

# **PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE**

**Tuesday 11 March 2025**

**Examination of proposed expenditure for the portfolio area**

## **THE LEGISLATURE**

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**The Committee met at 9:15.**

### **MEMBERS**

The Hon. Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

Ms Abigail Boyd

The Hon. Wes Fang

The Hon. Dr Sarah Kaine

The Hon. Cameron Murphy

The Hon. Bob Nanva

The Hon. Chris Rath

### **PRESENT**

**The Hon. Ben Franklin**, *President of the Legislative Council*

## **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**

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**The Hon. ROBERT BORSAK:** Welcome to the sixth hearing of Portfolio Committee No. 1 - Premier and Finance for the additional round of the inquiry into budget estimates 2024-2025. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Robert Borsak, and I am the Deputy Chair of the Committee. I note that the Chair, Jeremy Buckingham, has just arrived in the room.

**The CHAIR:** Thanks, Robert. I appreciate that. Apologies, everyone. I was stuck waiting for a lift. I welcome the President of the Legislative Council, the Hon. Ben Franklin, and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of The Legislature. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of their evidence at the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence.

In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. I again welcome the witnesses and thank you for making the time to give evidence. While all witnesses must 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. I also remind all other witnesses that you do not need to be sworn as you have already been sworn before this Committee during this inquiry.

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**Mr DAVID BLUNT, AM**, Clerk of the Parliaments and Clerk of the Legislative Council, Parliament of New South Wales, on former oath

**Mr MARK WEBB**, Chief Executive Officer, Department of Parliamentary Services, Parliament of New South Wales, on former affirmation

**Ms MARGARET PALMER**, Director, Financial Services and Governance, Department of Parliamentary Services, Parliament of New South Wales, on former oath

**The CHAIR:** Today's hearing will be conducted from 9.15 a.m. to 1.00 p.m., with a 15-minute break at 11.00 a.m. During these sessions there will be questions from Opposition, crossbench and Government members. We will now commence with questions from the crossbench.

**The Hon. ROBERT BORSAK:** I know there is a question that the Opposition was going to ask. Since I'm caught without a question at the moment—

**The Hon. CHRIS RATH:** You can take mine.

**The Hon. ROBERT BORSAK:** Okay, this is the Hon. Chris Rath's question. I want to make a complaint about the showers in this place.

**The PRESIDENT:** Okay. I was sure it was going to be lifts first thing up.

**The Hon. ROBERT BORSAK:** The water pressure is horrible. This is a very important matter for those of us that have to prepare in this place. What can we do to increase the water pressure in the building? Since we had the renovations done from the old to the new, frankly it's been shocking. It's been very, very bad, and something needs to be done about it. I know there's been extensive work being done in the building. Maybe there are issues in relation to pipework or something like that. But if this could be addressed, perhaps through Mr Webb, it'd be a good idea.

**The PRESIDENT:** Thank you, Mr Borsak. It will shock you to know that I'm not over all of the details of the water pressure within the building, so I will throw to Mr Webb. Hopefully he will be.

**MARK WEBB:** Possibly not a question I had prepared for, though.

**The Hon. ROBERT BORSAK:** I wasn't prepared to ask it either.

**The PRESIDENT:** It's a good question.

**MARK WEBB:** It's a fair comment. As we've done the renovations, we've obviously done renovations at different times when there have been different levels of water restriction and the rest, which means different showers have been refurbished, sometimes with more water-saving technology and sometimes less. I am aware that has resulted in a variability in water pressure around the building, which I think you're referring to. So far the feedback from the showers that we've just installed down in the gym as a part of that work has been pretty good. I am very happy to commit to go through and have a look at the water pressure of all of the showers that we've done in the last little while to see if we can improve.

**The Hon. ROBERT BORSAK:** Perhaps up on level 11. It's not been since the gym work's been done; it's been like that almost since the day it was installed.

**MARK WEBB:** Yes, but I suspect perhaps we've—as I say, we've done this work at different times when there have been different levels of restrictions. Perhaps it's something we can go through and look to try and make it more uniform across the—

**The Hon. ROBERT BORSAK:** While you're talking about renovations—and I started on a jocular question, really—where are we up to in relation to the renovations of the building, certainly the heritage renovations and other parts of the building?

**The PRESIDENT:** Obviously we've done a lot of renovations over the last two or three years. The old Rum Hospital has now been completed and, I'm delighted to say, has been given a number of statewide awards—or nationwide awards, in fact—because of the quality of both the internal Chamber work and the external work that's been done. There are still a range of things to do. I'll throw to Mark shortly, but the first point that I want to make is that we've seen around the world a range of parliaments where they haven't done rolling works. What's happened is that suddenly the stick breaks and then they have to do it all at once. What that's going to mean is, for example, the Canadian Parliament is shut down. Westminster will have to shut down for probably a decade in order to deal with all of the works that need to be done.

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We have a very strong view that the most important thing that we can do is to have rolling works throughout the Parliament so that we don't have that problem. I hate to foreshadow the lifts thing, but I will. One of the reasons why the lifts are an issue is because they're 45 years old and they all had to be replaced at the same time. What should have happened is that they should have been replaced one at a time every few years. That's the process and the philosophy by which we're going to be looking at the building now.

There is still work to be done. For example, the Macquarie Street entrance to the building needs to be redone for accessibility reasons. People, particularly in wheelchairs but also others with accessibility needs, can't get out through the turnstiles so that needs to be opened by the special constables and so forth. There are other issues as well. We're looking at, potentially, the accessibility needs on level 9, for example. But we're doing these things methodically and we're working through them one at a time. The gym has just been finished. Once the door is finished, that will be a fully accessible place for staff and visitors to go. Mark, you might have some more comments to make.

**MARK WEBB:** Echoing the President's comment there, waiting until something breaks or almost breaks and then fixing it is both a disruptive and costly way to go about managing a built environment. One of my focuses over the last few years has been to try and make sure that we have ongoing funding that will allow us to plan ahead rather than just reacting every year to what's almost broken. I would love to say that we were at the end of the work that the building needs but, sadly, I'm told that lying to the Committee is a bad thing so I cannot say that. There's a lot of work to do.

Some of it is visible. If I look at something like the Fountain Court, for instance, it has not been pretty much touched since the 1970s, early 1980s when it was built. It's not up to code around things like fire safety, for instance, and the compartmentalisation that modern building practices require. There is a lot of wear and tear that goes into that space as well. There's a fair bit of work that we need to do in the Fountain Court, as an example of one of the visible things that we have to do. But there's also a huge amount of invisible stuff that people don't see on a day-to-day basis.

The air-conditioning system that runs the entire building, for instance, the prime, the core part of that—while we've updated things like air conditioning into the Chambers and little bits and pieces around the place, the fundamental underlying air-conditioning equipment has not been altered since it was installed in the late 1970s and it is very much past end of life. That's an example of kind of the invisible stuff. The electrical systems around the Parliament have not been updated since the late 1970s. So there are parts of the electrical infrastructure of the building that require significant amounts of work in order to go through. But even down to things that might seem relatively small—there are still pockets of bonded asbestos in the building, for instance. It's bonded; it's safe. But, really, we would like to remove it when we get to that point.

If any of you have tried to open the sliding doors from your office out to the balcony recently, you will know that, in over half the offices, those doors are very difficult to open up. Also, things like when people do open the doors, the air conditioning goes at full blast because it tries to equalise the temperature—really, the air-conditioning system should turn itself off when a door is open and then turn itself back on automatically when the door is closed again. Things like that really need to be updated as well. There is a huge amount of invisible stuff. I don't know how many members of the Committee have come down and had a look at level 1 of the building, which is where all the plant and equipment is. If you haven't, I'd be very happy to organise to take you down there on a bit of a tour. There is a huge amount of machinery down there that keeps this building up and going, and it's that kind of equipment and machinery—the stuff you don't see on a day-to-day basis—which is where a lot of our focus is going to be.

**The PRESIDENT:** We also provide some of the infrastructure for the Sydney Eye Hospital and for the State Library as well which is run from level 1.

**MARK WEBB:** Yes, that's correct.

**The PRESIDENT:** That's a challenge too.

**The Hon. ROBERT BORSAK:** Just on the internet connection, I don't know whether other people are experiencing this or if it's just me, but I'm having some trouble getting PH\_Express to work. I don't know whether that is, as I say, just me or—is that a problem you've had?

**MARK WEBB:** There are still probably a couple of zones in the building which are a little less than—we've increased the number of wireless points extensively over the years, but we're still finding that there are zones of the building where, because of the density of the wall material or whatnot, we're still having problems. If you're having problems in particular parts of the building, let me know. It may be that we need to put a new wireless point in. But if it's general problems across the whole building, I might get my IT team to sit down with you and just see whether everything is set up correctly.

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**The Hon. ROBERT BORSAK:** I don't want to cry wolf. It might just be my iPad, but at the moment I can't get anything on it.

**MARK WEBB:** I'll get the IT team to come. It sounds like it might be an issue between the iPad and the network. We'll come and have a look at that.

**The Hon. ROBERT BORSAK:** Yes, just get that checked out. Getting back to the renovations and the ongoing maintenance, what sort of dollars have been spent to date on the upgrading and renovations of the building?

**MARK WEBB:** I can start on that if you—

**The PRESIDENT:** Yes. I'll just give some general numbers and then throw to Mark. The critical maintenance works was a two-year program from 2022 to 2024, which was a \$22 million Treasury-funded program. That included a range of things, including the Chamber restoration, the north and south atriums and replacement of the roof, the facades restoration and conversion, and the full restoration works of the Rum Hospital. That was that block of works. Then there has been the allocation of \$15 million a year for small capital works or ongoing capital works.

**The Hon. ROBERT BORSAK:** That has got to be an ongoing allocation, is it?

**The PRESIDENT:** That's exactly right. That was started a few years ago under the former Government and continued under the current Government and, in fact, continued into the future, which is a good thing. But, Mark, you might have more comments to make about that.

**MARK WEBB:** Yes, that has probably been the game changer for our ability to plan. Prior to that upgrade to the \$15 million—and it's now I think \$18 million, which is great. But, prior to that update, we were only getting \$2.9 million a year and we depreciate at about \$18 million a year. You don't have to be a financial genius to work out, if your assets go backwards by \$18 million and you spend \$2.9 million—over time the cumulative effect of that had been quite great. The President mentioned before that the Canadian Parliament is five years into a 10-year shutdown of their main building and that Westminster is looking at potentially a 12-year shutdown when they can agree on where they find the £3 billion that they need in order to actually do the work.

**The Hon. ROBERT BORSAK:** Sorry, how much? £3 trillion?

**MARK WEBB:** It's £3 billion that they need to do the work. I believe that the fire control system in Westminster palace at the moment is a group of people that walk around smelling to see if there's smoke anywhere in the building. It's kind of got that—and I think I'm only slightly joking when I say that. I've been here for nearly nine years now. I think it is fair to say that, when I started, it is my opinion that we were at that time about five years away from having to shut this building down for at least a couple of years—not a decade but at least a couple of years. There was black mould in the Hansard area. Some aspects of the air quality in the Chambers were causing real physical health issues for some members. We were really getting to a point where I feel that this building was getting close to shutting down.

**The Hon. ROBERT BORSAK:** That leads me to the next question. How is your fight against black mould going?

**MARK WEBB:** Really good. I think, when we look at the front of the building and the heritage restoration—and, of course, what catches the eye is how great it looks and all the rest. To be honest, for me, the most important part of all of that work was both the safety and the functionality improvements we were able to make. Not only did we do a thorough—by ripping up everything and stripping it back to bare bones, we were able to do a thorough clean of stuff in a way that we've just not been able to do for decades, but also we were able to put in mitigation measures before we restored everything back.

For instance, one of the issues affecting the Legislative Council Chamber was airflow under the Chamber. There were a lot of things that were blocked up in a way that you just weren't getting fresh air coming through—not just into the Chamber, because we'd put air conditioning into the Chamber, but I'm talking about underneath the floor where the mould ends up growing. We've been able to put in mitigation measures to improve things like airflow to dry out the space. The new air conditioning that we put in around the Chambers also has a humidity control aspect to it. Even on the weekends, when we might not be cooling or heating the air when no-one is here, we have the humidity control mechanisms working. All those kinds of things have been put in place to try and make sure that we don't end up with the same kind of mould and other air-quality problems that we've had in the past.

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**The PRESIDENT:** The only other point that I'd make just to wrap that bit up is to let you know—you're asking about the dollars. We actually came in, with the critical maintenance work, slightly under budget and ahead of schedule. Unlike some of the other jurisdictions, we're pretty proud of that.

**The Hon. ROBERT BORSAK:** There you go. You should work for the Government. Fire alarm systems in this place—what's their status at the moment?

**MARK WEBB:** The team will correct me if I'm wrong. I think it was about six years ago we upgraded one of the main switchboards. I mentioned before that the underlying electrical system of the building hasn't been updated for 45 years but, in this area of fire control systems, we did update one of the main switchboards, which controls a few things, including the fire alarm system. Essentially, the system—when an alert goes off, the special constables have two minutes to either confirm that something's happening and then automatically the fire brigade is summoned or to work out that it was a false alarm and they can manually stop the fire brigade from coming. The vast bulk of our alerts that come through are things like burnt toast in an office and the like. That is probably the primary cause of the fire alarm system going out.

**The PRESIDENT:** What was the secondary cause, Mr Webb?

**MARK WEBB:** Interestingly, one of the ones we had recently, for instance, is, in a zealous attempt to improve fire safety down in the gym, we put in some new detectors, one of which was put outside the steam room and was a particle detector. So when somebody used the steam room and opened the door, the fire alarm system got—that alarm point has been moved to a more appropriate location in the gym. It's one of those early shaking out the problems issues that come through.

**The Hon. ROBERT BORSAK:** I might just raise again something probably a little mundane, but I have noticed and certainly my staff have noticed, in relation to pricing and Cafe Quorum, that it's really getting quite high. You buy a couple of small items down there and it can cost a lot of dollars. Has that cafeteria benchmarked itself to the competition around town or are we just taking advantage of the convenience of that particular facility? I know there's probably at least a break-even motive, or whatever it is. But at the end of the day, when you've got no choice as it's late at night, you go in there and look at some of the things and you say to yourself, "Oh, that's expensive."

**The PRESIDENT:** It's a good question. I understand it's about cost, but I'd like to address a couple of issues in terms of the food products that we offer. In terms of cost, there have been significant challenges over the last few years in terms of supply and the cost of goods. That's almost entirely the reason why, when you look at both goods and labour, the costs are now higher than they were. That having been said, we understand that there is, in essence, particularly at a range of times throughout the day, almost a monopoly situation here and that the Parliament does have an opportunity and a responsibility to provide an offering for members and for those who work within the precinct which is affordable and economical, as well as healthy. We take the point. We'll go away and have a discussion with Lee and Vanessa and the catering people to talk about where options might be to pull back the costing, if possible.

We are focused, though, on the broad issue of food and the offerings that there are down at the cafe. There has been a range of feedback given to us over the last couple of years about a whole lot of different things. Some people want more pub-type options. Some people want healthier options. Some want more vegetarian or vegan options. We're trying to accommodate a broad range of people—in fact, everybody within the precinct. But what we've determined is that, although we're going to have a biennial survey about a range of the different services within this building—everything from security and cleaning through to the experience within the building, and that will include food too—because of the amount of feedback that we've received recently, over the last three to six months, including from this inquiry today, we're going to put out over the next few months a specific survey about the food options. That will include quality, price and so on.

We would encourage everybody to answer that, because at the moment we've got a small number of very loud voices who are saying what they think should be on menus, where the price points should be and what should be included. Obviously, because of economies of scale, we can't have everything for everybody, but what we can do is try to land somewhere where everybody's got something and where the majority are happy. I encourage everyone who's either watching online—which I'm sure are thousands, Mr Chair—or reading the transcript to please, when they see the survey, everyone within the precinct, please complete it. Because the only way that these things are worthwhile is if they're methodologically sound, and that means if we get a certain number of answers. Mark, did you want to add anything else to that?

**MARK WEBB:** I would just say we do a benchmarking exercise every six months both against local competitors for the final product, if you like, but we also benchmark supplier costs every six months as well. Just to give you a sense, in the last six months, fruit and veg costs have increased by 6.3 per cent across our supplier

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range. Some other inputs are more like 2 per cent. We try as best we can. We look at alternative suppliers when we can. Vanessa does an excellent job in menu design, looking at what's seasonal and trying to make sure that we are focused on using things that are at a low point in their costs cycle moving through. But it is true to say that the cost of goods, the ingredient cost base, has gone up significantly over the last couple of years. It obviously spiked through COVID in particular but, even since then, we've been having steady rises. We try to hold off reflecting that through to the price as much as we can. You mentioned before about the break-even imperative.

**The Hon. ROBERT BORSAK:** What's the motivation—break even or make a profit?

**MARK WEBB:** No, break even at most. If we got to the point where we were making a profit, we would reinvest that profit back into the services that we provide.

**The PRESIDENT:** And often we don't even break even.

**MARK WEBB:** No. Last year, for instance, catering lost \$700,000. Compared to the revenue that was brought in, it was a net loss of \$700,000. Lee, Vanessa, Carlos and the team have done some excellent work this year, and we're heading towards a lower cost. But, for instance, if I was running Cafe Quorum as a purely commercial endeavour, I would close it at three o'clock every day. After three o'clock we do not make money; we lose money. When the Parliament is open until midnight because there's a late sitting, we keep the cafe open until half an hour after last bells.

**The Hon. ROBERT BORSAK:** Yes, but that's not a commercial consideration.

**MARK WEBB:** No, it's not. That's right. But that's why we lose money. On the other side, if it was just those services—the restaurant and the cafe—we would probably lose more, like well over \$1 million a year. But the offsetting factor for this Parliament is that we have the function space that allows us to go out and let external bodies—corporates and the like—run events here. We do run those as commercial endeavours that try to make a profit margin, so the events business for external people is run commercially.

**The Hon. ROBERT BORSAK:** Was that netted into your loss?

**MARK WEBB:** Yes, so the \$700,000 is a bigger loss on the services that we provide, offset by our profit from the events that we do. A big part of our strategy to try to bring the loss down is to improve our use of the functions and event spaces. It's interesting to me, but maybe not to the Committee, that late December, January into early February and April are dead months for events and functions—there are no members really here during that time—and the winter recess, to a lesser extent. We've traditionally not had big take-up from corporates either. We have been doing a real push to try to get the use of the event space and function space in those quieter times up to a higher level, which is one of the things that's contributing to the much lower level of loss in the catering area that we're talking about here.

But I very much view catering as half of catering is a commercial operation; half of catering is a service that we provide to the Parliament. Like any service provided by any parliamentary administration function, we try to do it as efficiently as possible. We also try to listen to the feedback. For instance, we used to shut the restaurant every Thursday unless both Houses were sitting, because people just weren't coming to the restaurant. We now open the restaurant on Thursdays regardless of what happens with the lateness of sitting. The feedback was that it might be a small number of people who might need the restaurant, but for those people it would be incredibly important, so we keep the restaurant open. I tried to open it up to the public as well, so we advertised that every Thursday night the restaurant—I'd love to say that brought thousands of people flocking to the Parliament to have dinner but, sadly, that hasn't been the case. It turns out when you only open a restaurant one night a week and it can be a little variable, depending on sittings, it's hard to advertise that in a meaningful way. But we're always looking to do those things.

**The CHAIR:** Mr Webb, thank you very much for your very—

**The PRESIDENT:** I think the Clerk just wanted to add something very briefly.

**The CHAIR:** Something extra? I'm just mindful we're eating into the Opposition—

**The Hon. WES FANG:** We can be flexible.

**The PRESIDENT:** Thank you for the flexibility. Can I just make one editorial comment? Over 15 years Mr Blunt has sat on many of these budget estimates, and this is his last one today. So I think it's an appropriate acknowledgement for someone who has given extraordinary service to the Parliament. I'll throw to him on this issue of catering.

**DAVID BLUNT:** Thank you very much, Mr President. Indeed, it's a historical observation that I wish to draw to the attention of members of the Committee. Prior to about 2006-07, there was an inbuilt subsidy in the



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Parliament's budget of \$1.5 million a year. That was recognised by Treasury as the cost of running a catering service to the members, staff and everyone who uses this Parliament. That was withdrawn in one fell swoop in about 2006-07. That's the reason why, ever since then, the goal has been to achieve cost neutrality.

**The CHAIR:** Thank you very much, Mr Blunt, for that historical context.

**MARK WEBB:** We did one year, I should say—the year before COVID we broke even.

**The CHAIR:** And I'm sorry to cut you off mid-flow, Mr Webb, but we've got questions from the Opposition.

**MARK WEBB:** That's quite all right.

**The Hon. WES FANG:** Mr President, leading on from the acknowledgement that you just gave, we were all devastated when we heard the news that our Clerk was departing, having announced his retirement. Having picked ourselves up off the floor and resolved ourselves to the sad decision—we will miss Mr Blunt and his wise advice—what is the Parliament doing in relation to the recruitment of a new Clerk of the Parliaments for the Legislative Council? Can you advise what plans you have to correctly and appropriately honour somebody that's provided so much service to not only the Parliament but the State of New South Wales?

**The PRESIDENT:** Thank you for what could potentially be classed as a Dixer. I appreciate it very much. In all seriousness, I couldn't echo your words more strongly. I think the service that the Clerk has given to not only this building but to democracy in this State and nation has been at the pinnacle of a contribution that you can make in this area. For someone to defend an institution and our whole system of government and to do it in a way where he has the absolute respect of everyone in the Chamber, not just now but across the entire time that he's been in Parliament, is extremely unusual. And so I really appreciate you raising this, and I couldn't agree more strongly.

So, to answer the second part of the question first, there will be an event held for Mr Blunt on the evening of Friday 28 March in the Strangers' Dining Room. All members of Parliament have been invited, I believe, to attend that. There is a small cost associated with that, going back to the original comment made by Mr Borsak, but I think it's \$60 a head, if I remember, which, again, doesn't cover the event but certainly provides a subsidy of it. But it will be an excellent event, which will have some very interesting musical offerings, which is being curated personally by the Clerk. Some of you may or may not know that the Clerk actually was in a heavy metal band many years ago.

**The CHAIR:** Hear, hear! You've been keeping that under wraps.

**The PRESIDENT:** My apologies. Not heavy metal at all. Punk rock. Even better. So perhaps, if we all get on a unity ticket, we might be able to convince him to break out the bass guitar again on the evening. That'll be a great night. But there will be, obviously, other opportunities to honour him. Even just yesterday, the Governor very kindly hosted a small reception to thank the staff of the Parliament who contributed to the bicentenary, and she took the opportunity to make a real point to honour David's contribution and present him with a gift from Government House. That was very sweet.

In terms of the appointment of a new Clerk—I too, Mr Fang, am devastated, but the wheels of state roll on—I appointed a selection panel, as was done previously when Lynn Lovelock was replaced and became David and, before that, when John Evans became Lynn Lovelock. The panel that I appointed was myself, obviously; the Clerk of the Federal House of Representatives, Claressa Surtees; and a former Clerk of the Legislative Council and the Parliaments, John Evans, who is now the ethics adviser for the New South Wales Parliament. We are going through the process now. There will be an announcement before David's departure on 28 March. I can't give you an exact date at the moment, but we are extremely comfortable, the three of us, with where we are likely to land, assuming everything works as it should. But, unfortunately, I'm not in a position to be able to make any pre-emptive announcement at this point, but I'm advised that the process that we've undergone—and I want to thank particularly my chief of staff, who has done an extraordinary job in overseeing this—is very similar to the last two Clerk appointments, in both timing and the process itself.

**The Hon. WES FANG:** So you're confident there won't be any constitutional issues of lack of guidance for the Parliament by not having a Clerk appointed by—

**The PRESIDENT:** I am extremely confident that the transition will be seamless and that every single member, and every single member of this precinct, will receive the excellent service that they have always been accustomed to.

**The Hon. CHRIS RATH:** I just want to start by saying thank you, Mr President, Mr Blunt, Mr Webb and all of the staff here at Parliament, for what was a very busy 2024, with the bicentenary celebrations. It was,

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probably, one of the busiest years for the Legislative Council and the Parliament. But I think it was a job really, really well done. So thank you to everyone involved. To slightly more mechanical matters—and probably to you, Mr Blunt—I was wondering if there was any update on moving towards electronic SO 52 returns.

**DAVID BLUNT:** Thank you for that question. I think we can all agree that, in an era where most government information is held in electronic form and in which members make use of and interrogate data largely in electronic form, it's a bit crazy that, when the House orders the production of documents, the public service has to spend a great deal of time conducting searches electronically but then printing out every document that needs to be returned, and then those documents being considered by the Cabinet Office—various claims of privilege et cetera are applied where necessary—and then those documents being delivered to the Parliament and you all needing to examine them in paper form or, what's most frequently happening with documents that aren't subject to a claim of privilege, running them through a scanner so they are turned back into electronic form. It just doesn't make sense. And, for that reason, both the Department of the Legislative Council and the former Department of Premier and Cabinet, now the Cabinet Office—both agencies are absolutely committed to the goal of moving to a system by which returns to order can be received by the Parliament in electronic form.

It is, however, a really complex space that involves the handling of really sensitive data, significant quantities of data, by the Executive Government, its transfer to the Parliament and its secure handling by the Parliament. So it needs to be approached in a very methodical and careful way. At the last estimates hearing, in August last year, I indicated that I did not think that there would be much further progress on the project for at least 12 months due to competing priorities in the digital transformation space, and that has been the case. However, we have remained in dialogue with our colleagues in the Cabinet Office, and I'm happy to confirm and to assure you that both agencies, both the Department of the Legislative Council and the Cabinet Office, remain firmly committed to the goal of establishing a system by which documents can be returned electronically.

The work that's taken place to date over a number of years has been really instructive and really helpful. Nevertheless, technology is evolving rapidly and has evolved rapidly since the project commenced. I understand, from my discussions with the Cabinet Office, that the experience of the New South Wales Government in relation to electronic records, in relation to data management and cybersecurity has pointed to some potentially new solutions to the task we have before us, also that the experience of the New South Wales Government in sharing information with other levels of government, particularly the Federal Government, during the COVID-19 pandemic and since then, has also informed potential new ways of tackling this issue so that, for instance, a technological offer such as SharePoint might provide a more suitable platform than the custom-built-portal approach that we had previously been working on.

Here at the Department of the Legislative Council, you'd be aware that we've recently rolled out a members' hub in SharePoint, by which you all receive and can access your committee information, rather than through receiving hundreds of separate emails with files. We think that's certainly going to inform our side of the work going forward. I'm sure that, at the next budget estimates hearing, later this year, the new Clerk will be able to give you a further update on this important project.

**The Hon. CHRIS RATH:** Thank you for that update. Has any consideration been given, potentially, to maybe having the documents electronic for, say, members and staff? That way, you might alleviate some of the cybersecurity concerns. Putting thousands and thousands—millions maybe—pages of documents online for everyone to see could be quite problematic. I assume the vast majority of SO 52 returns probably are almost always viewed by members and staff, maybe the odd journalist as well. I assume members of the public aren't rushing up to your office to look at the public documents. Potentially, by putting it on SharePoint, at least for members and staff, that way we can access it electronically but still keep some of the cyber concerns at bay as well.

**DAVID BLUNT:** That is certainly one of the options. Those sorts of considerations will be taken into account as we explore the potential use of SharePoint and other technologies to tackle this issue. There is also the approach of perhaps rolling this out in stages rather than a single solution for not only public documents but also privileged documents and documents containing personal information. It does seem to me that it makes sense to, as far as we can, tackle this in stages. And you're absolutely right: The appropriate concerns of the Cabinet Office and government agencies about document security and cybersecurity risks are very real and they're ones that we have to deal with really seriously. Perhaps those concerns are less of a problem in relation to public documents than they are with privileged documents, for instance.

**The Hon. CHRIS RATH:** Hopefully we can get this up and running as quickly as possible but, in the meantime, is there any way of potentially making the process a little bit easier? You're quite right that when the documents come in, often we like to scan them so that we can then use them electronically and share them amongst members and staff et cetera. Is there any possibility of moving towards a system where, if there's capacity for the

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LC staff—your staff, essentially—to scan those documents or, if there isn't that capacity for the staff to do that, potentially a way—and maybe it's something we need to do voluntarily amongst the members. If I go down or my staff go down and scan all of the public documents onto SharePoint and then, say, Ms Boyd's staff wouldn't need to go down to your office and scan those documents again, spending many hours scanning documents. It would be better if we could just share them. But I might not know that Ms Boyd's staff has already scanned all of those documents.

If there is a way to collaborate amongst the members and the staff of the LC for documents so we don't all need to duplicate that or if there is any potential capacity for your staff to do that—I know that you've got a million other things that you need to do as well and there's no shortage of SO 52 documents coming in. But I think there's a lot of duplication at the moment amongst members and staff. I don't know. Maybe it's something to take on board or consider for the future.

**DAVID BLUNT:** I'd be happy to take the question on notice and come back to you with a thorough answer. Without being too cheeky, could I just suggest that perhaps some of the ideas that you're floating are ones that—there was another party in opposition not that long ago. They might not have necessarily been all that willing to share with you all of the strategies and things that they did, now that they're on the other side of the Chamber.

**The Hon. CHRIS RATH:** Tell us your secrets! On a different issue, at the last estimates—and this is probably to you, Mr President, but maybe to Mr Blunt as well—the Special Minister of State announced moving towards a system of independent funding of the integrity agencies, but also for the Parliament as well. An indication was given of putting together a process of having a committee, or potential committees, quite similar to this one, The Legislature, to examine appropriations from the Executive Government. I think some consideration was given to how other jurisdictions might do it, particularly the Federal Parliament. Has there been any update on that or what we're moving towards?

**The PRESIDENT:** Yes, there has. The short answer is that I can't provide any substantial clarity. The longer answer is that there has been movement. We sent a delegation to Federal Parliament to meet with a range of stakeholders—the Clerks, the head of DPS or whatever it's called down there, and various others—to discuss exactly this matter. That delegation consisted of myself and the Speaker, the Clerks of the Legislative Assembly and the Legislative Council, Mark, and our chiefs of staff. We talked about how they do it and how it's all progressing. We've looked at other jurisdictions as well.

There are a range of challenges in terms of how we ensure that, in effect, the Legislative Council remains in charge of its own domain and the Legislative Assembly the same. Because, of course, there are three budget bids that go in: There's the budget bid from the Department of the Legislative Assembly, the Department of the Legislative Council and DPS. Having, frankly, a Legislative Assembly committee overseeing the bids or having anything, frankly, at all to do with the bids from the Department of the Legislative Council is, I'm sure, offensive to everyone around this room. But, in the same way, of course, it is vice versa as well.

Looking at how that actually will work is a challenge. If there are individual committees—and potentially that might mean there would need to be three individual committees established or whether they would then fall under current committees in terms of their operation, possibly the public accountability committee and so on. That's a long way of saying we are continuing to work on it, but we haven't landed at this point. But we're continuing to consider all of it and how it works because we do think that, objectively, it is a good thing to shine some light on these sorts of budget bids. They're not political; they're about what's in the best interests of the Parliament. But, David, you might have something further to add on that matter.

**DAVID BLUNT:** The model that's in place for the Australian Parliament is a committee of the House of Representatives looking at the House of Representatives budget bids and what's in the appropriation bills each year, and similarly for the Senate. Neither of those committees look at DPS. That's a significant gap in the Federal model. Nevertheless, the model of having a committee of each House looking at these matters did appeal as something appropriate to a bicameral legislature. We were quite keen to conduct those discussions. I'd have to say, from my point of view, coming back from Canberra and having had those discussions, we were, I think it would be fair to say, not convinced that the model was necessarily all it was cracked up to be and that there were potentially more problems with it than there were solutions being provided. I think, certainly for DPS, it's a model that has very little appeal. I would also say that in their operations we were told that the existing committees these days spend—

**The PRESIDENT:** I think it was 90 per cent of their time on security and other matters.

**DAVID BLUNT:** Yes, on matters of security of the Parliament rather than actual funding issues. Their purpose had been—not subordinated, but their original purpose was no longer really front and centre of what they were doing.

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**The PRESIDENT:** But we are considering all of these issues.

**The Hon. Dr SARAH KAINE:** Thank you all for appearing this morning. I have a few questions, some which are new and some which we've seen and heard and loved before. I wanted to ask about renovations. Mr Webb, you talked about the invisible stuff that needs to be done. I'm wondering if part of that invisible stuff might be the control room and lockers and bathrooms for the special constables. I understand that there are quite a few issues with those facilities, including persistent mould and lockers that aren't even regulation to be able to hold their vests. How are we prioritising that?

**MARK WEBB:** That is one of the upcoming projects. You're talking about level 5. For those of you who have been observant in the lift, you'll notice that there is no level 5. Some hotels don't have a level 13; we've decided that five is an unlucky number. The facilities for the special constables and also the changing rooms for the cleaners, some of the Chamber and support staff that work in each of the Houses and the rest are down on level 5. Again, it's a space that has not been touched for 45 years. We have an upcoming project to refurbish all of that space. We're working with the special constables to make sure that lockers are suitable for the equipment they use, but we'll also be working with the cleaners, with the Chamber and support staff and with the catering staff to make sure the facilities down there work for them as well.

**The Hon. Dr SARAH KAINE:** Do you have a timetable?

**MARK WEBB:** I thought you might ask that, and I think I do. If I don't, my crack squad of people will be listening to this. You said before, Dr Kaine, that only a couple of people watch this. That is not true for The Legislature. There are quite a few hundred staff of the Parliament that are keenly watching. Hi, everybody. It is in the next year or so. It's in the next two years that we'll be doing that work. We've started the design work on it already, but the actual physical work will happen either over this Christmas or the following Christmas, depending on how extensive the work is that we need to do once we finish the design phase.

**The Hon. Dr SARAH KAINE:** I have another question about the special constables. I understand—and I've raised this with the President previously—that there's a memorandum of agreement dated early 2020, with a Parliament reference number that I can provide to you, that has clauses about staff and staffing turnover. In particular, clause 6.2 talks about ensuring consistent service and awareness of regular routines so that staff turnover should not exceed 50 per cent of the staff on site within a two-year period, with the idea being that you need the corporate knowledge that people have for the peculiarities of this place. Is this still being applied? If so, how do we check or validate that? If not, what has replaced it and why?

**The PRESIDENT:** I will throw to Mark on the specifics of the issue, but I would like to talk about the memorandum of agreement first. I apologise; I should have come back to you personally. I know that we've talked about this. I have a note which I am going to read word for word, because I think it's important. I should have talked to you about this beforehand. The memorandum of agreement with the NSW Police Force contains sensitive operational information and isn't publicly available. We can't release it publicly, in answer to the question that you've asked me previously. I apologise about that. It may undermine the integrity of the parliamentary security framework.

There is some information that I can give. There is an MOU that was written in 2004 and a memorandum of agreement that was written in 2019 between the Police Force and the Parliament of New South Wales for the provision of special constables, pursuant to section 27 of the Parliamentary Precincts Act 1997. A review into and an update of the MOA is currently underway as part of the security assessment. Raising these issues, even though we can't specifically go to the details of the MOA, isn't inappropriate or unreasonable at all and will certainly be factored in. We appreciate you doing that.

However, the confidentiality and disclosure of information clause within the agreement—signed by both parties, of course—only allows the release of information if required by law. That's section 8.2 of the MOA. They're the specifics about the MOA, which is why we won't release it. I'd prefer, if possible, not to speak about individual or specific clauses within the MOA. Putting that aside, though, the issue that you raise—and, in fact, any issue that you'd like to raise in this forum about that—is not inappropriate. Mr Webb might have a view about the way that it should be raised—whether it's public or private—because of the security of the building. I'm not shying away from the transparency about it; I'm merely giving you that information.

**The Hon. Dr SARAH KAINE:** We have got the Clerk sitting there. Is there some way that's better for me to ask some supplementary questions that is in camera or some other way of doing that?

**The PRESIDENT:** First, I'll throw to Mr Webb in terms of any extra information that he might be able to provide. As I say, we welcome it, but we want to make sure, as with all security issues, that we don't in any way undermine the security of the place.

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**MARK WEBB:** I echo everything that the President said. The only thing I would say is that we do monitor the MOU and work with the New South Wales police on it generally. For the reasons the President outlined, I can't talk about any specific element of what we're monitoring and how we're engaging with them. It is fair to say that if an issue comes up where there's an aspect of the MOU that's not being met, we have a really constructive relationship with the New South Wales police and with the special constables where we can start to work through issues. I can't talk about the specifics of any given one. In terms of the questions that you might like to ask, I'll defer to Mr Blunt, AM, for his opinion on these things. I promised him that I would refer to him by his full title for the remainder of estimates, if you see him shaking his head. That would be good, because the nature of a question can sometimes reveal either security vulnerability or a gap.

**The Hon. Dr SARAH KAINE:** Sure. I'm really sensitive to that. I'm happy to take advice.

**MARK WEBB:** If we can find a way, I'm very happy. As I've said to this Committee—or previous incarnations of this Committee—I'm also happy to talk in camera with the Committee more fulsomely. I wouldn't be able to about this MOU, but about security issues more generally, I'm always happy to talk. I could probably be a little more candid if we were in camera, as opposed to something that would be on the public record.

**DAVID BLUNT:** Under the resolution referring the budget estimates to this and the other portfolio committees, all hearings have to take place in public, so there's no capacity for us to give evidence to you in camera. Over the many years that I have been attending these hearings, when, from time to time, questions have been asked about security matters, there has been a standard form of words used by the Presidents and heads of DPS, which is that matters to do with security of the building and security of members should be dealt with confidentially by coming to see us and seeking a briefing. The final thing that I would say is that if any member was inclined to ask a question without notice of the President in the Chamber, there is also a standard form of words that Presidents have used over the years, indicating that members are welcome to come and make an appointment to see them in their chambers to talk about these matters confidentially. That's what I would encourage in this regard.

**The PRESIDENT:** Can I make one final comment about the special constables? They do an extraordinary job.

**The Hon. Dr SARAH KAINE:** They do, indeed.

**The PRESIDENT:** Last year, particularly, through the bicentenary process, through having over 3,000 people through the Parliament on our open day on 25 August and through the very stressful royal visit in terms of the security protocols and so on, they were incredible. I wrote to each of them individually to thank them for the extraordinary job that they had done.

**The Hon. CAMERON MURPHY:** Thank you for coming along and giving evidence today. I might start by going back to the bicentenary last year. We had a lunch on 20 October. At that lunch there was quite a glorious red carpet. It ran from the front of the building, right through to the Strangers' Dining Room, in two parts that then came together. How much was that? Was that bought for that lunch?

**The PRESIDENT:** The short answer is I don't know. We're happy to take that on notice. We'll come back to you. In terms of the red carpet itself, we have always had a red carpet in the Parliament for major ceremonial events. That, however, did fall into disrepair. This was a new one.

**The Hon. CAMERON MURPHY:** It was a new one for that event?

**The PRESIDENT:** It was a new one, and the first event for which it was used was that event. This, however, we expect will last for decades and will be used for a range of events, including any openings of Parliament, ceremonial events and so forth. While this was its first outing, it wasn't solely and only used for that particular event. But we'll come back to you about the cost.

**The Hon. CAMERON MURPHY:** The one that it replaced, how many times was that used?

**The PRESIDENT:** I don't know. But, again, we're happy to come back to you on that.

**MARK WEBB:** I could get the exact details, but it had been in place for at least 10 to 15 years. It had been there for a long time. We have it still as a backup. For instance, if we had an event where there was a lot of rain and the primary carpet was to get wet, we have the old carpet as a backup if required. But in terms of exactly how long and exactly how many events, I'd have to take that on notice. I just don't have that to hand.

**The Hon. CAMERON MURPHY:** I might just quickly ask about something else. Are all the committee staff permanent employees of the Parliament, or do we have a mix of temporary and permanent staff?

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**DAVID BLUNT:** I presume you're talking primarily about the staff of the Department of the Legislative Council?

**The Hon. CAMERON MURPHY:** That's right, but also joint committees that Legislative Council members might serve on.

**DAVID BLUNT:** Most of the joint committees are supported administratively by our colleagues in the Department of the Legislative Assembly, so I can't answer on their behalf. There are now two or perhaps three joint committees that are supported by the Department of the Legislative Council, including, for instance, the joint committee on modern slavery. In terms of the Department of the Legislative Council committee staff, I would have to take on notice the precise number but it's probably about 40 per cent who are in temporary positions.

**The Hon. CAMERON MURPHY:** Can you give me a breakdown of each committee and the number of staff, and how many are permanent and not permanent?

**DAVID BLUNT:** I can't do it by committee because, unlike most other parliaments, the way in which the Department of the Legislative Council supports its committees is by having one big pool of staff. All of our committee staff support all of the committees that are supported by the Legislative Council. We don't have the traditional sort of siloed approach where there's a specific secretariat just for the law and justice committee or the social issues committee or Portfolio Committee No. 1. Any of the committee staff, the committee directors and the PCOS, but also the admin staff, will usually be supporting at least two different committees, two different inquiries. The only exception to that is the Regulation Committee because the nature of the support provided is quite unique; it's quite different to that provided to other committees, so there is a specific secretariat to that.

But coming back to the issue of permanent and temporary, I think it's probably in the order of about 60 per cent ongoing, 40 per cent temporary; it might be a little less than that—temporary. That's for a good reason though. I would ideally like all of the staff supporting the committees to be appointed to ongoing positions, but it's funding dependent. The committees office was expanded significantly during the period 2018 to 2022, and it was expanded because the workload of Legislative Council committees expanded greatly; the workload doubled, so the office increased in size, with the benefit of temporary funding being provided year on year. We are seeking in this forthcoming budget round to have that funding made permanent, and if that funding is made permanent, then I suspect the new Clerk will take great pleasure in it, making all those staff—

**The PRESIDENT:** Just to quickly follow up on that, though, in making that funding permanent, if the Treasury and the Treasurer were so inclined to do it, I'm sure the new Clerk would be looking to that. Any assistance you could provide, Mr Murphy, in that aspect would be greatly appreciated.

**The Hon. CAMERON MURPHY:** Just coming back quickly to one aspect of that, you were saying that you can't answer for staff provided by the Legislative Assembly. How do we find out about those arrangements? We serve on joint committees; they're administered. How do we find out about the arrangements in relation to those staff if you're saying this is not the appropriate place to ask questions about that or that you can't answer them?

**DAVID BLUNT:** Ultimately, the Department of the Legislative Assembly and the Speaker of the Legislative Assembly are accountable to the Legislative Assembly, which is most appropriate in a bicameral legislature. I'm sure you can ask questions of the relevant committee secretary or the relevant committee director that's supporting the joint committees on which you serve. Can I just come back to clarify the percentage? Of the 38 staff supporting Legislative Council and Legislative Council supported joint committees—that's 38 in total—14 are temporary, so that's 36 per cent.

**MARK WEBB:** Could I just put a little plug in for the people that support the committees that have not been mentioned so far, so the Hansard team and the audiovisual team. There are also significant numbers of temporary staff in both of those teams. So if you are advocating with the Treasurer, if you could also advocate on behalf of the bids we have in for both Hansard and for the audiovisual side of things, that would be greatly appreciated as well.

**The PRESIDENT:** Also, while you're there, we have a list of other things.

**The Hon. Dr SARAH KAINE:** Can I go to staffing more generally. Last week, members received an updated copy of the *Members' Staff Conditions of Employment* determination. I note that it was indicated that there was a significant number of contributions during the consultation process. Can you give me a sense of how many responses were received? Would it be possible to get on notice a breakdown of the number of responses by electorate office versus our research assistants? I have a couple of questions on this, so I don't know if that's one you can just say that you'll take on notice.

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**The PRESIDENT:** I will. I've obviously got general information that I can happily talk about in terms of MOPS and the process that we've gone through and so forth. But in terms of those specifics, I'll take it on notice.

**The Hon. Dr SARAH KAINE:** It's also a bit unclear from the version of the determination that members were sent what was changed from the consultation process. Could we get a summary of the feedback that was received and how it was dealt with, including those bits of feedback that didn't fit with this determination but are about budget or Government policy? If we could get a summary of what was actually provided, that would be useful.

**The PRESIDENT:** We'll give you what we can.

**The Hon. Dr SARAH KAINE:** Excellent. The last part of this bit is could we please get circulated the tracked changes version, the members, which I understand that staff might have received?

**The PRESIDENT:** We will absolutely give you everything that we can. Those requests are not unreasonable, but we'll go back and have a look and we'll get you the information that we can because what we've tried to do through this whole process is to—let me go back a step. There are obviously three different elements to how we've dealt with the MOPS issue/determination. The first was to ensure that we landed the 4 per cent pay rise for staff. Obviously from the commission, there was only a 3 per cent ruling, but we wanted to ensure that it was in line with the others, and I'm very grateful. Again, Mr Murphy, you can pass this back to the Treasurer, possibly at the beginning of your discussion, that I'm very grateful and appreciative of that extra 1 per cent for our staff because they do an extraordinary job all across. That's the first point. It was landing that.

The second issue was dealing with the non-financial determination, a determination which comes out annually. That's what we've engaged with. That's what you're asking about. That's what we've now provided to members, and that is what we are likely to then publish as the final determination. Note, however, that a final determination doesn't mean final; it means final for this year, for this 12 months. I see this as a living document that will continue to be improved and we'll continue to work in consultation with all relevant stakeholders to ensure that it provides the best possible working conditions for staff. The third is obviously what was raised by Mr Nanva and previously. I'm sorry, I'm trying to be helpful here.

**The Hon. Dr SARAH KAINE:** No, you are.

**The PRESIDENT:** I mean, I'm not filibustering. It is in terms of the longer term issue which is about potential reclassification for roles, which will require a greater body of work, greater consultation and so on. We wanted to land the first two first before we start then moving on to the third.

**The CHAIR:** Mr President, you will have noted that in this room—it relates to the committee hearings and the operation of budget estimates—there are five different types of seating. Some of it ranges from very ergonomic—I've noticed that Hansard bring their own; they have the more ergonomic seats—but there is a less comfortable range of seating for these hearings. Last week we had four hearings in this room, so that to ran 40 hours plus of sitting in these chairs, which are particularly uncomfortable. For someone who suffers from lumbar issues, they're low. It's different in each room. I note that some of the Committee staff are working off their laps. Is there anything we can do to ensure that we have more comfortable seating for these hearings and other events in this room?

**The PRESIDENT:** I will throw to Mr Webb shortly, but I can advise that we've been focusing on and hearing the feedback about the seating. There is both a short-term and a long-term solution in the works, which I'll pass to Mr Webb to talk about. I was hoping that someone would ask if we could table the chair that you're specifically referring to but, alas, that didn't happen. Mr Webb, if you could discuss what we are actually doing.

**MARK WEBB:** A strategic masterstroke on your part, Chair, for putting that question to the head of Treasury at the end of Treasury estimates. It's always helpful to have on record the Treasury secretary agreeing that something could be improved. That's very useful. In the short term, what we've done in the last couple of days is I've gone through and looked at all the chairs that we have and I've started to deploy the more comfortable ones into the Macquarie Room and the Jubilee Room and taken out some of the less comfortable ones. You probably can't see properly from here, but Margaret and I are sitting on chairs that came from the Macquarie Room rather than those chairs that are in the public gallery, which are okay for sitting on for about an hour for an event, but not if you're here all day. The short-term plan has been to audit and deploy the chairs that we do have in the building at the moment to get the most comfortable ones and the most ergonomically—when I say "comfortable", that's shorthand for ergonomically sound as well.

That's what we've been doing in the last couple of days. That has been the short-term plan. But as you've quite rightly pointed out, it has resulted in a variety of chairs across both of the rooms. What we've kicked off for the longer term is we are working with a couple of chair manufacturers to get a series of chairs sent out to us that

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have different levels of lumbar support and ones that look fitting for a committee hearing—so something that looks like it should be in a committee room but that also has those ergonomic areas. We will be getting a few different examples in, and I will be writing out to all the members, inviting you to come down and try them out to see what works for you and what doesn't. The intention is to have ordered and have those chairs in place before the next estimates round so that we can deal with this issue once and for all.

**Ms ABIGAIL BOYD:** Back on this MOPS determination, I understand that there were a number of submissions which highlighted the problem of having the MOPS Act at all and not having an industrial award for staff. When the version was sent out to members, it did have this bit at the end referring to undertaking further work to address aspects that have financial implications within the framework set by NSW Treasury. Where in the MOPS Act does it talk about the pay and conditions being governed by Treasury policy?

**The PRESIDENT:** Mr Webb might have something further to add, but the intention from my perspective there was, in effect, if something has a cost implication, we therefore need to ensure that we get the money for it from Treasury. If there is no cost implication, the Speaker and I can happily look at doing it, but if there is a cost implication, we can't just will up the money from nowhere. That was my intention from that. Is that right?

**MARK WEBB:** Yes, that's right. You're quite right that the MOPS Act itself does not provide any function for Executive Government in the setting of a determination. The issue is more of a practical one that goes to the finances of the Parliament, and it goes to the questions that came from the Government side as well around the independent financial conditions of the Parliament. In effect, we are treated like we are a government agency for the purposes of the processes we go through to gain a budget. We have to make submissions to Treasury. Treasury assesses those submissions and sometimes they put them through, but sometimes they don't.

For anything that has a major financial impact, it's not the MOPS Act that says we have to go to Treasury; it's the general "how do you set a budget for a Parliament". Mr Blunt, AM, made the point earlier that DPS was not potentially well served by the Federal model. That is in part because there is no advocacy for some of these underlying issues. For instance, even if the Clerk of the Senate was to put a wonderful bid up that their committee supported and that the Treasury was convinced by, if there were flow-on effect to DPS—like, for instance, the need for more Hansard staff or the like—it just wouldn't get a guernsey or a look-in.

**Ms ABIGAIL BOYD:** And that then makes it very hard to actually provide fair pay and conditions for parliamentary staff. I think that's why there is this drive to reform the MOPS Act and have an industrial award. Has that feedback been passed on to the Premier, the Treasurer and the industrial relations Minister?

**The PRESIDENT:** Not formally yet. Certainly, there have been some conversations—there always are—about any of the consultation that we have regarding this. But our view was that we would wait until we had received any feedback that came from members so that we could then put out the determination and then provide holistic feedback to the Government.

**Ms ABIGAIL BOYD:** There's a strange situation now where we have a very higgledy-piggledy situation with resources for lower House MPs and upper House MPs. Recently, lower House Independents and small parties, I understand, got an extra staff member, which is great because everybody is overworked, and that's fantastic. But we now have a situation where there is a staff member working for lower House members who earn well over 50 per cent more than a senior research officer within an upper House office. There is an obvious inequity or disparity, to the extent that some people are losing their staff to lower House members because of the pay disparity. They are effectively doing the same job, if not something a little bit more relaxed, given that we have half the staff in the upper House than they do in the lower House. To those sorts of issues and the stress that puts on people working incredibly hard in the upper House offices, what is your reaction in terms of being responsible and having a duty of care to those staff when it comes to lobbying Government for something better?

**The PRESIDENT:** I think we do have a responsibility. Obviously, this isn't just about government; it's about the determination of the PRT as well. Our hands are tied often by needing to implement what the PRT determination says. That's a challenge. The Presiding Officers put in a submission to PRT. We obviously also continue to engage with Government. These are exactly the sorts of issues that we are happy to highlight. We can only know what we know, so I encourage you, Ms Boyd, and all members to continue to provide feedback, particularly about any inconsistencies within the current system that may be unintended but that do exactly this sort of thing. We've dealt with a range of them. For example, we had an issue with Whips' advisers which needed to be dealt with as well.

**Ms ABIGAIL BOYD:** To be frank, it seems that these inequities that are growing out of different offices getting different amounts are historically political and seem to be part of political staffing deals perhaps done with Independents and others. I understand that. Again, I don't want to take away from the wages and the additional resources given to certain members. I think we all need more and that's great. But it comes back to this issue where



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we have what is supposed to be independent—we have the Parliamentary Remuneration Tribunal—but, in effect, we have the government of the day able to say, "Actually, you can have an extra resource."

**The PRESIDENT:** I would strongly push back against that. That's not the evidence that I've seen. The justice who runs it is, in fact, ruthlessly independent, from everything that I've seen.

**Ms ABIGAIL BOYD:** Sorry, not the PRT, but in terms of the extra allocation of resources, my understanding is that's a Premier's decision, not a PRT decision.

**MARK WEBB:** No, that was a PRT decision.

**The PRESIDENT:** That's right.

**Ms ABIGAIL BOYD:** Then I retract that.

**The PRESIDENT:** Can I just make one final comment? This is a fundamental problem with the PRT, which it is dealing consistently and every year with a new issue that comes up. It's this little bit bolted on and then this little bit bolted on. That is why she is trying to look at potentially doing a whole root-and-branch rewrite of the PRT—starting at original premises, potentially. That's certainly something that we've argued for as well. I'm not going to put words in her mouth, but that's certainly something that we think needs to happen because of exactly the issues that you raise. I don't believe that this is an issue of government showing favouritism or anything like that. I do believe that it is the PRT who deals with each individual issue as it comes—and sometimes it's developing a camel, which is creating a very interesting beast. But, Mark, you have more things in mind.

**MARK WEBB:** The origin of the extra staffer for the Independent crossbenchers was from the PRT. They created a new class of staff, a fourth staffer which was not a senior electorate officer or an electorate officer; it was something new. You've got four staff, and there's this new category of staff, because the argument made by both the Independents and the crossbench when they put their submission in was that it was something different. It was not an electorate officer role; it was a research officer role to do this other kind of work. When the PRT made that determination, we then wrote a position description, consulted on the position description and evaluated the position description, and it came out where it came out. I think one of the things that you're pointing at, which is quite right, is that the position descriptions and the like of other categories of employment in member staff were written a long, long time ago.

**Ms ABIGAIL BOYD:** Because our staff are research officers.

**The PRESIDENT:** Absolutely.

**MARK WEBB:** Yes, that's right.

**The Hon. Dr SARAH KAINE:** Well, secretaries, research officers—which is nice, isn't it?

**Ms ABIGAIL BOYD:** I mean, they're not, though. They are research officers.

**MARK WEBB:** That's right. That's why that third phase that the President was talking about is so important. Because it has fairly fundamental financial implications, it is about engaging with government about what that can look like to make sure that the funding would be in place if we were to re-evaluate those positions based on maybe an updated version of what they do.

**Ms ABIGAIL BOYD:** Chair, could I just officially retract what I said before? I was clearly misled. I was not trying to put any shade onto the PRT. I think they do a great job.

**The CHAIR:** I don't think we've got a capacity to retract.

**Ms ABIGAIL BOYD:** Well, retract or apologise.

**The PRESIDENT:** It's on the record.

**Ms ABIGAIL BOYD:** I'm saying that I don't agree with what I said before.

**The CHAIR:** Okay, you stand corrected. Thank you, Ms Boyd. We will now go to the Opposition.

**The Hon. CHRIS RATH:** You touched on the lifts before, but I was just wondering if you could give a bit more of an update. It seems to be getting slightly better, I think.

**The Hon. WES FANG:** No, worse!

**The Hon. CHRIS RATH:** I don't know if other members agree with that.

**The PRESIDENT:** No, it is getting slightly better. It goes to the point that I made before about the fact that this should be done in a rolling way, and hopefully from now on it will be. The fact is that we've had to replace

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five passenger lifts and three goods lifts all at the one time. Three of the five passenger lifts have been done. The fourth one is currently being worked on and will be completed within weeks.

**MARK WEBB:** End of April.

**The PRESIDENT:** Yes, four to six weeks, then the last of the old passenger lifts will be started in May and will be completed in August. Hopefully we will never have to speak about this at budget estimates again—fingers crossed. All three goods lifts have been done as well. Now, a couple of things to say: The first is that we know that there are issues. We understand that. We've got a lift technician onsite for all sitting weeks to ensure that if there are issues, they can be dealt with very, very quickly. Anecdotally—and I do hear Mr Fang's interjection—but hopefully we've seen that they are getting better. That's certainly my experience.

The other point that I wanted to make is that there has been some criticism, I know, about two things: one, that you need to utilise your pass often within the lift, which some people can find incredibly annoying, although, frankly, everybody should have their pass on them anyway; and, two, that you get in a lift which says it's going down but in fact it's going up and vice versa. Both of these things are linked to the master lift, which is the final lift which is being updated, between May and August, and are controlled by that, in effect. We couldn't take that one offline earlier because that then would have unintended consequences for the other lifts. The point is we've put up signs at every lift well detailing that both of those things are an issue for which we apologise, but it's just the way that it is. I'm advised by Mr Webb that they won't be an issue, either of them, once we have completed the final upgrade in August 2025. Mr Webb, you may have something further.

**MARK WEBB:** I would just say that hopefully what you've seen is there's been an increase in reliability of the individual lifts. We've had significantly less breakdowns as the new lifts come on board. The issue that the President just referred to is we essentially have two control systems of the lift working at the moment, one for the new lifts and one for the remaining old lifts. Sometimes those two control systems conflict with each other, which is what causes the "it's going down and it says it's going up" kind of thing. When the last lift comes offline at the end of April, those control system issues will stop because there will only be new lifts operating at that point. All the goods lifts are finished, and four of the five lifts, and the last of the old lifts will be offline. So the control system will be just the single control system of the new area.

Our current working hypothesis, as well, is that sometimes the old and the new systems get a bit confused, and it takes a little longer for a lift to reach a floor because the two systems are not talking to each other as well as they could. That will all stop as well. We're expecting to see not just the improvement in reliability that we've already seen but an improvement in performance—in how quickly a lift arrives at an area. But it is fair to say that whoever picked five lifts for the building was about right. Five lifts is what's needed to keep things going smoothly. While we've had one lift offline in the passenger space, we have struggled, especially on sitting days, to deal with the volume coming through. To be honest, I probably wouldn't mind having six lifts if we could, but there's just no space for an extra lift shaft.

**The Hon. CHRIS RATH:** Thank you both for the update. To something that you said just before, Mr President, I think one of the frustrations, definitely from members and staff, is when you need to use your pass during office hours. I think everyone knows when you're in on a weekend or you're coming back from an event late at night, you have to use your pass. But if you get in a lift at 2.00 p.m. on a Tuesday and you've got folders and you're balancing a coffee and then you have to swipe your pass to get to the floor that you want to get to, it's incredibly annoying—or you think you've buzzed it and it hasn't. You've pressed the button but you haven't realised you have to buzz, or it starts going down because you haven't buzzed in time. I don't know if there's any way of manually overriding that or if it's just a master lift issue.

**The PRESIDENT:** There is not. We're only talking six weeks as well, we think. We're very hopeful that because the final old lift will come offline at the end of April, early May, that then will finish that issue and it won't then be an issue. If it continues to be an issue, obviously we'll immediately look into it. But the information that we've been given is that it is directly due to the fact that you've got two competing lift systems, and when the last one comes offline it won't happen anymore. Hopefully we will never need to raise this issue again in this space. But if it does continue then you should hold us to account.

**The Hon. CHRIS RATH:** The recreation facilities on level 2—I assume it's pretty much all done now? Could you maybe give an update about what work's been done? I know there was a slight delay, but where is that at?

**The PRESIDENT:** I'd say a few things. Again, they were built 45 years ago as well, and they didn't meet today's accessibility and building standards, so they needed to be fixed. In terms of the accessibility issues, the ramp has been put in, which is really very good in terms of accessibility. The bathrooms are now new ensuite bathrooms. That's double the number of facilities. There is a fully accessible bathroom there as well. The door,

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I should say, getting into the gym is not fully accessible at this stage but is being finished and is being completed in order to do so—just in case anybody was going to ask about that.

Another major thing that we've done there—the facility really suffered from poor air quality and dampness. That meant that we needed to deal with that as well and that's what we've done now. There were a couple of challenges and it was supposed to be completed at the end of last year. We only got it open just before the first sitting week this year. But that was due to a range of issues—trade shortages, some challenges with the builder, I have to say, and some challenges with the project coordination externally, which we have made clear our dissatisfaction for. But I might throw to Mark for further information.

**MARK WEBB:** The other thing we did was—those of you that are frequent users of the gym will know that, because there's a pool there, some of the gym equipment either rusts or starts to malfunction perhaps a little earlier than it might if it was in different conditions. We've also been replacing a few of the bits of equipment to make sure that there are no safety issues with treadmills and the like down there. The air quality issue should help with that moving forward. We upgraded some of the filtering and air-conditioning systems down there to try and make sure that we don't get as big an impact on some of the machinery there. The other area, the squash court, we've tried to make a little more multi-function. For the netball fans on the Committee, there is now a netball hoop at the back of the court that people can use. It can be used in a multidisciplinary kind of way. While there are a few very dedicated squash players in the building, we felt that it perhaps would be a better use of space to have it as a multi-sport space moving forward.

**The Hon. CHRIS RATH:** I play occasionally so thank you for keeping it as it is as well.

**MARK WEBB:** Yes, squash definitely but other things as well. I would say that issue I mentioned before about the steam room letting steam and setting off the fire alarm system—that's been now resolved. We did have to take the steam room offline for a little bit of time while we worked through that and a couple of other issues, but the steam room, I am told, is back open today and operating. The other area that the President hadn't mentioned was that the sauna was not part of the scope of the work but, in doing the work, we found some significant safety issues with the sauna in the way that it is.

So we will be doing some work—not as part of the project, but some extra work—to try and make that space safe again before we reopen the sauna. That's the other part of the gym that is not open at this time. But there are normal—about three months. We usually have a three-month period after we finish any building works where there is a defect period where we're constantly looking for issues. If there are any users of the gym that spot anything, please let us know. We've got this three-month period to make good anything that comes up through that period. But hopefully people that do use the gym have found it to be a better experience than it was before.

**The PRESIDENT:** Yes, we're very open to having any feedback from anybody as well. For example, Dave in my office says that there needs to be hooks outside the lockers so you can put up your shirt or your bag or whatever and so we'll be looking at doing that.

**MARK WEBB:** We will indeed because what Dave wants, I make sure Dave gets!

**The Hon. CHRIS RATH:** A different issue—the pecuniary interest returns. That is you, Mr President, but probably to Mr Blunt as well. Obviously, they're all due at the moment and I hope members are getting them in. But when can we expect the updated version of the pecuniary interest returns to come online and what are some of the high-level changes that are looking to be made? Because some of the supplementary returns can be quite annoying if you have to—you change one tiny thing from your ordinary return and all of a sudden you need to list every single item from the previous return, which I understand will be fixed or will be updated in the new version. But any update that you can give on that would be very helpful.

**The PRESIDENT:** I'll hand to Mr Blunt.

**DAVID BLUNT:** Mr Rath, as mentioned at I think the last budget estimates hearing or perhaps even the one before that, the work that's underway at the moment, the draft new regulation that was tabled and referred to the Privileges Committee in the LC and the privileges and ethics committee in the LA—the new draft regulation will or would have fundamentally changed and reformed the requirements that you'll all face in reporting your interests. In many ways, the system that is envisaged in that draft new regulation reflects and is responsive to recommendations made by the LC Privileges Committee over many years so that's really good—that fundamental shift to having an initial return that is made that is quite extensive. Then, rather than the annual ordinaries and the biennial supplementaries and so on, there'll be a requirement for continuous disclosure of changes. That reflects the system that operates in the Australian Parliament so that's a very good change.

**The Hon. CHRIS RATH:** And it's more real time as well.

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**DAVID BLUNT:** Yes, it's more timely. It's more transparent. It's a really good initiative. That's one that the LC Privileges Committee supported when it examined the draft regulation. There are, however, a number of other aspects of the draft new regulation that were the subject of some recommendations from the LC Privileges Committee and the LA committee for the Government to have another look at in terms of things around the disclosure of family interests and also the disclosure of conflicts of interest. I understand there have been some really productive discussions since the two privileges committees reported. There have been some really productive discussions between the chairs of the two committees trying to see where common ground can be found and some correspondence has been sent to the Premier by, I think, the chair of the LA privileges committee. There's also a Government response to the LC Privileges Committee.

It's a work in progress. There's a lot of work happening at the moment. I expect that, before too long, we'll see a new version of that draft regulation come back before the two privileges committees—hopefully for a relatively short, sharp inquiry, which will be the final step before the Government can recommend that the Governor make the new regulation. I don't have a specific time frame for you, but hopefully it's not too far away, given the goodwill and the really important work that has been done behind the scenes by the two chairs of the privileges committees.

**The Hon. Dr SARAH KAINE:** At the last budget estimates hearing, I raised concerns about what I thought was a potential underpayment for members' staff's annual salary. I unfortunately still have a few questions about that. Parliament adopts the practice—

**The PRESIDENT:** Could I just at the beginning of this say that I'll be throwing all of these questions to Mr Webb, who has been looking into this in detail.

**The Hon. Dr SARAH KAINE:** Sure. Parliament adopts the practice contained in the Treasurer's Direction TD89/3 with other numbers—I can provide that to you if you don't have it—to determine the rate paid per fortnight of annual salaries and allowances. But I note that this direction was issued as part of the Gold Book and has been repealed following the introduction of the Government Sector Finance Act 2018.

**MARK WEBB:** That's correct.

**The Hon. Dr SARAH KAINE:** I can give you the fact sheets around that if that's helpful. It talks about the section being repealed. That section has been repealed as of that Act. Why is Parliament using a calculation method from a repealed direction to calculate the payments received with the hours? Why has that calculation been included in the draft determination, given concerns that have been raised about its validity?

**MARK WEBB:** To answer the first part of the question, at the moment—you're quite right. That Treasurer's Direction was repealed. The only source of authority that we have to rely on is the public sector IR guides in this space, which still refer to that methodology in them. That's the mechanism that we use at the moment.

**The Hon. Dr SARAH KAINE:** But for awards, I would guess.

**MARK WEBB:** Yes, but as a way of the public sector calculating from an annual salary a fortnightly payment. For the benefit of other members of the Committee, the issues boil down to there aren't exactly 52 weeks in a year. There are slightly more than 52 weeks in a year so the divisions are not divide by 52 and multiply by two; they're slightly more complex than that. Also, there are years when there are 26 pay periods in the year and there are years when there are 27 pay periods in the year. So you get some years where, if you looked at your—I know they're not called group certificates anymore, but if you were to look at your group certificate, the group certificate reflects the money you were paid in the year, not what your annual salary was. There are some years, for instance, when there were 27 pay periods where your group certificate equivalent would reflect that you got more than your salary.

**The Hon. Dr SARAH KAINE:** Sorry, Mr Webb, if I could stop you there. My concern is—and it's a concern that I initially had. Given that you're relying not on a directive but on some policy advice from IR, of which we don't accept in other areas for staff in here because it's a particular arrangement—and I see that you seek to codify that in the next determination. I am concerned that we have this period between 2018 and whenever the determination comes in where this wasn't explicit in the determination. It's reasonable for staff to think that their calculation was based on the words in the determination, given that there was no reference anywhere to how it was calculated. I don't think this issue is resolved properly yet. If there is further you can provide, please do. At the moment I think we're in a situation where that issue has not been resolved.

**MARK WEBB:** The other part to your original question was why did we put it in this way this time around. It was as a result of the feedback saying that we should be giving clarity on how we make those calculations. That's the reason it was in this time around. This is something we've kept working on since the last estimates. As recently as yesterday, I was sitting down with the human services team to try to work through in a

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little bit more detail, to try to get my head around the maths around some of this and to try to understand a little better. I understand that in some of the Federal awards, this is one of the reasons why they have moved to expressing salary as fortnightly pay rather than an annual salary; it is because of some of these interpretation issues which people have been struggling with.

**The Hon. Dr SARAH KAINE:** I'm conscious that my colleague wants to ask further questions. If there's anything that you can provide that suggests where you land on this and how that's justified for that period, given that it wasn't explicit and given that the directive did not apply, I would appreciate that. I do think this is something that should be addressed officially to staff, because they weren't told of how this was being calculated.

**MARK WEBB:** I'm happy to take that.

**The Hon. CAMERON MURPHY:** Mr Webb, how many full-time equivalent staff are employed by DPS at the moment?

**MARK WEBB:** It is around 300 staff.

**The Hon. CAMERON MURPHY:** At last estimates it was 278?

**MARK WEBB:** Yes. It's around 300, but I'll get the exact numbers.

**The Hon. CAMERON MURPHY:** So you'll come back to me on notice about that. Thanks. I had a question also about the process for selecting some of the outside contractors that we use. Not in terms of DPS—it's more, for example, we engage an independent arbiter to sort out disputes. What is the process for selecting people for those positions? Maybe the Clerk is in a position to answer that.

**The PRESIDENT:** Yes, I'll throw to David on that.

**DAVID BLUNT:** I'm very happy to answer that question, Mr Murphy, and it's a really good question. Again, I'll have to give a historical perspective on this. The first Independent Legal Arbiter was appointed in the wake of the first of the Egan cases. Even before the decision in *Egan v Chadwick*, there was a suggestion from the then Leader of the Government—I understand Mr Egan suggested that Sir Laurence Street, the former Chief Justice, would be an appropriate person to deal with some of these matters.

**The Hon. CAMERON MURPHY:** Sorry, Mr Blunt. I'm familiar with all of that history. What I'm really asking, though, is is there a process where we advertise or, annually, do we put these things out so that we can invite people to apply for positions? And it's not just the arbiter. We've got an independent legal adviser, for example, on the Delegated Legislation Committee, and we have a number of other positions where we use these external contractors—the ethics adviser, for example. What's the process for selecting those people or for advertising those positions?

**DAVID BLUNT:** I hear what you're saying, that you don't want a full historical treatise. The point that I wish to get to in relation to that is when we unfortunately got to a point that Sir Laurence was unable to continue to perform that role—and, of course, he's since passed away—there was a deal of consultation between the then President, the then Leader of the Government, the then Leader of the Opposition and crossbench members in the Council who had an interest in this matter. It was as a result of that consultation across the leadership in the Chamber that a decision was made to approach the Hon. Keith Mason, former President of the Court of Appeal.

**The Hon. CAMERON MURPHY:** So you don't advertise it. We just had the one person—

**DAVID BLUNT:** No, it wasn't advertised. So he was approached, and a couple of other people were approached as well. I would like to think that the House has been extremely well served by Keith Mason in that role. From time to time, when he's not available—either through being overworked during the last parliamentary term when there were multiple disputes, or, towards the end of the last term, there was a matter from which he recused himself due to a conflict of interest—we have relied upon either his recommendation or, with the concurrence of the former President, sought some advice from Bret Walker, SC, who was the counsel who represented the Council in the Egan matters and has provided advice to the Presidents of the Legislative Council from time to time. We've relied upon the advice of the current arbiter or Mr Walker—

**The Hon. CAMERON MURPHY:** So there's no selection criteria for this?

**DAVID BLUNT:** There has not been a—so relying upon that expert advice and always consultation with the leadership within the House. In relation to Dr Rock's appointment as the legal adviser to the regulation committee, my recollection is that when Dr Rock was appointed just over 12 months ago the position was not advertised. But, again, expert advice was sought from a number of eminent people who have provided legal advice to the Legislative Council over the years, such as Mr Walker but also Professor Gabrielle Appleby. A shortlist or a suggested list of potential advisers who would have expertise in this area were approached and invited to indicate

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if they were available and to provide their résumés, and so on. My understanding is that, following that process, a recommendation was taken to the committee to appoint Dr Rock. I understand—in fact, I have a contract on my desk following a resolution of the committee recently to extend her appointment through to the end of this parliamentary term. I anticipate signing that contract on behalf of the Legislative Council later today.

**The CHAIR:** Thank you very much, Mr Blunt. Colleagues, that draws to a conclusion this section of the hearing.

**(Short adjournment)**

**The CHAIR:** We will recommence with 20 minutes of questions from the crossbench, beginning with Ms Boyd.

**Ms ABIGAIL BOYD:** If we could come back to this MOPS determination—I admit I find it confusing to work out exactly where the decision-making lies when it comes to the terms and conditions of our staff. But, from what you were saying then about the research officers that the crossbench in the lower House have, although it was a PRT decision to give them that extra person in the first place and suggest it was a research officer—

**The PRESIDENT:** Yes, from Justice Schmidt.

**Ms ABIGAIL BOYD:** The decision to then pay them such a lot more was something that had to go through the Treasurer or the Premier at the time. So that part is still political, and I don't mean that in a bad way. I mean it in terms—

**MARK WEBB:** We had to seek the funding. Yes.

**Ms ABIGAIL BOYD:** You have to seek the funding. So, obviously, the stronger the voice in the Treasurer's ear at the time is going to help to get a higher pay for that person. I think that's where that was going.

**The PRESIDENT:** That having been said, if the PRT makes a determination, generally, the Government will provide the funding.

**Ms ABIGAIL BOYD:** But the PRT doesn't determine the remuneration. I think that's the key here that I'm trying to—

**MARK WEBB:** One of the things that might be useful is you might recall that the Independents made the first case, and then the minor parties followed in a future year. The year when we set the position description and evaluated it, there were only, I think, four Independents. It was only relating to four officers, and so the actual net impact on the budget was much more negligible. I think that probably was also a factor. Because it was such a small amount of money, we just put it in with the general—"There's been a 3 per cent pay rise. There's been these extra sort of things." It was maybe a little more just part of the background.

But, of course, when it was extended to minor parties—and now, of course, we have a much more extensive crossbench—you're now up to 13, essentially, people that get it, which is a bigger financial impact. After the election, we put in our next bid. We said X number of extra people and just put that in normally. I guess the point I'm getting to is I'm not sure how much personal attention the Treasurer would have paid to this, in that it was such small amounts of money. But, when you look across all of the staffing for all of the members, then you get to a substantive amount of money that doesn't get lost in the background. That's probably the difference.

**The PRESIDENT:** Is your fundamental contention that there is a disparity between the pay grade or the pay rates for those staff for the crossbench in the upper House and staff for the crossbench in the lower House?

**Ms ABIGAIL BOYD:** We have two separate issues. One is that we are under-resourced in terms of number of staff, and I understand that is a PRT determination issue. The other issue is that we have staff in the upper House who are, effectively, research officers. They're policy people—that's what they do, day in, day out—who are now being paid, say, \$90,000 as opposed to the \$150,000 you get if you're a research officer in the lower House, where they have a lot more staff and are more well resourced anyway and so are likely to have lower hours. So you've got these incredibly overworked, very educated, very well-placed people in our offices, who are now getting paid less than two-thirds.

**The PRESIDENT:** Understood. As you rightly say, the first issue is an issue of the PRT and one which you are welcome, as all members are, to advocate for to Justice Schmidt. The second—there are two things. One is to discuss the third part of the three-tranche process in terms of MOPS, which is the broader consideration of classification of staffing. The sorts of issues you talk about will be considered in that reclassification. That's the first point. I know that doesn't answer your initial and immediate question, but it nonetheless, hopefully, will give staff some comfort that this issue is being considered in a holistic way over the years to come.

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The second point that I'd make, though, is I understand the concern. I understand the point. I don't have specifics in front of me. But, if you would be comfortable, I'd like to take that away and for us to actually do a little bit of analysis about that and come back with something substantive to you. Because, instinctively, the point that you make is utterly valid and reasonable. I don't know what the reasoning is behind it, and I'd like to have a look into it.

**Ms ABIGAIL BOYD:** I guess my purpose here is to work out where the pressure point is and who is actually responsible. It sounds to me like it is the government of the day who gets to make that final decision. But there is an element of advocacy from yourselves in terms of role description et cetera and then pointing out that—

**The PRESIDENT:** I understand that. It's a very valid issue. On the premise that you've raised, it's a very valid issue. I would like to be able to go and consider it and, potentially, continue to engage with you on the issue, as I have, for example, with Dr Kaine over many months between these sorts of hearings.

**Ms ABIGAIL BOYD:** I'd appreciate that. Do you have a timeline for that? That began in '22, didn't it, that phase of consultation on roles and descriptions?

**The PRESIDENT:** There was the first initial discussions, but yes. I would hope it would be done within this parliamentary term. But I don't want to be definitive, because I don't want to set expectations for staff when there are a whole range of issues, not least of which is it being necessary to be funded by the Treasury. I could say here and now I think staff should receive X amount of money, but there is no point me saying that. It's not fair and realistic on either staff or government in terms of—we have to land somewhere where it's both appropriate but also achievable. Mark, did you want to add anything to that?

**MARK WEBB:** I think that's exactly right. The only thing I would add is that, obviously, each year we have to put a budget bid in. Kicking off this third tranche will also inform what our budget bid is, and that will be a mechanism for the discussions with government, as well. We do that every year.

**Ms ABIGAIL BOYD:** In terms of when that bit of the review will be done, when are we expecting that to be completed?

**The PRESIDENT:** The commitment that I made last time is that—I wanted to nail down the other two parts first, which was firstly getting the very specific funding so that we could get the 4 per cent to ensure that worked for staff; second, that we lock down this year's non-financial determination, which is where we are in the final stages of now; and then, third, we'll start the process. I committed last year to Mr Nanva that we would have a broader consultation process for that. I would envisage that starting this year.

**Ms ABIGAIL BOYD:** Just on the MOPS determination, there were just two issues that have been pointed out to me as still being—there's been a lot of good changes since the consultation draft, but there were two in particular that have been raised with me as being not necessarily working. One of them is perhaps more straightforward than the other. I'll go to the more difficult one, the time off in lieu. I guess again maybe in a lower House context this makes more sense. But, in an upper House context, the idea of overworked, under-resourced staff members taking time off in lieu and not having an STR for that in order to cover them just means that more work accumulates. Again, these are policy experts. Policy issues don't stop happening. They happen all the time. And we have amazing staff who keep an eye on those things, seven days a week. Is there an opportunity to consider, particularly if you're taking pretty good records of how many hours your staff are working, to be able to then justify having short-term relief in order to cover so that staff can actually take time?

**The PRESIDENT:** I'd say a couple of things to that. Mr Webb might have further things to add. The first is the reason why I instructed that I wanted the draft determination to go to members rather than just staff—obviously, it's appropriate that it go to staff, because that's who it's covering—but to members as well is to provide exactly this sort of feedback, because you're able to look at your office and how it holistically works. I encourage you and others who have concerns—I hear Dr Kaine's vociferous interjection of support. I encourage that to be done, and we will consider that. The second point that I'd just make is that this is a living document. This time off in lieu clause is the first time, I believe, Mr Webb, that it's been put in.

**MARK WEBB:** Yes.

**The PRESIDENT:** It has come because we are predominantly concerned about staff and the workplace health and safety of staff. I understand there will potentially be flow-on consequences from that. But my responsibility is to continue always to consider, and to be the advocate for, staff in this place. They do an extraordinary job. That's where that has come from. Yes, there may well be flow-on effects. That's why I get to the third point, which is that this is, as I mentioned before, a living document. It will continue to be updated every year. There was some talk about if we need to update it every year now that we've got some certainty in terms of

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pay over the next few years. I said, "No, I want to make sure that it's done every year", to give us the opportunity to receive that feedback from both members and staff.

**Ms ABIGAIL BOYD:** To be clear, we completely support the idea of staff having time off in lieu, but in the way that it works—

**The PRESIDENT:** It's a valid point.

**Ms ABIGAIL BOYD:** —they can't validly do it if they come back and all of their work is still there because, again, we're under-resourced and it just can't get done.

**MARK WEBB:** Yes, and these are very reasonable points. A couple of things—as you said, it's quite right that this was in response to people saying the all incidence of employment allowance should have a limit to how much extra work should be required to meet that allowance. That was a very fair point. The issue that we have, which we're going to have to work through with the PRT as well, is if we had short-term relief for time off in lieu and somebody therefore said, "All right, I'm going to get you to do really excessive hours because I know I'll get short-term relief when you take the time off", you could end up in a situation where a member essentially gets an extra half a staffer.

**Ms ABIGAIL BOYD:** It's almost like we're under-resourced and need an extra staffer.

**MARK WEBB:** That's right. Our concern is that that's the domain of the PRT.

**The PRESIDENT:** *Hansard* will now say that Mark said that's right.

**MARK WEBB:** I understand that, but that's the domain of the PRT, how many staff that you have. The concern with giving time off in lieu and having short-term relief is that we could inadvertently take over the role of the PRT by essentially granting extra resources. That kind of system could be—I don't want to use the word "manipulated", but it could be used to essentially do that.

**Ms ABIGAIL BOYD:** It won't surprise you to know that I had thought of that and was quite keen to do exactly that, but not because it would make me—I never ask my team to stay back past the normal time, but they choose to because they care and they've got a lot of work and they're professionals. It's not their fault that we are under-resourced. I wouldn't be asking them to do more, but I would love it if they could be able to take a holiday and go away and have somebody else who's there to actually give them the respite they need by carrying on with their work. That's something that won't happen if we are then a person down in the office.

**MARK WEBB:** That's right. For things like rec leave and sick leave, of course, that is the arrangement in place. But for this time off in lieu area, we will need to go further than we have. We would need to really consult with the PRT to make sure we weren't inadvertently granting extra resources that are their domain et cetera, which is why we weren't able to do it in this first instance. As the President said, this is one of the reasons why we do want to keep coming back to these issues, so that we can do those consultations and the like. But, yes, that was the rationale. The thinking behind it was that we could inadvertently suborn the role of the PRT by granting extra resources in a way that the PRT has not contemplated.

**The PRESIDENT:** Receiving the feedback from members and staff about how this system has worked will be an important part of consideration of feedback for the next determination.

**Ms ABIGAIL BOYD:** The other question, which you may want to take on notice because it's more techy and I think it's an oversight, is that in the provisions there's provision for miscarriage leave, I think, of up to 20 weeks and then there's also leave for early birth in that period up until full term. But what there isn't leave for, as far as I can see, is stillbirth after 20 weeks. I was just wondering if you could look into that.

**The PRESIDENT:** That would be an oversight, if that were the case. We will absolutely look at that.

**Ms ABIGAIL BOYD:** If you compare it against the standard public sector—

**MARK WEBB:** Our intent was to try to replicate the standard public sector arrangements. To the extent that we haven't done it, then we will definitely include that.

**Ms ABIGAIL BOYD:** I understand that in relation to the Broderick recommendations and that piece of work that was being done, some of that funding is coming to an end. Where are we in terms of what is left to be done, and are you putting in a bid for more funding to continue some of that work in the future?

**The PRESIDENT:** There is significant ongoing funding, and that funding is predominantly for roles within HR that will focus on a range of the issues that are required of any modern workplace, some of which were addressed in the Broderick report. But there are other functions that that ongoing funding and those ongoing roles will be providing and supporting, which Mark may well speak to shortly. In answer to the second part of your



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question, yes, there is ongoing funding. There was a specific amount of funding which was allocated for the period of the Broderick report's writing and implementation and so forth. That specific funding is coming to an end. That funding, for example, covers things like having an independent chair of the PAG, the Parliamentary Advisory Group. That is as it is; there won't be extra funding for that. My view is that that sort of organisation then should, as there are other committees and groupings within this Parliament, just become something that is embedded within the system.

That gets to the third point. What we want now is for the outcomes of the Broderick review and the implementation of its recommendations to, in effect, become business as usual, rather than have a standalone RISE training, which has been excellent. In fact, I will let you know that 842 members' staff and parliamentary staff have done the training and 56 members have done the training, and 46 sessions have been held—excellent. There are more sessions to be done by the end of June. I encourage any members or members' staff who haven't done it to do it; it's an excellent set of training. But rather than continuing that as a specific standalone training, that will then be rolled into the overarching training that we do as business as usual. That is, I think, a really important thing. I don't believe that we should have Broderick as a standalone thing forever. It should be just how the Parliament operates, in terms of the outcomes of that. Those are some specifics, but also the philosophical underpinning of where we are. Mark, you might want to add to that.

**MARK WEBB:** Future funding bids was the other part of your question. As the President said, there is ongoing money which was essentially about bringing the HR function up to where any organisation should expect it to be, and that does go on forever. From next year that will just be into our general budget. There was also some money for committees, and the two committees of the two Houses that look at some of these issues and some committee support staff. That will go on forever.

In terms of future funding bids, our intention is to not make further Broderick bids but to build this stuff into our general bids for staffing. As the President said, I am very keen that this becomes just the way that the Parliament operates, rather than being seen as some specific, separate thing. The risk with a review like Broderick, over time, is that people start to think of it as something separate, and that we've got the operation of the Parliament and then we've got Broderick, whereas this needs to be about the operation of the Parliament in an ongoing sense.

For instance, this year we have budget bids that look at a couple of the areas in the corporate areas that have been a little weaker. Some of them will have implications for ongoing dealing with bullying, harassment and sexual harassment. One of the things I'm really pleased with is the work that's happening at the moment, especially between my governance team and my human services team, on what are we going to do to monitor generally in the Parliament whether we have a safe working environment from the point of view of bullying, harassment and sexual harassment—not a Broderick thing, but this is what our ongoing approach is going to be. We're already starting to see some really great green shoots in that space.

We now have a proactive service that members can use. There are a number of times in the last 12 months where a member has approached us saying, "I've got this little problem; I can see there's tension between two of my staff", or "I'm having trouble getting somebody to really get on board with what I need them to do." Previously, we would have said, "Look, we're really sorry but, until it breaks, we just don't have the resources to help you out." The excellent team sitting on level 9—right above us, actually—does excellent work on proactively working with that member to resolve the issue before it becomes a bullying or harassment kind of situation.

We have spent significantly less time in bodies like the Industrial Relations Commission and the like in the past year and a half than we have in previous comparable periods. The power of doing things proactively and creating a proactive, safe environment is incredible, and that is our focus at the moment—how to build that into business as usual for the organisation. You won't see a Broderick review bid; you will see that we have, through our work, found a capability gap that we need to bridge, and we want to bridge that capability gap. That's how we'll approach budget bids from now on.

**The PRESIDENT:** I have one final comment on the time in lieu issue. That was actually as a direct result of one of the recommendations in Broderick. That has now been inserted in the determination.

**The CHAIR:** Just before we go to the Opposition, Mr Webb, you indicated that you had a couple of answers you wanted to provide when we reconvened.

**MARK WEBB:** I have one slight correction. I misled Mr Borsak before. I said that the special constables only had two minutes—

**The Hon. ROBERT BORSAK:** Rap yourself across the knuckles.

**MARK WEBB:** Consider myself rapped. I said that they had two minutes to respond to an alarm. It's four minutes. We're slightly more generous than I thought.

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**The Hon. WES FANG:** Is that because of the lifts?

**MARK WEBB:** No, that's because we got to the point where we had slightly more burnt toast per week than we were comfortable with and slightly too many appearances by the fire brigade as a result of burnt toast. We extended the time out to four minutes rather than two, and I had forgotten that. I apologise for that. Mr Murphy, you asked about the size of the department. We have 292 FTE. There's obviously more than that in headcount, because we have quite a few part-time staff and the like, but also a fairly significant casual pool in three main areas. In catering, we bring in casual catering staff when we have a big event, for instance. If we maintained our catering team permanently at the level for our peak time, there'd be a lot of people standing around doing not a lot for the rest of the year.

In cleaning, we have some casual cleaners for when the cleaners are sick and the like. In the operation of the Chamber and committees, for both AVB and Hansard we have been experimenting with casual pools to try to help us deal with spikes of activity. For instance, when we have three committees a day over a couple of days, the core Hansard team can get a little overloaded, so we've been trying to set up a casual pool that will allow us to bring in some extra people to deal with those peak areas. When you add up all the people that are on our books from a casual point of view, that adds another 50 or 60 people into the mix, but they're only here when demand requires them. That's the answer to the size of the agency.

**The PRESIDENT:** Chair, I think Mr Blunt might have an extra answer too.

**DAVID BLUNT:** If I can just close the loop on an answer to a question from Mr Murphy about the process by which our legal advisers are selected for work with the Legislative Council, there are two things. Standing Order 52 (10) requires:

The Independent Legal Arbiter is to be appointed by the President and must be a King's Counsel, a Senior Counsel or a retired Supreme Court Judge.

It's a limited, specific potential field. In relation to the appointment last year of a legal adviser to the regulation committee and the extension of that person's appointment that's about to happen, the technical term that I should have used was a closed expression of interest process, a closed EOI, that led to that person being appointed.

**The Hon. CHRIS RATH:** At the last estimates, I asked about the Premiers' portraits that used to be hung in the hall just behind the Jubilee Room, where we're sitting. Has there been any more consideration to where, if at all, they might be displayed in the future?

**The PRESIDENT:** I did have a note on this, and I have no idea where it is. I know that it's a work in progress. I'll throw to Mark for specifics, but the short answer is that now that we've finished the refurbishment of the Rum Hospital, we've got the opportunity to consider how all of that's going to work. You'd be delighted to see that *The Founding of Australia*, Mr Rath, is back in its prominent place. Nonetheless, in terms of the specifics of the Premiers' gallery, I'll throw to Mr Webb.

**MARK WEBB:** I think I've mentioned at a previous estimates that we've looked at a three-phase approach since we did the refurbishment. The first was just to clean everything up to the point where people could operate. The second was restoring things like *The Founding of Australia* and other pieces to their right place and making sure that we had a series of pictures out and about. And then the third, which we're just about to start, is the ongoing rotation policy and curation policy about how we put things out throughout the entire building. The Premiers' portrait gallery is a part of that area. There are a couple of considerations that we're working through. You might recall that there was a variability in the size, framing and nature of the portraits of the Premiers.

**The Hon. CHRIS RATH:** And there were too many of them.

**MARK WEBB:** We had run out of space for them as well. I think I've mentioned this before, but leading to my least favourite game, which is "pick your least favourite Premier and eliminate them from the portrait gallery"—

**The Hon. Dr SARAH KAINE:** We could give you some suggestions.

**MARK WEBB:** I think Westminster has a "10 years dead" policy with their things going out, so I would apply the same thing. We are looking to try to find a space that would allow us to have a more regular set of portraits and have them displayed in a way that has some scope for growth as well. We are looking at whether that could be accommodated where they were previously or whether there is somewhere else in the building that would be better placed. I don't want to set something up where, in five years time or 10 years time—depending on how quickly you go through Premiers—we run out of space down the track. This is why it's in the long-term portion of the work. We want it to meet the immediate need but also be in a position where we don't have to revisit this every couple of years as we have more Premiers.

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**The PRESIDENT:** My staff will get grumpy if I don't read out the two lines that they actually wrote me, so I'm going to do that: Having now settled in the new public spaces, we are about to embark on our longer term curatorial plan, which will include reviewing the Premiers' gallery.

**The Hon. CHRIS RATH:** Thank you for that update. There was an incident a few months back in The Domain where a person—I assume he may have been charged—was thought to have a gun. It ended up being a water pistol. I know you might have to be careful about what you say, but is there any update you can provide on that or on the general security arrangements for the building or the precinct and how it interacts with the public Domain?

**The PRESIDENT:** I'd reinforce the comments that Mr Blunt made before in terms of the standard form of words that we always use in terms of security, which is that we generally don't discuss security, certainly specific security issues. That having been said, Mr Webb might have some specifics he can provide. Otherwise, we'd do that in a private way.

**MARK WEBB:** The only thing I would say on that front is, firstly, I want to commend the special constables for how they handled that situation. They followed all the appropriate protocols. As it turns out, as you quite rightly point out, the situation wasn't as dire as it immediately seemed, but they didn't know that. There was a great deal of bravery both by them and my security staff in terms of how they dealt with that situation. The second thing I would say is that one of the great things about our working relationship with the special constables in a general sense is that we use any incident as an opportunity to review whether it has an implication for our security settings more generally. It would be fair for you to assume that we went through a similar exercise with this incident. Anything that was raised as a part of that, we dealt with, but that's probably as far as I could go in a public forum.

**The Hon. CHRIS RATH:** Fair enough. On travel and comms budgets for members, some of the feedback that I've had from colleagues and from my own experience—and I'm not sure if this necessarily fits with the PRT per se or with the Presiding Officers—is that it can be quite restrictive in how you make claims or what you can claim. In particular, with the comms allowance, you're not allowed to buy a packet of paperclips or Post-it notes or things like that. You can buy a letterhead, business cards or paper. But a lot of members, from the figures I've seen, aren't coming anywhere near to fully utilising their comms allowance in particular, and in some instances travel, because it's quite restrictive in the way that you can use it. Has any consideration been given, or could some consideration be given, to look at what members can claim through those two buckets of money?

**The PRESIDENT:** I'll throw to Mark on that.

**MARK WEBB:** That's a really good point. The third allowance that you didn't mention was the electoral allowance, and so the interplay between the electoral allowance, the comms allowance and the travel allowance is a really interesting kind of space. I think the reason for things like Post-it notes and paperclips is that traditionally—for those that have been around for a little longer, you might recall the old logistics support allowance, the LSA. That was where you could buy paperclips et cetera from.

When the tribunal determined to abolish that allowance and move some of the money into the electoral allowance and some of the money into the comms and travel allowance, the part of that money which was for paperclips and various other bits went into the electoral allowance and not into the other two, which was the origin of some of the restrictions that sit there. But I know the team does advocate on behalf of membership a lot with the PRT around trying to create more flexibility. For instance, you would have all noted a couple of years back when we were successful in convincing the PRT that there should be some flexibility between the comms and the travel allowance, and that if you ran out of one, you could start tapping into the other as an example, which was, I think, good.

**The Hon. CHRIS RATH:** That's a very good thing.

**MARK WEBB:** Some members spend more of their time out travelling in the electorate; some people communicate through different means. Being able to have flexibility between the two, I think, was a really good step forward. It's a good example. That came because people made these comments to the Members' Entitlements team, headed up by Tass, who does a fantastic job, and Emma and the rest of the team do fantastic work. They heard what members were saying and advocated back to the PRT to get that flexibility built in. My general point is we're always happy to advocate, but in some areas like what constitutes the electoral allowance versus others, it involves us speaking with the PRT and getting the PRT to agree to the changes. At the moment if you were to ask me for advice on where could you claim these paperclips, it would be that this is something that should come from your electoral allowance. That would be the advice that I would give you at the moment.

**The Hon. CHRIS RATH:** Fair enough. I think that probably the nature of our work has changed as well in that we're probably not spending as much money on letterheads, envelopes and stamps, and we're doing a lot

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more through email and social media. We probably aren't able to claim costs involved with that through the comms allowance because it's still assumed that members would spend a huge amount of their comms allowance on mail-outs. I do very few mail-outs; maybe I should do more. But it's just not the way that people communicate as much anymore, and that's probably why we're seeing members having quite large leftover comms budgets compared to where it may have been 10 years ago, for instance.

**MARK WEBB:** That's an excellent point. One of the things I remember Tass and I talking a lot about a couple of years back was the guidelines that we have that sit underneath the PRT determination. I think it is fair to say—and I don't think the team would mind me saying—that we let the old comms guidelines go on for too long, assuming that most of the money is being spent on physical mail-outs and the like. We now do adjust those guidelines on a more regular basis. A couple of years ago, we did a fairly major revamp of the guidelines to include much more focus on what you could do with social media, virtual town halls and other means of electronic communication.

But we're always open to feedback about whether the guidelines do hit the mark. We don't want to be in another situation where we leave them for 10 years and they get so hopelessly out of date that you can't do the work that you need to do. Any feedback you have about whether our current guidelines could be tweaked to better accommodate that mix of communication styles, we're very open to. As I say there were big changes, big improvements, a couple of years back but always this is a—I'm waiting for someone to ask me about AI and whether they can pay something for AI. It's a fast-moving space, and we realise that we have to stay on top of it. I look forward to any feedback that you have there.

**The Hon. WES FANG:** Mr President, we spoke before—and Ms Abigail Boyd put some questions to you—about the difference in resourcing between certain members of the upper House depending on which party you were aligned to and whether you're a crossbencher or the like.

**Ms ABIGAIL BOYD:** Opposition.

**The Hon. WES FANG:** Exactly. But, Mr President, can I ask about resourcing in opposition? Can you explain some of the rationality around not providing a backbench member of, say, The Nationals the ability to draft a bill?

**The PRESIDENT:** It's a very good question. This has been something that has been discussed for many years about the fact that obviously government have their bills drafted appropriately and that members of the crossbench are able to go to the Parliamentary Counsel to do so but that that opportunity doesn't extend to all members. Mr Blunt, no doubt, will make some comments about this. The short answer is that I don't know whether this is merely a convention and that the Opposition, for example, has determined internally that it's not allowed to do that and that it's only if it goes through shadow Cabinet, for example, or if in fact it's a rule of the Parliament itself. I'll look to Mr Blunt to answer that question shortly. With the quizzical look that he has on his face, he's no doubt thinking that through.

But I'm conscious, obviously, of the time requirements and the workload requirements of the Parliamentary Counsel. I think that's something that always needs to be considered. But my view is and always has been that if any member of Parliament wants to take advantage of Parliamentary Counsel, they should be able to do so because every member of Parliament is elected as a member of Parliament and should have the same opportunity as any other. But that is a philosophical view rather than a practical view, so I'm not announcing a change in policy here. It is my own personal philosophical view, but I'll throw to David on anything further you might like to add.

**DAVID BLUNT:** I can take on notice the latest guidelines that have been issued by the office of the Parliamentary Counsel and precisely what they provide. My understanding, though, certainly from the most recent version with which I'm familiar, is that it's a set of guidelines for non-Government members, so it doesn't distinguish between crossbench and Opposition members. My understanding, at least in that version that I've most recently consulted, was that each non-Government member has up to something like 20 hours of drafting assistance, whether that's used for the drafting of amendments to bills or the drafting of bills.

I'm also aware that there are rules within political parties around how that's exercised and, in fact, in my experience, where that has left a gap has been for government backbenchers. I recall that in the term of the last Government, there was one of your colleagues who had a particular policy matter where they were sort of leading the charge on getting a private member's bill drafted, but they were constrained by the policy—whether it was their party or the joint parties—from being allowed to go to the Parliamentary Counsel without the consent of the Premier. That was a significant infringement, in my view, on their ability to do their work, and so there were discussions between that member and myself and the then President about how we would—

**The Hon. WES FANG:** Manage.

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**DAVID BLUNT:** Yes, and facilitate that member being able to discharge all their responsibilities in the most appropriate way.

**The Hon. WES FANG:** It would seem that we're on a unity ticket in relation to this, and that we understand that every member of Parliament has been elected and, therefore, their views on certain matters should be respected by the Government, Opposition, crossbench and also the Parliament that if they were to want to bring a private member's bill in, there should be some mechanisms for that. How would we manage, for example, in opposition, where you've got two parties that effectively form that Opposition and one of those parties wants to bring forward a private member's bill? My understanding is that it is to go through shadow Cabinet before it can go to Parliamentary Counsel, or is that not the understanding?

**The PRESIDENT:** We couldn't comment on the internal machinations of the Opposition and the conventions that have been applied in terms of who can do what. I would encourage you to speak to various powers that be within the Opposition to determine the conventions that apply.

**The Hon. WES FANG:** Some I speak to; some not so much.

**The PRESIDENT:** If there is a specific issue in terms of, for example—

**The Hon. WES FANG:** There would be some specificity behind the questions that I'm asking.

**The Hon. CAMERON MURPHY:** It's a question for Natalie Ward.

**The Hon. WES FANG:** No, it's actually not. It's someone a little bit more senior—not too much more senior, but slightly more senior.

**DAVID BLUNT:** Mr Fang, I've taken on notice to come back with the precise terms of the current guidelines issued by the Office of Parliamentary Counsel. But, like the President, the rules of the Coalition and the shadow Cabinet are well beyond my expertise.

**The Hon. WES FANG:** I certainly appreciate that.

**The PRESIDENT:** We'll provide the official rules to you.

**The Hon. WES FANG:** That would be most appreciated. The last question I've got is just related to the point that Ms Abigail Boyd made about different resourcing. Mr Blunt, we spoke about this at the start of this term of Parliament. Members of the National Party, for example, are entitled to one staff member, across the board, effectively, when they're in the upper House. But if there was to be a circumstance where maybe The Nationals and the Liberals were to separate, and if there was perhaps a circumstance where The Nationals weren't part of the official Opposition anymore, what would be the staffing arrangements that would be in place then? Is it still the case that they would only be entitled to one staff member?

**The PRESIDENT:** I think that's right. I'll throw to David as well, but I think that's right. I've dealt with this on a different matter. In fact, it was Taylor Martin, who was a member of the Liberal Party but then became an Independent. Of course, Independents have more than one staffer. But when we went to look at it, it says that you are entitled to the number of staff you got when you were elected. This is a slightly different situation. I don't know if David has any views that he'd like to share. We're happy to take it on notice—that's the short answer—but there may be something else that you might like to add.

**DAVID BLUNT:** Whilst, again, I don't wish to in any way intrude into matters—

**The Hon. WES FANG:** Intrude away. I always do!

**DAVID BLUNT:** —related to the Coalition and the Opposition parties, all I would say is this: My understanding is that it would be unlikely to have any impact on the resources that backbench members have access to. Where there may be a change that's noticed may be for party leaders—for instance, if there was a split, a party leader who might currently be the Deputy Leader of the Opposition but who might or might not continue to be in that role. If so, there would be implications.

**The Hon. WES FANG:** Is there a way that the Parliament could recognise—in the unlikely event that something like this might happen—that there would be an inequity created by the separating of the two parties, and that additional resourcing in order to address that inequity could be implemented to assist one of the two parties that may or may not leave?

**DAVID BLUNT:** I think we're talking about two things that sit side by side. One is the annual determination of the Parliamentary Remuneration Tribunal, which broadly determines the number of staff that members have access to, and the other is the Parliamentary Remuneration Act itself at schedule 2, which sets out the list of office holders and the additional salary of office to which they're entitled. The annual determination of

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the Parliamentary Remuneration Tribunal is a matter decided by the tribunal, so members can make submissions directly to the tribunal in relation to the Act. The list of office holders and the salary of office that they're entitled to is a matter for Government.

**The Hon. WES FANG:** It's not so much about the salary and more about the positions and resourcing of offices for members who may no longer be part of the Opposition should something happen.

**The PRESIDENT:** We would consider that issue if and when it arose.

**The Hon. WES FANG:** I appreciate your candour.

**The Hon. BOB NANVA:** I have a question out of left field. With respect to this building, presumably it's insured by the Treasury Managed Fund?

**MARK WEBB:** That's correct. We're covered by the Treasury Managed Fund self-insurance arrangements for both this building and some aspects of electorate offices—although that's not germane to this hearing. Yes, basically our all our insurances are covered by the Treasury.

**The Hon. BOB NANVA:** If I come back to all the work that you've spoken about earlier this morning, presumably a lot of that would de-risk the building, wouldn't it?

**MARK WEBB:** Yes.

**The Hon. BOB NANVA:** And the deposit contributions to the fund would go down as a result.

**MARK WEBB:** Yes, we look at that every year and we go through a process with the Treasury Managed Fund every year to look at what our contribution would need to be. The work we've been doing to de-risk the environment does put downward pressure on our contributions. Obviously there are other general upward pressures that can happen that are not specifically related to the Parliament. For instance, if nothing changes here, we seldom find that our premiums go down year to year. It's true to say that the work we've done to de-risk the environment is having a downward pressure, but I think it has manifested more as having a smaller increase in our premium rather than a decrease in our premium, if that makes sense.

**The Hon. BOB NANVA:** If I could come back to the issue of MOPS staff. It's one of our favourite topics. Could I just return to the questions around job titles, position descriptions and classification structures? I'm conscious that we've had the Edwards and Bent reviews into those. What I'm interested in is what the next steps are in mapping the breadth of the tasks that MOPS staff do with a view to settling those new job descriptions. Will it be to use the thinking from the Edwards and Bent reviews to then consult with staff, the PAG and relevant unions before settling them?

**The PRESIDENT:** Potentially. Obviously, as I said in the last budget estimates, there will be a significant consultation period with all appropriate stakeholders before determining any outcome. Obviously, there'll also need to be engagement with Government, frankly, because there's no point going through this whole process if, in fact, at the end of the day, there is no money there to provide extra resourcing for staff under new job descriptions and so forth. There will be a range of things that will need to happen, but the sort of framework that you identify is not unreasonable.

**The Hon. BOB NANVA:** Do you have a rough idea on the timeline?

**The PRESIDENT:** No. I'd hope to start the process before the end of the year, though. As I've mentioned, obviously I wanted to land the other two things first. We need to get this right but, yes, we absolutely hope to start this before the end of the year.

**The Hon. BOB NANVA:** Different members often ask different things of their staff, so it's very difficult taking a one-size-fits-all approach within position descriptions.

**The PRESIDENT:** That's one of the challenges with this whole issue.

**The Hon. BOB NANVA:** As we embark on a root-and-branch review of the titles and position descriptions, do you see there being some scope in the new regime for members to have some flexibility within set parameters to craft their own position descriptions to reflect what they do?

**The PRESIDENT:** I think so. I'll throw to Mark. There has been some initial thinking about this. But the way that I see it is that I think that there should be, I hope that there will be and there's some evidence out of the previous reports that there must be a list of potential—what's the word?

**MARK WEBB:** Skills and capabilities?

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**The PRESIDENT:** Yes, skills and capabilities, from which a member can select to fulfil each individual job. Obviously every staff member is going to, one, bring a different set of skills and, two, have different requirements on them, depending on what the member is doing, what their interests are and where their physical focus or their portfolio or ideological focus is et cetera. My view is that I don't think that sort of—"grab bag" is perhaps the wrong word, but that collection or that box of skills, from which some are selected to appropriately provide a job description, is unreasonable. I think it's a much better way to do it than saying, "This is what level 1 will do and this is what level 2 will do." I just don't think that will work in the modern world. But, Mark, you might have something extra to add. By the way, that's not pre-empting the outcome of the consultation period, the discussions with the Government and so forth.

**The Hon. BOB NANVA:** But it is part of the thinking.

**The PRESIDENT:** But that's certainly part of my thinking.

**MARK WEBB:** I'm very influenced by the way the sector more broadly deals with, say, the capability framework. You've got a capability framework which articulates a broad range of capabilities that are public service capabilities, but then when you look at a specific job, you say, "Okay, well, this particular job requires you to do this at this level", and all the rest. One of the challenges for us was how to find a consistent way of describing positions so that we can then evaluate the position description and come to a position on what the salary should be, while giving flexibility to members to be able to then choose what subset of capabilities are required for the particular time.

That could change over time. You might have a particular need, for instance, for a focus on comms expertise for the next two years because you're embarking on a particular program of work. That could then change two years down the track, and you might have more of a requirement for in-depth policy research or something like that. As the President said, our thinking at the moment is to have a position description that describes the full range of things that could be asked of you, but with a very clear articulation that you won't be asked—you don't have to do everything on this list. If you ever do find a person that could do everything on the list—

**The Hon. BOB NANVA:** Some of them do.

**The PRESIDENT:** Send them our way.

**MARK WEBB:** Yes, that's right.

**The Hon. Dr SARAH KAINE:** Katie in my office.

**MARK WEBB:** Well, grab onto Katie and don't let her go away.

**The Hon. WES FANG:** Until she's stolen by a lower House person who can pay more, apparently.

**MARK WEBB:** Well, that's right. But the intention would be that you'll have this broader position description that more broadly articulates what could be required from the role, and then you as a member would then say, "But for you, personally, these are the areas that I want you to focus on. This is the particular subset." That's the intent of thinking.

**The Hon. Dr SARAH KAINE:** Before all this happens, is there any chance that we could just drop the "secretary" part of the job title? I actually find it quite galling each time I read it. If we could just get—it's not in legislation, is it? I think we can just drop it.

**The PRESIDENT:** That's in the PRT, isn't it?

**MARK WEBB:** No, I don't think it is, actually. We probably can do something with that.

**The Hon. Dr SARAH KAINE:** It's pretty offensive.

**The PRESIDENT:** Because we changed the Whip's title from "Whip's assistant" to "Whip's adviser", if I remember correctly.

**MARK WEBB:** The team will correct me if I'm wrong, but I'm pretty sure the determination just says you get a staff member or two staff members. I don't think it gives titles.

**The PRESIDENT:** We'll take that up.

**The Hon. Dr SARAH KAINE:** It's not super helpful for getting another job, as well.

**The PRESIDENT:** No, absolutely.

**The Hon. CHRIS RATH:** I'm happy to support that in the interests of bipartisanship.

**The Hon. Dr SARAH KAINE:** Thank you, Mr Rath.

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**The Hon. CHRIS RATH:** It's a good idea.

**The Hon. BOB NANVA:** My issue with the job titles and the position descriptions is not just a question of pay. If I can just decouple the reform of this from pay for a minute—because I do take the point that there will be significant budget implications when we go down this path—it's not just about pay; it's about these individuals looking for further promotion within the public or private sectors and their titles holding them back. There are other work environments that aren't au fait with what happens in this building and, when they see that job title, it significantly downplays their roles in this place. To Dr Kaine's point, if there is something that can be done in the very first instance on the titles, that would go a long way.

**MARK WEBB:** I've just confirmed it's in your determination, Mr President, and the Speaker's determination. So we could make a change without having to go to the PRT, and that could be done in advance of the other work. Yes, that's something we can look at.

**The Hon. Dr SARAH KAINE:** I make that appeal.

**The Hon. BOB NANVA:** Yes, if that can be done through a determination, that will go some way to addressing some of the frustration that staff have.

**The PRESIDENT:** Without in any way treating this as a focus group, if the term "secretary" was dropped and it was just "research assistant", is that what people are looking for in the first instance?

**The Hon. Dr SARAH KAINE:** In the short term, I think that's the most offensive part of it.

**Ms ABIGAIL BOYD:** Yes, in the short term.

**The PRESIDENT:** In terms of this determination. Good. I'm not committing to that, but I appreciate the subset of members that we have here and their feedback.

**The Hon. BOB NANVA:** We'll take that as a win. I might move on from MOPS now to the Independent Complaints Officer. It's pretty clear that there has been a lower volume of complaints received or reported to the ICO than what might have been anticipated following the Broderick review. The 12-month review into the ICO by the Privileges Committee didn't make any firm findings about why that might be the case. But it did observe and question whether some of Broderick's concerns about the ICO when she was drafting her report—that it had a narrow jurisdiction, there were issues of confidence in the reporting process, whether there was sufficient structural authority in the ICO, concerns around confidentiality, and repercussions for people using the mechanism—might be playing into the lack of reports being made to the ICO. Do you have a view on that, or on the recommendation from the Privileges Committee report that there be further consultation with staff to see—

**The PRESIDENT:** Sure, I'm happy to speak to this in a number of ways. The first thing is that you rightly point out that the report from the Legislative Council Privileges Committee into the ICO has come down. As you know, the Legislative Assembly privileges committee is also conducting the same review; that report hasn't come out yet. If and when there's going to be fundamental change to the ICO role, that will need to be done through both Houses and through, frankly, driving that change, probably through the heads of both of those privileges committees working together to determine what legislation then can be presented to both Houses. I understand that the point that you make is not necessarily a legislative one; it's more, potentially, a cultural one. But I would make the point that the review of the ICO has been put in place for a reason, and that is to look at all of the factors surrounding the efficacy and appropriateness of the ICO. Once the LA report comes down, this would be the first and most appropriate step there.

That all having been said, I also want to ensure, when we have procedures and processes established within the Parliament, that they work and that they work effectively. I'm always open to considering further consultation, further feedback, and the discussion and examination of reasons that may or may not be influencing the way particular roles operate or how that might lead to particular outcomes—including, for example, in this case, simply the number of complaints that might be being made. I'd be open to that, but I would want first for the LA's report to come down and for it to become clear what nexus there are between both reports, and what the likely next steps are between the reports, before I would then likely discuss with the Speaker about opportunities that we have for this sort of cultural discussion that you have. But I might throw to the Clerk for any further comments he might have.

**DAVID BLUNT:** It's a really good question, Mr Nanva. I did note that the Legislative Council Privileges Committee flagged the issue of the relatively small number of complaints but, as you said, it didn't reach a concluded view as to what the reason was, whether it was that there had been a period of cultural change—I hope that's the case—and therefore there is less conduct to be complained about or whether it was a matter of a lack of confidence in the structure and the powers of the ICO or whether it was something completely different. Now that



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we're another six months on, personally I don't think we're in a position to really know the answer to that question yet.

It's interesting, though, that that recommendation 7 in the LC committee report to which you've referred does suggest that, from the point of view of the LC committee, if anything, you'd like to see the position strengthened. But, at the same time, one needs to recognise there are perhaps other members of the House who would prefer the position didn't exist or might see the current model as being a bit too strong. Of course, the LA committee is also considering the matter and it will be fascinating to see what conclusion they reach and where they sit on this sort of spectrum of a strong model or a light-touch model.

The final thing I would say, though, is that, when the two Houses each established the position by resolution—so there was a resolution of each House in early 2022 that followed a very lengthy period of agitation by the LC Privileges Committee over many years seeking the establishment of such a position and a very lengthy process of gestation and toing and froing between the two privileges committees and their members. And what was arrived at—the model that is in place as per those resolutions—whilst it's perhaps not the model that would be designed by one single person free of all of the tides of political input from 135 different perspectives, it was the model that the two privileges committees could settle upon.

**The PRESIDENT:** I should make a quick point. I think I may have misspoken by saying it would require legislation change. It doesn't. It's only a resolution, obviously, of both Houses, but it would require both Houses to agree.

**The Hon. BOB NANVA:** The genuine debate that is happening is whether or not the behaviour during Broderick was as pronounced as what was concluded—not a view I subscribe to—or whether the behaviour has improved since that time or whether there is just a lack of confidence in the ICO. It's very difficult to reach a conclusion on that without some qualitative data to make any sort of assessment. If it is the latter, because of the sensitivity of the issues involved, then there might be more merit in putting protocols together for external investigations into those sorts of allegations. But we can't know that unless we really significantly consult and get some better data to inform the decision-making. That is more a statement, but there's a genuine debate going on, but we just don't know until we've got the research base in front of us, I suppose.

**The PRESIDENT:** I think Mr Webb just wanted to make a quick comment about this.

**MARK WEBB:** I just wanted to draw your attention back to my earlier comments about the proactive work that we've been doing. I try to think of these things not by looking at one part in isolation. The ICO is part of the puzzle, absolutely. But the feedback that we've received from some staff has been that they feel like there are mechanisms to try and deal with issues before they become complainable, if that makes sense, for the first time. I wouldn't be surprised if, when we're considering what evidence might come forward in the future, the extent to which some of the proactive things that we're doing are working would be a part of that picture that I would want to throw in because—

**The PRESIDENT:** It's a no-wrong-door policy.

**MARK WEBB:** That's right. We've had that feedback from a couple of staff members who are perhaps having trouble interacting with their member or another member but it has not got to a point where they want to make a complaint, but they feel like they're on a track that might lead them to a complaint one day. We've been able to work with both the staff or the member in question to get to a point where those issues are eliminated before they become a complaint. That, I think, is a key part of what the future might look like as well. I'd rather have a really great, robust reporting system that never gets used because we have a good environment where these behaviours don't happen. I just wanted to mention that as well.

**The Hon. BOB NANVA:** Just on the Broderick review more broadly and a review into the effectiveness of the Broderick report and the recommendations and associated reforms, I'm conscious of all the work that has happened in the last few years in this place. What I'm wondering is—there have nonetheless been more changes, particularly Federal changes, with respect to placing more responsibilities on persons conducting a business or undertaking taking positive steps forward with respect to addressing sexual harassment and sex-based harassment and hostile workplace environments. How is the New South Wales Parliament going in terms of being benchmarked against other jurisdictions with respect to those positive duties that are now in place since the reforms have come in since the Broderick report's recommendations?

**The PRESIDENT:** Which of you would like to—

**MARK WEBB:** I can start on that if you like. It's an excellent question. It's one that has been exercising me a little bit recently, because the data coming out of different jurisdictions is never quite collected in the same way. Trying to find ways of doing apples to apples comparison has been an interesting challenge that we've been

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trying to work through. The other thing that we've been looking at is, where there are changes—you mentioned, for instance, changes at the Federal level. But, of course, the requirement for our work health and safety regime to take into account psychosocial risk as a workplace risk has come in since the Broderick review was done as well.

A couple of things that we've been doing—we do monitor and engage with other jurisdictions about what is coming out of those other jurisdictions to see how it might impact us. For instance, federally recently there has been the respect at work legislation that has come through. We're currently in the process of reviewing that legislative set of changes to see what implications it might have both directly—there's probably less direct impact on us because we're not employed under Federal employment arrangements, but the legislative direction that they're taking, what implications that would have for the way our policies are set up, whether there are any alterations that we need to meet there et cetera.

We've also been working with different jurisdictions to try to find ways of comparing our data with other jurisdictions' data. I'll be honest and say that I don't think we've been particularly successful in finding ways of doing that up until now, because not many places actually collect data and, where they do collect data, they're not super keen on releasing it in any kind of public forum, which I can understand. You run the risk when you release some of this data that you could inadvertently expose a private situation or a sensitivity that a staff member might not want to see come to light, so I certainly understand why people would treat this information with a fair degree of confidentiality. But it does get in the way of doing benchmarking and the like. We are doing some high level work there.

We're currently working on how we're going to monitor and evaluate on an ongoing basis the degree of safety that the Parliament has in this kind of space. For parliamentary departmental staff, we have things like the People Matter Employee Survey that happens each year, which is a great source of data for us, but that doesn't cover members' staff and it doesn't cover members themselves—so what are the pieces of data that we have access to that we could look at that would move some of the slightly more anecdotal things that I've said today about the experience we're having engaging with members and staff and turn that into a regime that would allow us to monitor this space more effectively and compare our experience with what's happening in other jurisdictions as well.

**The Hon. ROBERT BORSAK:** I've noticed with interest in the years that I've been in this place that there's a certain bust of the Hon. Neville Wran, MP, that has moved around various parts of the public areas of this building. I suppose, of course, it's linked with who happens to be in power at the time, but I notice it has surreptitiously now moved itself back to level 7 but not really in a public place. It's sort of sneakily sitting behind the back door to the Macquarie Room. Could I ask someone why it's there.

**The PRESIDENT:** I'm not sure that I'd use the terms surreptitiously or sneakily. It's in fact in the direct path of every single member of Parliament as they come out of the lift well.

**The Hon. ROBERT BORSAK:** That's right, but I would have thought a piece of public sculpture should be sitting in a public place—not to have the honourable gentleman staring us in the face, but looking at the public. In other words, what is the policy for this?

**The PRESIDENT:** The policy, as I mentioned before, is that there is now a curatorial plan starting to be developed.

**The Hon. ROBERT BORSAK:** That sounds like an answer made up on the run.

**The PRESIDENT:** No, not at all. The busts were all put, for safekeeping, down in the theatrette foyer. Now that the Rum Hospital refurbishment has been finished, they have been brought back up. In fact, we're considering the entire space in terms of the artwork, both the two-dimensional visual artwork as well as the busts. We're looking at a range of other issues as well. For example, when you come in through the Legislative Assembly entrance, if you turn left immediately, you'll note that there is a small museum-type space there. One of the issues that we're now considering, for example, through the security review, is the potential for the requirement if you go into the Chambers to cloak various items, including possibly mobile phones and other things—I'm not going to pre-empt the security review—so that may need to change, and there's a bust there as well. The point that I'm making, Mr Borsak, is none of this is set in stone—

**The Hon. ROBERT BORSAK:** They're actually bronzes.

**The PRESIDENT:** —if you'll pardon the pun, and it continues to move. I'm also a big believer that the Parliament is a vibrant and living space, which is one of the reasons, obviously, why I'm so strongly supportive of rotating exhibitions in the Fountain Court. I also believe, for what it's worth, that the busts should be rotated around and that all of the artwork should generally be rotated. Some will have permanent homes where they have

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always lived, and that may well be appropriate, but for others it may well be appropriate to move them around. The point that I'm making is I hear your comment and we are considering all of these issues.

**The Hon. ROBERT BORSAK:** With respect, how does this address the peripatetic the Hon. Neville Wran? Where is his next move going to be to?

**The PRESIDENT:** I wouldn't in any way want to pre-empt the curatorial decisions of this place.

**The Hon. ROBERT BORSAK:** Thank you for that non-answer. In regard to security in general, where are we up to in relation to upgrades? We had a very extensive upgrade program running for quite a long time.

**The PRESIDENT:** Are you talking about the Parliament itself?

**The Hon. ROBERT BORSAK:** I'm talking about the Parliament, at this stage, itself.

**The PRESIDENT:** I will throw to Mark shortly, but honourable members might be aware that we are conducting a full security review over the next 12 months. That review will consist of three fundamental parts. The first is to examine the parliamentary precinct itself, and Mark will speak to that shortly in terms of what's happened and where we're going—again, without pre-empting the results. The second is to look at the security and safety of individual members. Obviously we've made some strides forward already, with the app that's now on people's phones and so forth, but we'll be looking at all of those issues surrounding personal security of members. The third is about electorate offices. That work will be done this year. When we get through the first stage, which is the Parliament itself, we won't be waiting until the end of the entire review—the three-stage review—in order to enact policy changes if required. We'll be doing so on a rolling basis. Mark, you might like to speak in more detail about that.

**The Hon. ROBERT BORSAK:** I'm primarily concerned about the parliamentary precinct.

**The PRESIDENT:** I understand that.

**MARK WEBB:** That makes sense. Apologies in advance, some of this will be a little vague, but it should give you a sense of where the focus has been. We have a rolling series of upgrades to some of the security assets that physically sit around the building. As they get to end of life, things get replaced. I will give an example of the CCTV camera network, for instance. At any given time as cameras are coming to end of life, we replace those cameras et cetera. All of the recommendations that have been made in previous security reviews have been implemented, which is one of the reasons why we were quite keen on doing this new security review. The last major security review was back in 2016, so it's been a while, and obviously the environment's changed more carefully.

It is fair to say that we have developed good intelligence relationships with external organisations in terms of both general and specific threats, and we respond to those as required. We are working always with the special constables to ensure things like the rotations of the special constables meet the current security environment. I apologise, I know that's a little vague, but just to give you a sense of the broad range of things that we're looking at on a constant basis around the security.

**The Hon. ROBERT BORSAK:** I know, for example, maybe a couple of Presidents ago, we got an answer that there was some recommendation that Hospital Road be closed down for security purposes.

**MARK WEBB:** Without speaking to any specific recommendation, sometimes when we get reviews done, they are done—for instance, I have had it suggested to me that I could improve the security of this precinct greatly by just stopping the public coming in. That would result in a much more secure environment, but of course wouldn't meet the accessibility, the access for the general public et cetera. So sometimes we do get recommendations that would have significant security improvements but would be at the expense of other forms of accessibility and the like. I think you could probably put that recommendation into that category.

**The Hon. ROBERT BORSAK:** Yes, and I'm not suggesting that. That's what parliaments have to be—they have to be open to the public.

**MARK WEBB:** Yes, that's exactly right, and we have to meet heritage—if people are saying, "We want to put things up over some of the heritage stuff", sometimes we can't put security overlays in some of the heritage areas because of accessibility and access to the public. There's a range of things we have to take into account.

**The PRESIDENT:** Mr Borsak, one of the things we've done, for example, is we had a full review of security passes. That meant that we then removed a range of passes from operation entirely. We pulled back a range of other passes to be able to access this building only from 7.00 a.m. to 7.00 p.m., Monday to Friday, rather than having unrestricted access and so on. We're continuing to look at that. We're looking through a whole range of different prisms to try to ensure this place is as safe as it can be

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**The Hon. ROBERT BORSAK:** Is precinct policing still occurring with the special constables? By this, I'm specifically talking about them working around and outside the building, up Macquarie Street, down Hospital Road and all those sorts of things.

**MARK WEBB:** The special constables—obviously their powers are pretty much centred on the places that they are guarding. Special constables obviously guard Parliament House. They also guard 52 Martin Place, the police headquarters out at Parramatta et cetera. When they leave the precinct, their powers are much more restricted. This is why we usually have New South Wales police. If there's a protest going on that meets a certain threshold, it's New South Wales police out on Macquarie Street rather than, say, our special constables. But they have an obligation to act. If they see something happening in Macquarie Street or elsewhere, they have an obligation to act in the interest of public safety. It can be that they do move outside of the precinct if there's an initial immediate threat. For instance, the security situation that was mentioned earlier in The Domain with the person with what turned out to be the toy gun—that would be a situation where they see a clear, present threat to public safety and are able to move off the precinct in order to enact that.

**The Hon. ROBERT BORSAK:** Can you tell me how many special constables would be on duty on a normal day, for example, like today?

**The PRESIDENT:** I suspect we can't answer that question for security reasons, but we might take that on notice if we can, Mr Borsak.

**The Hon. ROBERT BORSAK:** Yes, whether there's one or 100.

**The PRESIDENT:** There's certainly more than one.

**MARK WEBB:** Yes, there's more than one and there is less than 100.

**The Hon. ROBERT BORSAK:** How often do they rotate out of this operation here and go somewhere else? Are they here for six months or—

**MARK WEBB:** That would be a question you'd have to put to New South Wales police. I'm not sure what their policy is around that.

**The Hon. Dr SARAH KAINE:** It goes to the earlier questions.

**Ms ABIGAIL BOYD:** Just on that security pass issue, I've asked about that in a bunch of previous estimates as well.

**The PRESIDENT:** You have.

**Ms ABIGAIL BOYD:** It always strikes me as odd that we go to all this trouble talking about security when, as far as I can tell, every person and their canary can get a pass just by going and getting a member to sign off. I still have lobbyists that just come to my door and come in. I don't understand how this continues to be the case—

**The PRESIDENT:** And it shouldn't.

**Ms ABIGAIL BOYD:** —without there being a public register of who these lobbyists are and which members have let them in. Can you give me an update on where that work is?

**The PRESIDENT:** Yes. The first thing is that no-one should be able to just come to your door.

**MARK WEBB:** That shouldn't happen.

**The PRESIDENT:** That shouldn't happen. They shouldn't be able to have access. Clearly, they have walked in behind—their pass won't access level 11. So they have, clearly, walked in either with a member or behind a member or a staff member or whatever. This is exactly the sort of issue there that will be considered in the security review. And so I strongly encourage you and, in fact, anybody to raise exactly the sort of issue that you've just raised then. I understand it's slightly different to the register, but I'll get to the first issue, which is somebody turning up at your door who you don't want to be there. That's something that should be considered.

In terms of the register, I don't know if Mr Webb would like to make any comments on that. But, no, there's no specific register, as we've mentioned before, for lobbyists per se, but we're continuing to consider the construction of those who have access to security passes. We've looked at the list and pulled back the amount of time that people are allowed to be in the building or have access to the building if they don't have a reason to be in the building other than those times.

I guess the final point that I'd just make is that you say anybody can come in and all they have to do is to be signed off by a member of Parliament. But there are 135 people in this place, all of whom have a responsibility

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to both the Parliament and to the people of New South Wales. And I hope that they take that responsibility when they provide their imprimatur to somebody coming into the building, knowing that, if something goes wrong, they will be the ones held responsible because they were the ones who signed off—they will have to take partial responsibility because they've signed off on their pass. They'll have some level of responsibility.

**Ms ABIGAIL BOYD:** I hope so, too. But we all say that until it's too late. It's very different when you've got members and staff who are here every day, who are able to come through without going through security checks, but then you have lobbyists who can come through. I don't know what they're carrying. Are they even lobbyists? I don't know. I find it a bit perplexing that we go to such trouble to scan so many people and yet it's really easy just to get a pass.

**The PRESIDENT:** I hear you, and I hear the point you're making. And it's not just, frankly, for lobbyists; there are other potential coteries of individuals. So I would just say we are in exactly the right time for this issue to be considered. There is a full review of internal security within Parliament House happening. Part of that will, obviously, be who has access to the Parliament. So I encourage you and others to make a submission when the opportunity comes, which will come to all members—in fact, everyone in the precinct. I should also advise that there's likely to be some sort of members' reference group set up as well, which won't be the entire determinant of what's in the policy; there will still be an opportunity for all members to provide information. But that might be something you might like to consider as well.

**MARK WEBB:** I would just mention that, after you raised this issue with the previous, we did write out to all authorised passholders to tell them that their pass did not give them the right to wander around the tower block and that if they were invited by a member—a little bit like the protocols we have with the press gallery—to come up to their office for a meeting, you can enter with that member's permission, go to the office, have the meeting, and then you are to exit the tower block immediately afterwards, not go door to door, meeting with people. That reminder was sent out to everyone that has an authorised visitor pass. But, based on this, we will send that reminder out again.

I would encourage any member who gets an unsolicited visitor turning up at their doorstep to let us know, and we will issue a "Please explain why we should not revoke your pass" issue to anybody who wanders the tower block, just hoping to randomly bump into members and bug them about things. If an authorised visitor is in the tower block, they are there at the invitation of a member, to visit that member and that member alone. If you have not issued that invitation and someone turns up at your door, then they are in breach of what they're meant to do with their authorised visitor pass. And, unless they can explain it, I will revoke that pass.

**Ms ABIGAIL BOYD:** They often want to just give us stuff.

**The CHAIR:** Mr Fang, you have some more questions on how best to resource a future split in the Coalition?

**The Hon. WES FANG:** Chair, I'm not going to say no. Mr President, should there be an unfortunate split in the Coalition, where the Nats might seek to divorce ourselves from some of the more left-wing ideologies that sometimes permeate the Liberal Party, what would be the resourcing that might be provided to the Nats as a separate party, knowing that it's an Opposition that's ultimately funded and that, where the Nats were considered part of that one group, they're not eligible, effectively, for funding unless they're part of the Opposition, should there not be an opportunity to provide them additional funding to make up for any shortfall that they would lose by not being part of the official Opposition?

**The PRESIDENT:** To that issue, my understanding is it's the Government or the Premier who provides block funding to the Opposition, for them, the Opposition, to determine what to do with. I would have thought those conversations, if that did happen, would need to happen with the Government. It's not under the auspices of us.

**The Hon. WES FANG:** But, in terms of equity and parliamentary conduct, you would agree, would you not, that parliamentary parties and members of Parliament need resources to be able to do their jobs effectively and so, where there was a lack of resourcing, there would need to be some level of resourcing or redistribution of some of that Opposition resourcing to other parties in order to provide equity? Would that be a reasonable position to put?

**The PRESIDENT:** I agree with your contention that all members of Parliament need to be provided resources to be able to do their job properly.

**The Hon. WES FANG:** Would it be something, you think, the Parliament would advocate for? Or would you see that outside of your role?

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**The PRESIDENT:** I see it as pretty much entirely outside of our role. The only issue that I see that being different for is both the comments I made before about staffing and how that potentially impacts—and I said I would come back on notice about that—and second, of course, about potential office holders and what might the impact be. Because there are specific office holders within the Opposition—for example, the Leader of the Opposition, the Deputy Opposition Whip, for example, and others—there may well be impact on that. But those are the only two things that I could see potential impacts for. But, if that happened, we would obviously consider that, in the same way that, when there are changes in party status for any member, we will always look at what that will mean in terms of the organisational and administrative logistics for the Parliament.

**The Hon. WES FANG:** So I guess, in broad terms, you think that the right of a member to be able to bring a bill to the House as a private member's bill that's been assisted in drafting with the Parliamentary Counsel is a reasonable and appropriate thing for every member to seek to do within the Parliament.

**The PRESIDENT:** Yes. I made the comment before that that's my personal philosophical position. I'm not stating that that is the position of the President of the Legislative Council, because I don't know—I don't have the jurisdiction to be able to do that. But you asked what my view was, and that is my view. But we will provide you with the information about what non-Government members are entitled to have access to. If there are conventions or rules within individual political parties or oppositions or whatever—that is, obviously, something beyond the gamut of our reach.

**The Hon. WES FANG:** In terms of Parliamentary Counsel and how they are directed or receive instruction, who is in charge of making sure the guidelines are updated or redetermined if required? What's the process in ensuring that that occurs, should it be the case that a member can't, at this stage, access some of those resourcing from Parliamentary Counsel?

**DAVID BLUNT:** It's my understanding that the guidelines are updated and reissued by the Office of the Parliamentary Counsel at the beginning of each term of Parliament. But, as I indicated before, I've taken on notice to provide the latest entitlement that each non-Government member has under the current guidelines. I don't think I can really add anything to that undertaking.

**The Hon. WES FANG:** I understand that. Who formulates the guidelines and how do they get amended?

**DAVID BLUNT:** I can come back to you on notice with precision on that. My understanding is that the guidelines were initially—again, providing a historical context. Maybe I'm getting a bit wistful.

**The Hon. WES FANG:** Never.

**The PRESIDENT:** In the final 15 minutes of any budget estimates you'll ever have, Mr Blunt.

**DAVID BLUNT:** I think it was Premier Greiner who initiated those rules initially in either the Fiftieth or Forty-Ninth Parliament that made available the services of Parliamentary Counsel to non-Government members. Prior to that time, those resources had only ever been there for the Government for drafting government legislation. They have been longstanding rules. As I think I illustrated with the observation about your former colleague when your party was in government, there have been rules sitting alongside those guidelines that have operated within political party structures over the years.

**The Hon. WES FANG:** I appreciate all that. I'll take it away and consider it and maybe advocate for certain things. We'll see where we land.

**MARK WEBB:** I did have a quick update on one of the matters that was raised earlier. When we were talking about the fire system, I said it hadn't been upgraded since the building was created. My team has reminded me that we have updated bits and pieces of it over that period of time. The control board, for instance, has been updated in the last 10 years, but the way fire is directed in the Fountain Court hasn't been. It's a bit of a mixed bag. They felt that I'd been slightly too definitive in my answer to say that we hadn't done it.

**The CHAIR:** So there is no-one walking around sniffing for smoke.

**MARK WEBB:** No-one is walking around sniffing for smoke. But if you do smell any, please let us know.

**The PRESIDENT:** You particularly, Mr Buckingham.

**The Hon. CAMERON MURPHY:** I just wanted to follow up on an issue that was raised by Ms Boyd earlier, stemming out of the time off in lieu issue and being able to replace staff so that somebody else is doing the work. I've raised this in a previous estimates, but we've also got a similar problem when you've got split positions in an office and having somebody to do a handover. But something new that has come to my attention more recently is the issue of onboarding. It's quite a considerable process. Somebody has got to walk somebody

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**CORRECTED**

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through security and make sure that they obtain a pass. There are a number of different forms to fill out and it can take half a day or a day for somebody to orientate themselves around the building and set up everything that's required to onboard. Under the current arrangements, there's no process to have more than one staff member there at a time. You are, effectively, in the upper House, where there is only one staff member, leaving it up to the member to do that.

**MARK WEBB:** This is an excellent point. I have been engaged with the PRT on exactly this issue about onboarding and offboarding, not just the administrative side of it. As you quite rightly point out, that can be up to half a day. But also when you've had someone working in your office for a few years and a new person comes in, it would be really great to have a little bit of crossover time where the person leaving could spend a bit of time bringing the new person up to speed, for instance. I'm pleased to say that the PRT saw the sense of that.

Members might recall that I have some flexibility to provide additional staffing in emergency and work health and safety situations. For instance, with the current situation up in the north of the State, I have the ability to give a little bit of a boost. The PRT has agreed that that flexibility could be extended to issues of administrative convenience, where there is not a material impact on staffing. At the moment, if you're in a situation where you have that kind of crossover and you wanted a day or two or some period of time to do that handover, you can just send me a quick email saying, "I have this situation. I would like to keep the person on for an extra two days so that they can train up the new person for a day or two days", and I can give you the okay to do that.

**The Hon. CAMERON MURPHY:** Is there a set amount of that or something to make it easier so everyone knows?

**MARK WEBB:** I have been given some flexibility to react to circumstances as they come up.

**The Hon. CAMERON MURPHY:** The reason why I ask that is that I know there are a number of members that are in a position at the moment where we've got a Federal election going on and staff may have taken leave to go and take up other positions temporarily. You've got people in positions where they might have quite a number of staff because, effectively, you've got people coming in in what would be a casual position in any other type of employment arrangement but you might have different people filling in for one or two days every week or fortnight. There's quite a lot of it going on.

**MARK WEBB:** That's why I, when talking to the PRT, sought to have that flexibility so that I can sit down with a member, have the conversation and say, "What is your circumstance?" and then come to an agreement as to what would be the best way of handling that. For instance, you might say, "I've got a pool of four people I'm going to be drawing on in the next three months. I would actually like three or four days where I bring all four of them in, train them up on stuff and then I can use them in bits and pieces rather than bring each one up to speed the first time they come in." That would make sense to me and we would work through that. But that's why I asked for it to be a flexible thing rather than a fixed "You get half a day per person per time", so that I could deal with exactly the kind of scenario that you're raising. All members have to do is write to me. I've tried to make it as simple as possible. It's an email to me and I respond. If I've got any questions, of course, I ask them. But, assuming we come to an agreement, I respond saying that I agree and then that email exchange goes onto the record as the formal record of the situation and then you can just go ahead.

**The Hon. CAMERON MURPHY:** Will you let members know about that?

**MARK WEBB:** Yes, absolutely. Happy to.

**The PRESIDENT:** There may well be some members that require greater staffing, for example, on the North Coast. Obviously, the flooding happened last time with Lismore and so they were able to be provided some extra resources. But if it had gone the way that we were all desperately worried it would this time—but thankfully it didn't—then that sort of staffing would have been required for there in a way that it wouldn't have been for the members for Barwon and Cootamundra.

**The Hon. Dr SARAH KAINE:** I have one quick comment, reflection or bit of feedback about time off in lieu. I know that it's new and it has been a response to some issues. But it might be a bit problematic requiring our staff—we have one staff member—to be able to take their time off in lieu within three months. Depending on what's happening, how many committees we have and when the House is sitting, it's not necessarily realistic. It wouldn't be reasonable for them to then lose it because they haven't taken it. I don't think that's an intended consequence, but it might be a perverse outcome for the one staff member in our offices.

**The PRESIDENT:** I'd like to speak to that briefly. When we landed on the three months thing, our view was that if people have time in lieu they should be able to take it off relatively soon after they've taken the extra time. We didn't want people to be able to bank it for too long. As always, this was a subjective determination. My view is that we'll stick with three months in this determination, and then we'll take feedback as to how that goes.

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**CORRECTED**

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It may well be that we get feedback saying that it's got to be six months, and we'll do that then. At the moment, we needed to start with a number, and that was the number.

**The Hon. Dr SARAH KAINE:** I think it's a particular issue for those of us with one staff member.

**The PRESIDENT:** I understand. I look forward to hearing that feedback.

**The Hon. Dr SARAH KAINE:** Mr Blunt, could I ask you a question about committees and committee staff? They are always so excellent, diligent and helpful, as a preface. One of the things that we've been doing more of are surveys et cetera when we run inquiries. In wanting to collect as much information as we can, we have qualitative answers that we do collect. At the moment, it seems there's not capacity to use any sort of software to do that, such as Leximancer, NVivo or, indeed, anything else that's come in the time that I've stopped being an academic. I'm sure there are others. I wondered if that's something we could consider training some people up to use? It's a considerable time saver when you're dealing with thousands of open-ended survey responses. I wondered if it had been thought of and perhaps not done for a particular reason, or if that is something that could be considered?

**DAVID BLUNT:** That's a great question. I'm very happy to take that on notice. What you're positing has immediate appeal, but I would like to get some advice on it. It's worth remembering, though, that the recourse to surveys during committee inquiries really started during the last parliamentary term with the establishment of the Selection of Bills Committee and the more frequent reference of bills to committees for relatively short, sharp inquiries—some of those bills being matters of significant public interest and attracting a great deal of community responses. Putting a survey out there was one of a number of strategies to be able to accommodate and take on board significant volumes of community opinion in a really short, sharp space of time. We always recognised, though, that those surveys never had the rigour of surveys that you would have been responsible for in your academic career, and we don't pretend they are. They are an adjunct. They are a tool to help inform committees of community opinion. Certainly, if those processes can be improved through the use of particular forms of technology, then that sounds like a great idea.

**The Hon. BOB NANVA:** I have a couple of quick ones for Mr Blunt. Before I ask you the questions, I also place on the record my thanks for your steady and calming influence in what can often be a febrile atmosphere. Australia is often lauded for its democratic pillars. We often just think about the compulsory voting system and the independent electoral commissions, but one thing that I really took for granted before coming to this place was the importance of independent, knowledgeable Clerks. It's a really understated role, but it has dawned on me just how critical it is to our democracy. Thank you for everything that you've done over so many years, David. My first question is, notwithstanding your retirement, can you please give the Committee some comfort that you will provide some mentorship to your successor in what will be a very important transition for this place? The second question is: Do you have any final reflections that you would like to place on the record?

**DAVID BLUNT:** Thank you for asking that question. Do I have some things to—no.

**The CHAIR:** We can extend time. Let's move an extension for an hour.

**DAVID BLUNT:** I am very conscious of the time. Firstly, the President answered Mr Fang's question about the steps that he's been taking to fill the position. I leave the Department of the Legislative Council, which consists of staff of the most amazing calibre and qualities. They have been such a joy to work with, just as it has been a joy to work with all of you and your colleagues over the years. The staff of the Department of the Legislative Council are the best in the business, the best in the public sector. I am absolutely confident that you will continue to be provided with all the support that you need and are looking for to be able to do your jobs. That support will be outstanding. Rather than providing ongoing mentorship after 28 March, I have actually given undertakings to the department that I will get out of all their hair. In fact, I finish on Friday 28 March. On Monday 31 March, I'm flying to Kathmandu and spending the next month in the Himalayas. So, no, I won't be there to mentor the Clerk. On my final reflections, I suspect I may have an opportunity to share a few of those on 28 March at the event that Mr President alluded to. I guess that's a form of marketing for that event.

**The CHAIR:** Thank you very much, Mr Blunt. That concludes the hearing. The secretariat will be in contact with witnesses who took questions on notice. Before we conclude, I'd just like to thank Mr Blunt on behalf of the Committee and myself personally for his timely, precise and sage wisdom on procedure, practice and law over too many years. It has been absolutely vital to this institution. That concludes the hearing.

**(The witnesses withdrew.)**

**The Committee proceeded to deliberate.**