

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday 27 August 2025

Examination of proposed expenditure for the portfolio area

THE LEGISLATURE

CORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)

Dr Amanda Cohn
The Hon. Wes Fang
The Hon. 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**

The CHAIR: Good morning and welcome to the fourth hearing of the Portfolio Committee No. 1 - Premier and Finance inquiry into budget estimates 2025-2026. Firstly, 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 also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Jeremy Buckingham, and I am the Chair of the Committee. 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 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. Again, to the witnesses, welcome and thank you for making the time to give evidence. All witnesses will be sworn prior to giving evidence. Mr President, I remind you that you do not need to be sworn because you have already sworn an oath to your office as a member of Parliament.

Mr STEVEN REYNOLDS, Clerk of the Parliaments and Clerk of the Legislative Council, Legislative Council, Parliament of New South Wales, affirmed and examined

Mr MARK WEBB, Chief Executive Officer, Department of Parliamentary Services, Parliament of New South Wales, affirmed and examined

Ms MARGARET PALMER, Director, Financial Services and Governance, Department of Parliamentary Services, Parliament of New South Wales, sworn and examined

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 this session there will be questions from crossbench, Opposition and Government members, in that order. I don't have any questions, so we will go to the Opposition first.

The Hon. CHRIS RATH: Thank you for attending today. I want to start with Cafe Quorum, which I know a lot of colleagues have raised with me, as I'm sure they have with the Government as well. Maybe if you could give an explanation of why the decision was made to reduce the hours of operation, I think, during July on Mondays and Fridays. Why was that decision made and who made that decision?

The PRESIDENT: I'll start and then I'll throw to Mr Webb. I'll answer the second part of the question first, which was who made the decision. That was the PEG, the Parliamentary Executive Group, which consists of—as I'm sure you know, Mr Rath—myself, the Speaker, the Clerks of the Legislative Council and the Legislative Assembly, and the CEO of DPS. I'll just give you a little bit of context. Obviously July is a much quieter time in this building than most of the other months. We have a range of catering operations throughout the Parliament, but we also need to ensure that we maintain, where we can, financial sustainability and responsibility. A decision was made to trial shutting Cafe Quorum on Mondays and Fridays, which were seen to be the lightest days anyway, while making it very clear to everyone that the Long Bell Cafe was still open, with all of the same offerings, so people were still able to go to the Long Bell Cafe on level 7 to get the catering options they needed.

The short answer, though, is it was a matter of looking at how we could be more financially rigorous and how we could save a few dollars, noting that the expenses on catering are significant, particularly when we have the Cafe Quorum, for example, open until half an hour after the close of the sitting of the last House, and when we've extended the hours—I think that might have been a suggestion of yours, Mr Rath—during the budget estimates period and a range of other things. There is a lot of financial outlay and expense for the Parliament, so where we can find an opportunity to pull back on costs, where we still obviously have other options available, we will do so. Mr Webb might want to add some more details on that.

MARK WEBB: We looked at a range of issues in determining what the strategy would be for July. Obviously there are no sittings through that winter recess and much lighter committee activity through that period of time as well. Also, a lot of staff take leave during that period, so we looked at leave patterns as well. I'd like to give a shout-out and congratulations to Matthew Dobson and Lee Kwiez and the team because they really did go through data in real detail to determine how we could look at providing the service that's needed through July, but trying to do it in the most cost-effective way possible because we are conscious that we're spending taxpayers' money. This kind of initiative, as the President said, does give us the opportunity to think about extending services during sitting periods.

One of the suggestions that had been made recently was that we used to stop the kitchen in Cafe Quorum at 8.30 p.m. on a sitting night. It was suggested to us that it would be more convenient for members if those hours could be extended, so keeping the kitchen open until 10.30 p.m. Obviously that comes at a cost. I don't think members, especially long-term members of the Committee who have heard me talk about catering before, would be surprised to hear that we do not make as many sales in that 8.30 p.m. to 10.30 p.m. period as the costs that we incur. But by pulling back on costs in other areas like this, while maintaining service, that gives us more capacity to make changes in sitting periods and meet those demands going through. Obviously in the first week that we did it, there was a little bit of confusion. We communicated and put signs up, but some people had missed that and would go down to Cafe Quorum and realise that it was closed and have to go up to level 7.

I think once we got through that first week, people got into a different rhythm. We got some really great feedback about the Long Bell Cafe. I think more people in the parliamentary community have realised that the Long Bell is there and that it is a really great option, so that has been good as well. Generally speaking, it was a successful trial. We will now look at the results of that trial. We're calculating what savings we made, what feedback we got and how the operations worked, and then we will think about what we will do over the summer recess. The three periods in the year where we have that low activity are the summer recess, the winter recess and the Easter recess, if you want to call it that—that period of time. They're the three times that we are thinking about this, not in the day-to-day operation of the Parliament at other times.

The Hon. CHRIS RATH: How much pressure is the DPS budget under at the moment, given this decision? Is it something that we should be asking the Executive Government for—more funding for the Parliament? Is that something that you've considered?

The PRESIDENT: Mr Webb?

MARK WEBB: This is an excellent question. The catering side of the business is unique amongst the rest of the budget in that there are two pressures on it. One is that every year Treasury escalates their expectations about how much revenue we will take in. It's not just about the cost; they also escalate their assumptions about how much revenue we would have. That puts pressure on the catering budget in particular every year. We have to look at either increasing prices or reducing costs in order to meet those expectations as well. There are unique characteristics to the Parliament. People don't come to the restaurant or the cafe at 10 o'clock at night on a sitting night just because they love the cafe or restaurant—although you should come to the cafe or restaurant because you love it. But I know that's not always the driver. The driver is that there is nothing else open at 10 o'clock at night and going through.

It is impossible to run catering on a purely commercial basis. A lot of what we do is a service to the Parliament, to make sure Parliament can do its work properly. Of course, if I run a corporate event, we charge commercial rates for a corporate coming in to run an event or things along those lines. But we discount those rates significantly for community events that are sponsored by members. There's a lot of stuff that we do that is not commercial in its basis. Even though we have a goal of trying to get to break even, there are significant cost pressures, and reasonable ones as well. We have put bids in the past to try to offset some of those pressures and to reflect those areas. Those bids have not been generally successful. Every year, we look at whether we put something through to Treasury to try to make sure that the costs of running the service that we provide are reflected in the moneys that we get from Treasury.

The PRESIDENT: I should make one final comment on that. While everything that Mr Webb says is true, in terms of your final comment about requesting more money, we actually were quite pleased with the success of our budget bids this year with Treasury. We got a significant amount of support for a range of things that were critical and that needed to be done within the Parliament. We were very happy about that.

The Hon. WES FANG: Can I just confirm, in relation to the closure of Cafe Quorum on Mondays and Fridays, that this is likely to be the only reduction in services during lower periods that you'll look at in this term of Parliament? The reason I ask that is because it's often the staff that support the Parliament and members of Parliament's staff—not necessarily the members of Parliament or members of the Executive—that are impacted by these changes. It's actually our staff. On their behalf, I want to make sure that this isn't the thin end of the wedge and that we're not going to see further and deeper cuts to the services that our staff and the people that assist us in this place rely on in relation to coming to work on Mondays through Fridays.

The PRESIDENT: That's a very good question. I'd make three points in response. The first is that we're very conscious of that. You're 100 per cent right to raise the importance of the staff in this place, particularly the staff of Legislative Council members, who don't have any other offices other than in this building. We are very conscious of that. The second is that we will always ensure that if this sort of decision is taken, there are other options available that will provide the same quality—the same food, the same beverage and so forth.

The Hon. WES FANG: Does it provide it at the same price? I'm not sure.

The PRESIDENT: I believe so, yes. The third point is that one of the options that was presented to us was shutting Cafe Quorum for the entirety of July—so Monday through Friday. We made a decision. Particularly the Speaker and I were very conscious that that was a bridge too far. While I can't give you a 100 per cent definitive answer, because things change and we're trialling things as we go, the point is very well made and we are very conscious of it. We are conscious as well of the fact, as Mr Webb says, that, while we need to be conscious of costs and it needs to be as sustainable as possible, we are also fundamentally providing a service to members, staff and all members of the parliamentary community, but particularly to those people who are here as a workplace and have nowhere else to go.

The Hon. CHRIS RATH: On DPS budgets, I know at the last estimates there was an update given about moving towards a model of potentially having committees where appropriations put forward to the Executive Government could be examined by a parliamentary committee. I know some work was done in terms of looking at what models exist federally in Canberra and in other jurisdictions. Could you provide an update on where that's at?

The PRESIDENT: I will go first and then perhaps Mr Webb. I don't think you joined us in Canberra when we visited.

STEVEN REYNOLDS: No.

The PRESIDENT: The short answer is that we will do whatever the Parliament determines. If the Parliament determines to establish a committee, that will be fine. We have some concerns about the establishment of a specific committee and how it would work, because one committee in and of itself is probably going to be challenging.

The Hon. CHRIS RATH: Like a joint committee with the LA and the LC?

The PRESIDENT: Indeed. Having, for example, LA members being able to question and consider the funding of the Department of the Legislative Council, I find that challenging on a personal level and in terms of the principle of comity, but, equally, having LC members do the same with the Department of the LA. The way it would probably need to happen is there would need to be the establishment of three committees, I suspect—an LC committee to look at the funding of the Department of the LC, which could be done by the Public Accountability and Works Committee or potentially this Committee; the LA would need to do their own thing; and potentially a joint committee for DPS. When we were in Canberra, what we found is that the discussion of the budget became less and less the focus of the committee and, in fact, it ended up being only 5 or 10 per cent of their focus. They were talking about a whole range of other things in the precinct, like security and so on, which are important issues.

The Hon. CHRIS RATH: Which happens in our estimates as well and will today.

The PRESIDENT: That's exactly right. Twice a year. As you know, we all have an open door policy to talk about any issue at any point. My point would be that we will always do whatever is required and asked of us that the Parliament has determined, but we do have some concerns in that space.

MARK WEBB: One of the things that really struck me in Canberra is that they had struggled with the concept of a joint service, whether it be a DPS or another, and even what the make-up of such a committee would be, who would chair the committee, what the numbers would be, what if there was a difference of opinion between the two Houses and how that would be resolved, even in a joint committee. That was an interesting area and I have not found a model that has really grappled with some of that. Like the President, my take-out from it was that if we were going to do it, we would have to think very carefully about how such a thing was created, and there is not immediately a model that I can point to where somebody has done it successfully. That is something that we would have to look at.

The PRESIDENT: We're quite different to the other integrity agencies. They are standalone organisations, whether it's the Ombudsman or the Electoral Commissioner or whatever. This has a lot more moving parts in it and, of course, a lot more vested interests.

The Hon. CHRIS RATH: I think the difficult concept is that we have LC estimates and we can examine the DPS and the Legislative Council, but the gap that exists at the moment is the Legislative Assembly, because they don't have the same structures when it comes to estimates. It's not like the Clerk of the Legislative Assembly appears before this Committee here and, the Clerk would probably say, nor could they because of comity. That's probably the gap that exists at the moment, isn't it?

The PRESIDENT: You're quite right—so much so that we're precluded from discussing specific Legislative Assembly matters and can't do so.

The Hon. CHRIS RATH: The lifts seem to be getting better.

The PRESIDENT: The lifts! Thank you.

The Hon. CHRIS RATH: I'll acknowledge that they're getting better. They're still a bit slow on sitting days, but that's just, I assume, because of greater numbers of people in the building. They do seem to be better from where they were a year ago.

The PRESIDENT: I had said, you might remember, at the last budget estimates that I was hoping that we would never have to speak of the lifts again. Nonetheless, I'm glad that you brought them up.

The Hon. CHRIS RATH: This is to tie the knot. This is to wrap it all up in a nice bow, and then we probably won't have to ever revisit it again.

The PRESIDENT: We do have some news. We have literally just finished the final lift. I'll pass to Mr Webb to discuss the exciting information and where we're up to, although there are still a couple of little teething issues.

MARK WEBB: But only little ones. You might recall that we've been working on the fifth and final lift. This is lift No. 1, so the master lift—the one that has the controller system for all the rest of the lifts. One of the

issues we talked about at the last estimates hearing was that having some new lifts and some old lifts at the same time had caused a few glitches as the two systems tried to talk to each other. I'm pleased to say that, as of last Friday, we finished work on the final lift. We did a commissioning process over the weekend. We're now in a period of hyper care, if you like, where all five lifts are now working. We are monitoring them closely to make sure they are working properly. There were a couple of teething issues on Monday. The new lift didn't quite integrate as smoothly as we would hope, but by lunchtime on Monday, it was working very smoothly. As you say, Mr Rath, on sitting days the building occupancy is the issue, but for the last couple of years we've only had four lifts available at any given time. We are now back to having all five operating. So I am hoping that you will—

The Hon. CHRIS RATH: And both the service lifts as well. They seem—

MARK WEBB: That's right. The goods service lifts—exactly right. They've been extended as well. For the next sittings, for the September sittings, we're back to full capacity again. As you say, the lifts are working smoother and faster. You'll notice that they don't shudder to a halt when you come in to a lift landing and the rest of the reliability is significantly improved. We'll ensure we monitor it carefully through that first peak period, but it's good news: The project is essentially in that post-project teething care area. We are pretty much there.

The PRESIDENT: You'd be aware that we had a lift technician onsite for, I think, the last six or 12 months during sitting weeks to deal with any issues that were caused by the upgrades. We will have that technician here for the first sitting week back to ensure, on the off chance there's some unexpected and unintended consequence, that we have someone here ready to go. But we're very hopeful that won't be needed.

The Hon. CHRIS RATH: To another issue—cybersecurity is a huge issue. Read the news and almost every day there's some new cyber attack that some business or government agency is facing. What does the Parliament have in place to guard itself against cybersecurity risks?

The PRESIDENT: We are very conscious of this. I have to say that we were successful in a budget bid this year to continue to focus on this area and upgrade. I think as the world gets more unsettled, it is quite clear that we will be derelict in our duty if we don't focus on this hard. We are very conscious of it. Mr Webb, you might like to provide some details.

MARK WEBB: Absolutely. This has been a growing area in my time here. I've been with the Parliament for about nine years. Nine years ago we didn't have a dedicated cyber capacity; it was just something that the IT team sort of kept an eye on, but it wasn't a dedicated capacity. Srdjan and the team now are a dedicated team looking at cybersecurity issues. As the President said, we were successful in obtaining some ongoing funding to make sure that service is embedded in the way that the organisation works. That team has been doing a systemic review of all of our systems and processes, and the tools that we have to both monitor our systems and to be alerted to potential issues that have come forward, and we've been making a series of behind-the-scenes upgrades.

I think the Committee—especially longer term members of the Committee—will know that I don't like to talk about specific security things in a public forum, because I don't like to give people ideas about what they would look at, but I would say that our cybersecurity stance at the moment is stronger than it's ever been and is only going to improve from here. We now have cybersecurity as a core set of requirements for any procurement of technology that we do as well. One of our upcoming projects is the replacement of the SAP, or ERP, system. Cybersecurity requirements were a core part of the requirements for that upgrade. So we are upgrading things as we go through, developing excellent relationships with external bodies like Cyber Security NSW and the national equivalent to get intelligence and alerts there. It is an area of real focus for us. In fact, we did a tabletop exercise yesterday on cybersecurity, and it just reminded me what excellent people we have on the team and what excellent work is going on at the moment.

The Hon. CAMERON MURPHY: Linda Silmalis published in *The Sunday Telegraph* about two weeks ago a photograph of the notes of a country mayor that were taken in an elevator at Parliament. The article said that the photograph was covertly taken and the photograph revealed what he was holding. Is this concerning to you as a Presiding Officer and senior officers of Parliament?

The PRESIDENT: I'd make a couple of comments about this. The first is that we are in a very unique environment here. We have in this place—particularly members of the Legislative Council but, of course, members of the Legislative Assembly when Parliament is sitting as well—a range of people across a variety of political perspectives across the spectrum who are shoehorned into one relatively small building. That means that there can be, from time to time, challenges and tensions. It is very important that all members of the community understand that each of us has a responsibility to treat others with civility and respect, and to understand that because of this unique situation in which we all find ourselves we need to show that respect and have that consideration at an even greater level than we potentially would even in broader society where geographic dispersal means that you're generally—

The Hon. CAMERON MURPHY: Isn't there a prohibition on taking photographs in secure areas of the building?

The PRESIDENT: The question is a very valid one, but I do want to make a few points about it.

The Hon. CAMERON MURPHY: Sure.

The PRESIDENT: That's the first point—I do think that people need to always consider how they act in this place. The second point is, yes, it has been raised, and both the Speaker and I are concerned about this issue. As such, we have spoken to the head of DPS, and an internal investigation is now underway into this particular issue. The third point, though, I would make is that if somebody is carrying a confidential document in this place—I've talked about that before with a range of different people here—it's also on them to put it in a manilla folder and not to be holding it up for people to see. So I would gently encourage people, if they are carrying confidential documents in this place, to act in that way.

The Hon. CAMERON MURPHY: Have you warned people about that? Is anything going to be circulated to let members of staff know that—

The PRESIDENT: I think that it's a matter of common sense that if you have a particular confidential document in a building which, by its nature, is political—where people are on different sides of politics and the entire modus operandi, or at least *raison d'être*, I should say, of the Opposition is to try to become the Government, for example—I think that some sort of discretion should be shown.

The Hon. Dr SARAH KAINE: I think it's a bit more serious than that.

The PRESIDENT: Before we get into the specifics, Mr Webb might like to talk about this particular issue first in more detail.

MARK WEBB: As the President said, we are undertaking an investigation into it. One of the things we do in the induction for staff and members' staff is talk about the fact that we do work in this kind of environment. For instance, for the induction for parliamentary staff, one of the things we talk about is that you can't assume if you're standing in the line for Cafe Quorum that you are in a private space talking. To your point about do we warn people about those kinds of environments, we do.

The Hon. CAMERON MURPHY: This sort of conduct would be inconsistent, wouldn't it, with the code of conduct for members' staff?

MARK WEBB: Yes, that's right. The basis of the investigation that we're looking into is based around the code of conduct—you're absolutely right—not any other prohibition. There is not a specific rule around photography outside—there are rules in the Chamber, and in committees, of course, but outside of that there's no specific rules around photography in other parts of the building—

The Hon. Dr SARAH KAINE: That's not what I've been told.

MARK WEBB: —but this is more of a code of conduct—

The Hon. CAMERON MURPHY: I've been told that you can't take photographs in secure areas of the building without permission.

The Hon. Dr SARAH KAINE: So have I.

The Hon. CAMERON MURPHY: Isn't that right? It has it on documents that the Parliament publishes.

MARK WEBB: Yes, you're probably referring to—there is a prohibition on filming in the precinct.

STEVEN REYNOLDS: There's also the press gallery guidelines, which set out where the press filming and photography is acceptable.

The Hon. CAMERON MURPHY: It has it in the function guidelines. It has it in a number of other documents that the Parliament produces.

MARK WEBB: That's right. The focus of the function guidelines are around people filming other people's functions, for instance—you're not allowed to go into somebody else's function and film their function. There are those specific areas, but the investigation we're doing is around the code of conduct.

The Hon. CAMERON MURPHY: When this investigation is complete, are you going to report the outcome of that to members?

MARK WEBB: Not the information that should be held confidentially, but the final result will be communicated to any relevant members. I haven't received the report yet, so I don't want to get ahead of myself,

but I suspect one of the things I'll be recommending to the Presiding Officers is the kind of communication that you alluded to before that generally talks about expectations of behaviour that would go out to everybody.

The PRESIDENT: That's, I guess, the fundamental point here. This is a cultural issue. People have to treat each other with respect in this place. That's the most important thing. Because the moment that those sorts of conventions and norms start breaking down, it becomes a very slippery slope. I have strong views about that.

The Hon. Dr SARAH KAINE: Mr Webb, you said that relevant members will be notified. This goes a bit to the point about that we should all understand because we operate here. This was someone who doesn't work in this building.

The PRESIDENT: He does, actually.

The Hon. CAMERON MURPHY: He does, casually.

The Hon. Dr SARAH KAINE: In terms of relevant members, who is going to be advised?

MARK WEBB: It depends on—sorry, I'm picking my words very carefully because I don't want to undermine the confidentiality of an investigation process. Forgive me as I pick my words very, very carefully. If there is a code of conduct issue associated with a particular person working in the building, then we communicate with that person's employer. For instance, if it was a member of staff of the Legislative Council, we would communicate with Steven. If it's a member of DPS, the results would be communicated to me. If it is a member's staff or a Presiding Officer's staff member, all of that would be communicated to the member that employs the person that is subject to the investigation.

The Hon. CAMERON MURPHY: Don't you think all members should understand, at least in general terms, what the outcome of this investigation is?

MARK WEBB: Yes. Again, I don't want to presuppose the outcome of the investigation, but assuming that we're able to be more specific in what we've been able to find in the investigation, it's likely that I would recommend that there be specific communication to the people that are the employers of anyone involved and that there be general communication out to the membership about the issue more broadly. That is likely where I would end.

The Hon. CAMERON MURPHY: Leaving aside the code of conduct, have you considered whether this act was unlawful?

MARK WEBB: Yes. One of the terms of reference of the investigation was to look at the legality and whether there are any legal issues associated with it. Looking at things like the Workplace Surveillance Act and the relevant privacy legislation were put into the terms of reference of the investigation.

The Hon. CAMERON MURPHY: Have you also considered any potential breaches of parliamentary privilege that could have taken place?

MARK WEBB: I don't think I have. I have not come across any parliamentary privilege issues here, but that something that I can take into account.

The Hon. CAMERON MURPHY: You're talking about a staff member that potentially has work product for their member.

MARK WEBB: Yes. I see what you're saying.

The Hon. CAMERON MURPHY: I presume parliamentary privilege could be—

MARK WEBB: You're talking about the person in question's casual employment relationship with a member and whether or not there's an issue associated with that.

The Hon. WES FANG: You might as well name him, because I will in my session.

The Hon. CAMERON MURPHY: And, more broadly, if this is going to happen again, it raises all of those issues.

MARK WEBB: Yes, it would. That's exactly right. In this particular instance, the complaint that was made was not raised in the context of the person's employment as a member's staffer. It was raised in the context of their position as an elected local government representative. So we hadn't been considering privilege issues in that, but it's a reasonable point. I will go back to the people investigating and make sure that there isn't an angle there that I'm missing and might have to talk with the Clerk about.

STEVEN REYNOLDS: This wasn't part of parliamentary proceeding, was it?

MARK WEBB: Not anything that I have seen. But it's not a specific question that I've asked, so I am happy to look at that.

The Hon. CAMERON MURPHY: Are you able to reveal at this stage whether the suspected perpetrator of this was employed by a member of Parliament?

MARK WEBB: I haven't seen the report, so I can't confirm or deny anything at this point.

The Hon. CAMERON MURPHY: I understand that the victim has contacted you, Mr Webb, asking you to urgently identify the perpetrator so that they can commence legal proceedings in tort for a serious invasion of privacy and to stop any further dissemination of this information. Are you taking it seriously? Are you assisting them in that effort to identify the person?

MARK WEBB: The basis of the investigation is a formal complaint by a member of the upper House on behalf of the person in question. The investigation has been run along those lines. We are taking it very seriously, as we take any investigation very seriously. Anybody that we have been interviewing as a part of the process has been told that there could be legal ramifications and further dissemination of material. That has been a standard part of what we have said to everybody that has been spoken to as a part of this process.

The CHAIR: Have you considered in that investigation if there's been a potential breach of the Surveillance Devices Act?

MARK WEBB: In the legal space, we've looked at workplace surveillance and surveillance devices. We've looked at the privacy legislative regime as well. They're the two angles. The privilege angle is one that I hadn't considered, so that's something I'm happy to take back and put into the mix. But, yes, both legal and code of conduct have been the basis of the investigation.

The Hon. CAMERON MURPHY: Have you reached out to the staff member—the victim of this—to offer them any assistance?

MARK WEBB: That's interesting. From the point of view of the investigation, we have engaged with them. Are you talking about—

The Hon. CAMERON MURPHY: The employee assistance programme, in the way that you otherwise would.

MARK WEBB: —whether or not we've done the employee assistance programme et cetera? That is usually referenced in any interview we do, but I can check on that specifically.

The Hon. CAMERON MURPHY: It's incredibly concerning to me if a security passholder is potentially the perpetrator of this and is somebody who may have daily access to the building who has engaged in this alleged invasion of privacy. Will the perpetrator's access to the building be terminated if their identity is established and it's proven that they took the photograph?

MARK WEBB: One of the things that we will do as a part of the investigation is also recommend what results we think should happen. Access is part of that consideration. At this point, because I haven't seen the investigation report, I can't tell you whether that specifically will be one of our recommendations. But we will be recommending what we feel is an appropriate response to the event.

The Hon. Dr SARAH KAINE: It slipped my mind about the casual employment relationship in this particular case. What sorts of precautions are we taking to advise other people who come into the building that they shouldn't be taking photos if they get into a secure area, but also letting them know that it's possible that they need to be protective of their documents et cetera?

MARK WEBB: I think that's an excellent question, because I've been contemplating that myself coming out of this incident. There are multiple parts to that, but there are two main thrusts to that that I have been thinking about. The first is: Are we doing enough in the induction of staff to cover these issues, both the expectations of behaviour in this specific instance but also actions you can take to protect confidential information? What you're referring to, I think, is the more interesting part to it, which is authorised visitor passholders. It's probably fair to say that while there are general provisions around behaviour in what we get people to sign going through, I suspect that one of the things I'll be recommending to the President and the Speaker will be a change in how we go about issuing authorised visitor passes, in particular a beefing up of the expectations of behaviour and really laying it out in much more black-and-white detail about what's expected of people if they are the recipient of a pass.

I started thinking about this a little while ago because some of the reported behaviour that has come out of this Committee and from other sources about people, for instance, who have an authorised visitor pass who come to see a member and have then wandered the halls, knocking on people's doors saying, "I'm in the tower block,"

so I'll knock on your door. That is not acceptable behaviour. If you have an authorised visitor pass, it does not give you free range to the tower block. If a member invites you to come for a meeting, you can go to that member's office, meet with them and then leave the tower block straightaway. That is the expected behaviour.

The Hon. CAMERON MURPHY: Is that going to apply to former members? They seem to be the biggest offenders of that, Mr Webb.

MARK WEBB: Yes. That is a form of authorised visitor pass. Of course, it would be a matter for the Houses to determine some of that.

The PRESIDENT: I will make one more point, that, as you know, we are currently in the midst of a security review of a range of things—the parliamentary precinct, the electorate offices and the physical safety of members of Parliament. Looking at what's happening in terms of the parliamentary precinct, this is exactly the sort of thing—as well as the issues that Mr Webb has just raised—that would appropriately fit within that gamut. It's appropriate for these issues to be considered now.

MARK WEBB: The crack team back in the office has just reminded me that while everything I said is right, we also did a complete review of authorised visitor passes, in particular whether people had appropriate colour coding to help people more rapidly identify whether they're in parts of the building that they shouldn't be in and the like. This would build on some of that work.

The Hon. Dr SARAH KAINE: Speaking of security—and I know we did at the last estimates talk a bit about a MOU and we had discussions with the then Clerk about what we could discuss in here et cetera—I do want to raise this, and I don't think it breaches any particular security issues. I understand that has been quite a large turnover of our special constables. In fact, there's been an increase, as I understand it, in casuals and people who haven't spent time here. As I said, without wanting to go into areas that might be an issue for our own security, do you have any concerns or have you done anything about it? It is really important that we do have people who are familiar with this building and that corporate knowledge is maintained. All of the special constables—whether permanent or otherwise—are very good, but if keep churning through them, that is a concern for us.

The PRESIDENT: You're quite right to say that in any of these security questions there's always the appropriate parameters whereby we can't go into too much detail. Before I throw to Mr Webb, I will make a couple of points. The first is I just want to reinforce what you just said, which is that they do an excellent job. For this unique environment, of which we have spoken, for everyone to feel safe—members of Parliament, members of the parliamentary community and visitors—is of utmost importance. I think they do that very effectively. The second point that I'd make is, by nature of the job, there is a reasonable amount of turnover in it. That's always been the case. I am not au fait enough to be able to say whether in the last year or two there is a greater degree than normal. But I know that certainly in the 10 years that I've been here, it's been understood that there is some reasonable amount of turnover as some of the special constables move onto different positions and so forth within the force.

The Hon. Dr SARAH KAINE: Is there any chance that we could get details?

The PRESIDENT: I'll ask Mr Webb if he's got any more specific information than those general framing comments.

The Hon. Dr SARAH KAINE: Mr Webb, I'll preface before that. If it is possible—and obviously not necessarily today, but on notice; and, again, we don't need details—it would be good to see a trend of that. As the President has just said, it is consistent; I'd like to see a trend. Also, do we have a breakdown of permanent versus casual versus other? I know it's an unusual relationship, but we all work in complex supply chains. We can figure this out. We're at the top of that, so we can ask for detail. I'd like to put that as a request.

MARK WEBB: Absolutely. I'm happy to take that on notice. The caveat I'm putting—the reason I was hesitating slightly is, of course, some of that information is held by New South Wales police, so I can't guarantee exactly to what detail and what information they'd be willing to provide. But I am happy to ask the question, absolutely, and go through there. You pointed to an interesting answer. The President said even at normal times, there's a reasonable amount of turnover in special constables. One of the things that we work with the police on is what induction is required for this place. As you know, the special constables look after quite a few sites around New South Wales, including police headquarters, 52 Martin Place for the ministry et cetera, and many other spaces as well.

For some of that rotation, some of it is new people coming on. But some of it is long-serving special constables, but who have never been placed here at Parliament House, as well. So sometimes people get rotated in who are not new special constables, but they are new to Parliament House, as well. We've been talking with police about "You do an induction for a new special constable," which is great. There is a site induction that is

done when someone comes into a new space. But there are perhaps dimensions to working in Parliament House that might go beyond a standard site induction.

So, while the police do an excellent job in their general induction processes, we have made the offer that we could perhaps help enhance those induction processes by bringing some of the more specific issues that can come up in a parliamentary context to the fore. We're still in discussions with police about exactly what form that would take. But there is a real willingness and the police are very keen that their constables have everything they need in order to do their job effectively, so I feel like we're pushing at an open door to try and enhance this side of things. We're definitely trying to do that.

The Hon. Dr SARAH KAINE: I'll ask you about that break room in a minute.

MARK WEBB: Yes.

The CHAIR: Before I turn to the Opposition I just have one question regarding the sauna. It has been renovated.

The PRESIDENT: I'm not sure I have a note on this, but on we go.

The CHAIR: I did use the facilities, and they're fantastic. But I did note that the duress alarm is at head height. I think the issue with a duress alarm is that it should be at ground level because I think that's the whole point. If you have a cardiac arrest—

The Hon. Dr SARAH KAINE: You're probably not standing up.

MARK WEBB: Or if you have a fall, you may not be able to stand up.

The CHAIR: —you might not be able to reach it. I think you'll find that best practice in saunas is to have the panic button—

The Hon. Dr SARAH KAINE: Is this your personal experience?

The Hon. WES FANG: Are you a sauna expert? Is this a consultancy? Jeremy Buckingham Sauna Consultancy?

The CHAIR: I was there and I was—

MARK WEBB: Mr Buckingham, I am happy to—

The CHAIR: It might not matter, but it might matter a lot one day.

MARK WEBB: Absolutely. I am happy to bow to your expertise in sauna design, and I will definitely look at moving that button. I do take your point. It needs to be positioned such that somebody in duress can access it.

The CHAIR: Exactly.

MARK WEBB: That's absolutely the case. I think there may have been a concern that the sauna is so relaxing that if it was at lower height, someone may lean back and set it off. But we'll make sure that it is positioned correctly.

The CHAIR: I'm happy to talk to you about that later.

The PRESIDENT: This Committee achieves things, Mr Buckingham. Mr Rath has achieved longer hours for Cafe Quorum, Mr Murphy achieved new chairs, Mr Primrose achieved a new pin board, and you today, sir, have moved a duress button.

The Hon. Dr SARAH KAINE: And we changed the name of our staff as well.

The PRESIDENT: Exactly.

The CHAIR: Before I throw to Mr Fang I'd just like to say to him that in an interjection just previously, you said that you intended to name an individual. I will just remind you that committee hearings are not intended to provide a forum for people to make adverse reflection about others under the protection of parliamentary privilege. If there is an adverse mention, especially regarding a matter that is an investigation on foot, we'll deal with it properly.

The Hon. WES FANG: Understood. Thank you, Chair. Mr Webb, I've gone to the article that was raised by Mr Murphy. It indicates that the person that was in the lift is the Dubbo mayor, Josh Black, as identified in the article. The first thing that strikes me about this is that I know there have been questions put to Mr Lawrence about

his employment of Josh Black and whether he does employ Mr Black. My understanding is that Stephen Lawrence has refused to—

The Hon. Dr SARAH KAINE: Point of order: Mr Lawrence is neither here as a participant or, indeed, one of the witnesses that we're investigating, so I request that Mr Fang refrain from bringing Mr Lawrence into his questioning.

The CHAIR: I uphold the point of order. I ask someone to move to redact any reference to the person being alleged to have been involved in this. I ask that the media not report on it. Do I have a mover?

The Hon. WES FANG: I'm not sure how we can stop the media reporting on it.

The CHAIR: I'll make that request. That's a separate matter, making the request. I have to have a mover for that.

The Hon. BOB NANVA: I'll move that.

The CHAIR: Moved by Mr Nanva. All those in favour?

The Hon. Dr SARAH KAINE: Aye.

The Hon. CAMERON MURPHY: Aye.

The CHAIR: Against? I declare that—

The Hon. WES FANG: No.

The CHAIR: Do you want a division?

The Hon. WES FANG: No, that's fine.

The CHAIR: I'd ask that the media not report on it, please.

The Hon. WES FANG: Although there's no—anyway, we can discuss it. Let me rephrase the question, perhaps. I believe a member of the Legislative Council has refused to confirm whether and when they employ the mayor of Dubbo. So, in relation to that matter, where there's been a refusal to confirm a person's employment, how might the Parliament then seek to employ issues of privilege when there's been a refusal to allow or to identify that person as one of the employees?

The PRESIDENT: Mr Webb?

MARK WEBB: It's an ongoing investigation. As I mentioned before, I have not considered issues of privilege at this point, so it's just something I cannot comment on at this point.

The Hon. WES FANG: What I can see from the article is that the person is in the goods lift. One can assume that, if they are attending in the capacity of the mayor of Dubbo, then they would be part of a contingent. Should a member that is part of an escorted contingent meeting with members of Parliament be by themselves in a goods lift?

The Hon. Dr SARAH KAINE: You don't know that they were on their own unless you took the photo, Wes.

The CHAIR: Order!

The Hon. WES FANG: I'm asking. Should they be?

MARK WEBB: Again, I'm picking my words carefully because there is an ongoing investigation on this matter. I don't want to talk specifically about the issues associated with the particular individuals. Generally speaking, non-passholders are required to be escorted anywhere in the building by a passholder. That is correct. In the context of people that are passholders, passholders do have access to broader ranges of the building. It's very hard to give a generic answer, except to say that any non-passholder in the building must be escorted by a passholder at any time. I can definitely confirm that.

The Hon. WES FANG: You earlier indicated that there has been a tightening, shall I say, of the requirements for members that have passes. For example, if you have a pass that allows you access to the tower block, you then don't use that access to seek to engage with or enter other parts of that tower block just because you have that pass. You said that was certainly something you were looking at. That's correct? Yes.

The PRESIDENT: Just to confirm, Mr Fang, you said "members" but I think you meant those who hold authorised visits passes.

The Hon. WES FANG: Sorry, yes. Not members of Parliament, but members who have passes. Correct, Mr President. We have actually discussed that, I think, in the previous budget estimates. That's correct. It is on the public record. In that instance, if a person has a security pass because they may be employed on either a casual or full-time basis or whatever that might be, using that pass if they are not here in employment would be against those guidelines. Is that correct?

MARK WEBB: It's an interesting question. The extent to which somebody who is a passholder for one purpose can use the pass at other times is a very interesting question and, I'll be honest, one that I have not turned my mind to before. I probably don't have a definitive answer for you at the moment. There are areas where it is very clear, of course—non-passholders or people who just have authorised visitor passes. But I think what you are putting to me is people that have a pass that, in some cases, should be treated as an employment pass and in other cases should be treated as an authorised visitor pass. I don't think that that is an issue that has been raised with me before. I would probably have to think about exactly what my position on that would be. To be fair to anyone in that situation, I don't think we have given clear advice about when it would be appropriate and inappropriate for them to use their passes. We have tended to focus on people who have their pass for a single purpose. You raise an interesting point, Mr Fang. It is one that I am very happy to consider but not one that I have an answer for straightaway.

The Hon. WES FANG: In those circumstances, then, given that the issue of privilege was raised by Mr Murphy, I guess one could assume that in seeking to employ the argument of privilege in relation to this matter, the person was then, either in part or in full, acting under the employment of another member of Parliament in the building and in the lift at the time. Where that person is also attending as the mayor of Dubbo and where it's clear that it was part of a contingent of mayors and people that were seeking to meet with members of Parliament, that person could potentially be double dipping—being paid as the mayor and also being paid as a staff member. If that person is using their pass as a staff member of Parliament but is attending in a different capacity and hasn't sought leave, does that then create issues around that member's employment?

MARK WEBB: Another interesting question, Mr Fang. I think, in the course of this investigation, all I would say is that I have not considered issues of privilege, as I have said earlier. The extent to which I would, given the nature of the allegation—it is more likely to be the contents of what was photographed than the employment of the person that I would be considering. But I have genuinely not considered this, so I am reluctant to go much further than that without proper consideration.

The Hon. WES FANG: In those lifts, is there a "no photographs" sign?

MARK WEBB: Not to my knowledge.

STEVEN REYNOLDS: I don't think so.

The Hon. WES FANG: Is there an explicit rule around not taking photographs in the lifts of the Parliament?

MARK WEBB: As was established in the previous line of questioning, there are a variety of policies that go to issues of filming in the precinct that apply in different ways and in different spaces. In terms of whether there is an explicit rule somewhere that says, "No photography in the goods lift", I don't recall any specific provision there. Like a lot of things, it depends a lot on circumstances. Regardless of whether there is a "no photography" sign or a policy, there is also the code of conduct issues associated with it. Just because there isn't a specific provision about somebody doing something, it doesn't necessarily automatically say that they can do that thing; otherwise we would have to have extensive lists of behaviours that people couldn't do, and that's just not how any workplace works.

The Hon. WES FANG: In relation to this, you would have to determine a motive. In those circumstances, you could have been taking a photo of anything for any purpose. Having captured the information that was readily on display by Mr Black—sorry, the mayor of Dubbo—in a goods lift, which, as the President rightly indicated, should probably have been put in a manila folder if you wanted to keep it secret, you would have to determine some sort of motive.

MARK WEBB: That's getting into the investigation at hand. As I haven't seen the report yet, I can't talk about that.

The Hon. Dr SARAH KAINE: It accidentally got sent to the Telegraph.

The Hon. WES FANG: These things happen.

The PRESIDENT: Can I just make one final comment on this matter? I think we've all got to be a little bit reasonable here. My view is that people shouldn't be taking photographs of other people and their staff. But

people also, if they are in this building and have confidential documents, shouldn't have those documents on display. They are the two points that I make. I think that people should think about those things.

The Hon. WES FANG: I don't disagree with you, Mr President. It's just that, if these matters are being raised, they need to be raised in the full context.

The PRESIDENT: I understand. I think that the questioning has been appropriate, but I wanted to make those personal views known.

The Hon. WES FANG: I want to move on to another issue. The protection of the powers of our House has been an interesting topic that has raised itself since our last budget estimates hearing. In relation to the engagement of Bret Walker, Mr President, how much did that legal advice cost us to confirm the powers of the House that we assumed and asserted we had?

The PRESIDENT: That is a good question. It is one that I probably should have pre-empted being asked, and I didn't. There you go, Mr Fang.

The Hon. WES FANG: I literally thought it would be the first question we would ask, but we went somewhere else.

The PRESIDENT: I don't have it in front of me, so I am going to now pass to my very capable colleague the Clerk of the Parliaments.

STEVEN REYNOLDS: Mr Walker's services are not cheap, but they are very worthwhile.

The Hon. WES FANG: I agree with the latter part.

The PRESIDENT: The former part is objectively true.

STEVEN REYNOLDS: I would have to take on notice the exact amount of the bill, if you would like to know that.

The PRESIDENT: We are happy to come back to you.

The Hon. CAMERON MURPHY: They may not have the bill yet.

The Hon. WES FANG: That was going to be my next question. Do we have the final invoice?

STEVEN REYNOLDS: We hope so. We have been invoiced.

The Hon. WES FANG: It arrived about three seconds after the advice landed in the email.

STEVEN REYNOLDS: No, that's not fair to Mr Walker.

The Hon. WES FANG: I'm sure it came before the advice. In that circumstance, then, have we paid that invoice?

STEVEN REYNOLDS: Yes, I understand we have.

The Hon. WES FANG: Where did we settle those funds from?

STEVEN REYNOLDS: They come out of the Department of the Legislative Council's committee budget.

The Hon. WES FANG: Is it safe for me to assume that—because the Premier sought to imply that his staff were somehow covered by parliamentary privilege or he extended parliamentary privilege over them, and that the issues of comity of the Legislative Assembly extended to the Premier's executive staff, and because of any other number of reasons that were communicated to us around that—the budget for the Parliament and its committee work has now been severely reduced because of the Premier's actions in relation to his staff?

The PRESIDENT: I might make a comment first before I throw to Mr Reynolds. I wouldn't characterise it quite in that way.

The Hon. WES FANG: That's not surprising.

The PRESIDENT: We received representation from the five individuals concerned from their lawyers, which contended a whole range of different things. We took the decision, because of the potential complexity of the issue and the potential interpretations that there could be on different sides of this issue, that, for the benefit of the House, it was very important to have a definitive view of what was the case and what wasn't. Therefore that's why we went to Bret Walker, who I believe to be the pre-eminent constitutional lawyer in this country, to receive advice. Then we obviously released that advice publicly. I also released the letter that I sent back to the lawyers so that people would know what that communication was. I didn't think it appropriate to release the letter that they sent me because potentially "in confidence" and so forth. It wasn't because of any public statements. It

was because of the legal arguments encapsulated within a letter from a legal firm representing those individuals—to deal with that issue specifically but then to deal with this broader issue, which obviously did glean a lot of discussion, for the benefit of the whole Legislative Council so it could know what the decisions were broadly.

STEVEN REYNOLDS: In answer to your question, though, Mr Fang, from my recollection we received two invoices, and one was received in one financial year and one just after that so the bill was split across two financial years. Although it was a significant bill, it's not going to have a major impact on the committee budget for this year. But there is also ongoing value from having written advice by someone of a stature as Mr Walker and, like previous advices that we've got from him, it's been tabled in the House. It's now publicly available and will be referred to in future years. Whenever we have this possible confrontation between the Executive and the Parliament, we have this advice now that is very definitive on this issue.

The Hon. WES FANG: I certainly am not quibbling with the need for the advice. I think getting the advice was appropriate and, I believe, strengthens the powers of the House and provides the committees in particular fine legal standing for future matters. My concern is around the cost of it and whether any consideration has been given to the Premier reimbursing the Legislative Council for the need to get that advice when it was actually a result of the Premier and his staff's actions that have resulted in the extraordinary cost to the Parliament.

The PRESIDENT: Again, I wouldn't characterise it in that way either.

The Hon. WES FANG: Knock me down with a feather.

The PRESIDENT: This is an issue that has never been taken to this degree since the Parliamentary Evidence Act of 1900.

The Hon. WES FANG: That says a lot, Mr President.

The PRESIDENT: Yes. Therefore, because there wasn't a significant block of knowledge and these sorts of issues being dealt with before, we figured that this was important. I think that the value of the advice—and the cost of the advice, as Mr Reynolds has made clear, hasn't had a significant impact on committee operations—is of great value to the House.

The Hon. WES FANG: There's one last matter I want to raise in relation to this. The no-show by the Premier's staff was on a Friday morning. It was then not until, I believe, the Wednesday evening that we were indicated that we would see the Premier's staff show up and that we had the advice from Bret Walker. I accept there was a weekend there, but that was a five-day delay. It was certainly clear in the lead-up to that hearing that there had been raised, both in the media and through correspondence to the House, that those staff would not attend that hearing. Why wasn't there preparatory work done in order to be able to assert the rights of the House immediately on those staff not attending? Why did it take five days to then enact the seeking of advice instead of being proactive and not allowing the delay to occur that we saw? Because there was an expectation that we would seek those warrants for the arrest on the Friday afternoon after they refused to show up, given that they had ignored a summons.

The PRESIDENT: I'll throw to Mr Reynolds shortly, but I don't accept the contention of what you say. There was a non-attendance, I believe, on 20 June. Mr Roberts wrote to me that day on 20 June. On that afternoon I instructed the Clerk to seek legal advice on the matter. It won't come as a shock that Mr Walker wasn't available to see us immediately, but he fit us in as quickly as he could, which was on the morning of 24 June. As you say, there was a weekend in there as well. He had also had time to consider the issue as well before the meeting on 24 June. So I actually think that the time frame, having received the letter late on Friday afternoon with a weekend, immediately seeking legal advice on the Friday afternoon, him considering the legal issues on the Monday and Tuesday, and us seeing him on the Wednesday morning actually was a pretty good and truncated time frame.

STEVEN REYNOLDS: Mr Fang, I can add that, even before the non-appearance at the hearing on the Friday, I'd already contacted Bret Walker's clerk to check on his availability. We obviously didn't know at that point that we were going to need that, but there was contact made with his chambers earlier in that week just to check that he wasn't—

The PRESIDENT: Out of the country.

STEVEN REYNOLDS: —in the High Court or something.

Dr AMANDA COHN: I'd like to follow up on a few matters that have previously been raised by my excellent colleague Ms Abigail Boyd. Firstly, is there an update on the work that is being done to upgrade the entry and exit from Macquarie Street in terms of accessibility?

The PRESIDENT: Yes, there is, and it's very good work and good news too. This is something that has been, again, funded and so we're doing all of the preliminary works now. I'll throw to Mr Webb to talk to this in

detail. But I did just want to give some overarching comments. You're quite right to say that both coming into the building and leaving the building, particularly leaving the building—although going through the guard house is not ideal, but leaving the building through the turnstile is even worse—are not fulfilling the appropriate requirements regarding accessibility. We are very conscious of that. We have been funded in order to do that. It's a significant amount of work that needs to be done. We obviously want to have as little disruption as possible to the building and its operation.

The determination that's been made is that the actual physical work will be done over the election period of late 2026, early 2027, but the preliminary works are happening now because we are very conscious of the need for this to happen. We want to make this building as accessible as possible. Obviously there are some challenges around that when you have got the oldest continuously operating public building in the country, which has significant heritage issues. But we are very conscious in this space of our responsibilities, particularly due to the function of the building as the people's House, as the house of democracy. That means every citizen of New South Wales should have access to it. With those preliminary comments, Mr Webb can speak to the specificities of the Macquarie Street upgrades.

MARK WEBB: Absolutely. As the President said, because of the significant size of the work, the period we've been targeting to actually physically do the work is the parliamentary break between the end of this parliamentary term and the start of the next one. We will need that full five-month period to do the work. That's been the plan all along. But what we sought from Treasury and received was funding this year to do the design work, to try and get that into shape, and then we'll do the tendering work so that we can hit the ground running when that parliamentary recess comes up.

We're at the point of putting together some of the preliminary designs, which we'll put to the Presiding Officers, make sure they're comfortable with them, and then we'll go out for some broader consultation, especially with people with lived experience of disability and mobility more generally. I think often people focus in on people with disability, as they should, but it's also making sure that people with general mobility issues that might not hit the trigger of a disability—if you have mobility issues more generally, we want to make sure this work works for a broader range of people to make it as accessible as possible.

So yes, some preliminary design work. A lot of our function at the moment is just working out what's possible within the space—within the dimensions of the gatehouse, how wide it needs to be, how long it needs to be in order to fit in everything that it needs to do. We will do that preliminary design work, get the Presiding Officers to sign off on it and then start a consultation, especially with people with lived experience, to make sure that what we're doing will actually make a difference to their capacity to enter the building.

Beyond the gatehouse and the turnstile that the President referenced at the end, we're also conscious that there would be, then, the further access to the building that comes through from there. For instance, one of the things we're conscious of is that the pathway that people in a wheelchair use to get into the building has a fairly sharp turn that takes you down that ramp that takes you through. We're not convinced that, at the moment, with the way that the door is set up and the angle that you have to turn, if you're in a motorised wheelchair, you would be able to make that turn effectively. So, even though it's not officially part of the scope of the project, we've started to look at, if we get the gatehouse and the exit right, what are then the flow-on issues for people as they try to get into the building as well. Hopefully we'll be able to make some improvements there. At the very least we'll be able to put that in a submission for future funding to make further works.

Those of you that are familiar with the back of the building, Hospital Road, will know sometimes we have to fix some things and then that highlights other problems. With the Hospital Road, we fixed the turnstile and the entrance there. That highlighted the need for a ramp, so we put a ramp in. That's highlighted the fact that the door that the ramp leads you to is not great. So, over this summer break, we'll be fixing that door and that entrance way. We try to anticipate those things, but sometimes, when we fix one thing, it just highlights a problem somewhere else that we need to then turn our minds to.

Dr AMANDA COHN: Thank you. That was a very comprehensive answer. Could you just clarify in terms of the funding that has already been allocated by Treasury, in terms of Macquarie Street? I think you said the design has been funded. Can you clarify exactly what is?

MARK WEBB: And the works. The design work was funded for this financial year, and then we got the money to actually make the changes in next financial year, for 2026-27, for the parliamentary recess. I think one of the mistakes we've made in the past is, if we've said we can't do the work until 2026-27, we put all the money into 2026-27, which means we have to both design and then build the thing all in a hurry. So this time, learning from our previous experience, we spread it out a little bit so we could do all the design work early to make sure that we could really implement properly in that window when it opens up.

The PRESIDENT: Can I give you one final piece of information—slightly irrelevant but, I think, something that will be of great interest to the Committee and the broader community. As we do the design of the exit, there will likely be a new, similar but probably smaller gatehouse so that people can get through the exit. One of the things that I have asked to happen and we are looking at—this isn't a guarantee—is the potential for those with passes to be able to enter through that side as well. There's been a few people saying it's going all the way down and coming back and so on. We are looking at that, but stay tuned.

Dr AMANDA COHN: Along a similar note, can you provide an update on the accessibility upgrades for the level 9 garden?

MARK WEBB: Yes. That is a more challenging one. We have hit fairly significant engineering problems with that work. Where that ramp or steps would be is the join between the Fountain Court building and the tower block building. They are separate buildings that lean against each other. We hit some fairly significant engineering problems with that, to the point where the original solutions that we were considering we're not sure are feasible from an engineering point of view. The way the buildings work, we are not sure that what we're doing would—to give you a sense of that, there are tension cables that run across the top that hold the Fountain Court building together. In order to implement the solutions we're looking at, we would have to cut those tension cables, and it would run the risk of the building being fundamentally compromised from an engineering point of view.

So, unfortunately, while we are making great progress on the Macquarie Street side of things and the Hospital Road—we are making some more upgrades to Hospital Road—that particular project has hit some fairly significant engineering problems. To be honest, I'm not 100 per cent sure what the solution to those problems is going to be. We may have to look at something radically different in that space, which would be significantly more expensive than the money that we have available to do that work at the moment. As you know, I prefer to come with solutions, but I would say in this particular instance I have hit problems that even I am struggling to find a solution to.

The PRESIDENT: But you should take heart that we are very conscious of the importance for people to be able to access all parts of the building. We'll continue to do so. And this is a priority. While the news is not great on this front, it is something that we'll continue to look at deeply, and look at all potential solutions.

Dr AMANDA COHN: I'm appreciative that you're both obviously really across the issues. In terms of level 9, it's a disappointing update, obviously. What are the next steps there in terms of looking at something that might be a greater change than what was originally planned?

MARK WEBB: That's an excellent question. There are two dimensions to it. What I've asked the team to look at is whether there is a shorter term, less than fully optimal but would improve the situation thing that we could look at. For instance, I don't love the outdoor chairlifts. They have problems associated with them. The feedback we have from people with lived experience is that it's not as dignified as being able to, say, go up a ramp and end up in the same—

The PRESIDENT: It's not best practice, because people with accessibility issues should come in in the same way that those without them have, and that's exactly what best practice is about.

MARK WEBB: That's right. So it's not a long-term solution that I'm attracted to in any way, shape or form. But one of the things we're looking at is whether there's something we could do in that space that would provide a short-term solution while we look at implementing a longer term point of view. The second thing that I'm thinking about is whether or not there are options for ramps that go in quite radically different directions, including, potentially, off the side of the building. That would be a really expensive way forward, but that's the kind of stuff that we've started to have to look at.

The third, long-long-term issue is that we have been contemplating, in the long term, that the Parliament may need a new entrance at some point. One of the spaces that we've identified for that is at the back of the building, around the hospital plaza that's at the back there. If that was to go ahead, you could, basically, come up through that entrance to the level 9 rooftop garden. It would provide a completely different pathway to get to the level 9 rooftop garden.

That is a long, long-term solution, though, because it requires building an entirely new building off the side of the existing building, and we don't even have preliminary funding for something like that as well. We're trying to look at short-, medium- and long-term options. One of the things I'm really concerned about, though—and I've seen this happen before—is you commit to a short-term option and then it becomes the long-term option because everyone goes, "It's kind of working, so let's just leave it." I am very, very keen to not have that happen. One of the lenses I'm putting over the short-term options is just making sure they're not the kinds of short-term options that turn into the long-term solution as well, because the kind of short-term things we're talking about are not really acceptable from a longer term point of view.

The PRESIDENT: The Capital Works team has done an extraordinary job, though, recently. We've had a range of things, whether it's the ramp into the Speaker's Garden or the accessibility into the gym with the ramp, the automatic door and the ambulant bathroom, and raising the height of the tables in the LA Chamber. There has been a lot done. Of course, it's not just about physical accessibility; there is a range of other accessibility issues as well. We've got captioning on the broadcast for both Chambers now, which is great; we've got all the hearing loops recommissioned in the Chambers and committee rooms and dining areas; and the lighting has been upgraded in a range of different places. We're conscious of the range of accessibility issues that there are. But to you, Dr Cohn—and, in fact, to anyone who is focused on these issues and listening—if there are other issues, we would love consistent feedback, not just now but into the future, because it is a critically important issue and a key priority for us.

Dr AMANDA COHN: On that much broader level, I understand the Disability Inclusion Action Plan was dated 2022-24. Where are we up to with updating it?

MARK WEBB: That's an excellent question. We're in the process of updating that at the moment. In fact, we signed off on some specific consultation with external groups that represent various lived experiences, which is going to kick off around now. The intent is to get that Disability Inclusion Action Plan updated. My preference would be before the end of the year, unless something comes up that requires us to do more work. If something comes up that requires us to do more work, I'm likely to say, "Let's do a version of it that acknowledges that more work," so that we can keep everything else tracking along in the right kind of way. To Rob Nielsen—who's currently enjoying three months leave to celebrate a significant birthday—and his team, who've really been focused on making this happen, they have really been doing great work. Hopefully you'll see the new one relatively soon.

Dr AMANDA COHN: There was some excellent work that was done by the committee secretariat for the PC 3 inquiry into children and young people with disability in New South Wales educational settings. Some of those things included Auslan interpretation for committee hearings and the provision of Easy Read documentation. Is there any consideration of incorporating those kinds of initiatives into standard practice moving forward?

The PRESIDENT: Standard practice in terms of committees? I might throw to Steven to talk about this. Obviously there is a range of things that would be ideal to do everywhere in Parliament. Clearly, though, there are cost implications. We need to balance up what can be done that is of greatest value to the greatest number, while we focus on a range of other priorities. On that matter, I might throw to Steven.

STEVEN REYNOLDS: The Procedure Committee, I think in the last Parliament, did an inquiry into the use of Auslan, which I think was prompted by your colleague. There were certain recommendations there that have been implemented about using Auslan interpreters in particular situations such as the opening of Parliament and particular inquiries like the one you're referring to. With using Auslan interpreters more generally, there's a cost implication, which is the limitation in expanding that. We've also recently had an experiment where we were trying to make our committee reports more accessible via the website.

At the time of the inquiry that you're referring to, all committee reports were published on the Parliament's website in PDF format only. Unfortunately, due to a range of issues, particularly the age of our website, more accessible report formats such as HTML and Word are not routinely published. But the committee office undertook anyway to try to improve that accessibility, and they pioneered an innovation to manually create an HTML version for the disability report, which was published in December 2024. This was our first committee report to be published in that format. While it was great that the staff were able to do that, I understand that, given the amount of time it takes to convert committee reports into that format, at the moment only a limited number of reports will be available in this format until a new website is built. That's probably all I can really say on that, other than that committee staff are working with the Digital Transformation team in Mark's area to try to improve accessibility generally in committee publications and so on.

MARK WEBB: There are probably two areas that we're focusing on. One is, within the limitations of the existing website, are there options to make things—as Steven said, without the personal time investment—a little bit more accessible in the current area. But we have kicked off a project to replace the website. What we've done is we've built core accessibility requirements into the requirements of that project. Basically, the new website, both the intranet and internet site that we're looking at, will have accessibility features that our current systems just can't replicate. That should mean that the committee secretariat has significantly more options for publishing things automatically in an accessible format.

The only other point I'd make about the Auslan side of things is that there is a cost implication, absolutely, but there is also a resource—there are not that many Auslan interpreters in New South Wales. If you were to use Auslan for every committee proceeding and every parliamentary proceeding, there just would not be enough

people to be able to do that work. That's an interesting extra limitation that we probably hadn't anticipated when we first started looking at some of this as well.

STEVEN REYNOLDS: Last year we also had all of our staff in the department attend a couple of sessions in training in Auslan, which was useful in terms of understanding some of the issues involved. As someone who attended, it was fairly hard to retain some of the knowledge afterwards, but it was very useful to hear some of the issues involved for Auslan interpreters.

Dr AMANDA COHN: I was an enthusiastic participant in the consultation on additional women's toilets on level 11. Has funding been allocated for that work to be completed?

The PRESIDENT: The short answer is, no, funding hasn't been allocated. The longer answer is, we have a minor capital works budget—stop me if I'm wrong, Mr Webb—out of which this funding would come.

MARK WEBB: Yes.

The PRESIDENT: Where we are up to in terms of this engagement is, as you know, we did have a pop-up on level 11 where people were engaged with. I have to say, the level of feedback wasn't particularly high. Nonetheless, those who did give feedback were strong in their views, and they were quite split in their views. For example, one of the potential options was converting the little kitchenette area down on the—which is it? Is it the southern side?

MARK WEBB: It's the northern side.

The PRESIDENT: So converting the little kitchenette area on the northern side into new bathrooms. A lot of people were quite strongly of the view that that shouldn't happen, and vociferously so. That is now definitely off the table. Nonetheless, it looks like we've landed on an option which will provide two new individual toilets on level 11 on the southern side. We will now be putting that option certainly out to the broader community but very much to all those who work on level 11 for their specific feedback.

There's no secret. What will happen under this option is that room 1136 will be slightly decreased in size, but not enough to have a significant impact. I don't think the table is even going to be made smaller. The number of seats is not going to be made smaller. But then the back of it would be where the two new bathrooms go. No final decision has been made. The money will be there if we decide to proceed. No final decision has been made. Consultation will continue, but will continue in writing, to all of those who reside on level 11 for their feedback, and then we'll consider what to do after that point. I don't know if there's anything further you want to add to that, Mr Webb.

MARK WEBB: Only that if we land on the design, we will do it over Christmas. It will not be some never-never future year; we will do the work. But it does require us to land a design that people have agreed to. As the President said, there were differing views that came out of the consultation. Hopefully this option will take us forward.

The PRESIDENT: Can I also make one final comment in terms of the consultation? Some of the feedback from the consultation was from people with a range of different views saying that they spoke on behalf of quite a significant number of members. I strongly encourage each member to provide their feedback. It's difficult for us to know if that is in fact the case or if that's just a convenient argument. I say that with love to all members of the upper House.

The Hon. BOB NANVA: With respect to that last answer, who is the current occupant of room 1136, just out of interest?

The PRESIDENT: It's a meeting room. Or is it 1153?

MARK WEBB: It's the meeting room.

The Hon. Dr SARAH KAINE: Room 1136 is Bob's office.

The Hon. BOB NANVA: I just wanted to check.

The PRESIDENT: Sorry. We'll be turning the Government Whip's office into three new toilets!

The Hon. BOB NANVA: Crisis over.

The PRESIDENT: My apologies. I meant 1153—the meeting room in the middle.

The Hon. BOB NANVA: I was just going to ask what consultation process will be undertaken in that regard.

The CHAIR: Room 1153 is my office. I think it's 1136.

The Hon. BOB NANVA: We'll work it out.

The PRESIDENT: Whatever the room is, it's the big meeting room in the middle of the—

The Hon. CAMERON MURPHY: Forty-three.

The PRESIDENT: Is it?

STEVEN REYNOLDS: No, I think that's 1043.

The PRESIDENT: That's 1043.

The Hon. BOB NANVA: Why don't we take it on notice?

The PRESIDENT: Definitely. You all know the room I'm talking about, right? It's the middle meeting room.

MARK WEBB: The meeting room on the southern end of the building will be reduced in size.

The PRESIDENT: If this option proceeds.

The Hon. BOB NANVA: I had a quick question around the use of external specialist advice in the Parliament broadly and within the department specifically.

The PRESIDENT: The Department of the LC or the Department of Parliamentary Services?

The Hon. BOB NANVA: Both. Who fundamentally makes the call as to when there might be a need for external specialist advice from time to time? How is that call made? Who ultimately makes it?

The PRESIDENT: I might get Steven to start this. Frankly, Mark and Steven can work that out between them. Let's start with Steven.

STEVEN REYNOLDS: If I could use committees as an example, generally it would be the committee itself making a decision that they need to have an expert assisting the committee. That's reasonably rare. The Delegated Legislation Committee has an ongoing relationship with a legal expert. The Privileges Committee engaged Dr Gabrielle Appleby as an expert. Generally, when the committee decides that they need an expert to assist them, the secretariat will go away and consult previous experts that we've dealt with, identify an expert and come back to the committee. Say, for one of our other operations, if we need a consultant to do some work for us—again, that's rare in our department—the first thing we'd do is check with the procurement officer in DPS to make sure that they're listed as a government supplier. Depending on the cost, we might get three quotes, according to the policy. If it's a smaller amount, we may just look for references and so on.

There was also a system established with the library and research service several years ago, with the idea that that would be a source of expert assistance to committees. They have some funding for that. Mark could probably talk about that. Although we've used it a couple of times, it hasn't proved particularly useful because, in the end, committees like to choose their own experts rather than have them chosen by the library and research service. We've sort of struggled to get that happening. Particularly in a contentious inquiry, an expert might have a particular view and some of the committee members may have a different view to that expert, so they've got their own favoured experts. That's been a slightly problematic mechanism for using experts. Mark could probably talk more about how that works.

The Hon. BOB NANVA: In those unique circumstances where, for example, Mr Walker was engaged, was that ostensibly a decision of the PEG?

STEVEN REYNOLDS: No.

The PRESIDENT: It was determined between the Clerk and I.

STEVEN REYNOLDS: As the President said, on the basis that he's the leading constitutional lawyer in Australia, we would go to him. We have a long association with him, going back to the successful prosecution of the Egan versus Willis cases, where he represented the Legislative Council.

MARK WEBB: From the research service point of view, Nicola prides herself on not being mentioned at budget estimates, so I'll mention Nicola—just for you, Nicola. A few years ago, one of the things we realised was that in the research service, by its nature, we tend to employ generalists because we have to research across a wide range of topics and areas. There was this growing demand from members requiring specific research in a particular area where there was more of a demand for expertise than we potentially had in our generalist group as expert, as excellent as they are. The research team is very much the Ferrari of research teams around the country, but even they hit their limits.

We did seek and gain some funding to bring in experts in particular areas. There are two criteria that we put in place in terms of looking at that expertise. One of them is an assessment of their expertise. Are they pre-eminent in their field? What are their bona fides when it comes to a particular topic? The other one that we look at is political neutrality. Are people involved in advocacy for particular causes or aligned with a particular think tank that prosecutes a particular agenda? We're looking for experts that can provide politically neutral expertise into the area. We've been building up a list of those experts as requests come in. Sometimes they assist us with our research. It is available for committees, but, as Steven said, it hasn't been picked up as often as it might've otherwise been.

The Hon. BOB NANVA: Beyond committees and research, does DPS routinely need to seek external advice to supplement its HR, governance and legal staff?

MARK WEBB: Absolutely. We don't have a legal service within the department, so anything legal does tend to go out. For day-to-day things, we use Crown solicitors—for lease negotiations for electorate offices, for instance, although we don't talk about the LA here, and other things like more commercial-related stuff. You're right: Occasionally, we might bring in an expert in a particular area to do a particular piece of work around technology or HR—less so finance, but certainly in those kinds of areas. In those situations, as Steven said before, we tend to gravitate towards the pre-evaluated government contracts. They usually have panels that have been established with providers of services, so we gravitate towards those. We've established procurement rules that mimic those of the public sector, so essentially there are thresholds that if it's less than 30 grand, you get a couple of quotes and that kind of stuff.

The Hon. BOB NANVA: I might come to the procurement aspect of that in a moment. Is it possible, on notice, to provide a breakdown of how much was spent in the last financial year on those external services in DPS?

MARK WEBB: Absolutely. For instance, last year, on the legal side of things, DPS spent about \$46,000 on legal services, as an example. A lot of the spending last year—we spent about \$950,000 on other consultants, but a lot of that was things like the RISE training. We had an external person come in for the RISE training. In particular, things like art conservation and the like—we have a fairly extensive collection of artifacts, so all the conservation work we do, we have to bring in external people to do that work. It's things along those—

The Hon. BOB NANVA: I could probably digest it better if I've got it in front of me—just on notice, if that's possible.

MARK WEBB: Yes. Happy to do that.

The Hon. BOB NANVA: With respect to those recurring roles—the independent arbiter, ethics adviser, and the legal support for the Delegated Legislation Monitor—how are those retainers set? Is it possible to get those retainers on notice, or some information about those retainers?

STEVEN REYNOLDS: Each one is set slightly differently, of the examples that you've raised. The ethics adviser, who's appointed by the resolution of the House—the payment for the ethics adviser is determined by PEG, which is the same process for determining the remuneration of the independent complaints officer. I'd have to take on notice the adviser to the Delegated Legislation Committee—how that was determined. I suspect it was probably ultimately approved by the Clerk. What was the other position?

The Hon. BOB NANVA: The ones I've got on my list are the ethics adviser, the Delegated Legislation Monitor adviser and the independent arbiter.

STEVEN REYNOLDS: The independent arbiter—it's an ad hoc arrangement. When there's a dispute—

The PRESIDENT: Although less ad hoc than—at the moment, relatively regular. Sorry.

STEVEN REYNOLDS: Mr President approves the appointment of the arbiter, and the arbiter then just bills us according to how long he spent on the dispute. A very complex dispute will cost a lot more than something where a member is just disputing two documents. I will say, we get incredible value from Mr Mason. He could charge us very much more than he does.

The Hon. BOB NANVA: Again, on notice, just to provide whatever information you can with respect to the tenure, the nature of the retainers—if there are retainers—the rates, and how much it is costing the department for those services.

STEVEN REYNOLDS: Okay, I'll take that on notice.

The Hon. BOB NANVA: To the extent that you can.

STEVEN REYNOLDS: We do report on it in our annual report. Certainly we've got last year's figures in the 2024 annual report. But I'm happy to take that on notice and come back to you with the figures for this year.

The Hon. BOB NANVA: Just with respect to, I suppose, the procurement process—the advertising for these services, the tendering for them, the selection of people that provide these services—I've been concerned for a while that we're not getting a diverse range of applicants and views. I don't mean diverse in just a gender and ethnicity sense, but I mean in terms of educational background and geographical region. Is there a protocol that could be considered by the departments that would encourage a broader range of candidates from backgrounds outside of those that we would ordinarily see from the usual networks?

STEVEN REYNOLDS: With the positions that you've referred to—for instance, for the arbiter the standing order requires that it's a senior counsel or a former Supreme Court judge, which narrows the field. I mean, there's still room there to look at what you're describing. For the ethics adviser, I guess we've had the one person in that position for many years, and he does a great job. He's a former Clerk of this House.

The Hon. BOB NANVA: No knock on anyone in the current positions, but just looking forward, is there anything more that we can do to try and encourage more applicants—who, frankly, wouldn't know about the nature of the jobs that are available in this place without proactively being asked to consider the positions here?

STEVEN REYNOLDS: We can certainly look at how we do that. Each position is obviously quite different, so it would be hard to get a general protocol, but I think the issues that you're raising are really important to consider in each individual decision being made, when new appointments come up.

MARK WEBB: On the big issue that I can see the Committee has been nervous about: Mr Nanva, your room is 1131 and the meeting room is 1136. I can see that the Committee—it was distracting you, so I wanted to get that on the table.

The CHAIR: It is now time for morning tea. We're having a 15-minute break and we'll see you back then, everyone.

(Short adjournment)

The CHAIR: Thank you, everyone, for returning. We will recommence with 20 minutes of questions from the Opposition.

STEVEN REYNOLDS: Mr Chair, before you start, I have an answer to a question taken on notice from Mr Fang about the costs of Bret Walker, SC.

The Hon. WES FANG: I have to make sure I've got enough ink in my pen.

STEVEN REYNOLDS: The total bill came to \$30,883 for Mr Walker's time and \$7,750 for his reader, the person assisting him in writing—his associate.

The Hon. WES FANG: So it was less than \$39,000.

STEVEN REYNOLDS: Yes. It was less than I thought.

The Hon. WES FANG: That's cheaper than I was expecting it to be.

The CHAIR: Pretty handy for two days work.

The PRESIDENT: Please don't say that on the record; Mr Walker might read the transcript.

The Hon. BOB NANVA: It will jack the rates up.

The PRESIDENT: It was a substantial piece of work.

The Hon. WES FANG: I think the Premier owes us at least a refund.

The CHAIR: Order! We will avoid commentary. We will return to questions from the Opposition.

The Hon. CHRIS RATH: I have some questions on SO 52s to Mr Reynolds. Are you able to provide any updates since the last budget estimates about where the electronic returns of SO 52s are up to?

STEVEN REYNOLDS: Mr Rath, as I'm sure you're aware, it's been a long-term issue that's been pursued by both our department and the Cabinet Office, both of whom are committed to doing this. One of the difficulties with the length of time that this has taken is that the technology is obviously changing all the time. I think at the last budget estimates hearing, the former Clerk—apart from reiterating our commitment to this—talked about the possibility of using SharePoint as an interim technology fix for doing this.

Since that hearing, the Procedure Office has completed an initial review of the concept of using SharePoint for e-returns. This assessed how documents would be viewed and managed if the physical boxes were replaced with folders of documents transferred via SharePoint. Informed by the members' hub, which has been used for committees, and taking into account access and security considerations now that we've got three categories of documents—public, privileged and personal information—we considered that we needed a dedicated restricted access computer in the Clerk's conference room for use by members for accessing privileged documents and personal information documents.

The initial review suggested that it would be possible to do this and it could be supported by the department staff. Following that, we had an initial verbal discussion with the Cabinet Office. I don't have the exact date, but in the next fortnight we are having a meeting with Cabinet Office and the IT people to discuss how we think using SharePoint would work and to get their response—and hopefully their buy-in—to it. The longer term solution is a lot more complicated and, again, is involved in the digital transformation area that Mark is responsible for. The Parliament's PIMS Evolution project would develop a far more sophisticated e-return system than what we're talking about with SharePoint, which would be very similar to what you're used to with the members' hub for committees. That's where it's at at the moment. We'll be meeting with Cabinet Office in the next fortnight. We hope that the next time this is raised at estimates, we will either be able to say yes, this is a goer, or no, we're back to the longer term, more drawn-out solution.

The Hon. CHRIS RATH: How often are SO 52 returns late?

STEVEN REYNOLDS: Cabinet Office staff make their best efforts to produce the return on time—on the date that they're due. I'd say more frequently than being late is that they're incomplete and there's correspondence that says, "We're providing you this by such and such a date, but agency X still has difficulties in producing all the documents in the time frame and we hope to get those as soon as possible." I can't give you an overall answer. Obviously it depends on the size of the range of documents being sought by the order. If it's a very simple SO 52 then they're frequently on time—not always. But I'd say incomplete returns are more of an issue than late returns.

The Hon. CHRIS RATH: Some agencies and offices are late within the overall SO 52 return; part of the return is late.

STEVEN REYNOLDS: Yes. Some agencies are late.

The Hon. CHRIS RATH: Are there any agencies that stand out as being routinely late?

STEVEN REYNOLDS: I wouldn't really want to comment on that. Yes, I don't think I could comment on that. It's not a new issue. In the previous Parliament, when we had an even higher volume of returns, this issue was arising then as well.

The Hon. CHRIS RATH: Is the Premier's office routinely late in its SO 52s?

STEVEN REYNOLDS: I haven't really looked at that. Quite often, the more common thing with Ministers' offices generally is that they produce a nil return because they don't retain documents.

The Hon. CHRIS RATH: Sometimes they're only slightly late, by a matter of a few days. Have you noticed an increase in returns coming in on either the day of or maybe the day before a sitting week? It might be that the return was due on the Thursday the week prior to the sitting period or a budget estimates period, but they're a few days late, meaning the return is now coming in on the Monday or the Tuesday of a sitting week, thereby members of the Legislative Council wouldn't have time to look through thousands of documents for the upcoming sitting period.

STEVEN REYNOLDS: I have observed that that's happened, but I also observed that happen in the previous Parliament as well. Again, it comes down to the size of the return. You can observe that there might be timing issues involved, but it's sometimes hard to separate that from: How complex is the return?

The Hon. CHRIS RATH: On the claim of privilege that the Executive Government sometimes requests on certain documents, has Keith Mason ever upheld a claim of privilege by the Executive Government?

STEVEN REYNOLDS: Has he ever upheld a claim of privilege?

The Hon. CHRIS RATH: Yes.

STEVEN REYNOLDS: Yes, he has.

The CHAIR: Shame!

STEVEN REYNOLDS: I thought you were going to ask about parliamentary privilege as a claim.

The Hon. CHRIS RATH: It seems like most of them are spurious. I mean, how often—

STEVEN REYNOLDS: It is rare.

The Hon. CHRIS RATH: To Mr Nanva's point before about the cost of independent advice or contractors that the Parliament may use, how much is this costing us every time we need to seek a ruling over something that we know will almost certainly come back saying that there is no claim of privilege by the Executive Government?

STEVEN REYNOLDS: There's a couple of things on that. One of the changes to the standing orders was to have this new category of personal information, because in the last Parliament the arbiter was finding that some of the disputes were really just about the documents were privileged basically because they had personal information—people's bank accounts or something like that. There's now a process for those type of documents where the only claim of—well, it's not really a claim of privilege, but the only reason for them being confidential is that they've got personal information. There's now a process that cuts out the arbiter.

The member can just make a request that the redacted documents be produced, and seven days later the Cabinet Office are required to do that. Could money be saved by the Government taking a more generous approach to claims of privilege? Certainly. I can detail—I've got some costs for various disputes that have been made recently, if you want that. Under the standing order, the Executive does have the right to make those claims. The whole arbiter process is a structured way to address that. As you say, it's very rare for the claim of privilege to be upheld, but it has happened on a few instances over the years.

The Hon. CHRIS RATH: To the cost, what is a ballpark figure as a recent example?

STEVEN REYNOLDS: A significant dispute has been the one by Ms Boyd for the early childhood education and care sector documents. This is probably at the high end of complicated disputes. There were two disputes, one of which cost \$7,260 for the arbitration. The second dispute cost \$3,960. That is for a very large amount of documents. There was a dispute on assisted reproductive technology in November of last year. That one cost \$2,145 for the dispute. We've got one on greyhound welfare in August last year that cost \$3,547.

The Hon. CHRIS RATH: This is all from the committee's budget, or the Legislative Council's budget?

STEVEN REYNOLDS: It's from the procedure budget. But we do budget each year for the fact that we will need to pay an arbiter. Generally in the last couple of years, I think we're spending around the \$25,000 mark in a financial year to cover the cost of disputes. But it obviously varies, depending on how many disputes members make.

The Hon. CHRIS RATH: Does the House need the arbiter advice to publish documents that the Government claims privilege over? Is that a step that we've taken to give us additional comfort, or is it a compulsory step that we need to take?

STEVEN REYNOLDS: It's a step that's required in the standing orders so, at the moment, that is the step that has to be taken. The only thing that I would say is the advice from the arbiter is just advice; it's a recommendation. The House makes the decision. Potentially, the House could make a different decision to the arbiter's recommendation. I can only think of one instance where that's happened, but the House has got that right. But it's after an arbitration process, because that's required in the standing order.

The Hon. WES FANG: Just on that, Mr Reynolds, I understand the arbiter process is in the standing orders but, in circumstances where the report is advice only, could the House seek to publish documents that the Government has sought privilege over without seeking legal arbiter's opinion on the matter? Could the House, being the master of its own destiny, seek to publish those documents in advance of a delay, given that the process of seeking an arbiter's opinion often takes weeks?

STEVEN REYNOLDS: Not if those documents have been obtained through an SO 52 process, because House would be breaching its own standing order. You'd have to change the standing order.

The Hon. CHRIS RATH: A similar, linked question: With the Cabinet-in-confidence documents which we can't access, or we haven't historically been able to access, how do we have comfort as legislators that we are in fact getting all of the documents that we request from Executive Government and that certain documents aren't being withheld on the basis of Cabinet in confidence that might not in fact be documents that are used as part of the Cabinet process? There is an element there, isn't there, of we don't know what we don't know—we don't know what we could potentially be missing out on in terms of those documents deemed by Executive Government as indeed Cabinet in confidence?

STEVEN REYNOLDS: That's right. When we get a return and the understanding is that the documents haven't been returned because the Executive regards them as Cabinet in confidence, the letter we will get will just say that all documents lawfully required to be provided under the resolution are being provided, so that doesn't

give us guidance. It's been an ongoing dispute between this House and the Executive going back to the *Egan v Chadwick* cases, but particularly since 2018, where the Executive and the House are basically operating under two different understandings of what a Cabinet document is.

The only way the House can get more information on what might not have been provided is by continuing to pursue the order by further orders through the House. I think in the last Parliament, with some of the business cases, for instance, for the stadiums and so on, in the end, the Leader of the Government at the time was providing more and more information on the reasoning behind not providing the documents in order to provide an explanation to the House. So you won't get, from the actual return produced, any detail, really, on what's not there.

The Hon. CHRIS RATH: What was held back, yes. In terms of the motion that was passed by our friends in the other place on 8 August, moved by the member for Sydney, relating to an SO 52 that originated in the upper House, have you provided any advice on that particular matter?

STEVEN REYNOLDS: No.

The Hon. CHRIS RATH: Is it your opinion that the Legislative Assembly has the right to withhold documents from us?

The Hon. BOB NANVA: Point of order—

The Hon. WES FANG: Cover-up!

The CHAIR: Order! A point of order has been taken.

The Hon. BOB NANVA: I'm not sure that opinions should be sought from witnesses during budget estimates, under the procedural fairness resolution.

The Hon. WES FANG: That's spurious. I'll challenge that point of order.

The CHAIR: I won't uphold the point of order. I think it was more of a rhetorical question.

The Hon. CHRIS RATH: The Clerk has in the past been able to provide advice to—

The CHAIR: This is to the point of order?

The Hon. CHRIS RATH: Yes. The Clerk has been able to provide advice to the members of the Legislative Council about how the standing orders should be interpreted. We have routinely sought his advice on that. I am seeking his advice in this particular question about whether the motion from the Legislative Assembly in fact is in accordance with the Legislative Council's power to request SO 52 documents.

The CHAIR: I won't uphold the point of order. I think it's a good question. The Clerk is free to answer.

STEVEN REYNOLDS: I'm not going to comment on a resolution of the other House. There have been past returns where correspondence from members of the Assembly to a Minister about an issue have been provided as part of a return. There have been a couple of unusual orders made in this Parliament which engaged the issue of comity in a much closer way than those previous returns have done, particularly the issue of drafting instructions from LA members to Parliamentary Counsel, which I understand the House then excluded that from the further order made. But I think that's really all I can say. I don't want to comment on a resolution made by the Assembly.

The Hon. Dr SARAH KAINE: I have a range of different topics of questions, if that's okay. When we have our long sitting nights, where we extend into the night, is there somewhere for LC Chamber staff to go and have a bit of a rest or nap because we are requiring them to be there? I'm just wondering what the provisions were.

STEVEN REYNOLDS: At one stage, particularly when the hard adjournment used to be at midnight in the last Parliament, we booked a couple of hotel rooms to offer to staff, particularly those who live a long distance away, if we were sitting past 10.30, so that they could, if they wanted to, take advantage of that. It didn't really work. It's a difficult one. Most staff prefer to go home and sleep in their own beds. Particularly with the Chamber support staff and some of the procedure staff, we try to stagger it so that, if someone is working late, they come in later that morning. But it's a difficult issue, particularly on those nights when we sit beyond 10.30. I think a lot of staff get acclimatised to being slightly sleep deprived by a Thursday or Friday of a sitting week. But it's those much later nights that really have an impact.

The Hon. Dr SARAH KAINE: I'm thinking more of during the time they are here. I appreciate exactly what you are saying in terms of facilitating later starting times, but I'm just thinking more in terms of when we are here and they are rotating through. We rotate through quorum to make sure we go and get some rest. I just wondered if there was any thought as to if there was a space. I'll offer Mr Nanva's office.

The Hon. BOB NANVA: Now that I know the room number, I'm happy to invite people over.

The Hon. Dr SARAH KAINE: I just wondered if there was any space set aside for while they are still here.

STEVEN REYNOLDS: A sleeping pod or something.

The Hon. Dr SARAH KAINE: Yes, exactly.

MARK WEBB: It's something I am very happy to look at. It used to be the case, for instance, in Hansard that people would sleep overnight. But the work health and safety review we did a few years ago indicated that that was not great practice and that we would be much better off setting fatigue management policies that would remove the need for people to have to sleep here overnight. There are two areas where Chamber and support staff can access for—they are not sleeping pods. There are no beds available for anybody. But on level 8 there is a space for a kitchen and there are chairs that people can relax in. They would not be able to sleep there. And then down on level 5 there is some space that the various staff can access, including the Chamber and support staff. But none of those are beds in the way that you are referring to. People could rest, but not sleep.

The Hon. Dr SARAH KAINE: Might that be something we could get leave to consider?

STEVEN REYNOLDS: I should confess that the Clerk and Deputy Clerk have that couch that you sit on and it actually pulls out as a bed. I've never used it, but my predecessor did.

The Hon. Dr SARAH KAINE: Don't reveal anything you don't want to here. I would appreciate if it could be given broader consideration.

MARK WEBB: I am very happy to look at it.

The Hon. Dr SARAH KAINE: I wanted to move to sustainability. Perhaps these might be for you, Mr President. As a general principle, the Parliament should set best practice for sustainability and circularity. I think we would probably agree that that would be an aim.

The PRESIDENT: Yes.

The Hon. Dr SARAH KAINE: To that end, seeing as Parliament is a fairly closed building and people generally keep their food and drink within the building, is there a reason why we are still using single-use disposable coffee cups and have we considered doing a trial to phase them out?

The PRESIDENT: I might give a little bit of context first and then address the specifics. I do agree with the fundamental premise that it is very important for any building or any major organisation or any employer at this stage of the twenty-first century to be focusing hard on sustainability. But I think it's even more important that we do it as an exemplar as the Parliament. The premise, I am 100 per cent on board with. We are doing a range of things. We are using compostable packaging. We have obviously, appropriately, banned plastic straws. We have different receptacles for waste.

In fact, an achievement of yours from the last budget estimates, Dr Kaine, was the establishment of a receptacle for people's clothes, which is excellent. We are always open to more of those sorts of things, whether it be the establishment of the Indigenous garden on level 9 to reduce the carbon footprint but also provide us with extra excellent produce, or sourcing local when we possibly can. All of that is to say that we are focused on this issue and we do treat it seriously. I also note that we currently discount coffee and tea when you bring your own cup. We have started down this line. I think it is 50¢, if I remember correctly.

MARK WEBB: Yes.

The PRESIDENT: That having been said, this issue has been raised with me about potentially having a circular organisation in here whereby the receptacles just continue to move around and there is no disposable packaging at all. It isn't something that we have done an enormous amount of work on yet, but it is certainly something that I'm interested in and it has been raised with me before. Mark may have other comments to make on this, but this discussion raises it higher on my agenda. In fact, the head of the EPA has raised it with me as well.

The Hon. Dr SARAH KAINE: There you go.

The PRESIDENT: Mark, do you have any further comments you want to make?

MARK WEBB: Just what the President said. We have been encouraging this. Of course, the coffee cups we use are bio aware. They are disposed of through the food waste, not the general waste.

The Hon. Dr SARAH KAINE: Which is a great segue to my next questions. How and when will the Parliament comply with the Government's recently passed FOGO mandates? We know that they are coming in

and we know that, phasing in from 2026, institutions will have to comply. Will FOGO bins be rolled out to offices and shared kitchens? What's our plan?

MARK WEBB: I'm aware of that directive. I do have people looking at it at the moment to work out how we can adapt the current practices that we have. We do have food waste disposal and the like. But the new requirements are more extensive than what we currently do. So, yes, we are looking at it, but I don't have any concrete plans to announce today because we haven't quite worked out how we're going to meet those requirements yet.

The Hon. Dr SARAH Kaine: I presume you'll let us know as soon as—

MARK WEBB: Yes, once we've set on a—because it will likely impact on kitchens around the building and also the way that the cafes and restaurants work in some ways. We will be announcing all of that and talking it through.

The Hon. Dr SARAH Kaine: Keeping with waste, we've had some concerns raised by staff that often recycling bins in offices have been witnessed being emptied into general waste. I wondered if Parliament has done an audit of recycling rates. What's the plan to improve this? There are the bins near the lifts and those central bins but in our offices—do we know if we're doing it correctly?

The PRESIDENT: I'm glad you raised that too. Someone else actually raised this with me about two or three weeks ago. I'll be interested in the answer as well, Dr Kaine. Mr Webb?

The Hon. Dr SARAH Kaine: So that is being investigated?

MARK WEBB: Yes. So—

The Hon. Dr SARAH Kaine: That's fine if it's being investigated.

MARK WEBB: That's right. It's being investigated. Certainly, the practice is all waste is meant to go into the stream that it is designed for and—

The Hon. Dr SARAH Kaine: Understood—and I don't mean to cut you off. I just have more questions and I know my colleagues have. The last part of that—on waste, has Parliament considered getting a Return and Earn machine onsite? That money could go to a charity.

MARK WEBB: We have looked at it in the past. I can't quite recall—there was some issue blocking us from being able to access it. But I'm happy to look at doing that again. We were quite keen to get one in here. I just cannot for the life of me remember why we couldn't do it, but we were blocked on some level from doing it. But I'm very happy for us to look at it again. Just on the waste thing, I should say that one of the more recent initiatives—all used laptops that we finish with are now going to a charity that repurposes them for people from socio-economic areas that don't have access to computing equipment. That's going through that program at the moment, which is a fantastic step forward as well about introducing things back into, as you say, the circular economy. It's really great. I went out and saw their facilities a couple of months ago. It really is astonishing the work they're doing.

The PRESIDENT: I suspect the Return and Earn is merely a logistics issue. But, if we can do it, I'm happy to go on the record saying I think it's a great idea and I would love to do it as well. We'll look into it. The other point I wanted to make is, finally—you will remember that I announced that we were giving meals to St Stephen's to feed the homeless. I just wanted to let you know that's continuing. We're now generally at about 60 meals a week which are distributed through waste food from the Parliament, which I think is fantastic.

The Hon. Dr SARAH Kaine: Thank you very much for that update, Mr President. It's really important. Last estimates I asked about the special constables' break room and was told that there's a plan.

MARK WEBB: Yes, it's part of the program.

The Hon. Dr SARAH Kaine: I wanted, rather than an extensive update, an update on where timing is.

MARK WEBB: On where that's up to?

The Hon. Dr SARAH Kaine: Yes.

MARK WEBB: Those spaces are down on level 5. We've split that work into two phases. The first phase, which is now complete, which was focused on having the lifts go down there and all that kind of stuff—that's all done.

The Hon. Dr SARAH Kaine: Yes, not on that. I just want to get to the—

MARK WEBB: We're now moving into the design of the second phase, which includes the break rooms and the change facilities for the special constables. That design will happen over the remainder of this year and it's likely to be delivered next financial year.

The Hon. Dr SARAH KAINE: So design this year, delivery next year?

MARK WEBB: Delivery next year—that's what we're looking at.

The Hon. Dr SARAH KAINE: Again, you would know that, over the course of a couple of estimates, I raised some concerns on what I still believe to have been an underpayment—there's an issue in how that is calculated. It's a disagreement that I don't think is going to be resolved—not in the way that I would like, anyway. But it has made me consider further the conditions that our staff work under. Looking at the Presiding Officers' determination, particularly the dispute resolution process—and I know that the MOPS Act is not in your control, but there is the Presiding Officers' determination.

I wanted to draw your attention to the dispute resolution process. From what I can see, going through that process, there is no external way for staff to raise disputes, so any matter they might have aside from harassment and bullying has to be dealt with internally. We're asking staff, where they might have a problem with their own employer—i.e. my staff, perhaps, with me—to initially discuss the matter with their employer before it then goes to further internal Parliament options. Is it reasonable to expect staff members to only have recourse to internal discussions and attempts to resolve a dispute? Everywhere else, any other reasonable industrial instrument allows for some external process. Is it reasonable that we still have just an internal process for our staff?

The PRESIDENT: Mr Webb, you might like to talk about how the current system works.

MARK WEBB: Yes, I'm happy to do that. I do hear what you're saying. Most processes in most organisations have a step that says, "Try to resolve the issue internally before you move to the next steps." Our process for members' staff is similar in that regard, you're quite right. That doesn't mean, though, that, if the situation is one where it would not be appropriate to raise it with, say, the member if you're a member's staff—that doesn't mean that you have to raise it. It means that you have to give consideration to raising it with the member.

The PRESIDENT: I might just jump in, sorry. I've actually got it in front of me now—page 13 under "Process", paragraph 2. It says:

Where step 1—

which is that staff will initially discuss the matter with the relevant member—

does not resolve the matter, or where the circumstances of the grievance or dispute mean that attempting to resolve the issue at step 1 is clearly inappropriate, the issue may be raised with Human Services and/or the relevant Department Head.

The Hon. Dr SARAH KAINE: But, for all intents and purposes, we're talking about staff who aren't necessarily senior staff. If they don't raise it with their direct employer, they still have to raise it to a member who is internal to this organisation. While we might say, "Well, theoretically I'm the employer", to a staffer, it feels like we belong to the same organisation and there's very little differentiation between me as an employer and Parliament as an employer. It's not really reasonable, is it, particularly for this junior staff to feel comfortable necessarily going to the place where they get their pay, they get their conditions? They don't have anyone else independent of their employing entity.

MARK WEBB: That's standard practice across—

The Hon. Dr SARAH KAINE: No, it's not.

MARK WEBB: To raise it directly with your supervisor and, if you can't raise it with your supervisor, to raise it with HR—that is relatively standard. I guess I'm a little confused—

The Hon. Dr SARAH KAINE: Yes, but in most organisations in the real world, once you can't raise it with HR, you've got somewhere else to go.

MARK WEBB: I'm just trying to think through, then, in a public service agency what that—

The Hon. Dr SARAH KAINE: You've got an award, for example. You've got an industrial tribunal. You've got somewhere external to take it.

MARK WEBB: Yes, that's true. But the access to things like the industrial tribunal—as you said at the start, that is a feature of the MOPS Act. So if that was going to change, then the Act would have to change in order to have that through. Obviously, we do have issues raised on behalf of staff by the union as well. But not all members' staff are members of the union. But that is a mechanism by which people can raise things with us

through an external body. But you are correct to say that one of the features of the MOPS Act is that people don't have access to some of those external bodies that other people in employment have.

The Hon. Dr SARAH KAINE: In your capacity with that determination, do you make recommendations about the scope and what you can do within the confines of the MOPS Act? How does what you decide interact with the MOPS Act when you feel that it's not appropriate or it's not working in a way that is best practice?

MARK WEBB: That's an excellent question. We had a situation a couple of years ago, for instance, where it became clear that the residual responsibility that the Presiding Officers have for work health and safety in a situation where a finding of bullying had been created against a member's staffer and the member refused to act—there was actually no way under the MOPS Act for the Presiding Officers to insist on action being taken. Just to use that as an example—this is previous Presiding Officers. So the current President won't have a position on this. We put forward, to the Presiding Officers at the time, that we felt that that was a limitation of the MOPS Act that prevented good governance of employment relationships. But we are not the responsible Minister for the MOPS Act, so what we needed to do was then put—I think it is the Premier that's the responsible Minister for the MOPS Act, if I'm remembering correctly. So we had to put, to the Premier of the time, that we wanted to make that adjustment to the MOPS Act to give the Presiding Officers the ability to act under those circumstances and then went through the normal—

The Hon. Dr SARAH KAINE: If you felt that actually it was inconsistent with modern workplace practice to not have recourse to an external tribunal, theoretically, then, in line with the example you've just given about employment relationship, you could suggest that in consideration of the MOPS Act. Is that something you are willing to look at and consider?

MARK WEBB: I'm happy for us to consider it. I guess the factor that has come up in the past when we've looked at this is that, if you look at the second reading speech and the MOPS Act itself, it seems to be the deliberate intent of the MOPS Act that people not have access through those mechanisms. So it's not a side-effect; it seems to be a deliberate intent of the Act going through as well. That has been one of the things that we've had to think through.

The Hon. Dr SARAH KAINE: I understand that. But, as we know, with any legislation times change and circumstances might deem reconsideration. So if it's within your purview to be able to form views and make suggestions, as opposed to make the changes, it might be worth considering that it's out of step with appropriate workplace practice.

MARK WEBB: Yes. If we form that view, the mechanism we would use would be to make representations to the responsible Minister to consider changes. That's the mechanism we've used in the past to try and make that kind of thing happen.

The Hon. BOB NANVA: There's a consensus amongst all members, I believe—bipartisan and within the crossbench—that the role descriptions and classifications of MOPS staff don't align with the tasks that they actually perform. I appreciate the Presiding Officers have methodically been working through a range of MOPS issues and determinations, starting with the pay issue and then the non-financial determinations. I'm just interested in what progress is being made with respect to a review of the position descriptions, classification structures and the capability framework, which was the next part of the MOPS reform project, I guess.

The PRESIDENT: Really happy to talk about this. As you rightly point out, this is a tripartite issue. Obviously, ensuring that we secure the public sector wage rise was important. That was achieved. Drafting the non-financial determination was important and achieved. Now, of course, we have got to address the issue that, you rightly say, is not only a bipartisan issue, I think, on all sides of politics within the Legislative Council but also is something I agree with, as does Mark as well. As you know, we have done some work already toward the new classification structure. We've had some consultation already, and that's given us, in effect, the landing of the agreed-upon principles that you have just enunciated, which are that there should be a revised classification structure—that the current roles and responsibilities that are recognised are not in alignment with the roles and responsibilities that are actually performed by staff. So we agree with the fundamental premise.

In the last budget estimates I said that we were now looking to progress a consultation phase and would do so, I think I announced, before the end of the year. I can announce, now that we've done more work on that, that we will do it in the following way. There will be two stages to the consultation phase. The first stage will be launched in October this year. This is primarily as general feedback to the changes needed to the determination. Obviously, we start with the premises which we've now landed on because of this previous work and the principles. And we want people to feed in what their general views are around it, around also what should be considered when we consider this classification review and any other issues that have arisen. You might remember, at the last budget estimates, Ms Boyd raised an issue about the disparity between upper House research

officers for crossbenchers and lower House research officers, something of which I wasn't aware. But obviously that is exactly the sort of thing that should be coming into this first round of consultation.

That will come out in approximately a month or so, in October. That will provide the framework or the suggested framework and principles which we would like to work through, but that will allow an opportunity for others within the parliamentary community and externally—unions and so forth—to provide their feedback at that point about the entire structure. We will then go away and consider that, and we'll factor that in and then come back in 2026 with an actual, specific suggested funding model on the reclassification structure for members' staff, which will include how it will work, the classification of duties, what a suggested funding model would be and so forth.

We're already actually working on some of the potential options—funding models for the models—so we're not going to wait until we receive the first round of feedback before starting. We're looking at it now, but we want to make sure that we consider all of the issues that we need to consider. We don't want to just put out a model now, because it might be, "Yes, but you haven't thought about this and this, and what about staff who work under this situation?" and so on. So we figure that going that way will allow us to take this final stage to get the most appropriate amount of information from all of the players in this particular space to get something that, hopefully, we can all land on in an agreed way. I don't know, Mark, if you want to add anything further to that.

MARK WEBB: Just to reinforce the primary point, which is all the feedback we've received so far will go into this first phase of consultation. The principles we articulate for comment will accommodate all of that.

The Hon. BOB NANVA: Is that the Edwards and Bent reviews?

MARK WEBB: Yes, and other feedback.

The PRESIDENT: And those reports and other feedback have led to the construction of these agreed-upon principles and so on. So it was important work. We're not starting at first premises here. But we're starting now at, "We are now at the final stage. We're at the final two-part stage, and that's how it's going to work."

MARK WEBB: Chair, I have a couple of answers to things that were raised a little earlier. Can I quickly go through those?

The CHAIR: Yes, please.

MARK WEBB: Dr Kaine, my crack team has reminded me that we actually did do the break room for the special constables as part of phase one. It is the toilets and changerooms that are phase two.

The Hon. Dr SARAH KAINE: That was my mistake.

MARK WEBB: They've reminded me of that. I had assumed that's what you were talking about, but they reminded me of that. And I did get a little bit of feedback. The Return and Earn—the issue that we had a couple of years ago was the size of the machine and the ability to access the bins in it to get them in and out of the building. So all of the material that we collect through the waste structure around the Return and Earn thing—cans, bottles et cetera—we actually do take it to a Return and Earn station and donate the money to one of the charities in the Return and Earn program. It's just we do it manually. Once every couple of weeks someone—

The Hon. Dr SARAH KAINE: And we need our audit to check that they're going in the right bin.

MARK WEBB: Yes, into the right kind of thing. We pull out all the stuff that's the right stuff for Return and Earn. We take it to a Return and Earn, put it in, have the money go through to charity. Obviously, it would be nicer if we could actually have one of the machines on premise, but we couldn't find a way of logistically putting the machine in, and it's not just the size of the machine; it's the ability to access the bins in it as well.

The Hon. Dr SARAH KAINE: I'm not at all pretending to be an expert, but I suspect they're becoming a bit better at making those a bit more portable. In the time since, it might be that they're more vending machine size. I don't know that, but it might be worth checking.

MARK WEBB: We can go and have a look at it. That's a good point. We will definitely go and check that again. It must be at least three or four years since we looked at it. So I'm happy to do that. Thank you, Chair.

The Hon. CHRIS RATH: I have a couple more on SO 52s and then I'll move on.

The PRESIDENT: Mr Rath, would you mind if I quickly took a small break while you're focusing on SO 52s?

The Hon. CHRIS RATH: Yes, sure. My next few questions are for the Clerk, so that's fine. What would happen in the situation where the Legislative Assembly and the Legislative Council had different views on SO 52 documents? What would be the next steps? If they had passed a motion saying that their opinion is that the

Legislative Council doesn't have a right to certain documents, and if we're insistent that we do, what would be the next steps thereafter? It obviously becomes a constitutional issue or a legal question, but what are the next steps?

STEVEN REYNOLDS: It sort of arose with the order for logs for ministerial drivers where the Speaker and the Leader of the Opposition in the Assembly were included in that return. The Speaker wrote to the Premier and, via them, the Cabinet Office to basically say, "These are documents that belong to the Assembly, not to the Council." In that instance, the Cabinet Office, in making the return, advised us that what they were doing was providing those specific documents to the Speaker and the Leader of the Opposition for them to determine the access. That wasn't pressed further.

If our House has a dispute about a return, that not all the documents have been produced, then there's a well-established process where the House makes a further order, cites the reasons why the documents should have been provided when they weren't, and then has the Leader of the Government explain to the House why the documents weren't provided if they're not provided in response to that order. There's then the censure of the Leader of the Government and then, ultimately, the suspension of the Leader of the Government if the documents are still refused to be provided. That would be the mechanism available to the Legislative Council. But, clearly, the Legislative Council has no authority over the Legislative Assembly and vice versa. There is no consequence that the—

The Hon. CHRIS RATH: What is a Legislative Assembly document is probably more the dispute. I'm not asking so much about the Legislative Council's ability to summons documents from the Legislative Assembly. I think that's a separate issue. I take the point that getting documents from the Speaker or individual members of the lower House is an issue regarding comity. They're not Executive Government, so I understand that. But if, for instance, a member of the lower House wrote a letter to a Minister lobbying for a particular project or grant or made representations on behalf of a constituent—

The CHAIR: Do you have an example, Mr Rath?

The Hon. CHRIS RATH: No, I don't.

The CHAIR: It's a hypothetical?

The Hon. CHRIS RATH: It's seeking some advice about what would happen in this situation. Members of Parliament write to Ministers all the time on behalf of their constituents, often lobbying for various projects. But in that case, the documents that would be being sought by the Legislative Council are Government documents held by the Minister or by the department—not seeking documents from an individual MP. If there was a dispute that happened in that case, it's not so much up to us to censure the Leader of the Government. Doesn't it then become a dispute where the lower House has a fundamentally different opinion about what is classified as a Legislative Assembly document versus an Executive document, which we do have access to?

STEVEN REYNOLDS: I'm just struggling to answer that. I think, as I've said, in the past the type of document that you've described has been provided to the Legislative Council as part of a return, where it's just an Assembly member writing to a Minister about an issue or something like that. So it's a situation where the Assembly defines that any correspondence from their members isn't to be provided in a Legislative Council return?

The Hon. CHRIS RATH: That's right, yes.

STEVEN REYNOLDS: I might have to take that on notice and give a more considered response to that. If the document was provided to the Assembly—for instance, the Speaker or the Leader of the Opposition's documents—obviously members of the Opposition in the Assembly would be able to view those documents and perhaps try to pursue making them public in their House. But I'd have to look at that question that you've asked and then—

The Hon. CHRIS RATH: I think it's more that the document is held by the Minister or the department, which is why, surely, under our Standing Order 52 provision we are able to access that. It's not what the origin of the document was. A private business could write to a department in some way. We can't SO 52 documents from private businesses, for instance, but the document is held by the department, meaning we're able to access it under the SO 52 provision. Surely it's the same when it comes to members of the lower House. We're not summoning documents from individual members of the lower House; we're summoning documents from the department or from the Minister.

STEVEN REYNOLDS: Yes, correct.

The Hon. CHRIS RATH: It's just that they hold documents that might be correspondence or representations made to them by members of the lower House. We routinely get these in SO 52s.

STEVEN REYNOLDS: I'm not aware of the situation you're describing happening to date. That's probably all I can say.

The Hon. CHRIS RATH: It's an interesting one for the future. I might move on. I was going to ask it before but I got sidetracked when I was on cybersecurity. The other interesting issue which is always spoken about—including by you, Chair—is AI. I was wondering what risks there are with AI for us, as a Parliament, but also what opportunities there are in terms of engagement and also speeding up processes and things like that. Are we using it at the moment?

The PRESIDENT: I might throw to Mr Webb on that.

MARK WEBB: I know Mr Reynolds will also, because he is absolutely looking at this in the context of committees in particular as well. As you say, Mr Rath, there are both significant opportunities and challenges with the use of AI, and we have been investigating those. In particular, if you look at the ethical use of AI, one of my concerns is that, if you look at some of the large language models like ChatGPT, what you feed into those systems then becomes part of the background information available to those systems to generate responses. The potential that information that is private to the Parliament could inadvertently be put into the public domain through mechanisms like that is, for instance, an example of the kind of challenge that we have to look into. There are many solutions to those challenges. It's a good example of why you can't just jump in and start using these things willy-nilly. It's important to take a very considered and thoughtful approach to that.

My IT and digital transformation teams have been looking into those challenges and engaging with some of the thought leaders outside of this Parliament and people in the public sector more broadly. A former lower House colleague who resigned at the last election, Victor Dominello, has made a fair bit of his post-political career in this space. I was having a discussion with him just last week on some of those kinds of issues as well. We are looking into all of that. We've started to look at where it could be applied safely. One example of that is in automatic speech recognition for the captioning system that we've used. We have started trialling using automatic speech recognition for committee activity and also for the quieter times in the Chamber. The automatic speech recognition, you'll be shocked to hear, has not yet got to the point where it can handle question time in either House.

The Hon. CHRIS RATH: That's in large part because of Mr Fang, I think.

The Hon. WES FANG: Saving people's jobs everywhere.

MARK WEBB: But, for instance, where the adjournment debate is going on or something where there is a single person speaking and it's fairly clear, the automatic speech recognition is working very well. In fact, the feedback that we've got is that the accuracy rate is higher than when we were using a manual process. It is certainly significantly cheaper than the processes that we were using before. That's an example where we've done the research, we've done the work, we've chosen an ethical use of AI and we've put it into place. There are other areas where we're doing significantly more research before we would consider them. I know three, four or five years ago when these kinds of questions came up—the technology has obviously come a huge way since then. We are thinking about it in any aspect—in any system upgrade we do and anything that we're working on. We are thinking about AI in a different way than what we have before. I really want to focus on the fact that it is important that it's used in both a safe and ethical way. I'm not looking to be the first person in the world to do something with AI; I'm looking to be the safest person in the world to do something with AI. I know, Steven, that you've got a more specific example that you've been looking at.

STEVEN REYNOLDS: At the first whole-of-staff meeting I had after becoming Clerk, on the use of the new generation AI, one of the things which I said we needed to grapple with—we've had the inquiry into AI and we know that its members are using it. I think Dr Kaine might've been the first member to admit to using AI for a speech. We obviously need to do this in consultation with IT to make sure that we're addressing the safety aspects of this but also where staff privately might be using AI. We need to look at it. The first way that we're looking to deploy it, if you like, is with report writing in committees, but in a very limited way. With the large volume of committee inquiries we've got, and often the large volume of evidence that we gather, anything that we can do to try to reduce the time that staff spend in writing reports is to be encouraged because it's one of the most time-consuming parts of completing an inquiry.

A group in our committee office has looked at, in consultation with IT, the Adobe AI Assistant. The Adobe PDF reader is a commonly used application that allows users to open PDF documents, and it has recently introduced the AI Assistant that can be integrated into our existing Adobe applications. It has generative AI features that can be used to assist report writers. The essential way that we're trialling using it is to basically have the writer ask, "Can you find three quotes in the evidence that support proposition X?", to cut down the time needed—whether it's for footnotes or whether it's quotes in a report. We're well aware that sometimes

hallucinations happen and we've got to be on our guard for that. We've already experienced that in submissions that have come to inquiries with a couple of submissions that have made up things.

We are certainly going to try to use this tool to trawl through public submissions, public hearing transcripts, questionnaire responses and answers to questions on notice that have been published. It's important that it wouldn't be there to replace writing and research skills. It's just available as a tool for the writer to help sift through potentially overwhelming volumes of evidence, particularly with inquiries like the birth trauma inquiry, where there were 4,000 submissions—a lot of them important submissions detailing personal experiences.

If this works, then we'll look at using it in more sophisticated areas, such as extracting themes from evidence, perhaps drafting a report outline or analysing the questionnaire results that we get when we get those large questionnaires for committees. We're not going to look at any of those options until we've assessed this first toe-in-the-water step. The costs are pretty minimal of this trial. It's about \$50 per user for the AI Assistant licences. Mark's already talked about the cybersecurity risks. By the time we have the next The Legislature hearing, we might be able to report back on whether it's been useful or not. We might also report on how the trial is going to the Chair's committee whenever it next meets.

MARK WEBB: I'll just mention, as a final example, that we've purchased about 50 Microsoft Copilot licences, which we are deploying to the three departments and a couple of members who have expressed real interest in trying to investigate how we could responsibly use—

The Hon. CHRIS RATH: So we can put in a request if we want access?

MARK WEBB: If you're one of those keen members, please do. Rolling out Copilot across the entire institution would be quite expensive. I'd have to free up about \$1 million to do it. What we wanted to do was get some licences and work with people who are early adopters and very keen in this space to work out what some of those implications would be so that we can put a case together for the investment in rolling it out further, if that investment is warranted. That's another example of where we are looking to make small but cautious inroads. We're seeing the great potential for this technology. As Steven has alluded to, I am also conscious that people who make inputs into the parliamentary process are probably starting to use AI to make those inputs. Making sure that we are keeping up with our capacity to handle those inputs as they come through is an important part of all of that.

The Hon. CHRIS RATH: The building is looking good. Hopefully the feedback has been fairly positive about the capital works done over the past few years. Maybe there are comments on that. Also, what are the next things that the Parliament is looking to do in terms of capital works?

The PRESIDENT: I'll make a couple of preliminary comments first. Thank you; the building is great. There has been significant public commentary. More than that, there have been significant awards that we have now won because of the work that was led by Capital Works. They've done an outstanding job. We won the interiors and objects category for the Chamber restoration at the National Trust Heritage Awards in May last year. This year we won the same category again for the broad project, which is absolutely fantastic. The architects won the heritage conservation award for their approach, which was terrific, at the NSW Architecture Awards in June.

They've been shortlisted for the National Architecture Awards later this year. We've been very happy with it. More than that, we've also been able to not just make the place look great, but it, of course, has now dealt with a whole range of functional issues that have been challenging—whether that was, obviously, the mould and so forth in the Chambers, or levelling out a number of the floors, which is important in terms of accessibility. In terms of the upcoming issues, the upcoming projects, we're doing a body of work in Hospital Road which, as I think Mr Webb mentioned before, will allow much greater and more appropriate entry to the building in an accessible way. It will also assist with the security issues down there. That will be an important part of the work.

We're also looking at Cafe Quorum downstairs. In much the same way that we needed to do the Long Bell, there are some quite significant WHS issues that need to be addressed. In addressing them, we'll be able to do some of the aesthetic stuff as well, and actually make it a more appealing venue. In the front of the building, we've talked of the works that we're doing in terms of Hospital Road—specifically my answer to Dr Cohn in terms of both the entry and the exit—which is going to be important work. We're also at the beginning stages of looking at making the parliamentary Chambers accessible, particularly to those with wheelchairs. That's a significant body of work. Obviously, it has quite substantial heritage implications as well, but we also think that's very important. Have I missed anything, Mr Webb?

MARK WEBB: No, that's right. There's a lot of really, really boring behind-the-scenes stuff that we'll be doing as well. The fire system is getting towards the end of its life and needs to be replaced. The division bell system is as it was created in 1979. There are some risks associated with that. Members' balconies—we did a lot of work on the membrane for the building a few years ago, which has been fantastic and it's worked really well. But what that means is now that the roof is no longer—which is a good thing—absorbing a lot of water into the

insulation, it means that the water is, as it should be, coming off the side of the building, going down the channels that we have down the building. What we've found is that there's been some real erosion in some of those channels over time, so there's a couple of points in the building where water is coming back into the building at lower levels, because of the drainage that comes down the side of the building.

The Hon. CHRIS RATH: No concrete cancer?

MARK WEBB: No concrete cancer so far, but some real work that we need to do in that. It's all, in some ways, really, really dull stuff. Some of the core units for the air-conditioning system are heading into end of life as well. There is a consistent background set of stuff that we have to do. I know I've said this in a couple of other hearings, but the model that the President and the Speaker have pushed for—of continuous investment to stay up to date with the maintenance requirements of this building, as opposed to doing nothing for literally decades and then trying to catch everything up at the last minute—I think that's going to have profound implications for how this works moving forward. It is good to see us being able to do some of these boring things, because previously it was very hard to get people's attention on the boring stuff. But the boring stuff is what keeps the building operating.

The CHAIR: President, Standing Order 13—is it lawful? Because it requires new members to swear either the oath of allegiance or the pledge of loyalty. The oath of allegiance says, "I swear that I will be faithful and bear true allegiance to King Charles III"—and the important part is—"His heirs and successors according to law." The Constitution Act, in disqualifications, 13A (1) (b), says that you're disqualified from Parliament if you take an oath, make a declaration, or adherence to any foreign prince or power. Are those two—

The Hon. CHRIS RATH: He's also the King of Australia.

The CHAIR: Has there ever been any advice—are those two in conflict? How is it that people who have taken an oath of allegiance are not disqualified from Parliament? Noting that the eighth in the line of succession is Prince Andrew, the Duke of York.

The PRESIDENT: It will shock you to know that my very excellent staff haven't prepared me for this particular question. Firstly, I'm not a lawyer. Secondly, I am happy to look at it if there is any substance here to look at it. My third comment is that my instinct is that the interjection from the Hon. Chris Rath is quite correct, which is: he is not the King of England; he is the King of Australia. His successors are his successors to be the monarch of Australia and the Head of State of Australia. Whatever your views, or others' views of that may be, Mr Buckingham, that is the current system under which we all operate.

The CHAIR: A good answer. The wrong answer, but a good answer.

The Hon. CAMERON MURPHY: I'll kick off with a relatively simple question before I pass on to my colleagues, which is something we were discussing before we started. Thank you very much for changing over the chairs—I think they really have been welcome. Sitting through weeks of estimates in comfortable chairs is really useful. But is there a plan to deal with the tables? Now that we've got chairs at the right height, the tables are a little bit low.

The PRESIDENT: I am enjoying the constant discussion of furniture in this meeting. Nonetheless we'll pass to Mr Webb. I suspect there are challenges here.

MARK WEBB: The short answer is, yes, we are absolutely looking at it. Focusing both on the Macquarie Room and the Jubilee Room, there are different issues in the two rooms. The Macquarie Room tables are generally at the right height but have been modified over the years to include cabling and other things that actually are creating some work health and safety issues. With the Macquarie Room tables, we're looking at whether we need to change around the tables—not replace them, but potentially look at different ways in which we can accommodate some of those technical requirements that doesn't compromise the work health and safety. I think at the moment it probably does. In here in the Jubilee Room, yes, you're quite right, so the round tables that Mr Nanva, through Mr Fang, are sitting on were originally brought forward as part of the creation of this lovely room—heritage items, 120-odd years old. The tables that yourself and Dr Kaine are sitting at—

The Hon. Dr SARAH KAINE: Are the cheap replicas.

MARK WEBB: And the equivalent on the other side were 1980s additions—

The Hon. WES FANG: Knock offs.

The Hon. Dr SARAH KAINE: Knock offs.

MARK WEBB: —and indeed the ones that we are sitting on here are—

The PRESIDENT: Excellent replicas.

MARK WEBB: —excellent replicas that were created in the 1980s, but perhaps do not have the same heritage value that the original ones have done. We have started looking at what's appropriate for this room in particular. Obviously my capacity to alter the heritage tables is relatively low. Then the question is are they then appropriate tables to have for a committee hearing.

The Hon. CAMERON MURPHY: You could just put something underneath them that lifts them a bit.

MARK WEBB: Yes, that could lift them. There's the potential for lifts and there are options that will allow that to happen without impacting on the heritage of the things. If that can't be done then we would have to look at whether these are the appropriate tables. We would keep the tables, of course, and use them for the appropriate circumstances, but we would have to look at whether it's different tables in this space, as well. But we are absolutely looking at it.

The Hon. Dr SARAH KAINE: Could I just go back to the questions that Mr Rath asked about Cafe Quorum and the July change to hours. I just wanted to mention that one of the ways you were trying to manage that is having people on leave, and that kind of thing.

MARK WEBB: Sorry, no, it was more the patronage drops because people are on leave. Not the leave of the staff.

The Hon. Dr SARAH KAINE: Sorry, I thought you were saying that part of the way that you managed what was happening—

MARK WEBB: No.

The Hon. Dr SARAH KAINE: That then is really relevant to my question, which is what staff arrangements were put in place and what kind of consultation were staff engaged in? I'm particularly concerned if we have casual staff who then perhaps weren't engaged over that time—and I'll get all my questions out and then you can answer. With that, could we get a breakdown—and I think we might have asked this before, so it might be an update—of the contract types—casual, temporary and permanent—both in catering but across DPS.

MARK WEBB: Of course. I think we have provided those figures previously.

The Hon. Dr SARAH KAINE: Yes, so if we could just have an update.

MARK WEBB: I'm happy to give you an updated version of them, absolutely. In terms of the permanent staff that work in catering, all permanent staff that work in the cafe were redeployed to other duties within the parliamentary precinct. So no permanent or ongoing temporary staff members had their employment affected. They didn't get to work in Cafe Quorum. They were sometimes working up in the Long Bell Cafe and the like.

The Hon. Dr SARAH KAINE: I'm wondering about how many, because I'm pretty sure we have some long-term casuals. I'm wondering what the impact was.

MARK WEBB: Yes, that's right. There were savings that came out of it that were employee related, and those came from the agency staff that we bring in to supplement our staffing. We didn't have as much requirement for those agency staff.

The Hon. Dr SARAH KAINE: Were all the casuals affected agency staff or were there some directly engaged casuals?

MARK WEBB: Only agency-engaged casual staff were affected. Anyone we employed directly was redeployed, whether it be casual, temporary or permanent. But we did have less demand for the agency staff that come in. So for the people in those situations, there was less work in that month than there would have otherwise been.

The Hon. Dr SARAH KAINE: I have one very quick last one. On level 11 today, for some reason—we have already mentioned the kitchen at the northern end.

The PRESIDENT: That has been saved.

The Hon. Dr SARAH KAINE: Yes, thank you for saving it. Now that we've saved it, for those staff who have to use it, honestly, it's almost dangerous.

The PRESIDENT: A bit rubbish.

The Hon. Dr SARAH KAINE: I can't imagine wanting to use the microwave in there. I wondered who is responsible for that and if there's any chance of—I don't know how old it is—maybe getting a replacement. This is for staff who might be able to access the members' kitchens, but they might not, but they have to use that kitchen.

The PRESIDENT: In the same way that when I think Ms Boyd raised the question about whether we could have feminine hygiene products in the toilets, I made a unilateral commitment that we would do that—and we have—I now make the same unilateral commitment that we will replace the microwave.

The Hon. Dr SARAH KAINE: Thank you so much. That's fabulous.

The Hon. WES FANG: A \$400 expenditure.

The Hon. Dr SARAH KAINE: That may be the best thing I've done since I've been here.

The Hon. BOB NANVA: Wins all round.

The Hon. WES FANG: Bret Walker: \$39,000. Microwave: 400 bucks.

The Hon. CHRIS RATH: One minute of Bret Walker's time.

The Hon. WES FANG: Maybe you can donate it—the Bret Walker memorial microwave.

The Hon. Dr SARAH KAINE: Hang on, wait. There's more time. I promised Mr Nanva this would be my last question.

The PRESIDENT: You're now thinking you can get stuff here. What's your next question?

The Hon. Dr SARAH KAINE: My other very quick question is again about level 11. Something is going on with those automatic—or not-so-automatic—doors going in and out. I'm a bit worried that someday someone is going to get—

The PRESIDENT: What do you mean something is going on?

The Hon. Dr SARAH KAINE: They used to open and close quite well. They don't anymore.

The Hon. WES FANG: It sounds like it's a mag lock, though.

The Hon. CHRIS RATH: They're really slow.

The PRESIDENT: Really?

The Hon. CHRIS RATH: Yes.

The Hon. Dr SARAH KAINE: Something is going wrong. If someone could have a look at that, that would be great. Now we've got the microwave and we've got the doors, we're good.

The PRESIDENT: Got that. We'll look into it.

The Hon. Dr SARAH KAINE: Mr Nanva's office is available for any other alterations.

The Hon. WES FANG: A sparkling water dispenser would be nice.

The Hon. BOB NANVA: I will return to the review of classifications. One of the concerns that was raised following the last round of reviews—I don't know if it was the Bent or the Edwards review, or both—was that there was an insufficient breadth of stakeholder and parliamentary engagement with respect to that process. The consultation process you spoke to earlier, President, seemed fairly comprehensive. Will the consultation include the PAG—

The PRESIDENT: Yes.

The Hon. BOB NANVA: —and, obviously, the relevant trade unions?

The PRESIDENT: Yes.

The Hon. BOB NANVA: In the event that we aren't getting the breadth of information that's necessary, will those flags be raised ahead of time so that we don't have the same issues with this one?

The PRESIDENT: My view is that in these things, the more consultation the better. If we're going to do this, it's got to be done properly and it's got to have the buy-in of all the key stakeholders. I suspect we're not going to be able to land in a place that is going to be the Rolls Royce version for everybody and I suspect everyone is not going to get everything they would like in an ideal world, but everybody has to be involved in the process and we have to ensure that all of the important practical views about both the experience of working within this place, as well as the philosophical policy views about what should be happening, need to be taken into consideration. So, yes, it is my intention for both consultation phases to be done widely, certainly including the two groups that you've named. I am—and I suspect Mr Webb would agree—very comfortable if any member, either in this Committee today or who is watching or reading, has views of other people who should be consulted. I am very happy to ask for their feedback too. This is not a restrictive process, with the caveat that I made earlier that it may

not be what everybody wants at the end. But, certainly, in terms of the consultation process, it should be broad. I don't know if you have anything further to add, Mr Webb.

MARK WEBB: I will only say that the point you made in the middle of your question, I think, is a really good one. In the past I think a mistake we've made is that we've waited until the end of the consultation process before we've assessed how widely people participated in it. One of the design features for this consultation that I've asked the team to take into account is our ability to assess on the way through the consultation whether or not we are reaching and getting input from a wide range of people so that we can course-correct as a part of the consultation, not wait until the end and then say that we didn't get enough coming through. It's a point you've made before, one that I took very seriously, and it's a design feature of how we're going about doing our consultation next time around.

The PRESIDENT: I should make the point about the PAG, by the way, that it is not a body set up to predominantly look into issues around the MOPS determination or issues of that sort. It is obviously a body that is giving advice about the culture of this place, particularly with regard to bullying and harassment and so forth. That having been said, in terms of the workplace culture, there will clearly be some crossover effects that would be appropriate for them to consider. I wanted to make that gentle clarifying point about the PAG, but we certainly will be engaging.

The Hon. BOB NANVA: I'm conscious of the fact you raised that once the model has been put together, then you will look at a funding model in order to, ostensibly, execute it.

The PRESIDENT: Yes.

The Hon. BOB NANVA: I'm conscious of the fact that you can't just will up money from nowhere.

The PRESIDENT: Correct.

The Hon. BOB NANVA: And if there's a cost implication, that could be a downstream problem. The only thing that I would add to that, though, is that that is only a relevant issue when you've benchmarked the new classifications, capabilities and position descriptions against the Public Service Commission's templates. I think the reclassification process is a worthy end in itself, because this isn't just about pay. This is about adequate recognition for MOPS staff in case they want to seek alternative forms of work. But it's also relevant to the extent that members do things differently. They structure their offices differently. A new framework could—

The PRESIDENT: Should.

The Hon. BOB NANVA: —should allow members to, I suppose, have the right capabilities, skill set and position descriptions to best suit their needs. Notwithstanding the fact that there is a funding model that will have to be attached downstream—

The PRESIDENT: It's about more than that.

The Hon. BOB NANVA: —I suppose what I'm asking is from the PEG's perspective, are you decoupling the two processes such that one is an end in itself and then we'll tackle the funding model separately once we do the benchmarking across the Public Service Commission?

The PRESIDENT: I suspect that they're inherently linked. That having been said, of course you're absolutely right. In my initial comments about this—I think it was before the break in answer to your first set of questions—that was exactly the point that I was trying to make, which was that this is not fit for where we are at this stage of the twenty-first century. Staff members have a range of responsibilities and fulfil a range of roles. It wasn't even conceived that they could possibly exist when these job descriptions were written. You're quite right as well to say that each member will have different requirements for their staff. I'm not pre-empting anything, but my view is that there should be a quite significant grouping of different skills from which each member will then be able to pick and choose what they require in each of those particular roles in their office. That's important in terms of addressing some of the issues that you talk about. I certainly agree with the intellectual foundation of decoupling—I think that's right—but I think it is simply not realistic to think that there won't be some flow-on effects. The point that you make is right. This is important in and of itself, even without considering what the financial implications are. Mr Webb, did you want to add anything?

MARK WEBB: I absolutely hear what you're saying. I think with the decoupling process, there are industrial considerations. If we have a position description, for instance, that says "This is the level of capability that's required. Therefore this is the work value attached to that capability," from an industrial relations point of view, the salary should flow from that. But if we don't have the money for the salary—so if we got to the point where we did have to decouple them, we would have to think about how we articulated the former without triggering the latter. I'm not saying it's impossible. I'm saying it's just that we have to think carefully.

The Hon. BOB NANVA: I suppose I'm saying I don't want the fear of benchmarking in the next phase to discourage the pace of—stage we're at now.

MARK WEBB: That's right—the pace of change elsewhere. It might be, for instance, that we look at—rather than expressing some of that as a position description, if we were decoupling them, we might look at a different way of expressing the decoupled concepts that aren't going to trigger the benchmarking salary sort of process, if you like, and just look at a way that we could separate those two things.

The Hon. BOB NANVA: I'd see it through the prism of a capability framework that members could effectively—

MARK WEBB: Yes, could check, and that might be the kind of thing that we could do. My very strong and hope and preference is that we'll be able to link all these things together so that we can get both. But, if we did need to decouple them, that's the kind of thing we could do, which is to provide guidance to members about how to navigate all of that, without it translating into an industrial instrument that would trigger the benchmarking et cetera that would go through. So I think there are ways to do it. I just wanted to give that context for it.

The Hon. BOB NANVA: I'm not arguing against benchmarking, because I think they are grossly underpaid—for what it's worth—but I am saying I just don't want one to discourage the other.

The PRESIDENT: The point's well made and taken. The only final point that I'd make in response is, of course, this is exactly the sort of issue that we would like raised in the first round of consultation as well. The conceptual modelling of this, how it would work and so on, those sorts of things are very helpful in the first round.

The Hon. BOB NANVA: I might move quickly to the Broderick review and the continued implementation of those issues. I have raised before that Broderick noted in her report that confidence in the reporting systems in parliamentary workplaces was low, there was variable knowledge and confusion about existing reporting pathways and there was a concern about the lack of confidentiality and associated retribution for making a report. She also noted those concerns attached to the ICO model that had just come into being. The Privileges Committee has also noted that there were a low number of complaints that had been made to the ICO.

It didn't conclude as to whether or not that's because culture is perfect or because people don't know about the ICO process or don't trust it. What I'm wondering is, has consideration been given to conducting comprehensive consultation with parliamentary and MOP staff, to gauge their views about the ICO process when it comes to complaints of the nature Broderick was highlighting with bullying and harassment—a proper deep dive as to their knowledge of the ICO process and their confidence in the ICO process?

The PRESIDENT: I'd say a couple of things first. You're right to highlight the recommendations in the Broderick report. We've done a lot of work in order to address that. Obviously the RISE training, which has now been incorporated into our day-to-day operation, was very important. We had 920 people across the parliamentary community who have completed the RISE training, which is very important. I think all departmental leaders have completed training on trauma-informed complaints handling. That's the first point. The second point is that we have strengthened the reporting pathways about when there are allegations of harmful behaviour. We've got a good system of providing immediate support to those who have been impacted. We have a very clear to everybody "no wrong door" policy, and so on.

I can talk about this for 20 minutes, but the point is significant work has already been done. The specific question that you ask about the ICO, Steven might have some views about where we're up to. Obviously both privileges committees have considered the ICO position. We're now out for the recruitment process for the next ICO. We've extended Rose Webb's term by three months or so while we go through that process, which is a challenging process because it's a unique set of skills and it's a unique environment in which to enact those skills. Steven might have some more comments to make about the specific issue you raised.

STEVEN REYNOLDS: The ICO has investigated 27 matters since her appointment. As you say, Mr Nanva, the Privileges Committee observed that it's potentially a low number of complaints received but didn't come to a conclusion whether there aren't many incidents or whether people don't have confidence with the framework at the moment in complaining. One of the criticisms that I have heard made is just that a lot of complaints get ruled out because they're not within the jurisdiction of the ICO. That's really a matter for the Houses to resolve, if they want to broaden the number of complaints that the ICO can take.

Your question of will a survey be undertaken, that was the recommendation of the Legislative Council Privileges Committee. As Mr President said, there is a recruitment process underway at the moment for the ICO. The current appointment has ended the term. Rose Webb has, thankfully, agreed to stay on until we've completed the recruitment process. If a new appointment is made, then that would perhaps provide a good opportunity to

consider implementing that recommendation. The recommendation was made to PEG, so it would be a matter to also discuss with the Speaker and the Clerk of the Assembly.

The PRESIDENT: But we're sympathetic to the point that you make and the issue you raise.

The Hon. BOB NANVA: Again, this is no criticism of Ms Webb, it's just that the ICO is a very general role. Dealing with the bullying and harassment complaints of the nature addressed by Broderick in a way that is trauma informed is quite a specialist skill. To do so in a way that affords complainants and respondents procedural fairness is quite resource intensive, very arduous and a very specialised area, regardless of the perceptions of complainants. The proposition I'm putting is that, given the doubts that were expressed during the course of the Broderick report and the observations made by the Privileges Committee, would an external reporting mechanism make more sense for complaints of that nature? It would probably better protect the Parliament reputationally and legally if there were a process that was at arm's length that was truly external to the Parliament and gave staff confidence that matters were being dealt with confidentially and thoroughly. Is that something that you could give some consideration to?

The PRESIDENT: While I think the point is intelligent and well made, I note that the ICO is established by a resolution of both Houses. For us to change this structure, it would require another resolution. I hope that the level of complaints to the ICO doesn't reflect the lack of trust in the system and, to pick up your implication, a concern that it is in-house and potentially not confidential and not at arm's length. I hope that what it is an example of is a greater culture of less bullying and harassment and those sorts of issues, but we need to be cognisant of the other potential possibility. The two points that I would make—and Steven might have more comments—are, to reinforce my original point, that this is a resolution and it needs to be changed by the Parliament and that we are undergoing a recruitment process at the moment. That's an appropriate time, for example, I would have thought, to consider these sorts of issues, as the process unfolds.

The Hon. BOB NANVA: I put one more proposition to you and then I'll leave it.

STEVEN REYNOLDS: There are, of course, several external avenues already available. If it's a matter of an allegation of sexual harassment, the Anti-Discrimination Act provides a pathway for a person to pursue a complaint externally involving a member in the workplace. The person can make a public interest disclosure and have the Ombudsman pursue a matter, and there is ICAC when it's a substantial breach of the code of conduct. But all of those have legislation underpinning them. The issue would be that you would need to have something that would compel a member that was resisting operating with an external investigation to actually cooperate. At the moment, with the ICO, the mechanism is through the Privileges Committee and, ultimately, the House if a member isn't cooperating with the ICO investigation. If you were having an external body do that, you would need some power either by resolution of the House or by legislation to ensure that there was cooperation.

The Hon. BOB NANVA: I suppose the invisible hand of party pre-selections would assist with political parties.

STEVEN REYNOLDS: That's true.

The PRESIDENT: I have another answer, if I may, Mr Buckingham. I am advised that maintenance staff are on the way right now with the new microwave, and it will be there within the next hour.

The Hon. Dr SARAH KAINE: Thank you, maintenance staff and Mr President.

The Hon. WES FANG: That's not a new microwave. That's a second-hand one. You have been short-changed.

The PRESIDENT: Not necessarily, Mr Fang. They could have whipped out to Harvey Norman.

The Hon. WES FANG: Or they have had stockpiled microwaves and they have been keeping them from you. It's one or the other.

The Hon. BOB NANVA: Can I put a bid in for the old microwave? I'll happily take it.

The PRESIDENT: I'm not sure that it's fit for purpose.

The CHAIR: Are there any more questions from the Government? No. The Opposition?

The Hon. WES FANG: We're satisfied at this point, but we reserve the right to ask questions again at the next estimates.

The CHAIR: I am glad you have been satiated. Thank you for your attendance today, Mr President, and also to our officials. We very much appreciate it. If any questions were taken on notice, the secretariat will be coming down the hall to see you. We will see you at the next hearing.

The Hon. Dr SARAH Kaine: Can you pass on our thanks to all the staff at DPS for all the work they do all the time, and the Clerks and the committee office as well.

(The witnesses withdrew.)

The Committee proceeded to deliberate.