are starting the consultation process in November. The intent is to do it relatively quickly but we will extend it if we need longer. We want to make sure we have canvassed the opinions of as many people as want to give them to us. I have not set a specific deadline to finish the consultation but we will start it in November.

The Hon. MARK BUTTIGIEG: It seems to me that is a critical piece. You have got to get the data to inform the review.

Mr WEBB: That is exactly right.

The Hon. MARK BUTTIGIEG: I want to take you to the parliamentary fatigue policy. My understanding is that staff were not included in the application of that policy. Is that right?

Mr WEBB: The senior management group—the two Clerks and myself—have been working on a fatigue management policy for a while. We got to the point where we had something that covered parliamentary staff. Rather than waiting for the consultation around members' staff we made the call to immediately apply it to parliamentary staff, with the intention of then doing the further work to extend it through to members' staff. But as a part of this work, we wanted to go through a consultation about fatigue management as well because it is bound up with compensation and all the kinds of things we will be looking at in this review. But we felt that we had a work health and safety obligation to immediately apply it to the parliamentary staff because we did not have to go through that further consultation in order to do that.

The Hon. MARK BUTTIGIEG: The Hon. Anthony D'Adam is going to pursue some issues with regards to that, but there are all sorts of issues surrounding members' liability in the event of workplace health and safety fatigue. There is an undertaking that that will be included as part of it.

Mr WEBB: Absolutely.

The Hon. MARK BUTTIGIEG: I want to wind up my bracket by asking you about the sessional staff—that is, the staff who support the sittings of Parliament. Can you outline to the Committee what they receive by way of compensation for the additional hours that they work?

Mr WEBB: Do you want me to—it is not really covering Department of Parliamentary Services staff.

Mr BLUNT: I can start, Mr Buttigieg. There are, I think, 53 full-time equivalent staff in the Department of the Legislative Council. Approximately 20 are classified as sessional, and they are the staff who are required to be here two nights or more after eight o'clock, regularly, in sitting weeks. On those evenings when we work after eight o'clock there is an allowance payable. Hopefully one of the staff can send me a message with the exact dollar figure. I probably should know what it is, being a recipient of it. There is also an additional two weeks of recreation leave each year.

The Hon. MARK BUTTIGIEG: The trigger point for that, Mr Blunt, is working past eight o'clock, is it?

Mr BLUNT: Eight o'clock on a sitting day.

The Hon. MARK BUTTIGIEG: If we could have that amount on notice, that would be good. I am done, Chair. Have we got any Opposition time left?

The CHAIR: Yes. There is still about three minutes.

The Hon. ANTHONY D'ADAM: I will jump in. I just wanted to pick up on where Mr Webb was going around the additional hours. One of the concerns that I have is the issue around who is actually responsible for the work health and safety of the staff of the members. I would like some clarity from the person conducting a business or undertaking [PCBU] when it comes to Legislative Council members' staff. Can somebody provide that clarification?

The PRESIDENT: Before I ask Mr Webb to provide a bit more detail, indeed, this has been an issue that members consistently ask about. Obviously members employ their staff, but the way the occupational health and safety responsibilities work is that basically the members and the Parliament are jointly responsible. Parliament provides a working place and has responsibilities in that regard, and members provide directions and the like within their office and so have responsibilities in that regard. Indeed, that work environment is critically important to every staff member. I think it is a joint responsibility in that sense. It is important that in an environment where Parliament itself, and indeed our House, determines the work environment and the length of hours, we as members have a collective role to ensure that the workplace is sensitive to occupational health and safety issues as well.

Just recently in the procedures subcommittee I put on the table the issue of length of working hours and the need to reflect upon that in the context of reviewing our standing and sessional orders and the times in which the House is destined to sit as a result of the will of the House. That is an important consideration because, whether we like to reflect upon it or not, the danger is often when a person is leaving the place to go home late at night. There have been some incidents of near misses for members and staff. They are a great concern to me personally as Presiding Officer and something I think we really need to reflect upon as a House as well as individually as members. I ask the chief executive officer to add any further comments.

Mr WEBB: Thank you, Mr President and Mr D'Adam. After the last budget estimates session we did seek some advice around the PCBU definition for a parliament. In summary, it came back that there are joint responsibilities between the Parliament as an institution and members for the work health and safety of staff and, depending on the circumstances, either or both could be considered the PCBU. For instance, if the Parliament was not providing some facility or not providing some piece of equipment or something along those lines that assisted in things like fatigue management, then the responsibility would be with us. But if a member was directing what a judge might consider unreasonable working conditions, then they would judge the member to be the PCBU under those circumstances.

The Hon. ANTHONY D'ADAM: I might just go to that particular point—

The CHAIR: Sorry, Mr D'Adam. It is crossbench time.

The Hon. ROBERT BORSAK: Just to follow through, and I direct this question to the President, there has been a significant amount of capital works done through the last President's presidency and it now continues under you. Would you like to give us an update and an overview of what is going on? There are works going on, for example, in the foyer and on various floors. I note that level 12 does not have the benefit of new toilets like we have got. Can you give us a rundown, please, but maybe start more locally here?

The PRESIDENT: There is a lot that is going on. There are a number of major projects as well as a whole range of minor capital works. Starting at the top on level 12, there are the works that are going on with the roof membrane, which is a significant issue. As a general comment, being a heritage building there are obviously real maintenance issues. Sadly, the department, as a result of its negotiation with Treasury over many years, has not been given the necessary funding to upgrade the building in the manner in which all members would desire. In terms of a ballpark figure, if you look at the funding, it is short something in the order of about \$400 million over the past 20 years. These things—

The Hon. ROBERT BORSAK: Sorry, say that again?

The PRESIDENT: It is something like \$400 million over the past 20 years. This relates to how we deal with issues of depreciation and seek to reinvest in the building itself. If you look at some of the issues, we have leaking roof problems, which has been a major upgrade. I think we are up to stage three of that upgrade at the moment and there is a subsequent stage as well. That is really to ensure that the roof is structurally sound and not leaking. Indeed, that will continue into next year. There are obviously upgrades that have been done to some of the bathrooms, as you mentioned. There is a continual need to upgrade those sorts of amenities across the building. Obviously we have restricted funding, so we look to prioritise that appropriately.

There is, if you like, the hidden infrastructure of the IT, which is being upgraded through a range of particular projects from simply upgrading the local internet—we have doubled the capacity of the internet just in the last six months—and indeed to the wholesale IT in each of the Chambers, which will be fast tracked. In fact, the whole Legislative Assembly Chamber is going to be rewired for IT over the break and the Legislative Council will follow in due course. You will have seen, for example, in the Strangers' Room and Members' Dining Room work has been done in relation to the ceiling and, indeed, in the Strangers' Room that is also in relation to the IT and the audiovisual facilities in that area, which has been long needed. Again, that program will move onto level 7, where we are looking to upgrade the Fountain Court ceiling and all the works related there, too. That will wait until the Houses are not sitting, over a parliamentary sitting break.

There are a range of smaller projects that you might have seen. For example, the improvement in the disabled access through the back gates from Hospital Road, with the ramp up into the building, as well as the ramp in the Speaker's courtyard, which has improved the disabled access around the building. These are just natural problems you have with a building of so many years old that has to be upgraded for those types of occupational health and safety issues, as well as the reinvestment into the actual fabric of the building to ensure that it can continue and maintain and be fit for purpose. These things are continuing. I could go on ad nauseam, but there is a flavour of it. I am happy to answer any more specific questions.

The Hon. ROBERT BORSAK: What is happening in the foyer, with the coffee shop and all that stuff?

The PRESIDENT: The coffee shop has been an ongoing issue. There has been a consultancy that worked up some of the options in relation to improving how you find your way through Parliament because the signage is not very good. One of those issues was how to find the public cafe, because there is not a lot of signage for it. Prior to my time, the decision was made to actually put in a set of doors from the Fountain Court into the public cafe or the members' bar or the staff bar—it has had a few purposes and I think it still has a few purposes, depending on the time of day. In that regard, there was a special door ordered from San Francisco that had the ability to go from clear to opaque with the press of a button so as to provide privacy for members and people using that facility. That door was sadly unable to be completed after four execution attempts and so that contract was cancelled just recently. The money for the door that was prescribed under the contract was refunded to the Parliament, I am pleased to say.

There is still a question as to whether we proceed with a door into that area. I have actually sought the counsel of members of the Legislative Council to understand their concerns, if any, about putting a door there and, indeed, the proposal was to put some chairs and tables in the Fountain Court area. I have got to say the feedback I have received has been, on the whole, negative in terms of impeding the egress of members to and from the Chamber and, indeed, disrupting the exhibition space along the walls of the area in the Fountain Court. There is a range of views here, and I know that members are sensitive to this. It is an ongoing discussion point between myself and the Speaker. At this point in time, no final decision has been made but, for the time being, those works have come to a halt.

The Hon. MARK LATHAM: Thanks, Mr President, Mr Blunt and Mr Webb. What was the costing on the frosted door?

The PRESIDENT: I think the costing was in the order of \$65,000 for the door and the works associated with the door.

The Hon. MARK LATHAM: And the full cost of the door has now been refunded?

The PRESIDENT: It has.

The Hon. MARK LATHAM: The status of the project—

Mr WEBB: I should say of the door a component—the works that we did to create the frame for the door had already been done. The door itself was \$27,500 of that \$63,000.

The Hon. MARK LATHAM: This survey of how hard it is to find that cafe area, I mean, it is not the Hall of Mirrors in Versailles, is it? It is not the biggest tourist attraction that you are going to find internationally. Are we kidding ourselves to spend this amount of money on the proposition that people cannot find that cafe? If the problem is signage, why don't you put up a few more signs?

The PRESIDENT: That is exactly what we are going to do. In fact, we were discussing it with the PEG just yesterday. So we are sort of looking at just how we would do that to ensure that people are able to easily find their way through the building from when they first arrive in the guard room, so to speak, or the entrance and there is some confusion about where to go and the like. At the end of the day, these things will be sorted by just some practical measures.

The Hon. MARK LATHAM: So the project has been abandoned and the cost has been saved, other than putting up the signs?

The PRESIDENT: At this point in time it is still an active matter of discussion, but I certainly have a view in that regard. I am concerned about the impact on the Fountain Court as one of the premier exhibition spaces in New South Wales, and indeed that was the purpose of that exhibition area. I am also concerned about the architectural impact. Indeed, the heritage plan for the Parliament points out the need to ensure that the whole Fountain Court is uncluttered and continues to be uncluttered because that gives the whole space its significance and, I think, the impact when you do walk into Parliament House. So it is important that we respect those heritage considerations. As I said, I have a personal view that the project should be abandoned, and I have made that very clear as to the next steps that will be discussed with the wider executive group.

The Hon. MARK LATHAM: That would be a saving of \$65,000 in total, minus the work already undertaken on the door front?

Mr WEBB: Yes, that is right.

The PRESIDENT: If it did not proceed, we will just have to simply put back the partitioning that is being removed on the side of the bar itself—or the cafe itself and just put some of the marbling sort of edging back as well. That is what would be involved, which we anticipate would be several thousand dollars to finalise that. Obviously we would need to get a final quote on that, and it is all subject to the agreement of the wider executive group.

The Hon. MARK LATHAM: That is several thousand dollars. How much was it to make the door frame, already spent?

Mr WEBB: To do the demolition, remove the services and run the services around it was about \$33,000.

The Hon. MARK LATHAM: And that is spent already? That is gone?

Mr WEBB: Yes, that is already spent.

The Hon. MARK LATHAM: So we are looking at somewhere around south of \$40,000—

Mr WEBB: To restore—to get it back.

The Hon. MARK LATHAM: —for a whole bunch of nothingness? A few signs, in the end.

The PRESIDENT: If that is what it ends up being, it will be around about that figure, unfortunately.

The Hon. MARK LATHAM: Can I just ask how this is allowed to happen? People work hard for their taxes. They look at this building and think there would be some value for money. It is in the eye of the beholder. But how can we be wasting just south of \$40,000 on a nincompoop idea that you needed a third entrance to a small cafe area when signage would have been the logical way to go? Isn't this indicative of a big spend in this building—some \$236 million per annum in the budget papers—and at the end of every financial year there must be a mad scramble to spend the money, find any old way of spending it, otherwise, of course, it would be lost.

The PRESIDENT: This project predates my sort of ascension to the role, let me put it that way, so I cannot comment specifically on that. I might ask the chief executive officer to comment on that point. But in relation to the budget of the Parliament itself, the budget has a capital and an ongoing operational categorisation. The capital is around \$40 million a year. The reality is that is for what needs to be done to this building and, heritage issues included, it is actually not sufficient to maintain the building in the manner in which a modern, working Parliament would expect. The upgrades that we are doing are really catch-ups and we are still well behind the eight ball in terms of what we need to do to ensure that we have the sorts of services that you would expect in a modern Parliament. It is a challenge, and an ongoing challenge.

The Hon. MARK LATHAM: Mr President, would it be possible to provide the Committee with a list of the capital projects that had been ticked off in the last three months of the past five financial years as to the timing of these projects—

Mr WEBB: Yes. I would have to take that on notice.

The PRESIDENT: We will take that on notice, yes.

The Hon. MARK LATHAM: —so the concern about—

The PRESIDENT: A rush at the end.

The Hon. MARK LATHAM: —spending money any old way for the sake of spending it could be addressed by the Committee and the broader Parliament? This is something that is suggested around the place and it would be useful to get that information as to the timing of these big capital spends.

The PRESIDENT: By all means. Happy to do that.

The Hon. MARK LATHAM: Thank you. On this subject of the budget, I did have a look at Budget Paper No. 2, the outcomes statement. For the \$236 million per annum, there is actually no listing of outcomes; this is supposed to be an outcomes statement. There are strategic priorities, description of what they mean, and then a big spending list. Why doesn't the Legislature actually list outcomes in terms of these five strategic goals that you are trying to achieve?

The PRESIDENT: I might just ask the CEO to comment on that, but obviously that is just as a general statement. It is the normal pro forma in relation to the presentation of these documents but at the end of the day, in terms of specifics, we have a list of projects and a whole range of initiatives that obviously are ongoing, which we can provide some more detail on. Would you like to make a comment, Mr Webb?

Mr WEBB: Absolutely. As members of the Committee know, one of the things that we have been pursuing over the last few years is whether the process for funding the Parliament is an appropriate process. It currently is dictated by the Executive—what money the Parliament gets or does not get. By way of example—and to some of your earlier questions, Mr Latham—the depreciation of the existing assets here at Parliament is between \$15 million and \$16 million a year. The wear and tear on the asset base that we have, it goes backwards by \$15 million or \$16 million a year. Our only guaranteed capital allocation to offset that is a \$2.9 million minor capital works allocation. Everything else we have to put a business case in to the Executive and convince the Executive that money should be spent.

If you want an example of that, I have had several members recently point out to me that the doors on the elevators that go down to the car park, a couple of them slam shut quite alarmingly at the moment. Obviously we do annual safety reviews of the lifts, but it has been a long time since we have done a complete refurbishment of the elevators because it has not been able to get to the top of the list. One of the things that we negotiated with Treasury recently is to say that the outcomes of the Executive Government are not an appropriate thing to measure the performance of the Parliament against. The Treasury agreed with that and this year's budget papers show the starting point of us starting to develop our own outcomes framework. It is very early days, but you will see here that we have identified five strategic priorities.

We also did some work making sure that we have a clear articulation of the purpose of the Parliament around the making of law, the scrutiny of the Executive and the representation of constituency, and put underneath that some of the key building blocks for a successful parliament. This is the starting point of us developing our own outcomes-based framework which reflects the outcomes that the Parliament needs to have rather than trying to retrofit Parliament into the outcomes that the Executive needs. If someone asks me which Premier's priority does the Parliament fit into, the answer is none of them because, quite frankly, the Premier's Priorities are the priorities of the Executive, not the priorities of the Parliament, so what you are seeing here today is a great first step towards building an outcomes framework that is a Parliament outcome framework rather than a retrofitted Executive outcome framework, but I do acknowledge, Mr Latham, that this is step one and more work needs to be done.

The Hon. MARK LATHAM: When do you expect the first report outcomes in this budget document?

Mr WEBB: We have been doing more work through the course of this year, so I would expect the next budget papers would have the next iteration, which would include some of that outcome information. I do not want to promise you that it will be a perfect outcome framework; it is something that requires a lot of work and we have had so many years of trying to retrofit the Parliament into the Executive's priorities that it is something that we have literally had to start from scratch.

The Hon. MARK LATHAM: I would have thought a starting point was surveying staff about their satisfaction in the job, or the members of Parliament in how they see the building and their elected role. I am not expecting these would be big expenditure items.

Mr WEBB: No.

The Hon. MARK LATHAM: It is really just to find out how the Parliament sees itself performing and report those outcomes to the public that pay this big amount of money every year.

Mr WEBB: That is a very reasonable suggestion. We have done that on individual items in the past, but what you are reflecting is probably broader—rather than saying, "Are you happy specifically with the catering

option", an overall satisfaction with whether the facilities are there. That is the kind of work that we would like to do.

The Hon. MARK LATHAM: When was the last time in the expenditure of these budget items, recurrent and capital, there was an underspend at the end of the financial year and the money went back to Treasury?

Mr WEBB: We have not given any money back to Treasury in the time that I have been here at the Parliament. We have rolled forward if there are timing issues around projects. Last year and this year are good examples. Some of the COVID restrictions that came in meant that we had construction pauses. In the last few months, as an example, you might recall that construction work had to drop to 50 per cent capacity on site and also had to be completely isolated. Work could only proceed if it was completely isolated from the working building, which we were able to do on some projects. It is likely at the end of this year that we will roll money forward into next year to finish those works because of those delays. Each year there are timing issues that result in us rolling money forward, but we have not given money back to the Executive.

The Hon. MARK LATHAM: When you say since you have been here, how long is that?

Mr WEBB: Five and a half years.

The Hon. MARK LATHAM: So in five and a half years there was never any return to Treasury.

Mr WEBB: No.

The Hon. MARK LATHAM: It is always spent or rolled over.

Mr WEBB: Yes, spent or rolled over.

The Hon. MARK LATHAM: How much did the bollards at the front of the building in Macquarie Street cost? It seemed a very extended project. I thought you were redoing the whole sewerage system in Sydney at one point. How much did all of that cost over the 12 months?

Mr WEBB: I might just look that up.

The Hon. MARK LATHAM: You can take it on notice.

Mr WEBB: I will get it before the end of the session, but I would say your observation is probably—and I know it was made in jest—not far wrong. If you have ever looked at Macquarie Street, the services under Macquarie Street are not as well known to the utilities companies as they probably should be, given it is one of the oldest streets in Sydney, and some of the issues that came up were not a matter of spending but a matter of when we started digging things up they found pipes they did not know existed and cables they did not know were there. In fact one of the things we had to go back to do is redirect a water pipe that was there that nobody knew about. So I know your comment was in jest, but it is actually not far from—

The Hon. MARK LATHAM: Nobody knew it was so hard to build bollards.

Mr WEBB: Yes, because you have to go quite deep into the ground in order for them to withstand the impact of a vehicle coming through.

The Hon. MARK LATHAM: So the bollards will outlast us all.

The Hon. MARK BUTTIGIEG: Speak for yourself.

Mr WEBB: I am hoping that they will at least outlast me, Mr Latham.

The Hon. ANTHONY D'ADAM: I want to go back to where we left off around this observation that there is a joint responsibility for work health and safety [WHS]. I suppose the SRA staff are engaged to support the member in their work. It is pretty self-evident that the sitting of the Parliament is the primary manifestation of the work of the member and we are routinely sitting late nights. In most industries there is a standard 10-hour break between when a worker finishes and when they are required to return to the workplace. That obviously does not exist. I wonder how, as members, we are supposed to manage issues around fatigue on those late sitting nights? There does not appear to be any guidance to members. Can perhaps the President or the CEO provide some commentary on how a member is expected to discharge that responsibility?

The PRESIDENT: In that regard, before I pass to both Mr Blunt and Mr Webb, who are keen to address this, let me just reflect on the Hansard situation for a moment, if I may, which might be a way of looking at how to deal with this. Indeed, a significant amount of work has gone into the fatigue management policy in this regard given the special circumstances of Hansard. There has been put in place at least an eight-hour downtime between leaving work and coming back to work for Hansard and, as well as that, a maximum of 55 hours a week in that

regard. One needs to note as well that Hansard gets double the overtime or incidence allowance of a normal staff member—they get just over \$18,000 a year—plus extra leave, so there are factors in there to actually ameliorate the impact. But again, it is a serious impact and it is an impact that is, if you like, in the hands of Parliament to determine the sitting hours. Obviously these consequences flow and the department has tried to, in all the different circumstances, manage the impact of that on its staff.

As for members' staff, that again is a factor that members need to be cognisant of and it is within their purview to say to their staff that they should not come back until a certain hour and to manage that appropriately. If one is looking for guidance, those are things that certainly one can take advice on from the department, and indeed I think the advice is pretty clear based on those sorts of parameters I have outlined in relation to the Hansard staff, who are in a peculiar situation. I would obviously encourage members to make those necessary judgements, but in that regard I might just pass to the CEO and Mr Blunt as well.

The Hon. ANTHONY D'ADAM: Before you do, I might just pick up on that particular point because the implication of that suggestion is that members should send their staff away when the Parliament is actually sitting. It seems hard to comprehend that we would have a situation where we would be required to attend Parliament unsupported for a period of time when the purpose of the SRA position is to support members in their work and the parliamentary sitting is the primary manifestation of that work. It just seems an odd suggestion.

The PRESIDENT: There are things in conflict here obviously. I certainly have been in the same position and I have sent my staff home before dinner on nights to ensure that they do have a proper break. It is within the purview of the member to manage their own staff and those are the working conditions a member must actually make a judgement about. Obviously the sitting hours of Parliament itself are a matter for the House to determine and the implications of that for members' staff are such that members' staff are staying because the member is asking them to stay. In some cases, perhaps in the almost 36-hour sitting we had in relation to the energy roadmap, obviously you would need to make a judgement about when it is appropriate for your staff to go home and how you deal with that in a proper manner under the occupational health and safety responsibilities a member has for his or her staff. These are judgements that a member must be cognisant of and needs to manage appropriately as the department manages for its own staff.

The Hon. ANTHONY D'ADAM: Can I clarify that it is your suggestion that the liability potentially—let us imagine a situation where a member keeps their staff late on a sitting night. The staff member goes home late. They are injured in the course of returning home. Are you saying that the member has the liability in that situation?

The PRESIDENT: I am not going to give a pronouncement as a court of law may if there was an incident that might occur. But as we discussed earlier, the Crown Solicitor's advice was that there is joint responsibility, and where that starts and stops obviously depends on the peculiar circumstances. In that regard, you have obviously the member's relationship with the staff member, the internal office working arrangements, the need to understand the impact of the circumstances of Parliament sitting late—all of these things are self-evident. Obviously they feed into each other and that is where the joint responsibility, if you like, originates. But as to how and where that stops and starts, that would be clearly a matter that would need to turn on its own circumstances. But I would be happy to take some further comments from the chief executive officer in that regard, particularly in relation to the legal aspects, on which we have sought some legal advice.

Mr WEBB: Mr President, I think what you said before is quite right. It would depend on the particular circumstances and, depending on the nature of the incident, what a judge or a coroner might determine in terms of who is liable, so it is very hard to make generalised comments. But the advice generally is that there is a joint liability. Both the Parliament as an institution and individual members do need to be making decisions about fatigue management and other work health and safety practices in the best interests of staff. I know Mr Blunt wanted to say something on the general topic. I have found that my rule of thumb over the years is to always defer to the Clerk. I will let Mr Blunt say his bit before I add further comment.

Mr BLUNT: Thanks, Mr Webb. Mr D'Adam, they are excellent questions you are asking, if I may say so. They are questions that are of great interest and are things that we have been doing a lot of work on over recent months. I say two things. Firstly, in relation to the discussion of the legal situation, I draw your attention to an excellent report—I know this is not a budget estimates inquiry into the Legislative Assembly, but the thoughtful work of my colleague the Clerk of the Legislative Assembly and her staff—in relation to the privileges committee of the Legislative Assembly regarding the proposal for a parliamentary compliance officer. Paragraphs (1.45) to (1.66) of that report from earlier this year are basically a discussion of legal advice around effectively the joint liability of members and the Parliament in relation to WHS and also in relation to discrimination matters. It is a really important piece of work and one to which I draw the attention of all members.

The second point I make is that, yes, like Hansard, we in the Department of the Legislative Council have been doing a lot of work in this area. Of course, as the procedural innovations introduced in 2019 have rolled through they have made the Legislative Council an even more effective house of review, no doubt the most active and perhaps assertive upper House within Australia—if not within the Commonwealth, I would say. But that has had implications in terms of working hours. There are many weeks when the hard adjournment seems to become almost the default and we have a midnight or near-midnight finish on a Tuesday and then a midnight—well, 12.30 a.m.—finish on a Wednesday. For the Procedure Office staff, they have started work at 8.00 a.m. to start to get ready for sitting days. Those who are responsible for the business papers—the *Minutes of Proceedings*, the *Notice Paper* et cetera—are there for an additional half-hour or hour after the House arises. That is a very long day.

We have been actively seeking to manage fatigue by effectively, in a sense, a roster arrangement. Approximately half of those 20 staff—coming back to the sessional allowance question before—who support the sittings of the House are leaving between 10.00 p.m. and 11.00 p.m. and they are the 8.00 a.m. or 8.30 a.m. starters the next day. For those who are finishing at 1.00 a.m., 1.30 a.m., I find it difficult to do anything other than encourage them to not be here before nine o'clock. They are so dedicated and they see it as their professional duty to support the sittings of the House, but there is certainly that arrangement in place. We are experimenting with that. It seems to be helping a little bit with managing fatigue, but is it a total answer? Frankly no, it is not. Those sitting arrangements are taking a bit of a toll. The sorts of things that Mr President spoke about earlier—possible initiatives and things for your consideration as members of the House. You set the sitting hours of the House. I would really like you all to consider that, for the health and safety of your staff, Mr Webb's staff but also the Legislative Council staff.

The Hon. ANTHONY D'ADAM: Is there any capacity to provide some relief for the SRA staff? Is there a mechanism that would enable a member to send a staff member home and cover the gap with relief? Is that available?

Mr WEBB: The independent tribunal determination sets the staffing levels for SRAs and for members. At the moment, my reading of it would not allow for that, but it could perhaps be—I think the tribunal is currently accepting submissions on the determination. It might be something that members put through. I did seek and have some authority to provide additional short-term relief arrangements in emergency situations—for instance, to provide additional short-term relief when a bushfire affects an electorate and an electorate office is overwhelmed as a result. The concept of additional relief in extreme circumstances has been considered by the tribunal, but I do not think it has been considered specifically in relation to SRAs and the sittings of the House. I would encourage members to make a submission if that is something that they would like to see more flexibility around as they move forward.

The Hon. ANTHONY D'ADAM: Are these work health and safety issues something that the President has made submissions about in relation to the Parliamentary Remuneration Tribunal [PRT]?

Mr WEBB: Not in relation to the SRAs previously, but certainly the flexibility in the emergency situations was something that was put forward by previous Presiding Officers.

The PRESIDENT: It is something that we are contemplating. Obviously the submission to the remuneration tribunal is something we will probably put in the next weeks. I have a submission in front of me that I am considering at the moment in that regard. All those things are actively under consideration.

Mr WEBB: You also—

The Hon. ANTHONY D'ADAM: I just want to [disorder]—

Mr WEBB: Sorry, Mr D'Adam. You asked earlier about advice for members around fatigue management; I just wanted to make sure we closed the loop on that question. While there is not specific advice for members at the moment, I draw your attention to the fatigue management policy that was recently published for parliamentary staff. A lot of the principles and techniques in that policy would be applicable to members' staff. As I said earlier, we intend to go through a consultation process to make sure we take into account the very specific nature of the work of members' staff, but there is some good general advice in that policy that is well worth having a look at if you are interested in seeking advice.

I should also point out that my very excellent work health and safety team is available to provide specific advice to members. I know that they have provided specific advice to members who have particular circumstances that they want to work through because I know you all run your offices, generally. Finally on that point, to echo some of the points that Mr Blunt made, I did want to point out the excellent work that the Hansard team does. They are equally dedicated to the operation of the Parliament—

The Hon. MARK LATHAM: Hear, hear!

Mr WEBB: They are often here three hours after the sitting of the House to make sure the transcripts get out.

The Hon. MARK LATHAM: They are trying to work out what was said.

Mr WEBB: I think "inaudible" and some other words are sometimes used, but it is an area that we are actively looking at as well. Sorry, Mr D'Adam.

The Hon. ANTHONY D'ADAM: That is alright. I want to just pivot on this point around the work health and safety liability and ask: Who is responsible for the work health and safety of members? Who is the PCBU for members?

Mr WEBB: That is an excellent question, Mr D'Adam. You are not employees of the Parliament, and so the Parliament as an institution is not the PCBU when it comes to members. The best analogy that I have been given is that it is like we have 135 small business owners in the context of the Parliament and that you have, to a certain extent, responsibility for yourselves in that regard. In particular, some of the provisions under things like the Parliamentary Precincts Act for instance, which allows you to act as it should with freedom of movement in the precinct and the like, means that the institution has limited ability to effect the safety conditions for you. Having said that, if there was an incident with a member and a judge or a coroner was involved, that judge or coroner may determine that if there was a step we could have taken that we had not taken, they may draw us into that. But it is not as clear-cut with members as it is with other staff. It is an excellent question that I do not have a definitive answer for, but that is where the thinking is at the moment.

The Hon. ANTHONY D'ADAM: I might move on. Can I ask about the Hansard facilities. Obviously we have had a burgeoning number of committee inquiries; it is putting pressure on Hansard. What measures are being taken to try and meet the increase in demand that is being placed on Hansard?

The PRESIDENT: I might ask Mr Webb to pick that up.

Mr WEBB: That is another excellent question and I appreciate it being asked. You are quite right, there are two things that have been driving work in Hansard—probably three, actually. One is around the fatigue management that we have covered generally; the second is a significant increase in activity. If the House is not sitting, there is usually at least one committee inquiry going on and so the days when Hansard would have peaks and then troughs where they could recover are pretty much gone. The third is that we are keeping an eye on what is happening around the world with technology in Hansard and the like. There is some interesting stuff happening over in the UK for instance. We do not have any advanced plans to introduce any of it here, but we are watching and learning from our colleagues in other jurisdictions. In the past couple—

The Hon. ANTHONY D'ADAM: [Disorder]

Mr WEBB: Sorry. In the past couple of years we have—

The Hon. ANTHONY D'ADAM: [Disorder]

Mr WEBB: Sorry, Mr D'Adam.

The Hon. ANTHONY D'ADAM: On that technological issue, I just wanted to ask about closed captioning and whether that is under consideration and what impact that might have on Hansard.

Mr WEBB: Yes, absolutely. Yes, closed captioning is under consideration. We have gone to market and are assessing tenders from the market around a closed captioning service for both the sittings of the House and for inquiries. The output from that closed captioning will be available to Hansard to help with the transcription process. It in no way replaces the work of Hansard, but it gives them another stream of information that may help to speed up the process in certain areas. We would expect the—

The Hon. ANTHONY D'ADAM: Can you guarantee that the closed captioning will not impact on the Hansard numbers?

Mr WEBB: No, not what we have got in place at the moment. Of course, we are hoping that it will provide a benefit to the staff in terms of having something more advanced to start with in terms of transcription. But, of course, until we actually see it in operation, we will not be able to judge whether that is the case or not. The primary reason for closed captioning is, of course, to extend the reach of parliamentary proceedings to people who are hard of hearing, but we are hoping it will provide an advantage. I should also say we have increased the number of Hansard staff by 50 per cent as a result of these increases in workloads. A few years ago there were 20 or 21 or 22—I can look up the exact number—but the number of Hansard staff was in the early 20s; there are now over 30 Hansard staff. The fatigue management that we have been talking about—

The Hon. ANTHONY D'ADAM: Are they permanent positions, Mr Webb?

Mr WEBB: Sorry?

The Hon. ANTHONY D'ADAM: What is the ratio in terms of permanent to temporary?

Mr WEBB: Most of the new staff are temporary positions because we only got temporary money, but we have been successful in seeking to have that extended to the end of the parliamentary term rather than on a year-to-year basis. That has given more certainty to people in the team, and of course we continue to make submissions to Treasury. Unless the membership here wants to tell me that you are going to be doing less committee work into the future, our argument to Treasury is that these increases in committee work are not temporary measures, they are permanent increases, and so we are trying to seek to have that money converted into permanent money so that we can make permanent offers to people.

The PRESIDENT: It is also worth noting that not only has the committee work more than doubled in this term of Parliament but the hours that the House is sitting is averaging about 11 hours over the course of the sitting. That compares to around about 7¼ hours in the previous term of Parliament. We have increased the number of hours significantly, no doubt aided and abetted by the long 36-hour sitting in relation to the energy road map. There are significantly increased hours and there is significantly increased committee work as well. We are very cognisant of the impact on Hansard staff, and indeed the increase in staffing has been welcome, but it looks like that Treasury item will continue to be put up on a regular basis because we simply need to ensure the Parliament is appropriately resourced for these essential tasks. Can I just say, the work they do is amazing and we are very fortunate to have such committed professionals that support us.

Mr DAVID SHOEBRIDGE: Could I just say on behalf of my party, The Greens, I commend and thank you and all the team—your team, Mark; your team, David; and the work of your office, too, Mr President. It has been an extraordinary 18 months and the professionalism and the diligence of everybody, all your teams, is recognised and appreciated by my party. Thank you very much. Perhaps to you first of all, Mr Blunt. The amount of work coming to your team from orders for papers under Standing Order 52 must be difficult to manage, but it must also be difficult to manage because we do not have a cooperative arrangement with the Government on how that information is passed through to the House. Can you let us know if there are any ongoing negotiations to make that a smoother flow of information?

The PRESIDENT: Can I just come in there just quickly because there is something that you will not be aware of that occurred at the subcommittee meeting for the Procedure Committee just last week. This was an active issue obviously in relation to the review of sessional orders and standing orders, and one of the outcomes suggested is that the President look at developing a practice guideline to actually start to look at how we smooth that transition. Obviously we have got the issues from the Legislative Council's end in terms of how we get an effective, concise Standing Order 52 that targets the information that members want without creating resource issues for the Government that are probably outside the scope of what the member is really looking for. So having more of a consultative front-end process as well as the information provided by Government, ensuring that we do not end up with all of these privileges claims that are coming through, which tend to hold the process up. There are two sides of this equation. Trying to make that work effectively and ensuring that we do end up with the necessary guidelines within government that are, if you like, within what the House is looking for and facilitating that process, indeed with the electronic transmission of returns in time as well. With those few comments just as an introductory measure, I might ask Mr Blunt to talk about specifics.

Mr BLUNT: Mr Shoebridge, you are absolutely correct. The number of orders for papers under Standing Order 52 has increased significantly. Effectively, in the first two years of this parliamentary term, there were 254 orders for the production of documents. The previous largest number was in the Fifty-Third Parliament from 2003 to 2006—145 over four years. This Parliament has seen a very significant increase. There is an exciting project underway. There is a significant degree of cooperation and collaboration from our colleagues in the Department of Premier and Cabinet [DPC]. We really do want to commend them for their participation as partners in this.

The Legislative Council procedural office has been working with Mr Webb's team, the digital transformation team, and DPC, on the development of an eReturns system. It is being developed to provide the Parliament and government agencies with an electronic system for the lodgement and receipt of returns to order, so that documents are able to be transferred to Parliament through a new parliamentary portal that links to the Parliament's existing storage databases. Of course, storage and accurate record keeping in this space is absolutely vital, as is information security.

It is anticipated that an eReturns system will improve the accessibility of returns to order and provide significant administrative efficiencies for us here at Parliament and also for government agencies, while ensuring

file security and appropriate document oversight is maintained. I can provide further details on notice, if you like, or I can table the written material that has been provided by the team. In terms of where to from here, though, I understand that we should have a platform ready to go out to consult with members to show you something during the first half of next year, and for DPC to be able to go out to agencies and consult with them.

I do have to emphasise though that not only is this a really complex and challenging IT systems development task—and the work of Mr Webb's team and the consultants who are working with us have been absolutely fabulous—ultimately there will be two sets of political decision-making that are required for this to be implemented. Number one would be from the House. The House would need to agree to a sessional order to facilitate eReturns. Secondly, they will need to be a political decision within government—

Mr DAVID SHOEBRIDGE: To cooperate.

Mr BLUNT: —to support the rollout of the system on which DPC are cooperating with us on this development.

Mr DAVID SHOEBRIDGE: I am assuming this is not without cost. For us to be engaging in it there must at least be some indication from the Government that they are willing to go down this path.

Mr BLUNT: At an officer level there has been, as I say, a really cooperative and collaborative working relationship. But, of course, the officers that we are working with within the Executive are just as aware as we are that there are those two sets of political decision-making that are required.

Mr DAVID SHOEBRIDGE: Is it envisaged that if that system gets up and running, it would be online searchable databases?

Mr BLUNT: That is my understanding, yes.

Mr DAVID SHOEBRIDGE: Has it ever been explained to you the mystery of the current indexing system used by the Department of Premier and Cabinet, which seems almost designed to obfuscate, rather than to assist?

The Hon. ROBERT BORSAK: That is unusual and unexpected.

The CHAIR: Indeed.

Mr BLUNT: If I can start by saying this, the provision of indexes is critical to enabling the system of orders for papers to work. Back 20 years ago, post the Egan decisions, that was a significant achievement for the House to have the executive produce indexes because that is a new document that is produced—

Mr DAVID SHOEBRIDGE: Yes.

Mr BLUNT: —on top of documents already in existence. I do not think we should underestimate the impact and assistance of having indexes. DPC provide a really valuable role and we really came to appreciate this in a number of instances where there were orders for production of documents from independent statutory bodies that are not subject to ministerial direction or control. We received significant returns directly from those statutory bodies, without the added value that DPC play. I think it would be unfair to be reflecting adversely on the role of DPC. We certainly appreciate it, from the Department of the Legislative Council.

Mr DAVID SHOEBRIDGE: Any index is better than no index, but I for the life of me cannot work out the rationale upon which the index is created. Has it ever been explained to you that there is a rationale on which the indexes are created?

Mr BLUNT: Other than from time to time the legibility of indexes when sometimes the font has been small when they have been very significant returns received, criticism of the quality of indexes has not been high on the list of the many issues that members have raised in relation to a returns to order.

Mr DAVID SHOEBRIDGE: They just seem to not be in rational categories. It reminds me of that, sort of, Foucault list of an encyclopaedia in China: animals that from a long distance look like ants, animals that are owned by the Emperor and those that have recently broke the watcher pitcher. That seems to be the kind of categories we get from the DPC.

Mr BLUNT: I think I probably should take that as a comment.

The Hon. MARK LATHAM: The best documents are near the back.

Mr DAVID SHOEBRIDGE: Actually, in the middle is where you look, in between the thousand blank emails.

The Hon. MARK LATHAM: Middle back. The place you are least likely to look with patience.

Mr DAVID SHOEBRIDGE: Can I ask about the catering. This might be a question to you, Mr Webb. This will surprise you—The Greens believe that there should be a greater availability of vegan and gluten-free options in the cafe. Given that vegan food is basically able to be eaten by anybody, what are the arrangements in place to ensure that we have got more vegan and gluten-free food?

The Hon. CATHERINE CUSACK: There is so much more than there used to be. There used to be none.

Mr DAVID SHOEBRIDGE: I accept that interjection, absolutely.

Mr WEBB: We are very aware of the fact that we have a wide range of consumers of our catering offerings, including people that want vegan, vegetarian and gluten-free options. We always do make sure that there are those options available. In terms of the range that is available, one of the things we look at is demand. If we put additional items on, do people buy those additional items? We look at that to try and find a balance. You would be unsurprised to hear, Mr Shoebridge, there are some people who would prefer a steak and some potatoes. There are a wide range of options.

Mr DAVID SHOEBRIDGE: They can be catered for.

Mr WEBB: They can be. We take very seriously issues of things like food waste and the like. We try to make sure that we do not end up with a huge amount of food waste. The range is based on demand, essentially. Where we have put additional vegan and other options, if people actually buy them is the rationale, to be honest.

Mr DAVID SHOEBRIDGE: It is a bit of a build it and they will come situation.

Mr WEBB: As you know, we change the menu each week in Cafe Quorum and there have been weeks where we have put additional vegan and vegetarian options on as well. We find that—I do not want to make generalisations, but it usually just spreads the purchasing of those vegan and vegetarian options amongst the various items, rather than increasing demand for them.

The Hon. ROBERT BORSAK: My vote is for kangaroo, actually.

Mr WEBB: I will pass that on.

The CHAIR: On that note, it is time for the other portion for the crossbench. Mr Latham or Mr Borsak?

Mr DAVID SHOEBRIDGE: The other portion did you say? That was a nice segue, Chair.

The Hon. MARK LATHAM: On the question of cuisine, as the only MP with a cookbook, I extend the position of food diversity put by my colleague, Mr Shoebridge. I very much welcome the Koori cuisine, but you find it is just the cheap European imitation with the thin slices of kangaroo. When are we going to get some real Koori cuisine on the menu, like koala and platypus?

Mr DAVID SHOEBRIDGE: I think we can just safely say never.

The Hon. MARK LATHAM: Why not?

Mr WEBB: I would say I have no plans to serve either koala or platypus.

The Hon. MARK LATHAM: Seriously? We are just stuck with cheap European imitation of thin kangaroo slices.

The Hon. ROBERT BORSAK: Active conservation has proved that, if you eat them, they thrive as a species. There is no question of that.

The Hon. MARK LATHAM: We have even got a member who will capture and shoot them for us. Okay, so the answer is never?

Mr WEBB: No plans to introduce.

The Hon. MARK LATHAM: That is sad to hear in terms of cultural authenticity. How much has the Hibbs consultancy cost, and are they still on our books?

The PRESIDENT: Yes, Hibbs are still on our books and I can provide you with some specific figures.

Mr WEBB: We may have to take that on notice in that the arrangements are part of a commercial-in-confidence—

The PRESIDENT: Are Hibbs commercial in confidence?

Mr WEBB: Yes, but we just have to consult with them before we release it.

The Hon. MARK LATHAM: I am not wanting to see the contract; I am wanting to know how much we have paid them so far, and if you could answer also what is their ongoing role, given that effectively we have gone back to the COVID-safe arrangements we had in June.

Mr WEBB: I can answer the second part.

The PRESIDENT: We might take the second now.

Mr WEBB: The first part I am happy to take on notice. We have an obligation where there is a commercial-in-confidence element to consult with the people before we release the figures, so we will have to take that on notice. The relationship with Hibbs is still in place. We ask for specific advice around particular issues. Right now we are seeking advice on the November sittings. The primary characteristic that is influencing what happens in November is density limits. At the moment they are at four square metres. If they are at two square metres this more impacts the Legislative Assembly than yourselves, but there are more options to have more people in that Chamber. Of course, if they scrap the density limits completely then we can restore all elements, including things like the restaurant and the number of people in the cafe and the like, through to original arrangements.

We are waiting on the health decisions around what the density limits will be as the primary characteristic about some of those items. We have asked Hibbs to prepare scenarios that cover those three areas—four square metres, two square metres and no density limits—and I would anticipate that the November sittings will be the last time we will need any such advice by the time we come back in February.

The Hon. MARK LATHAM: So when does the Hibbs retainer expire?

Mr WEBB: It will be after this November sittings, and it is not a retainer, we are just paying for the advice that we receive.

The Hon. MARK LATHAM: How much did the Strangers' dining room renovation cost and what did it achieve because, to a lot of members of Parliament, it looks the same as when you started?

Mr WEBB: I will ask my excellent team who are watching to send me the exact figure of how much it cost while I talk about the other part of your question. The Strangers' work is part of our overall ceiling and building services replacement program. Those of you that are familiar with the history of the tower block will know that it was built in the late 1980s, commissioned in the early 1970s. The building services in the ceiling have not been replaced since then. By way of example, back then the Legislative Council positions were part-time with no staff, there were no computers in offices, et cetera, so things like the air-conditioning systems, the cabling and all the rest were not built with modern workplaces in mind.

We have, over the last few years, been progressively replacing all of that in the ceiling. I very much hope that, besides the rest of the building, besides excellent new ceiling panels, you are not noticing much change because all the change is up in the ceiling for the building services that are there. We did all of that replacement for the Strangers' dining room—so replacement of the air-conditioning system, the cabling et cetera—but the other feedback we have received both from members and from external bodies that come in and do events here is that the audiovisual capacity of the Strangers' area was not sufficient for modern events and presentations, so we took the opportunity—we had received money through the digital transformation project—to replace the audiovisual systems in both Chambers, the committee rooms and the Strangers' area.

Rather than do those two pieces of work separately, we combined them and, while we had the Strangers' roof down, we replaced all the building services, put in new audiovisual capacity and blinds, for instance. One of the things we often got was that in the mornings, in particular, if you were running an event, there were no blinds on the windows, so that if you did bring your own projector you could not see anything on the screen, so there were blinds for either light management or privacy, depending on the nature of the event. They are the primary things. You are absolutely right, we did recondition the ceiling tiles, but I hope very much that the extensive work we did should be invisible to you because that was the intent. We were not trying to fundamentally change the nature of the room; we were trying to make sure it had the capacity to deal with the modern demands of function space.

The Hon. MARK LATHAM: Further on renovation costs, how much has it cost to renovate the Speaker's courtyard and, while of course the ramp for disability access is understood, why did it have to be such an extensive renovation of other spaces instead of getting a few carpenters in to build a ramp within a couple of days?

Mr WEBB: The Speaker's garden is a space that is in the Speaker's area. I will ask my team to give me a sense of the cost. We did build a ramp that is designed to fit the heritage nature of the Speaker's garden, so it is not something that could be done with a couple of carpenters in a couple of days; it needed to meet the heritage

requirements of the space. In terms of further work, really the only further thing we did was take down the wall between it and the northern atrium in order to connect the two spaces, so that is the only extra work. I should say the total cost of both the audiovisual and the building services work in the Strangers' area was \$2.1 million.

The Hon. MARK LATHAM: It was \$2.1 million?

Mr WEBB: Yes, indeed. The work was quite extensive.

The Hon. MARK LATHAM: How much are we paying Elizabeth Broderick for her review of workplace culture and respect of women? Was it a competitive process that brought her on board and what stage of her work is she at?

Mr WEBB: Sorry, the work on the Speaker's garden was \$460,000.

The Hon. MARK LATHAM: It must be a good ramp.

Mr DAVID SHOEBRIDGE: It must be important to get disabled access.

Mr WEBB: Yes.

The Hon. BEN FRANKLIN: The President needs a garden too.

Mr WEBB: That would be an excellent thing to be able to add, Mr Franklin. I will have to take on notice the Elizabeth Broderick costs for the same reason as I took on notice the Hibbs cost; it is commercial in confidence and we would have to consult with her first, which I am happy to do. You asked about the procurement process and the status—

The Hon. MARK LATHAM: Was it a competitive process by which she was appointed?

Mr WEBB: No, we went through a single-sourcing process for Elizabeth Broderick based on the requirements of the need to do the work. There are not that many people that have the capacity and the reputation to undertake that kind of work. We followed all of the guidelines around single sourcing to ensure that we met all of the government procurement guidelines that we volunteer to comply with. In terms of where it is at, Ms Broderick has completed a desktop review of our policies and processes and we are in the process of having a look at some of the feedback she is giving us. Her final report will incorporate all of this information, but we have asked her to progressively tell us about the things that she is finding so that we can implement them straight away.

We are about to kick off the next phase, which is a voluntary survey that people can or, in the case of some, may not wish to participate in—and that is perfectly fine—and there are options for individuals or groups to be interviewed by Ms Broderick and her team if they want to give feedback more directly. The intent is to gather an evidence base to determine whether there are further changes that might be required. Coming in to this process we felt that it was important to gather data on how things actually are as opposed to making guesses or suppositions about how things are, and that is the process that we are looking at going through.

(Short adjournment)

The CHAIR: Welcome back, everybody. I will hand over to the Opposition. Mr D'Adam.

The Hon. ANTHONY D'ADAM: I want to come back to this question around the closed captioning contract. Mr Webb, where is the contract left?

Mr WEBB: We have gone through a tender process, and we are currently in contract negotiations.

The Hon. ANTHONY D'ADAM: Can I ask about how the closed captioning works? Is that wholly an artificial intelligence-type of thing or is there a human dimension to that?

Mr WEBB: We had a look at both. There is interesting work going on in a few jurisdictions around closed captioning and using technology. The House of Commons in the United Kingdom, for example, has been using a technology-based platform to produce closed captioning. The accuracy rate of it at the moment is only at about 85 per cent, 86 per cent, whereas the existing closed captioning services that are in Australia have an accuracy rate of around 99 per cent. When we were first looking at it, we thought that the existing services might be too expensive for the budget that we had, but when we tested the market it turned out that was not the case.

We will be using the same kind of closed captioning service as the existing broadcasting users. They do use technology, but there is still a human component to that technology that is used—like our Hansard team use dictation software that they can speak the words into the system, similar stuff for the closed caption but it still has a human dimension to it. Of course, we are going to continue to monitor what our colleagues across the world do

in this space. It is important that we keep an eye on what parliaments are doing, but at this point it is a fairly traditional closed captions service to start off with.

The Hon. ANTHONY D'ADAM: The human dimension, will they be domiciled in Australia? Where are those individuals going to be located?

Mr WEBB: We have not finished the contract negotiation.

The Hon. ANTHONY D'ADAM: [Disorder]. Is that a condition of the contract?

Mr WEBB: I can say that all of the shortlisted contracts were Australia based. While we have not finished the negotiations, I can confidently say it will be done in Australia.

The Hon. ANTHONY D'ADAM: You are seeking a contract term that specifically requires the human dimension and the captioning to be done by Australians in Australia?

Mr WEBB: Yes, that is correct.

The Hon. ANTHONY D'ADAM: How long are you looking to contract for?

Mr WEBB: We are starting off with—I will have the team send me the exact length. We are starting off with an initial contract, but the intention would be that we would extend it further and we did seek funding for the ongoing provision of the service. So I will just get the team, who I know are listening intently, to send me the length of the initial contract that we are negotiating. Again, just reiterating we are still finalising those contract negotiations at the moment.

The Hon. ANTHONY D'ADAM: What is the benchmark accuracy that you are looking for in the contract?

Mr WEBB: It is 99 per cent, based around a verbatim—it will be a verbatim, not the excellent work that Hansard do to prepare the edited transcripts, which still needs to occur. I know many of you say you never knew how good you sounded until you read your *Hansard* transcripts back. This closed captioning is not an edited area; it is a verbatim transcription. The areas where these kind of closed captioning things tend to not be accurate is around place names and other unusual names—so proper nouns, if you like. That is where they tend to be perhaps not as accurate as other parts, but generally I believe it is quoted at—and my excellent team has told me that it is quoted as—98 per cent accurate. The contract is for 12 months, with an additional two-year extension possible if they meet the performance targets that we are outlining.

The Hon. ANTHONY D'ADAM: Can I ask what consultations have been involved in the process of adopting closed captioning? Is there some mechanism for MPs to be involved in the evaluation?

Mr WEBB: I might again ask my excellent team to send me a couple of notes about what consultations happened so far. We welcome any feedback from anyone on this. One of the reasons we set it up for the 12 months in the first instance was so that people had a chance to give us feedback on whether it was working or not, whether it is useful—not just from members but from members' staff and also the Hansard team—for instance, does the verbatim information that comes through, is it useful in the Hansard production process or not? They are the kinds of bits of feedback we will be seeking through the first 12-month contract. That is why we did not jump into a three-year contract.

The Hon. ANTHONY D'ADAM: But will there be some structured evaluation process that will involve some consultation with the users?

Mr WEBB: Yes, absolutely. In the same way with the Parliament on Demand system, you will have noted recently we put out some surveys and sought feedback on whether that Parliament on Demand system was working to support you as members. We will be doing similar things with the closed captioning process as well to make sure that you are satisfied with that. We have also insisted that the closed captioning service meets all of the applicable disability standards as well. Once it is up and running, as a part of that tweaking and consultation process, we will also be consulting with people from a disability advocacy point of view just to make sure, when they can actually see it in operation, it is actually doing what they need it to do from that perspective. I should say, we are looking to trial the closed captioning technology in December with a couple of committees to start off with, just to get a sense of how that is working, and then extending it out to everything else over the next couple of months.

The Hon. ANTHONY D'ADAM: So the expectation is that it will cover committees as well as sittings of the House?

Mr WEBB: Correct.

The Hon. ANTHONY D'ADAM: Okay. I might pass over to my colleague now.

The Hon. MARK BUTTIGIEG: I want to loop back into the Broderick review by the advisory group on bullying, sexual harassment and serious misconduct. I place it on the record that the Labor Opposition supports the review. I just want to take you through some of the nuances of that. My understanding is that one of the unpublished findings of the advisory group is that some of the provisions of the code are little bit inconsistent with protection of staff from misconduct. It goes to the current drafting of the code of conduct and the principles of loyalty and confidentiality, which set up a bit of a conflict for a staff member who is hypothetically subject to bullying and harassment feeling perhaps intimidated by raising it, given the loyalty and confidentiality parameters. Did you want to talk us through that?

Mr WEBB: Yes. Without wanting to give away or breach anyone's privacy, I think in a general sense it is true that one of the issues that has been raised has been the interplay between the requirements of members' staff around loyalty and confidentiality and the fact that the current members' code of conduct does not go to behavioural elements at all. So there is a potential either reality or perception that loyalty could mean not complaining about being bullied; some people may interpret the loyalty provision through that lens. I do not think any reasonable member would look at the loyalty provision and say, "Oh no, that means you have to put up with bullying", but the concern was that people might perceive that they had limited avenue to raise things, especially when you reflect on the members' code of conduct and realise there is nothing in it about behaviour and treating people with respect and the like.

I know some of these matters have been canvassed through the proposals around the compliance officer, and if Mr Blunt wanted to add anything in that regard I would welcome it. It has pointed us towards perhaps a more fulsome description of what loyalty means in the context of the Code of Conduct for Members' Staff. I do not think anybody around this table would expect that loyalty means putting up with bullying and harassment of any type. We want to make sure that we can tease that out and provide clearer advice to members' staff about how to handle those kinds of situations. Mr Blunt, was there anything to mention on the compliance officer and the changes to the code of conduct?

Mr BLUNT: Maybe just two things if I could, Mr Buttigieg. In relation to the compliance officer proposal, you would no doubt be aware that both privileges committees, of the Legislative Council and the Legislative Assembly, have now reported supporting the proposal, but each with a number of recommendations. Quite a bit of work has been going on behind the scenes in recent weeks to try to work through the slight nuances between the two committees. Mr President kicked the matter along significantly by referring to the Legislative Council Privileges Committee a follow-up reference requiring it to inquire into and report expeditiously on how to effectively get the proposal across the line, so that someone can give a notice of motion in one of the Houses to get this matter back before members for consideration and, hopefully, adoption and implementation asap. That is not too far away.

Secondly, further to what Mr Webb was saying, as members would be aware—I think the newly elected members in 2019—this whole issue of harassment and bullying was one that we sought to address during the induction program. It is a vexed and difficult issue, of course, and parliaments around the world have been grappling with this issue in recent times. One of the things that Mr Webb and I, along with our colleague the Clerk of the Assembly, have been emphasising since then in the induction of staff—both members' staff and parliamentary staff—is a message around respect in the workplace. All staff are expected to respect all members, regardless of who the staffer works for and who the member is—not only their own member—but also to expect to be treated with respect. If they find themselves not treated with respect by colleagues or any member they have our encouragement to push back politely, but also our doors are open.

The Hon. MARK BUTTIGIEG: I do not think there is any debate about the intentions of everyone and that all of us are on the same page in terms of the outcomes. I want to zero in on some of the inherent difficulties regarding the contradictions inherent, say, in the Members of Parliament Staff [MOPS] Act where effectively there is no reason for dismissal, and how that sets up with a staff member coming forward in the context of that. What role or value-add, if any, will the compliance officer play in attenuating that conflict—in the absence of us changing the MOPS Act, of course?

Mr WEBB: I can probably handle the first part of that, Mr President, and Mr Blunt might have some comments on the second part. Yes, you are quite right. The Parliament, when passing the Members of Parliament Staff Act, included the capacity to hire members' staff without any merit-based process and also to terminate that employment. One of the compensating elements of that was that a members' staff member who is terminated for no reason gets a payout that is the equivalent of what you would get if you went to the Industrial Relations Commission to challenge employment ending. That was a deliberate design decision made by the Parliament at the time for the employment of members' staff.

The Hon. MARK BUTTIGIEG: Just for the record, both the Labor Opposition and The Greens opposed that at the time, is my understanding.

Mr WEBB: I was not here at the time so I do not recall that, but the feature is there in the legislation. I should note that the discrimination Act still applies. Someone cannot be terminated for discriminatory reasons. That is something that is still in place at the moment. But it is true that members do not need to go through an extensive performance management process to terminate. In the public sector, if someone does go through an extensive performance management process and is eventually terminated they do not get compensation for that, whereas members' staff do.

The Hon. MARK BUTTIGIEG: No, I understand the quid pro quo. I just want to get to how we resolve this contradiction inherent there and what, if any, role the compliance officer will play in that.

Mr WEBB: Mr Blunt, did you want to talk about the compliance officer?

Mr BLUNT: Yes. Thanks, Mr Webb. Mr Buttigieg, the proposal for the compliance officer deals with a number of jurisdictional gaps between nothing and ICAC in the space of members' use of entitlements, members' disclosures of pecuniary interests and code of conduct matters, including bullying and harassment. In that bullying and harassment space, one of the things that is built in to the original proposal—as per the motions that went through the House and the Legislative Assembly last year sending this matter off to the committees, but also inherent in the reports of the two privileges committees—is an emphasis upon complaints about any of these matters, but particularly sensitive matters concerning bullying and harassment, being dealt with as quickly as possible and confidentially. One of the areas of nuance between the two committees is in relation to reporting—the specific circumstances in which there is a report on a matter. But built into the proposed resolution and the reports of the two committees is that one aspect of reporting is the consent of the complainant. That is a really important safeguard.

The Hon. MARK BUTTIGIEG: I take you to some training that was introduced for members' staff to understand safe practices when engaging with distressed constituents. That is particularly relevant given the pandemic and the flood of calls people have been getting. Is there a proposal to have that as part of regular, updated training rather than just a one-off given the spike with the pandemic?

Mr WEBB: That is an excellent question, Mr Buttigieg. Yes, the feedback that we have got is that the training has been very well received and that its applicability could go beyond the particular crisis that we find ourselves in, so we are looking at introducing it as a regular part of our training regime.

The Hon. MARK BUTTIGIEG: The other feedback I have had from the staff is that some of them found it very difficult to attend because there was no relief available. Would we be able to consider some relief arrangements so people could attend that sort of training?

Mr WEBB: Yes, that is something that is being actively considered at the moment. The current determination indicates that short-term relief is only available under very specific circumstances for training, so that is something that we are reviewing at the moment.

The Hon. MARK BUTTIGIEG: I also want to take you back to something we touched on earlier regarding employee entitlements and the comparison with, say, the sessional staff who have got that extra 10 days given the hours that they work, which is embedded into the parliamentary cycle, I guess. It is quite clear that you could make the same argument or analogy for a lot of members' staff. Is consideration being given to the possibility of them receiving an extra 10 days as well? We have got all sorts of issues where staff are forced to take leave over the Christmas break. They are working long hours—essentially the same as the sessional staff—but they have got this disparity in extra leave?

Mr WEBB: All conditions, including leave, are included in this review that we are doing, so we will be looking at what is the most appropriate way to compensate for the unusual work hours that members' staff go through. It could include leave. There is currently the all incidence allowance and there are other compensation mechanisms that could be in play. Basically it is all on the table to be reviewed.

The Hon. MARK BUTTIGIEG: In terms of technology for staff, another issue we have come across is the fact that in order for them to access the IT infrastructure in Parliament, emails and whatnot, they have their own devices and they have to have, my understanding is, the latest iteration of an iPhone or a Samsung in order to facilitate that software, and there are sometimes significant upgrade costs involved. That is obviously an issue for staff who are out of pocket simply to do their job. Have we given any thought to perhaps allocating devices to staff members so that they do not have that upgrade cost, or compensating them for the upgrade cost?

Mr WEBB: No, we have not given any consideration to that, but I am happy to give consideration to that. There are options for the production of tokens that allow for the access that do not use your phone, so there might be some things that we can do there as well.

The Hon. MARK BUTTIGIEG: It might be that you get to do a submission to the PRT which could go to some of these things.

Mr WEBB: Could do, yes, absolutely, and just a reminder that all members can also make submissions directly as well, and I encourage you to do so.

The PRESIDENT: And those submissions are due by the end of the month.

Mr DAVID SHOEBRIDGE: Mr Webb, it might be useful to finish some of the discussions about assisting staff do their job. One of the ongoing concerns I know in my office, and when I speak to other colleagues in their offices, is when staff have short periods of leave the assumption is that that is not backfilled for short periods of leave, and that means the staff return to an increased pile of work, which can be quite distressing for them and I think is unfair. I think that change about short-term relief only came into effect a few years ago. Can you talk us through that?

Mr WEBB: Yes, and I should say at the start that this is another area that we have been looking at. I think at one point the rule was that the person had to be away for a week, and I will just get my excellent staff to send me a note in case what I am saying is incorrect, but my understanding is that we have dropped that down to a day, so that if someone does go away for a day they can be backfilled to bring some consistency around that. I do know there have been some questions about whether, if someone takes half a day's leave, for instance, there might be some options there, so we are looking at that as well.

Mr DAVID SHOEBRIDGE: This is a matter that has concerned me. I was not aware that the policy change had happened where, if you take a day's leave, backfill is available. Could that be communicated clearly to all members and staff?

Mr WEBB: Yes, happy to.

Mr DAVID SHOEBRIDGE: When did that change happen?

Mr WEBB: I am sure my very excellent people will send me a note to tell me exactly when it happened and I will immediately tell you that.

Mr DAVID SHOEBRIDGE: I want to indicate that where it has created specific instances of difficulty in my office, in my dealings with you, you have always been amenable to trying to resolve things, but the policy has been the problem.

Mr WEBB: Absolutely.

Mr DAVID SHOEBRIDGE: Could I ask you, Mr Blunt, what the time frame is for getting the Parliamentary Compliance Officer in place? What sort of time frame can we be expecting?

Mr BLUNT: As I said while you were out of the room, Mr Shoebridge, Mr President gave a reference to the Legislative Council Privileges Committee some weeks ago for the committee to report as expeditiously as possible on essentially how to harmonise the positions of the Legislative Council committee and the Legislative Assembly committee. Work is well underway in that regard. There have been extensive discussions at an officer level and I understand between certain members of the two committees and—Mr Reynolds I am sure will confirm if I am misleading the Committee—a report is already underway being drafted for the chair of the Legislative Council committee.

Mr DAVID SHOEBRIDGE: In terms of the resourcing requirements, what are the additional resourcing requirements for getting a Parliamentary Compliance Officer?

Mr BLUNT: The first step in the implementation after the Legislative Council committee reports would be a member giving a notice of motion and a motion, if it starts in the Legislative Council, being considered, debated, and it is ultimately a decision for members whether that resolution is adopted and in what form, and then a message being sent to the Assembly for them to deal with in the same way. Immediately a resolution is passed by both Houses the three department heads will work with the Presiding Officers on the recruitment of a suitable person or persons for their names to be put before the privilege committees for review and confirmation.

When the resolution was first put before each House this time last year the proposal was that recruitment be finalised before the middle of this year, so if things progressed over the next three sitting weeks, for instance, I think the goal would be to have someone in place by the end of the financial year. In terms of resources, we do not anticipate this costing a lot. Unless the person is overwhelmed by complaints about members' conduct, which

we do not expect, we expect essentially someone to be effectively put on a retainer, be paid a fee to be available continuously for the duration of their term, and when they do need to deal with a matter—

Mr DAVID SHOEBRIDGE: It scales up and scales down as needed.

Mr BLUNT: If necessary, if the amount of work is more than the retainer. But we are not talking about a significant amount of money; we are not talking about more than what it costs for one of my full-time employees, for instance.

The Hon. BEN FRANKLIN: Like John Evans, the ethics advisor.

Mr BLUNT: That is exactly the model, Mr Franklin.

Mr DAVID SHOEBRIDGE: I want to be clear: My party, The Greens, strongly endorse us getting that position as soon as possible and my only concern is if we cannot get cooperation with the other place, if that is a sticking point, whether it is a possibility to go as a separate measure in the Legislative Council.

The PRESIDENT: I think we are confident of getting agreement, and it is close.

Mr DAVID SHOEBRIDGE: All right, we will cross that bridge, and hopefully we will not have to come to it.

The PRESIDENT: There has been a lot of work that has gone on behind the scenes to get to this point, so I think we are almost there.

Mr DAVID SHOEBRIDGE: Going to the costs, one of the concerns that I think many members of the Opposition and crossbench have had is the sheer number of baseless privilege claims that have been made by the Government under Standing Order 52 and the number of matters that have gone to the arbiter. Do you have an indication, Mr Blunt, of how many disputed matters have gone to the arbiter?

Mr BLUNT: During the last financial year the Legislative Council was required to engage the services of three arbiters. Mr Bret Walker dealt with one matter at a cost of \$1,100, the Hon. Joseph Campbell dealt with one matter at a cost of \$8,550, and the Hon. Keith Mason dealt with around 20 matters at a total cost of \$31,999.

Mr DAVID SHOEBRIDGE: I did not know Bret Walker issued bills for \$1,100, so congratulations on that.

Mr BLUNT: Can I just say that in relation to each of those three people, and particularly the ongoing work of Keith Mason, the Legislative Council gets the most excellent value for money from people of such amazing standing and legal knowledge.

Mr DAVID SHOEBRIDGE: For Keith Mason, a jurist of his seniority, to deal with 20 matters for those figures, I would endorse what you say. But do you have a win-loss ratio for the Government on those matters?

Mr BLUNT: I am not sure it is about winning and losing; it is about thorough and—

Mr DAVID SHOEBRIDGE: I will phrase it a different way: How many of the privilege claims were not upheld?

Mr BLUNT: In relation to 22 or 23 matters in the last financial year, during that financial year it may be that there were some parts of one or two of those privilege claims that were upheld.

Mr DAVID SHOEBRIDGE: So none of them were upheld in total, and at best there was partial success in one or two.

Mr BLUNT: Again, I am loath to use the terms "success" or "failure" or "win" or "lose". It is about the Legislative Council getting thorough and reliable advice in evaluating the claims. But, ultimately, the decisions are yours in the House.

Mr DAVID SHOEBRIDGE: Would it be fair to say that overwhelmingly the arbiters were not persuaded by the privilege claims being made by the Government?

Mr BLUNT: Yes.

Mr DAVID SHOEBRIDGE: What kind of additional delay is that putting on the release of documents? How long is this taking?

Mr BLUNT: Late last year former President Ajaka convened a roundtable that I recall you being in attendance at, Mr Shoebidge, together with the Independent Legal Arbiter and representatives of the Government, Opposition, crossbench and DPC. I recall that one of the statements made during that roundtable meeting was, if

I can paraphrase DPC, because of the extraordinary volume of orders, in their view, there was not time to necessarily do all the due diligence required to ensure that all private information, for instance, was redacted and so therefore there were some privilege claims that were being made that were perhaps broader than would ordinarily happen if more time was available.

Mr DAVID SHOEBRIDGE: Mr Blunt, it goes well beyond that. The privilege claims continue to be made based upon privilege elements of the Government Information (Public Access) Act. That is an argument that has not been accepted by a single arbiter, ever. Is there any structured engagement in place with the DPC and other agencies so they can stop making such grossly unmeritorious privilege claims?

Mr BLUNT: When the House resumed in February-March this year, former President Ajaka tabled a report on the outcome of that roundtable meeting, which included a document summarising, in effect, the jurisprudence of Mr Mason in particular, but also other arbiters. That has been, I hope, a useful educative resource for the public service out in the clusters. I understand that DPC have sought to make that document available widely. There are no doubt other things that can be done as well.

The PRESIDENT: Just very briefly, it is about the Premier's memorandum that goes out and how they actually comply with that. It is an ongoing discussion and, in that regard, as I mentioned earlier, we are looking at doing a practice note to try and facilitate that and to ensure that the expectations of the House are well known to the bureaucracy through that memorandum process. That is something that we are looking to do and I am hopeful it will be something that will short-circuit some of these problems, particularly in relation to privilege.

The Hon. MARK LATHAM: Just coming back to Mr Webb's point about gathering the evidence base for Elizabeth Broderick, has there been a referral to her inquiry into the two high-profile public matters, with regard to the disrespect of women in this building? For instance, there was the social media post by Lauren Gillin, who formerly worked for Mr Shoebridge, accusing him of sexism, bullying, intimidation, abuse and humiliation. Is that part of the evidence base that has been referred on to the Broderick inquiry?

The second one, I suppose it has only come up and been reinforced in the last 24 hours, is the member for Willoughby seemingly and persistently lying to her female chief of staff in the matters before ICAC yesterday, and also the notorious Leeton UWE matter before ICAC last year. Obviously, respect for women starts with telling them the truth in our positions as members for Parliament. These are two high-profile matters that have gained media attention in the past 12 months. Do they come within the remit of this very important Broderick review?

Mr WEBB: Ms Broderick and her team have not been engaged to investigate specific complaints.

The Hon. MARK LATHAM: Why not?

Mr WEBB: They are not looking to specific complaints and judging the merit of those complaints or not. They are looking at the processes, procedures, culture and recommendations to change at an institution level, not looking at individual complaints. With the second issue that you raise, of course, the situation involves ministerial staff and the member for Willoughby in her capacity on the Executive side of things. Even if we were looking at individual complaints, that one would not have been in the mix. But we are not looking into individual complaints; we are looking at patterns and overall settings for the institution.

The Hon. MARK LATHAM: How do you judge patterns without looking at individual complaints that might form a pattern?

Mr WEBB: Anyone can participate in either the survey or the interviews and provide information. What I am saying is that Ms Broderick and her team will not be investigating those complaints to form a conclusion about them. They will be accepting any information that is provided as part of developing an evidence base.

The Hon. MARK LATHAM: Can a former staff member like Lauren Gillin come forward, or is it limited to current staff?

Mr WEBB: No, we are opening it up to anybody.

The Hon. MARK LATHAM: So they will be notified—

Mr WEBB: They will be, as part of the—

The Hon. MARK LATHAM: You will get an email saying, "if you have got relevant matters, you can sit down with Ms Broderick and have a talk about—"

Mr WEBB: If we still have contact details for them. We do not have contact details for everyone that has ever worked at the Parliament. But if we do have contact details, we will—I should say, when I say "we", we take the confidentiality of the process extremely clearly. We will be doing a general communication telling people where things are up to, but it will be Ms Broderick that engages. We will pass on messages on her behalf. None

of the information will be routed through Mr Blunt, myself, the Clerk of the Legislative Assembly or any parts of the administration.

The Hon. MARK LATHAM: What is the expectation for completing the Broderick report?

Mr WEBB: We are expecting the report back in March next year.

The Hon. MARK LATHAM: Thank you. Have you got that expenditure on the bollards?

Mr WEBB: Yes, \$1.95 million.

The Hon. MARK LATHAM: That is \$2 million.

Mr WEBB: Yes, indeed.

The Hon. MARK LATHAM: Twenty years after September 11. This was supposed to be some security measure, is that right?

Mr WEBB: Yes. As per the longstanding practice, I do not propose to comment on security vulnerabilities of the Parliament in an open public session. I am very happy to talk to members of the Committee in a private session about the reasoning behind any security measures that we have.

The Hon. MARK LATHAM: What was the original cost estimate for that work?

Mr WEBB: It is within the budget that we originally put forward.

The Hon. MARK LATHAM: I am sure it is, but what did we expect it to cost initially when this idea was presented for expenditure?

Mr WEBB: Around \$2 million.

The Hon. MARK LATHAM: So knowingly it was thought that those bollards would be worth \$2 million and this is the expectation.

Mr WEBB: Yes.

The Hon. MARK LATHAM: Is there a breakdown on the renovation of the Speaker's courtyard and how much the ramp cost as opposed to the other—

Mr WEBB: I do not have that with me, so I will have to take that on notice.

The Hon. MARK LATHAM: Within the envelope of the \$460,000. It is a bargain compared to the bollards, isn't it? Some of these things just leave you breathless.

Mr WEBB: It is certainly cheaper, yes.

The Hon. MARK LATHAM: What work has our new Aboriginal Liaison Officer been doing west of the Great Dividing Range in the most disadvantaged Indigenous communities in New South Wales?

Mr WEBB: As you know, since our new Aboriginal Liaison Officer came on board there have been significant travel restrictions around the great State of New South Wales. In terms of physically visiting those communities, he has not had that opportunity as yet. But he works in the context of the Communications, Engagement and Education team, which have been looking at outreach programs across the entire State, which includes trying to engage Aboriginal people with the institution of parliament more broadly.

The Hon. MARK LATHAM: Is it the intention he will spend time in electorates like Barwon, Murray, Dubbo when the restrictions make that possible?

Mr WEBB: We want to engage with Indigenous communities across all of New South Wales, yes.

The Hon. MARK LATHAM: He will be going west when the opportunity arises—

Mr WEBB: Absolutely. This is not a Sydney-centric approach.

The PRESIDENT: I think there was one committee that he actually visited, from memory, in the Central West? Mr Blunt will check that. He has been out with one committee to help facilitate hearings. But I have actually put a project to Steven with the support of some of the members out west—particularly the member for Barwon and others. It would look at how we actually could take some of the Parliament out there and do a real visit to some of these areas, not just in a committee context but in a real, seeing what the conditions are on the ground context—go out to Wilcannia, for example, and actually meet with the Aboriginal community there and do something that is much more significant than a transient committee visit gives you the opportunity to do.

There are some parameters around that that Steven is working with—and, indeed, with those discussions with some of the local members—to try to facilitate that to give members an opportunity to go out and see how difficult the conditions are in some areas of New South Wales. That is something I have a project to be worked up on so we can perhaps tap into that once travel restrictions are removed next year.

The Hon. MARK LATHAM: That sounds an excellent proposition. I think we should have a structured program to make sure we are always visiting the most disadvantaged parts of New South Wales and understanding the task of providing better opportunities for those communities. When you go there, it is horrific. We do not get that direct awareness if we base ourselves too much on Macquarie Street.

Mr WEBB: Steven is doing excellent work facilitating that connection with community. He has boosted our capacity in this space immeasurably since he came on board. He is an excellent addition to the Parliament.

The Hon. MARK LATHAM: I am glad to hear that. Just back on some costings and expenditure, the bust of Virginia Chadwick: What is the cost estimate there to place that fine marble item in our Chamber?

The PRESIDENT: It has arrived in the building.

Mr WEBB: I will have to look that up, if you would ask another question while I do that.

The Hon. MARK LATHAM: Okay. Where did the rainbow flags go on the front desk?

Mr WEBB: On the Legislative Assembly front desk?

The Hon. MARK LATHAM: Yes. They disappeared. I am not saying I am complaining about that; I am just interested in the decision-making by which they were removed.

Mr WEBB: Those flags were there for a particular event, as I understand it. When it was noted that the event had finished they were removed.

The Hon. MARK LATHAM: It must have been a long-running event. What was that event?

Mr WEBB: I cannot recall off the top of my head. It was one of the pride and diversity days. I cannot remember the exact details; it was a while ago.

The Hon. MARK LATHAM: Right. Who are the team from Measurement—Ayesha, Poorval and Tahina? What are they measuring? What do we pay them? What impact do they have on the workings of the building?

Mr WEBB: Part of doing the ceiling and building services project is that we have also been looking at the corporate accommodation that sits underneath that—if we are pulling apart the ceiling, whether we need to make any changes to where walls are and all that kind of thing as well. What they have been looking at is how people use the building, where people move through, whether that has changed in the years since the tower block was originally built and whether there are any adjustments we need to make as part of doing that work to support the operation of the Parliament.

The Hon. MARK LATHAM: These are consultants?

Mr WEBB: Yes.

The Hon. MARK LATHAM: How much do we pay them?

Mr WEBB: I do not have that figure with me.

The Hon. MARK LATHAM: Mr Webb, why can't you and your team work out the movements inside the building? It is not a complex Parliament House, I can assure you, compared to some others.

Mr WEBB: Yes, compared to others.

The Hon. MARK LATHAM: It is simple. Kindy kids could make their way around here. Why do we need to bring in consultants to work out, in your words, how people are moving and walls that might need to be taken down?

Mr WEBB: That is part of the corporate accommodation process that we have been going through. We have brought in people who are expert in corporate accommodation and it is done as part of that project. I note the bust of Virginia Chadwick cost \$104,000.

The Hon. MARK LATHAM: Who was the artist for that?

Mr WEBB: And the flags were there for Mardi Gras.

The Hon. MARK LATHAM: Right, okay. That is good. Who is the artist who gets the 104 grand?

Mr WEBB: They do not get all of that. Have you got that with you, Mr Blunt?

Mr BLUNT: Mr Latham, in relation to the bust of the late Hon. Virginia Chadwick, first female President of the Legislative Council, and former Minister, the project to commission that bust got underway following the passage of a resolution in the Legislative Council agreed to by the House on 9 March 2016. It has taken—

The Hon. MARK LATHAM: Two thousand and sixteen?

Mr BLUNT: It has taken some time to come to fruition. But, as Mr President said, the bust—

The Hon. MARK LATHAM: It has taken 5½ years. Who was doing it? Michelangelo?

Mr BLUNT: The bust is now here and will be unveiled on a date to be advised by the President after consultation with the family. It will be a wonderful event and a tribute to the late Hon. Virginia Chadwick. The bust has been sculpted by renowned Australian sculptor Peter Schipperheyn.

The CHAIR: We will have to return to this. It is Opposition time. Mr Buttigieg has the call.

The Hon. MARK BUTTIGIEG: Thank you, Chair. Let us just loop back to some questions on technology. I just want to finish off that line of questioning I was pursuing earlier. One of the problems we have got, which was highlighted during the pandemic, was that staff get allocated a device per FTE. Of course, if you are stuck at home it is a bit hard to share around a laptop if you have got multiple staff. Has there been consideration of allocating a computer to each individual staff member as opposed to by FTE? It really hampers their ability to do their job.

Mr WEBB: We have been looking at that issue. You are quite right that the provision of desktop computers tended to be on the basis of an FTE because people would share a desk, but it is harder to do that with people doing remote working. We have looked at some flexibility around that and have been, in circumstances, providing laptops per person. I would say that if a member decided to hire one person per day of the week and so had five people against a single FTE we might struggle to provide five laptops, but within a reasonable split we have been doing that across the board. One of the biggest issues we have at the moment with the rollout of laptops is the worldwide shortage of computer chips and the implications that has had for laptops. With laptops that previously had a three- to four-week lead time, we now have a four-month lead time and the vendors are telling us they cannot guarantee supply even in that area. That has slowed down our rollout of additional laptops out to people.

The Hon. MARK BUTTIGIEG: Mr Webb, will I take that to mean that it is not so much a lack of monetary resources but more that the supply is not there? There is a will to go down that path.

Mr WEBB: There is a will, yes. Absolutely.

The Hon. MARK BUTTIGIEG: Great. This is something I raised at the last round, and I know there are issues about lines of responsibility in terms of the special constables' pay and the fact that it is the remit of the department of police, but former President Ajaka gave an undertaking that he would pursue the matter in the context of—my understanding is that the Parliament pays a global contract for the constables and, therefore, may have some influence over their pay in terms of what the contract pays. I do not think he gave an undertaking to write to the Minister to that effect, but he did give an undertaking to pursue the matter. Has there been any maturity of that discussion?

The PRESIDENT: I do have the transcript in front of me from last time around. I think the former President made it pretty clear that he did not believe he had a basis on which to intervene or make representations, and it is a question for the NSW Police Force. Indeed, those special constables are employed in different places across the State for different purposes and it is a matter for the police department, which provides them, if you like, under contract to the Parliament.

The Hon. MARK BUTTIGIEG: You would not be of the view that it would be not within the realms of possibility that you could write to the Minister expressing concerns about the rate of pay, given the relativity to other police functionaries, given the work they do for the Parliament?

The PRESIDENT: I think it is pretty safe to say I have the same attitude as the former President in the sense that this is a matter for the police department. They provide a service to us under contract, and we are very pleased with the service that they do provide. As to the issues you raise, I am not aware of there being any concerns in that regard but if there are, I am happy to have a look at those concerns and take those on notice. But I am not aware of any concerns of the nature that you have raised.

The Hon. MARK BUTTIGIEG: I can assure you, from the perspective of a constable performing duties that they perform, that the pay is grossly inadequate. I think we have a responsibility to at least raise it and try and do whatever we can about it, but I will pursue that in another forum. Hospital Road safety, I had raised this in the past—not much seems to have been done. When you come up Hospital Road, notwithstanding the very low speed limit, you would have all noticed there is a bike parking bay there, which impedes the visibility of the pedestrian crossing that links the Domain and the Sydney Eye Hospital. It is very hard to see people approaching that pedestrian crossing, and I could foresee a time when someone is distracted and comes up to the pedestrian crossing and they get bowled over. I have raised this on several occasions before. I know it is in the remit of the Royal Botanic Gardens and Domain Trust, I think, but have we had any dialogue with them on that? I do think it is dangerous and there seems to be a general view that that is the case.

Mr WEBB: We have not had any recent engagement with them, but I am happy to make representations again to them.

The PRESIDENT: Yes, we will certainly do that because I certainly share your concerns. It is pretty dangerous there at the pedestrian crossing and people can come out there pretty quickly, even if you are travelling at a slow clip. I think we can certainly make representations in that regard.

Mr WEBB: Yes. My understanding is the same as yours, Mr Buttigieg. The Royal Botanic Gardens and Domain Trust are responsible for that road, but I am happy to write to them making that representation.

The PRESIDENT: We will undertake to do that.

The Hon. MARK BUTTIGIEG: Thank you.

The PRESIDENT: Indeed, it will be great to see the vision of the whole Macquarie east precinct come to the fore in terms of redevelopment of Hospital Road. Taking the cars and other potential obstructions out of that whole precinct would be wonderful to see, but we will live in hope on that front.

The Hon. MARK BUTTIGIEG: Indeed. I know we have touched on the eReturns platform before, the Standing Order 52s. I might have been distracted on previous answers on this—do we have a time line on when that rubber is likely to hit the road? We would like to get at least a couple of months in Opposition value out of it before we get elected in March. Can you give us a rough idea?

The PRESIDENT: I might ask the Clerk to give you an update. While he is finding that, there were a couple of threshold issues that were mentioned in that regard and that is obviously the Executive's agreement to the rollout of this. There has been a lot of work between the department and the Department of Premier and Cabinet in that regard, and I think that is well advanced. There are some what I would call threshold issues that need to be sorted out between the Executive, and also how we deal with privileged documents has been a sticking point as well. So the privilege issue will continue on that front. I think that is the sort of background but in terms of the progress of the project itself, subject to those threshold issues, Mr Blunt might give us an update.

Mr BLUNT: Unless one of the staff can send me a message that is more specific, the information I have in front of me is that sometime in the first half of next year it is anticipated that there will be a product which can be the basis of consultation with members but also for DPC to show and consult with agencies. So there should be something for you to look at in the first half of next year, and then thereafter it is a matter for those two threshold decisions by government and by the House.

The Hon. MARK BUTTIGIEG: Okay. Thanks.

The Hon. ANTHONY D'ADAM: I might jump in, if that is okay, Mark.

The Hon. MARK BUTTIGIEG: Yes, absolutely. Jump in.

The Hon. ANTHONY D'ADAM: Back on video on demand, I wanted to ask: Will the closed captioning extend to the video on demand stream that can be used by members? Will that be part of that process as well or is this just for the broadcast of Parliament?

Mr WEBB: It is our intent to integrate it with the video on demand system. It might not be there on day one, but the intent is to integrate it so you can have access to that closed captioning with what you download from the video on demand system.

The Hon. ANTHONY D'ADAM: Just on notice, is that going to be hard-coded into the video or is that going to be separately available?

Mr WEBB: I might need to take that on notice. I know some people want a clean feed of just the video and some people might want the closed captioning, so I think that is one of the issues we need to work through once we have signed a contract with the closed captioning people.

The Hon. ANTHONY D'ADAM: I also wanted to know whether there is any consideration being given to having the video on demand available for the media room?

Mr WEBB: Yes, indeed, it is available for the media now. It was not on day one. We wanted to make sure members were happy with the service before we extended it, but we have subsequently made it available.

The Hon. ANTHONY D'ADAM: Okay. What about under the Tree of Knowledge? Is there any thought about having some service available for—given during the parliamentary sitting week there is a lot of activity that is effectively an extension of the processes of the Parliament occurring in that location, has any consideration been given to having a service that would capture that?

The PRESIDENT: The simple answer is no. It is outside the parliamentary precinct and certainly not within our jurisdiction in that sense. If that is something the television channels or cameramen want to pick up, that is obviously something for them.

The Hon. ANTHONY D'ADAM: Okay. Back to you, Mark.

The Hon. MARK BUTTIGIEG: Thanks, Anthony. I just want to quickly zoom in on members' staff and facility; I know this has been raised before. We have this situation, which I think was highlighted during some of those marathon sittings, but it is a general malaise. Basically, when the Legislative Assembly clocks off, we are left to our own devices in terms of food down there, in terms of a decent feed. I understand the economics of it—if there is not enough demand there, we cannot really justify it. But it is really unacceptable for us not to be able to get something decent to eat—and staff as well, for that matter—just because the Legislative Assembly is not here. Where are we with all that?

The PRESIDENT: I certainly take the same view. If the House is sitting then there should be facility for members to access a decent meal. There has been a trial which has been ongoing. Obviously we have had some issues with COVID, but that is continuing. On a Thursday night when it is only the Legislative Council sitting, that will be provided, and I think we made a comment a bit earlier about opening that up to the public in due course so that we can seek to defray the cost somewhat. That is the plan on a trial basis to see how that goes, but my disposition is to provide the service to members because that is really in support of the Parliament. Obviously the executive group will need to consider the outcome of the trial, but certainly my disposition is to continue it. That is obviously subject to those discussions.

The Hon. MARK BUTTIGIEG: Okay. On a related issue, my understanding is that historically staff were afforded a dedicated dining space in one of the rooms—was it this one or the Macquarie?

The PRESIDENT: It used to be the Macquarie room.

The Hon. MARK BUTTIGIEG: Macquarie?

The PRESIDENT: I think the Macquarie room used to be the staff dining room.

The Hon. MARK BUTTIGIEG: That was discontinued. I do think it is a bit unfair, given the hours that staff are working and they are embedded in the parliamentary machinery and that 24/7 cycle, that they do not have a place where they can actually—for the benefit of someone's wellbeing, we all know when you are working a long day, the idea of sitting down for at least half an hour or an hour and having a decent meal—has there been any thought given to offering them a dedicated space rather than having to traipse through the canteen and go back up to the office?

Mr WEBB: At the moment, obviously the COVID situation has been a little different in that we have not been able to have tables in Café Quorum for a lot of time over the past couple of years, but generally speaking Café Quorum and the Public Café are both kept open until the end of the sitting and have seating available in them, as does the Strangers' restaurant as well. I have not given any consideration to a dedicated space beyond that. To be honest, I am not sure where I would put it. That would be something that I would have to think about. Space is at a premium in the Parliament at the moment.

The Hon. MARK BUTTIGIEG: I do think it is an issue we need to deal with. The other thing too is that I have noticed anecdotally—I am not sure if it is the experience of other members—that the catering staff down there in the Members' seem to be quite run off their feet. You will often go down there and it might take a while. I am not blaming them. They do an excellent job and are very diligent and attentive, but sometimes it takes a while for them to take your order and if you are a bit pressed for time to get back into the Chamber, it sometimes is a bit squeezed. Has an analysis been done of the quantum of staff relative to the requirement and the demand down there? I know you have got this diabolical problem of dealing with peaks and then what do we do with them for the rest of the time, but it is really quite chronic I think.

Mr WEBB: We do look at that quite closely, but you are quite right, we do not always predict correctly how much patronage we are going to get from members in the Members' Dining Room. Sometimes there are occasions where, based on previous weeks and other patterns, we might put a certain staffing profile in and then it turns out that the Premier has asked all members to go to the restaurant or something happens beyond our knowledge and suddenly we get a rush coming through. We do try to prioritise the service of members on a sitting night, and so we do move people from other parts of the building to support the operation of the Members' Dining Room where we can.

But what you point to is reasonable. There are times when we predict incorrectly how much patronage we are going to get, but we are continuously looking at it. The team does an excellent job trying to guess at that. Equally, and you would not have seen this, there have been times where we have had extra staff on and nobody turns up, and so they end up standing around for a little bit. I cannot pretend that we always get it 100 per cent right because it is inherently difficult to predict.

The Hon. MARK BUTTIGIEG: Yes, it just seems to me as though there may have to be a bit of fat built into the system or some sort of, as you say, opening up to the public or whatever, but I do think it is a problem. In terms of procurement—I know we have raised this before—can you give us an idea of the statistics of procurement of things like furniture in the Parliament over say the past three or four years and the proportion of local procurement versus things like the frosted glass door from San Francisco? Obviously we are keen to understand that. We want local procurement prioritised wherever possible.

Mr WEBB: I do not have the exact figures with me, but I am happy to take that on notice. As a general rule, we prioritise procurement from New South Wales first, from Australia if we cannot get it in New South Wales and then only go overseas if we cannot get things in Australia. In terms of the specific proportions, I would have to take that on notice; I do not have those figures in front of me.

The Hon. MARK BUTTIGIEG: How is that administered? If you have got someone looking at frosted glass, what, do they do a Google search of suppliers in New South Wales and no-one comes up and they go overseas?

Mr WEBB: No, it depends on the value of the contract because there are also procurement rules in place as well. When you get to a certain value of a contract, you have to run an open tender for instance. We do a few different things depending on the value of the contract. If it is a low-value contract, then we are single sourcing. For instance, some of you may remember a line of questioning about milk provision here at Parliament and where we source our milk from. That is a very low value at \$24,000 to \$25,000 a year in milk, and so we are able to directly source that from a New South Wales provider in the Wagga Wagga region.

If we get to higher-end ones where we need to seek multiple quotes or go out to open tender, the team will review whether there is anybody in New South Wales or more broadly in Australia that is active in the space that we are procuring for and make sure that we invite those people to participate in the tender. We do stick to the highest standards of probity and procurement, but we do try to make sure that there is knowledge in the New South Wales or Australian market as to what we are doing so that people can participate in that. It is a factor then in the decision-making. If the Australian version of something is three times the cost, obviously we have to make decisions on the use of taxpayer money. But if you were talking about two that were roughly even and one was a New South Wales based product and one was an overseas product, then that could be the determining factor in what gets across the line.

The Hon. MARK BUTTIGIEG: You will get back to us on the proportions.

Mr WEBB: Yes, I will.

The Hon. MARK BUTTIGIEG: In terms of staff and the joint consultative committee process, how many times have you attended that JCC with staff over, say, the past 18 months?

Mr WEBB: The process for the JCC that we have is that one of the three department heads attends each meeting representing all three of us. Myself, Mr Blunt and the Clerk of the Legislative Assembly split that duty amongst us. I have attended a third of the JCC meetings over the past couple of years, as has Mr Blunt and Ms Minnican, but we represent all of the department head level of management. Of course, one of my senior executive who is in charge of HR amongst other things is the management representation in that meeting on an ongoing basis for consistency. The department head representative attends for a proportion of the meeting to answer any questions or give any information about things relevant to our position. I have attended, in short, every JCC meeting that I have been scheduled to attend.

The Hon. MARK LATHAM: Could I just ask about something mentioned earlier—the ethics advisor. I am straining to remember who it was, but there is someone—an MP or maybe a former MP—who took some

advice from the ethics advisor that was then interrogated at ICAC. The advice itself was a document under examination at ICAC—it does not really matter who it was—in these recent hearings. Does that not negate the whole impact of the ethics advisor? If you have got an ethics dilemma and you are wanting to get advice from the advisor and it is not confidential and the matters that you are putting on the table can be subsequently interrogated at the anti-corruption commission, have we not got a problem? For serious ethical issues, the ethics advisor sort of becomes a bit redundant because you would not go there knowing that one day it might be public knowledge.

Mr BLUNT: Mr Latham, the ethics advisor is one of my predecessors former esteemed Clerk of the Parliaments John Evans, who is jointly appointed by a resolution of both Houses. You are correct in your recollection. I understand it was in the context of Operation Keppel that some of his advice to a former member became an exhibit at the ICAC. I do understand that members have some concerns around that. However, I can assure you that knowing Mr Evans as I do—and he is a person of great standing and someone for whom I have the utmost respect—he would not have produced those documents to the ICAC under compulsion unless he was absolutely sure that he had no choice but to do so.

The Hon. MARK LATHAM: I do not doubt that, but ICAC has subpoenaed the documents effectively, have they not?

Mr BLUNT: Under section 21 or section 22.

The Hon. MARK LATHAM: What are we doing about this because obviously members will be very reluctant to go talk about private confidential ethics issues if they become exhibits at ICAC? Maybe some of them need to be exposed at ICAC, but that is not the point of the ethics advisor, is it?

Mr BLUNT: Could I suggest that you raise your concerns via—well, you have raised your concerns here, so we can pass them on, but the Privileges Committee is required to meet annually with the ethics advisor, so it is a matter that the Privileges Committee could discuss with the ethics advisor when it next has that meeting. Also the Privileges Committee is required once in each term of Parliament to review the Code of Conduct for Members, so that will be coming up. That is often during the last year of the parliamentary term. Again that would be an opportunity for the sorts of matters you have just raised to be put before the Privileges Committee and for them to take up with the ethics advisor.

The Hon. MARK LATHAM: But there is no way out, is there, because no-one is going to amend the ICAC Act to shelter this particular information? That is not feasible. Haven't we got an insoluble dilemma, that you would only go to the ethics advisor on very mild trivial matters, nothing serious? Not that I have ever contemplated such matters, but there are other MPs. I am just thinking about the utility.

The PRESIDENT: You have identified a real issue.

The Hon. MARK LATHAM: I am thinking about the utility of the ethics advisor. Mr Evans is a person of immense integrity and I am sure his advice has always been useful to MPs, but it was delivered in the context of private confidential sessions, which in one case now is a public exhibit at ICAC.

The PRESIDENT: The same might be said of private confidential Cabinet sessions as well. The reality is that ICAC has the power to access this information and it is a reality members will have to keep in their mind. If you are there seeking advice which, if you like, is in that sort of purview where there are concerns of that nature, then obviously you would be very guarded. I think that is naturally an issue that you raise that people, or former members and members, need to take on board in relation to the realities of ICAC's powers.

The Hon. MARK LATHAM: In terms of our staffing arrangements here, have there been any staff told to stay at home or stood down because they are not fully vaccinated?

Mr WEBB: No-one has been stood down because they are not fully vaccinated. There is no link between employment at the Parliament and vaccination at this stage. At the moment we are following the health orders, so all of my staff that are attending the building at the moment are fully vaccinated and I believe that is the case for David as well, although I will let him speak for himself.

Mr BLUNT: Yes, I can confirm that that is the case for the Department of the Legislative Council as well. However, it is an issue upon which some decisions will be required post 1 December. We will be looking with great interest to see exactly what the public health orders say and we will also be looking at what advice the Public Service Commission is providing to the public sector for guidance, but we will have to make some important decisions coming up to 1 December.

The Hon. MARK LATHAM: If we have the rapid antigen testing, which we all did this morning and you get your purple band or whatever the colour is, doesn't that deliver a COVID-safe, COVID-free work environment?

Mr WEBB: It is one of the measures that we have. I am sure you are familiar with the Swiss cheese model of safety, that you try to make sure that you have layers of safety provision and make sure the holes do not line up. One of our first layers, and primary layers, is the rapid antigen testing, but vaccination status is another layer. The cleaning we do—the cleaning that was done in here, for instance, when we went to our break—is another layer. The social distancing that we have got in various rooms, the room density—they are all layers that contribute to the safety of the—

The Hon. MARK LATHAM: At the moment the roadmap for reopening on 1 December is no further proof of vaccination.

Mr WEBB: Correct.

The Hon. MARK LATHAM: Is it the intention of the Parliament to proceed that way for staff?

Mr WEBB: As David Blunt said, we have to make some decisions in that regard. The current roadmap says that from 1 December employers have to make decisions about whether they have vaccinated or unvaccinated people in the building. We have not made any decisions in that regard at all. We are watching what is happening more generally in the community. We are watching to see what, if any, health orders there might be. We will make decisions closer to 1 December.

The Hon. MARK LATHAM: In staff surveys, how many of our staff are affected by this, potentially?

Mr WEBB: We are not collecting formal information. We have asked staff in some instances to indicate voluntarily whether they are vaccinated or not so we can determine who is in the building, but we have not been storing or collecting that information generally.

The Hon. MARK LATHAM: You are not supposed to. But how many of our staff are not working in the building because of vaccination status?

Mr WEBB: Actually a lot of our staff are not working in the building right now, not because of vaccination status but just because we are keeping people—

The Hon. MARK LATHAM: I asked about vaccination status.

Mr WEBB: At the moment, for the Department of Parliamentary Services, those areas where we need people in the building, there has been sufficient staff that are fully vaccinated that we have not had to—

The Hon. MARK LATHAM: And to answer my question?

Mr WEBB: Nobody is being excluded in the Department of Parliamentary Services just on the basis of vaccination. At the moment we are bringing in people that are needed for the operation of Parliament and all of those people are fully vaccinated.

The Hon. MARK LATHAM: But how many are unvaccinated and not allowed to come into the building at the moment?

Mr WEBB: We are not collecting that information from people. For those people we are asking to come in—

The Hon. MARK LATHAM: You must be because you have just said that people are vaccinated who come into the building.

Mr WEBB: Yes, that is right. But we are not collecting—

The Hon. MARK LATHAM: You must know who is on the other side.

Mr WEBB: But we are not collecting the information about everybody. For instance, when we look at Hansard as an example, we say, "How many Hansard people do we need? Are there sufficient Hansard people who are willing to tell us that they are vaccinated in order to meet the demand that we have?" And then we are bringing those people in. But the people that do not tell us they might be vaccinated, they might not be. We are not specifically excluding them on that basis.

The Hon. MARK LATHAM: That is as clear as the frosted door. Can I come back to the team from Measurement? How much have we paid them? Are they still on our books?

Mr WEBB: The original contract was for \$20,000, but they were not able to fulfil all of that because the COVID situation hit, so I am not sure how much of that \$20,000 we ended up paying.

The Hon. MARK LATHAM: Are they still on our books?

Mr WEBB: The intent is to finish the work when people are back in the building under normal capacity, so we would—

The Hon. MARK LATHAM: What is the name of the company? Are they called "the team from Measurement"?

Mr WEBB: Yes, I think the company's name is Measurement.

The Hon. MARK LATHAM: We are in the wrong business, aren't we?

Mr WEBB: Could be.

The CHAIR: You have 10 minutes left if you want.

The Hon. MARK LATHAM: I think we have covered things, Madam Chair, to a satisfactory level. There are questions on notice that I am sure will be answered.

The PRESIDENT: The Clerk had one further answer to provide.

Mr BLUNT: Just in answer to a question I think from Mr Buttigieg that I sort of took on notice a little earlier in relation to sessional staff, I indicated that one of the conditions of employment under the award for staff classified as sessional was an additional two weeks of leave. The other condition is for staff at grade 9-10 and above there is an allowance of \$412.20 on sitting days when required to be here after 8.00 p.m. For officers at grade 7-8 and under grade 7-8, they are paid overtime by the hour at the relevant overtime rates. Obviously for a sitting like the 36-hour sitting in November last year, that adds up to a lot more than \$412.20, but my calculation of the \$412.20 for an average year of 30 sittings past 8.00 p.m. is about \$13,000 a year, so it is about midpoint between the all incidence of employment allowance that members' staff have and the all incidence of employment allowance that Hansard staff have.

The Hon. MARK BUTTIGIEG: That gives us some relativity.

Mr BLUNT: Yes.

Mr WEBB: I have a couple of answers to things that were taken on notice as well. I think Mr D'Adam asked about the staffing levels in Hansard. In 2017-18 we had 21 FTE in Hansard. We now have 34.6 FTE in Hansard, so just to give that specifically. My excellent team rolling out the laptops to people have pointed out to me, Mr Buttigieg, that if demand significantly exceeds what we were anticipating, even taking into account the issues that we talked about that we may need to go back to more money, they said, "Don't say we don't need more money. We always need more money." So I thought I better put that on the record so that I do not disappoint them down the track. I think I have covered the rest of those things. The architects that we have in most of our capital works projects help us with the review of Australian vendors that might exist that could provide Australian content coming through. I think that is it.

The Hon. MARK BUTTIGIEG: Can I just squeeze a couple of questions in? Have we still got time?

The CHAIR: There are 10 minutes left. If there are a couple of questions, I will open it up.

The Hon. MARK BUTTIGIEG: Just following up on Mr Latham's line of questioning with the Swiss cheese model and the vaccinations and all the rest of it, have the Presiding Officers turned their mind to the upcoming relevance of the booster shot and the efficacy of the vaccination? What is our thinking on that in terms of people needing a booster shot pretty soon, I would have thought?

The PRESIDENT: I cannot say that we have sat down and pondered that issue, but indeed we will certainly be taking advice from Hibbs in regard to the next step, obviously with the sittings in November. There has been the issue raised, as you would be aware, in the Whips meetings over the past three months the option of Parliament potentially being a vaccination hub. That is something that has been given some consideration. As for the booster shot, I think that is something that we will see how that evolves. At this point in time there is no active consideration.

The Hon. MARK BUTTIGIEG: The reason I raise it, President, is because obviously we have got the November sitting, which we want to be COVID safe and as restriction free as we can. Vaccination rates will play a critical role in that. If you work on the basis that many MPs would have started being vaccinated around about June, my understanding is the efficacy starts to drop off towards the six-month mark. It is an issue we need to probably turn our minds to for November.

Mr WEBB: There are probably two elements that might be worth mentioning. We are still waiting for the formal advice on this, but most of the commentary seems to be that a booster shot at around the six-month mark seems to be what is coming in. As you say, if you talk about when original vaccination became more broadly

available in the community, it started at around the June period. So we would expect from December onwards that people would potentially start thinking about boosters. We are looking at it from that perspective.

We are also looking at whether, as you know, we run an annual flu shot process in the Parliament. We are also monitoring the potential for workplaces to have things like booster shots in there as well. It was not possible with the original vaccination, but it may be possible with the booster program. We are looking at whether that is a service we can provide within Parliament House so people can come in and get their booster shot here without having to go everywhere around the place. It is something we are looking at and taking very seriously.

The Hon. MARK BUTTIGIEG: I just want to tease out the cafe discussion that happened before. You have got the frosted glass, which was \$65,000. I did not want the view to emanate from that discussion that the \$65,000 has put the wood on the whole thing and therefore we may as well go back to tours. I think there is an alternative view, President, with all due respect, that perhaps it is not a bad idea to have glass doors there so people can actually see there is a cafe there. I am mindful of the whole economic benefit of the public using the cafe and, therefore, making it more economically viable for a proper service.

To be frank, sometimes you go down there and you cannot get a coffee because—and I am not blaming the staff—no-one bloody goes there because there is just not enough demand. So why have someone sitting there 24/7 waiting to serve coffee? If it was more usable and the public had access and they could see the thing spatially to say, "Let's go have a coffee," and that lifted the use and then members got better use out of it and, given the pre-existing cost that we have put into it to get to where we are— my understanding is you have dropped some coin on getting it to where it is now. How much have we spent on it?

Mr WEBB: It is about \$35,000.

The Hon. MARK BUTTIGIEG: My understanding is that all that needs to happen is you drop a couple of glass doors in there and it is done, is that right?

The PRESIDENT: You have got to pay for the glass doors and the works et cetera. As I said, there are a range of considerations here. Public signage on the existing doors into that area is another option, which at the moment does not really exist. We are looking at the range of options. The impact on the exhibition space is pretty severe and the proposal as mooted is to bring tables and chairs into the actual Fountain Court area, which is against the heritage values.

The Hon. MARK BUTTIGIEG: But you would not necessarily have to do that, would you, President? You could theoretically just put the glass doors in, keep that space and just have the visibility there. What I am getting at is: Do you need to do a cost-benefit analysis of—what was the amount to put the glass doors in, Mr Webb?

Mr WEBB: The original higher-tech doors were—

The Hon. MARK BUTTIGIEG: No, just the cost to put vanilla glass doors in now.

Mr WEBB: That would be about another \$18,000 or \$19,000.

The Hon. MARK BUTTIGIEG: So it would be \$18,000 or \$19,000, and keeping in mind the cost it has taken to get us to this point and the economic benefit of that versus canning the whole thing altogether and writing the pre-existing expenditure off. Would it not be logical to go through that cost-benefit analysis and make an assessment of how much patronage we are likely to get as a result of that increased visibility?

The PRESIDENT: I suppose you could make assumptions about that until the cows come home, but at the end of the day there are other issues that are live there as well, like the exhibition space.

The Hon. MARK LATHAM: Yes, where does the exhibition space go?

The PRESIDENT: You lose quite significant exhibition space.

The Hon. MARK LATHAM: Where does it go? What is the alternative?

The PRESIDENT: You lose it.

The Hon. MARK LATHAM: You lose it. It is a great space. It hosts functions there and outside groups come in and meet MPs.

The PRESIDENT: It is. I think we can manage the exposure issue in terms of proper signage, which could be very clearly positioned where you walk into the area that is adjacent to the Macquarie Room and the entrance to the staff bar and the public cafe, and also further back in the actual Fountain Court towards where you come in, so people know there is a public cafe. At the moment—

The Hon. MARK BUTTIGIEG: Sorry, I may have misinterpreted you. What you are saying is that it is an either/or proposition. We cannot have our cake and eat it too, and, in other words, retain the exhibition space and open the visibility to the pre-existing cafe space.

The PRESIDENT: That is right. You lose all that exhibition space. When you go through just walk along there and position yourself as you walk through and you have got the continuity of the exhibition and then suddenly you hit doors and people moving in and out and you lose those areas on both sides of the doors as well. It is a very high demand exhibition space. We have at least 12 major exhibitions a year. It is something that in the concept plans for the Fountain Court was seen as one of the most important exhibition spaces in New South Wales. We are very keen to ensure that is not compromised. The proposal that was seen at the time to move towards chairs and tables would further compromise that against the heritage plans that have been in place so far as cluttering that Fountain Court, which architecturally is quite magnificent and improved by not going down that pathway.

The Hon. MARK BUTTIGIEG: President, I am open minded about it. I just wonder how much this has been socialised with members. To be frank with you, it was only brought to my attention this morning. That may be my fault because I was not paying attention, but I am not sure many members understand what the propositions are. I will move on just quickly to library staff. Can you give us a snapshot of how many FTEs are vacant in the library, if any, and how many—while we are on it, for brevity—positions within the Parliamentary Library have been abolished or restructured?

Mr WEBB: We are looking at the library structure at the moment. There has been a review going on for the last while that included some consultation with members about what services were required. There is a shifting of resources into the areas that have higher demand—like the research side of things, for instance. No-one is losing their job as a part of that process; it is more about changing the roles people have in the library. That has been the subject of extensive consultation and lots of work by the excellent library leadership team over the past little while.

I am happy to take on notice the number of vacancies. I am not aware of any against the funded positions that we have. I know in the past there have been some discussions about positions that used to exist in the library and whether they should be reinstated, which is a matter of some of the funding discussions that we have had in the past. But in terms of the positions that are funded at the moment, I am not aware of any substantive vacancies. There are always people who resign and we recruit to fill the position of course, but I am not aware of any sustained ones.

The Hon. MARK BUTTIGIEG: If you could get the number of funded FTEs versus vacancies on notice, that would be handy.

The CHAIR: We are at time now. I invite the Government to ask questions.

The Hon. BEN FRANKLIN: I am delighted to advise we will not ask any questions today. We are very comfortable and happy with the management of the Parliament.

The CHAIR: Thank you, Mr President, and other officials for attending today. We appreciate it. I know you provided some answers at the end, but the secretariat will be in touch with the timetable for responses to any other questions that were taken on notice. Thank you.

(The witnesses withdrew.)

The Committee proceeded to deliberate.