

UNCORRECTED PROOF

# GENERAL PURPOSE STANDING COMMITTEE No. 1

Monday 14 September 2009

Examination of proposed expenditure for the portfolio area

## THE LEGISLATURE

The Committee met at 5.15 p.m.

### MEMBERS

Reverend the Hon. F. J. Nile (Chair)

The Hon. K. F. Griffin  
The Hon. D. J. Clarke  
The Hon. D. T. Harwin

Ms L. Rhiannon  
The Hon. P. G. Sharpe  
The Hon. H. M. Westwood

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### PRESENT

**The Hon. Peter Primrose**, *President of the Legislative Council of New South Wales*

**Department of the Legislative Council**  
**Ms L. Lovelock**, *Clerk of the Parliaments*

**Department of Parliamentary Services**  
**Mr B. Ward**, *Executive Manager*

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**CHAIR:** I declare the inquiry into the 2009-10 budget estimates open to the public. I welcome President the Hon. Peter Primrose and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for The Legislature. Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, members of the media must take responsibility for what they publish or for what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available at the table by the door.

Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Mr President, I remind you and the officers accompanying you that you are free to pass notes and to refer directly to your advisers while at the table. Please ensure that all mobile phones are turned off. Mr President, the House has resolved that answers to questions on notice must be provided within 21 days. However, the Committee has deliberated on this matter and has decided to extend that period to 35 days. Transcripts of this hearing will be available on the website from tomorrow morning. All witnesses from departments, statutory bodies or corporations 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.

**LYNN CAROLE LOVELOCK**, Clerk of the Parliaments, sworn, and

**BRIAN ALAN WARD**, Executive Manager, Department of Parliamentary Services, affirmed and examined:

**CHAIR:** I declare the proposed expenditure for the portfolio of the Legislature open for examination. As there is no provision in the motion for the President to make an opening statement before the Committee commences questions we will begin with questions from Ms Lee Rhiannon.

**Ms LEE RHIANNON:** Mr President, where are the weapons with which the special police constables are armed stored when they are not in use?

**The PRESIDENT:** I will ask Mr Ward to provide the detail to that question. I am not sure whether I should be answering operational issues, but I do not regard this matter as an operational issue. I will ask Mr Ward to respond to the question relating to their physical location in the building.

**Mr WARD:** This is when they are not in use?

**Ms LEE RHIANNON:** Yes.

**Mr WARD:** The guns are stored in a gun safe on level 5 of this building. Individual special constables scheduled to work on another job outside this area will take their appointments with them. Other than that they are left in Parliament House.

**Ms LEE RHIANNON:** Where are the tasers stored?

**Mr WARD:** There are no tasers used by special constables.

**Ms LEE RHIANNON:** They use only glock pistols? Is that their only weapon?

**Mr WARD:** Their appointments consist of the glock gun, capsicum spray—or what is known colloquially as capsicum spray—handcuffs, and a collapsible baton.

**Ms LEE RHIANNON:** I want to clarify the incident that was reported. I imagine you would be aware of it. It was the evening of 7 September. A staffer of Sylvia Hale found the magazine from the Glock on the sixth floor. Sylvia was not present, but I happened to be here, so he came to my office. One of the special police constables said that he thought maybe it was dropped from the bag when the person to whom it belonged was leaving the building. I thought those items were stored here, but perhaps that person was leaving for another job. Can you give any details of this incident?

**The PRESIDENT:** What you have outlined is pretty much the case. At the moment we are waiting for a report from the police, who were asked to look into the matter, advise us of what actually took place and then to advise us of any policy changes they believe need to be considered by us.

**Ms LEE RHIANNON:** Given the intensive scrutiny of people who come into this Parliament, what is the need for armed guards to be in Parliament considering the heavy security in checking people who come into this place?

**The PRESIDENT:** We acted on the advice of an inquiry that was undertaken, as you are aware, by ASIO in relation to security in Parliament. Both presiding officers previous and current took great pains to review all of those matters and are acting according to that advice.

**Ms LEE RHIANNON:** In this booklet we come to a section detailing technology improvements. I must admit that sometimes I am not sure what to ask in this session, but I am happy to take your advice if I should ask this question at another estimates hearing. With the incredible rate of change with the Internet, what consideration has been given to e-petitioning considering that it is quite advanced in other parliaments, the submitting of e-petitions, the involvement of politicians in that process and the facilitation of a wider involvement of the public in issues about which they are concerned?

**The PRESIDENT:** I would also go beyond the issue of e-petitions and actually look at the use of a broader range of information technology to allow members of the community and, indeed, members of Parliament to better express their views to other members of Parliament. At the moment, as you know, our sessions are broadcasted. There is a whole range of options now available to the House other than simply the printed *Hansard* that we have been examining. Maybe if I ask Lynn Lovelock, who has been looking into these matters from a procedural point of view, but also Brian Ward's people have been looking at a number of these issues in relation to technology. However, in the end I would stress that the issue of matters such as e-petitions will come before the Procedure Committee of the House and then ultimately the House would make its own determination. There has been discussion already, as you would be aware, but ultimately the House is the master of its own destiny as regards those types of matters. I will ask Ms Lovelock to respond.

**Ms LOVELOCK:** The Procedure Committee looked at e-petitioning at the last meeting. It is on the agenda again for the next meeting. We are constantly updating our information about e-petitions in other parliaments. Last time there was a slight reluctance to go with e-petitioning, but, as you would be aware, from the number of irregular petitions that are coming in, we are getting changes in the community's approach to petitioning. I think it is probably time that we looked at different ways of petitions. I have adopted a fairly broad acceptance of what constitutes a petition so that we are trying to facilitate the access of the public to Parliament. That is one of our primary considerations.

**Ms LEE RHIANNON:** Was it a reluctance just to move to e-petitions or was there some problem with the technology?

**Ms LOVELOCK:** I think it was largely to do with the technology and what this would mean. It just was not the right time with all the other things we were considering. I think the next meeting might be where we will be able to get into a bit more detail in relation to that.

**The PRESIDENT:** As I indicated, I will ask Mr Ward, if it is appropriate Mr Chair, just to talk about some relevant technologies we are considering at the moment.

**Mr WARD:** At the moment some of the technologies we are looking at include this financial year a roll-out for Legislative Council members' PCs. What we are looking at doing with those PCs is configuring them with Microsoft Office 2007, which will be the latest versions of Word, Excel and PowerPoint. Because that is different to Office 2000, which is currently used, we will undertake to provide relevant training for members and their staff. We are looking also at giving members the option to select a Notebook or a laptop in lieu of a desktop for their office. We are looking also at the roll-out of a wireless service within the parliamentary building. That is it at this stage.

**CHAIR:** Following up the earlier questions about the special constables, Mr President, could you outline the new proposed security arrangements for the public and members entering and leaving the building?

**The PRESIDENT:** Again, without trespassing in relation to operational issues and, as you would appreciate, I am happy as always to talk to any member privately and give them a briefing and details about this matter, I do not want to point out particular areas of sensitivity at the moment because we have not fully addressed all of those. We are in the process of doing it. Essentially, one of the major issues we faced was the concern that people were being scanned inside the building. Clearly, that was a concern. If we identify problems, we do not want that to be known inside the building. The advice we received was that we did need to have that outside. Hence, the construction of the gatehouse, which, from memory, we will introduce operationally in October and then spend a period of time basically shaking it down and making sure everyone is fully aware of its operation. We will then have an exit, which is up in the Legislative Council area. During peak times that exit will be operational by a security officer, who will operate it manually. However, at other than peak times it will be automatic and will be operated and monitored from the security control area. That means that that central gate will be locked.

All of this will involve considerable information needing to go out to members and staff to make sure that we have got things working properly. In regard to entering Parliament, members of staff who currently have their passes will be able to enter as they do now straight through the gatehouse. Everyone else will go through the scanning system and that will take place in the gatehouse. That means that the existing scanners will be moved out of the entrance on the Legislative Assembly side, which means that we will be able to look at utilising that space for a couple of other options, on which we have not made a final determination.

**CHAIR:** Certainly that is an improvement on the security access to the building from Macquarie Street. What changes will take place in regard to the car park where visitors' cars can enter without any scanning procedures, and also availability?

**The PRESIDENT:** Already we have moved to introduce a number of measures. As I indicated, at this interim stage I really would rather not talk about those publicly. The next stage of our development will be in operating and developing clear proposals for that rear section of the building. But again I might ask Mr Ward, to the extent that we can talk about it publicly, if he would do so. I seek the indulgence of the Committee in not elaborating on proposals for the rear of the building. But again I will make myself and the staff available to any member who might like to come and be briefed on it.

**CHAIR:** Obviously something is planned. At this stage it has not been finalised?

**The PRESIDENT:** There are a number of matters which are occurring. Some of them have been implemented, but others are in the process of taking form.

**CHAIR:** Good.

**The PRESIDENT:** But we recognise the issue.

**CHAIR:** Thank you. In the budget papers, there is a statement that there is some pressure on the revenue side because of the reduction in catering revenue. Could you elaborate on exactly what is happening and why there is that reduction?

**The PRESIDENT:** For the latest details, I will ask Mr Ward, to give us those.

**Mr WARD:** May I take it on notice and get back to the Committee with an answer on that?

**CHAIR:** First of all, I do not want to know the exact amount. What is the explanation? Do you have an explanation?

**Mr WARD:** Could I just ask which period we are referring to?

**CHAIR:** The budget papers just simply say that there is a reduction in catering revenue. I think it implies that that is because of economic conditions. I assume this refers to outside catering, not simply catering for members and guests?

**The PRESIDENT:** Yes. The answer simply is that we had a period, as you would be aware and as I know all members are only too aware, of considerable instability within catering. That change was the departure of a key individual—and, I stress, not a staff member. We have been in the process of building up our system since. But if we can take it on notice, we will provide the Committee with more detail.

**CHAIR:** Thank you. The budget papers provide a number of facts and figures over the past few years. I note that the Committee inquiry participants increase dramatically from 1,058 in 2006-07 to a forecast in 2009 of 2,055. I am wondering what is the basis of that increase? I assume there have been more committee meetings, more inquiries?

**The PRESIDENT:** I will ask Ms Lovelock to expand on that.

**Ms LOVELOCK:** Those figures are projections and are largely based on the types of inquiries we have. Some of our inquiries have a lot of witnesses and a lot of submissions; other inquiries do not have so many. It is to do with the nature of the inquiries that we are running and the number of people who seek to appear before the committees.

**The Hon. DON HARWIN:** Mr President, in the budget papers, if I could adopt the same nomenclature as the budget papers, we go to "Service Group Statements" in Budget Paper No. 3, Volume 1, on page 1-6, and we come to the program "Chamber and Committee Support". It states the full-time equivalents for that program, "Chamber and Committee Support", and the changing numbers over time that we have devoted to that area. In 2006-07 it was 120. That came down in the following year to 118. For last year, 2008-09, the budget papers figure is 112. We are forecast to go down another 16 positions in the current financial year. Which other 16

positions will be lost? What impact is that likely to have on the functioning of the committees and other activities in the Parliament?

**The PRESIDENT:** As always, there is much more to be read into these figures than simply those you can see here. They reflect a number of things. One of the most notable is the fact that a number of staff have gone over to the Department of Parliamentary Services. What I will do is ask either Ms Lovelock or Mr Ward to address that and supply you with some actual details.

**Ms LOVELOCK:** For the Department of the Legislative Council in the previous financial year, we had 49 full-time equivalent positions. The department now consists of 39 full-time equivalent positions. That reflects positions that either have been deleted or have been moved across to the Department of Parliamentary Services. But of the 39, we have lost no committee staff. We have restructured within the other part of the department, which is the procedure, research and training section. In that restructure, we did get rid of a number of positions, but we allocated the funding savings. We lost eight positions altogether but restructured in a way so that the money was used to create additional positions. It is the equivalent of 10 full-time positions but we have kept the structure of the department, so we have not actually lost any services to the two Houses.

**The Hon. DON HARWIN:** So the Legislative Council has gone down by 10?

**Ms LOVELOCK:** Yes.

**The Hon. DON HARWIN:** Again adopting the nomenclature of the budget papers, I see that for "Members' Support"—and I presume the figure listed for 2009-10 is across two Houses—it is scheduled to go up by six. Does that reflect the fact that we now have Members' Support being supported by the Department of Parliamentary Services rather than the two Houses?

**The PRESIDENT:** Yes. That is correct. We have been in the process. A number of the staff you have indicated are actually Legislative Assembly staff, so obviously I cannot talk about that. I have no knowledge of those.

**The Hon. DON HARWIN:** I appreciate that, Mr President. However, based on the answer that has been given, there has been a reduction of 10 in the Department of the Legislative Council.

**The PRESIDENT:** Yes.

**The Hon. DON HARWIN:** At least in terms of the Members' Support function of the Department of Parliamentary Services there has been an increase of six.

**The PRESIDENT:** Yes.

**The Hon. DON HARWIN:** So we presume that there has also been a reduction in the Department of the Legislative Assembly due to the establishment of the Department of Parliamentary Services. Has there been an overall reduction in the number of staff across the Parliament in total therefore, as a result of establishing the Department of Parliamentary Services?

**The PRESIDENT:** I will ask Mr Ward to give you a general rundown.

**Mr WARD:** the Department of Parliamentary Services numbers have decreased in general because of security. We had an internal security force, or group of people, and we have moved to use Special Constables. That group of individuals numbered approximately 12 in total and they have, by and large, now left Parliament.

**The Hon. DON HARWIN:** I see. Special Constables would not appear as part of the FTE in any other programs in the budget papers.

**Mr WARD:** That is correct.

**The Hon. DON HARWIN:** So that would almost certainly account for the figures. Thank you for clearing that up.

**The Hon. DAVID CLARKE:** What is the investment income the Parliament receives? Where does that derive from?

**The Hon. DON HARWIN:** It is shown in the budget papers or referred to in the budget papers.

**Mr WARD:** Interest on deposits, bank interest earned by the Parliament.

**The Hon. DAVID CLARKE:** All of it, 100 per cent, comes from that source, does it?

**Mr WARD:** Yes, it does.

**The Hon. DAVID CLARKE:** Why was investment income revised up from \$115,000 to \$235,000 for the 2008-09 financial year? Why was it then revised back down to \$120,000 for the coming year?

**Mr WARD:** It was a combination of higher bank balances and also the higher interest rates, but lately those interest rates have decreased and we have noticed a decline in the amount of interest income earned by the Parliament.

**The Hon. DAVID CLARKE:** Following that through, the investment income was revised up from \$115,000 to \$235,000 for the 2008-09 financial year.

**CHAIR:** That would be actual.

**The Hon. DON HARWIN:** Yes, that is an actual figure. Effectively, you are mentioning increased interest as a result of higher bank deposits. Is there any specific reason for higher bank deposits last year that is not being carried over to this year?

**Mr WARD:** May we take that on notice and get back to you?

**The Hon. DAVID CLARKE:** Yes. How much do you have invested?

**Mr WARD:** I am advised that the average bank balance is about \$4 million.

**The Hon. DAVID CLARKE:** What were the capital works programs undertaken under the capital component of Parliament House building maintenance for which \$661,000 was allocated?

**Mr WARD:** It includes things such as the recent toilets refurbishment and the lift upgrades. We can provide the Committee with a more comprehensive list.

**The Hon. DAVID CLARKE:** You will provide that to us?

**CHAIR:** Take that on notice.

**Mr WARD:** Yes, we will.

**The Hon. DON HARWIN:** I think Reverend the Hon. Fred Nile was getting at the \$600,000 figure that is in the budget paper, although I think it was a reduction in overall expenditure of \$600,000 that you highlighted, and that was linked to an expected drop in catering revenue. In terms of that \$600,000 spending reduction, was it confined to the food and beverages section? If not, what specific activities are being impacted as a result of the \$600,000 cut?

**Mr WARD:** May I take that question on notice and provide the Committee with a response?

**The PRESIDENT:** I will ask Ms Lovelock to try and elucidate part of that.

**Ms LOVELOCK:** As you are aware, we did lose quite a lot of money out of catering, and then when we had the money returned to us we had a significantly smaller proportion returned. The budget cuts were confined to catering, and what we have been doing is changing the method of service, which you will have noticed. We are actually being a little more efficient. We have changed the way the cafeteria operates; we have

turned it into a café. We have closed the staff dining room. So all the losses that we experienced in that \$600,000 downturn were confined to the catering area.

**The Hon. DON HARWIN:** The reduction of \$600,000 is in the budget papers as an impact on the 2009-10 outcome. Are you saying simply as a result of all those changes washing through and at the point where we reached the end of the last financial year the result is that we have had to cut down the expenditure of the Parliament by \$600,000 to take account of the changes in food and beverages?

**Ms LOVELOCK:** We just received less money in the budget to cover that so we have had to accommodate it within that, but the budget cuts have not been passed on to the other departments. There are other reasons why we have had to change some of the things we do but it has not been because of the shortfall in catering.

**The Hon. DON HARWIN:** There is a proposal, as I understand it, in terms of disabled access to the public gallery of the Legislative Council Chamber. That has not been funded in this year's budget, has it?

**Ms LOVELOCK:** No.

**The Hon. DON HARWIN:** Obviously disabled access is a desirable outcome. How much are we looking at in terms of being able to achieve that outcome, to construct that project? Are you confident that it can be done without any impact on the heritage façade of the building, which is obviously something that we all want to see protected?

**Mr WARD:** The estimated cost for providing disabled access to the Legislative Council Chamber is about \$500,000. At this stage we have preliminary drawings about how we can achieve that. There is no budget allocation for it at this stage. What I would like to discuss with the President is making a separate application to New South Wales Treasury to fund those capital works.

**The Hon. DON HARWIN:** If funds are available, will it be possible to proceed with it during the next financial year, or is it something we expect would have to wait until the next financial year?

**Mr WARD:** It would probably be the following financial year because there are a number of approval processes we need to go through. One is with the Heritage Council. Another one is with the city council as well.

**The Hon. DON HARWIN:** I have a question on behalf of a colleague who has a particular interest in matters to do with the forecourt and its use by community groups for functions; for example, there have been all sorts of things. Will the changes to security at the front of the building preclude those sorts of activities in the future?

**Mr WARD:** Can you elaborate on the nature of activities?

**The Hon. DON HARWIN:** Rather than taking up the time of Government members, I might put that question on notice and give you a little more time to respond.

**The PRESIDENT:** To allay concerns, part of the whole aim of this is to improve perimeter security. The point of perimeter security is to allow everyone to have much greater freedom within, and that includes in that forecourt area. But there will be issues relating to, for instance, access to the fence. There is not much point if people go through screening and then have ready access to pass things through the fence. There will be some restrictions on that. But we will come back and provide more details.

**CHAIR:** The bagpipes will still play in the forecourt on occasions.

**Ms LOVELOCK:** You asked if we are confident about the heritage façade of the Parliament?

**The Hon. DON HARWIN:** Yes, that is right.

**Ms LOVELOCK:** I am confident from the plans for the disabled access that I have seen so far that it will not in any way alter the heritage aspect of the front of the Parliament and will provide a more dignified way for wheelchair access particularly to the Chambers.



**CHAIR:** Government members?

**The Hon. KAYEE GRIFFIN:** We do not have any questions at this time, Mr Chair.

**Ms LEE RHIANNON:** Do we pay for the uniforms and weapons of special constables or are they the responsibility of the Police department?

**The PRESIDENT:** I am advised Ms Lee Rhiannon that we paid for the initial allocation as part of the capital costs.

**Ms LEE RHIANNON:** Will the uniforms of subsequent special police constables be paid for by the Parliament?

**The PRESIDENT:** No, I am advised that subsequently we will not be paying for them.

**Ms LEE RHIANNON:** Will you explain why we paid for the uniform and the weapons as a one-off payment and we will not pay for them again? Presumably uniforms will change with subsequent people who walk in the door to do the job. Why were we required to pay for them the first time but not subsequently?

**The PRESIDENT:** My understanding is that it was part of the negotiations to actually commence the services, but Mr Ward will elaborate on the detail.

**Mr WARD:** The NSW Police Force had to recruit up to 32 special constables to provide the level of service that is required at the New South Wales Parliament. Part of the contractual arrangements in staffing up to that level was the provision of appointments and uniforms.

**Ms LEE RHIANNON:** Why were the weapons paid for the first time but will not be paid for subsequently, or is it because the number of weapons will not increase?

**Mr WARD:** We paid for the requisite number of weapons to suit the 32 individuals that were recruited for the New South Wales Parliament.

**Ms LEE RHIANNON:** Mr President, will the police report to which you referred earlier be made public?

**The PRESIDENT:** I will take up that matter and consider it with the other Presiding Officer.

**CHAIR:** I notice that on satellite television, on the public access channel, question time of the Legislative Assembly is broadcast. I have not seen question time in the Legislative Council being broadcast. Would you also take up that matter?

**The PRESIDENT:** I am advised that while we are definitely on the web, and we will continue to expand our tentacles further, I am not aware that we are on APAC but I will certainly ask the Clerk to pursue the matter.

**CHAIR:** I notice in the budget papers for the Parliament sitting hours in 2006-07 were 540 and for 2009-10 the projection is 950. Do you have an explanation for that?

**Ms LEE RHIANNON:** Was 2006-07 an election year?

**Ms LOVELOCK:** Yes, it was an election year.

**Ms LEE RHIANNON:** It is always less in an election year.

**Ms LOVELOCK:** They project the figures out to cover the possible full amount. So it is just a projected figure rather than definitely what we will be sitting.

**CHAIR:** So it may not be as dramatic an increase as that.

**Ms LEE RHIANNON:** Mr President, a constituent who visited Parliament House recently with mail for members of Parliament was informed by a special constable that he should forward it directly to the

electorate offices. As we know in the upper House that does not apply. Has there been a change of policy with regard to constituents who want to drop off mail for members of Parliament at Parliament House? As we know, sometimes mail in bulk is dropped off. Was this a misunderstanding by the special constable or has there been a directive that mail may not be dropped off by constituents but must be posted?

**The PRESIDENT:** There certainly has been no directive. If you can give us the details we are happy to make inquiries, but there have been no changes to the procedure. It may have been a misunderstanding by the special constable or, indeed, the constituent. I am not sure, but we will certainly make inquiries and come back to the committee.

**Ms LEE RHIANNON:** It was actually the Australian Monarchists League and the Greens said that we were happy take it up for them.

**The PRESIDENT:** As are we.

**Ms LEE RHIANNON:** I knew you would be.

**CHAIR:** The Parliament's budget papers show that the information technology Help desk, which does a good job, has had a dramatic increase in inquiries. Inquiries have increased from 7,989 to 9,586, which is a big increase. Does that indicate that members are having difficulty with their computers and programming? Do you have any explanation from information technology as to the category of inquiries? I have used the service.

**The PRESIDENT:** I am not aware of the positive or negative reasons for that. Once again we will make development inquiries and come back to the committee. We will take that question on notice.

(The witnesses withdrew)

**The Committee proceeded to deliberate.**

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