

COVIDSAFE Plan to support the sittings of the Legislative Council (LC)

This COVIDSAFE plan has been developed to support the sittings of the Legislative Council on 7- 9 and 14-16 September 2021 should these sittings proceed.

This Plan has been developed to minimise potential transmission of COVID-19, and negative health outcomes to Members, Members staff, Parliamentary staff and the broader community.

This plan should be read in conjunction with the NSW Parliament's Pandemic Plan (Parliament's intranet [here](#) Employment & Policies - WHS) and the Legislative Council Plan at Appendix 1 below.

The Plan gives consideration to advice provided by independent expert (Hibbs), NSW Public Health orders and the requirements of the Members of the Legislative Council.

It should be noted that the approach outlined in this plan is closest to scenario 2 (undertaking of in-person Chamber proceedings with a minimum quorum of Members and related Chamber staff, chiefly to address urgent items of business) in the Hibbs advice, which has as a precondition that:

Suggested conditions of the application of this scenario include considerable albeit decreasing community transmission of the virus in the state, and the presence of Orders under the Public Health Act (2010) temporarily limiting community movement, into and out of the Greater Sydney area. The use of technology or other paring / rostering arrangements in allowing for the participation in Chamber proceedings by those in regional areas, persons of vulnerability, and those unable to enter the Chamber due to room density limitations, can be considered.

This precondition should be considered before activating the plan.

Hibbs have indicated that, in the event that all staff and the vast majority of members physically present in the precinct are fully vaccinated, the pre-condition for the scenario this plan is based on could be adjusted as follows:

Suggested conditions of the application of this scenario, where all staff and the vast majority of members physically present in the parliamentary precinct are fully vaccinated, include considerable and increasing community transmission of the virus in the state, and the presence of Orders under the Public Health Act (2010) temporarily limiting community movement, into and out of the Greater Sydney area. The use of technology or other paring / rostering arrangements in allowing for the participation in Chamber proceedings by those in regional areas, persons of vulnerability, and those unable to enter the Chamber due to room density limitations, can be considered.

The "vast majority of members" means everyone fully vaccinated (i.e. at least two weeks after the second vaccine dose is administered), with allowance for a very small number of members who are partially vaccinated (i.e. less than two weeks after a second dose, or only having received a single dose). There should be no more than three members in the latter category.

Please Note: Should the LC sit for extended hours or the Legislative Assembly also sit at the same time as the LC a new plan is required to take into consideration the total number of people in the precinct and the resources required to support a longer sitting.

Chamber Sitting Scenario

Undertaking of in-person Chamber proceedings with a minimum quorum of Members and related Chamber staff, chiefly to address urgent items of business. This can be achieved with 8 Members plus the President, 2 clerks-at-the-table, 1 ministerial advisor, and 2 Hansard, in the Chamber for the duration of the sitting.

Additional participation can be arranged by members participating remotely either from their parliamentary offices or their homes in a “basic hybrid” model. These members would be able to fully participate except in relation to voting. The basic hybrid model is dependent upon confirmation from DPS that it is technically feasible, with testing to take place at the end of next week.

As required by in-Chamber proceedings, numbers of Members in the Chamber can fluctuate up to 18 where necessary, however members should not remain in the Legislative Council Chamber for the entire sitting. Periods of sitting are also to be minimised, with seating to be allocated in accordance with physical distancing guidance (>1.5m) from NSW Ministry of Health, as mapped in Figure 1. Planning for this sitting should encourage the sitting hours to take place between 10 am and 6pm only, for proceedings to be as short as possible and, if any sitting is of more than two hours duration, to include a break every two hours.

This plan will cover:

- Access to Parliament House
 - Members and Members Staff
 - LC Staff
 - DPS Staff
 - Authorised Visitors
 - Contractors – Building works
 - Media
 - Public
- Entry conditions, including rapid antigen testing.
- Member and staff movement around the precinct.
- Service availability.

Access to Parliament House

Access for Members and Members Staff

Members will continue to be provided with full access to the precinct via two designated channels, being car park or L6 ramp to the Education Centre.

Members will be encouraged to voluntarily disclose their vaccination status to the Clerk. It is strongly recommended that members physically present in the chamber be those who are partially or completely vaccinated (taking into account the pre-conditions of this plan). Only staff that are essential to the operations of the Parliament should attend, to ensure the minimum number of persons in the building during the sitting. It is recommended that Members staff continue to work remotely.

Any parliamentary or Members’ staff residing in the LGA’s of concern need to ensure that they are fully complying with the health orders for essential workers in their regions.

LC Staff

The Clerk will only roster LC staff to work in the chamber who have been vaccinated. Disclosure of vaccination status will be voluntary. The bare minimum of support staff for the sitting will be present.

DPS Staff

A bare minimum staffing arrangement will be provided to enable the operation of the sitting.

All DPS staff will have a minimum of one vaccination with a preference that staff be fully vaccinated. Vaccination status will be requested from staff on a voluntary basis.

No DPS staff from LGA's of concern (12 at time of writing) will be attending the precinct.

No DPS staff whom are vulnerable persons will be attending the precinct. Vulnerable Persons as defined by Safe Work Australia (2021) include:

- Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions
- People 65 years and older with one or more chronic medical conditions.
- People 70 years and older.
- People with compromised immune systems.

Authorised Visitors

Authorised visitors are not permitted during the sitting period to minimise the number of people in the precinct. Exceptions for visitors critical to the operation of the sittings may be authorised by the Chief Executive or Executive Directors, DPS.

Contractors – Building works

No building works will be conducted during the sitting period to minimise the number of people in the precinct. Exceptions for Contractors necessary to undertake emergency repairs may be authorised by the Director, People, Property and Security, DPS.

Media

No Press Gallery Media (approx. 30 people) will be permitted during the sitting period to minimise the number of people in the precinct. An alternative is to negotiate with the Press Gallery President to agree on a smaller number (5-10 people) in the precinct. Proposed position to be authorised by POs.

Public

Parliament House will remain closed to the public.

Entry conditions, including rapid antigen testing.

Entry Conditions

Access to the precinct will be through two designated channels, to capture those entering for health screen purposes, prior to any other activity onsite.

It is a requirement for all members, staff and authorised visitors to Parliament House to comply with the following conditions of entry:

NSW Ministry of Health COVID-19 protection guidance is to be followed by all members and staff including the wearing of masks at all times, physical distancing of (>1.5m), room density limitations of (1 person / 4m²), regular sanitising of hands, and QR code check-in for contact tracing purposes.

Daily health screening undertaken by all Members, staff and visitors in a COVID safe manner, upon arrival at Parliament House, in two designated health screening areas (Car Park and L6 Education Centre).

Daily health screening by a suitably qualified health practitioner is to include:

- COVID-19 symptom check and declaration. Common symptoms as defined by NSW Ministry of Health - <https://www.nsw.gov.au/covid-19/health-and-wellbeing/symptoms-and-testing>.
- Declaration and evidence of compliance with NSW Health Orders and testing requirements for any person from a listed LGA.
- Body temperature check (<37.5°C).
- Rapid COVID antigen test, for screening purposes only (not to be confused with NSW Health Rapid PCR Testing) with results within 15 minutes of testing. Seating will be provided in the testing areas for building occupants while they wait for their test result.
- No one will be allowed to move through the building until the full testing regime is completed (including waiting for rapid antigen test results)

Any person with a declared or detected COVID symptom or positive COVID Antigen Test will be removed from the screening area to a designated isolation room. The individual will remain in the isolation room until further guidance is received from NSW Health, as initiated by the Chief Executive of NSW Department of Parliamentary Services or sent to a NSW Health COVID testing clinic as determined by the onsite health practitioner.

If the onset of symptoms occur during the course of the day the individual is to isolate until further guidance is received from the suitably qualified health practitioner conducting screening or NSW Health, as initiated by the Chief Executive of NSW Department of Parliamentary Services.

People that have “passed” the testing will be issued with a sticker to be kept on their badge. Anyone found without a sticker by any authorised officer of the Parliament (including Special Constables) will be sent to the closest testing area to be re-tested. Any members’ staff or parliamentary staff refusing to participate will be asked to leave the precinct.

Member and staff movement around the precinct.

Movement

Movement, crossover and contact of people is to be kept to a minimum. Therefore all occupants must be mindful and keep movement to a minimum and maintain minimum distancing. Masks are to be worn at all times.

Members and members’ staff (if absolutely essential to be in attendance) are to use the main passenger lifts only to go between their office and the Chamber. Only one person in the lift at any one time. Both sides of the Fountain Court should be used to space out movement.

LC and DPS staff are to use the stairs to access the Chamber and other parts of the building.

Sitting and voting

The Chamber seating plan provided by Hibbs must be maintained at all times. Members should not physically interact or breach any physical distancing limits and wear a mask at all times.

If a Member wishes to enter the chamber, they will organise to swap places with one of the members already present, such that as far as practicable no more than 8 Members (plus the Presiding Officer) will be physically present in the chamber at any given time.

When voting members must wear masks and, should this be agreed to, participate in “walk through” voting to encourage them to spread out their attendance in the chamber over the full time period of the division. Members should as much as possible travel individually to the chamber and avoid travelling in groups or congregating around the chamber during or after divisions.

For “walk through” voting, the entry will be via the main entry to the chamber and exit will be via members-only room to the right.

Services Available

Please note that catering and other support staff to be subject to the same entry requirements as members and related staff.

Catering

No Cafés will be open. A limited contactless delivery service will be available to a Member’s office or Parliamentary staff workspace. This service will require 4-5 staff in kitchen, 3 staff for delivery and 2 staff for logistics.

Hansard

A delayed transcription service will be provided with only sub editors (5-6) in the building logging and reporters transcribing remotely. Transcripts will be provided within 3 days. Sub Editors will be located on Level 8 Hansard Office.

AV Broadcast

Broadcasting and Video on Demand will be provided for the sittings.

This service will require 1 Building Technician, 2 AV Staff, 1-2 IT Services Staff and an LC Camera operator. In addition, external providers from PA People will be required to deliver a hybrid AV Service (see above)

Building Facilities, IT Services and Security

Minimum staffing will be provided for building facilities such as division bells and ventilation systems along with emergency building services. This service will require 2 Building Technicians. The ventilation system has been upgraded to enable eight exchanges of fresh air per hour in the LC Chamber as recommended by Hibbs.

Special Constables will continue to deliver security services in the Precinct.

IT Services will be available for urgent IT support for the sitting.

Cleaning

A two-stage cleaning process, high touch point and a detailed clean is to be defined and documented for the Chamber, including information on cleaning agents and equipment to be used, PPE worn by cleaning teams, and locations / touch points to be cleaned.

A high touch point clean will be conducted, as defined and documented during every sitting session break. During high touch point cleaning, hand sanitiser containers throughout and immediately outside the Chamber are to be checked and replenished as needed.

A detailed clean of the Chamber, incorporating high touch point components is to be conducted at the end of each sitting day. The chamber will break at least once every 2 hours for a rapid clean.

Cleaning chemicals with high residual efficacy for microbiological particles will be used on high touch surfaces.

Member and Chamber staff are to make use of toilet facilities closest to their designated offices, with cleaning of those facilities will be conducted on a 4-hourly basis during sitting days. Room density (1 person / 4m²) and physical distancing (>1.5m) guidance is to be complied with, while in the toilet facilities. Hands are to be washed and sanitised upon exiting of toilet facilities, at established hand sanitising stations at the access points to toilets.

Member offices for those members who are in attendance on the sitting day will be cleaned each day and incorporate a high touch point clean.

The Parliament precinct will be cleaned each day and incorporate a high touch point clean.

Appendix One – Sections from LC Plan, dated 11 August.

Option 2 – Socially distanced in-person sittings with minimal number of members and sitting hours (similar to the sittings that have occurred in March 2020 and 24 June 2021)

This option essentially replicates the approach to the sittings during the height of the pandemic in March 2020 and more recently on 24 June 2021.

The **24 March 2020** sitting involved a significantly reduced number of members. Twelve members were recorded as not in attendance on that day and only a minimal number were in the chamber at any one time. Attendance was determined by the party whips and by agreement between the crossbench to ensure the number of members present reflected the proportionality between the parties in the LC in the 57th Parliament.

A conduct of business motion was moved to provide for a shorter sitting day (the House only sat for a little over six hours) and to give precedence to certain items of business, including the passage of emergency COVID legislation and other urgent motions (i.e extension of committee report deadlines and passing several sessional orders). The motion also dispensed with Question Time and the debate on committee reports. See Appendix 3.

On **24 June 2021**, following a Minister in the LA being identified a COVID positive, the Legislative Council eventually only sat for 9 minutes, to pass the Appropriations Bills and deal with urgent procedural matters, together with a ministerial statement and response being incorporated into Hansard. Only 18 Members, two clerks-at-the-table, one ministerial adviser and two Hansard staff were present. This is regarded as the minimum number of members and officers required to conduct a sitting of the LC whilst maintaining the proportionality of the parties represented. The conduct of business motion agreed to that day is included at Appendix 4.

Therefore, Option 2 envisages a similar scenario where there are far fewer members in the chamber (i.e the bare minimum quorum of eight members in addition to the Chair present in the chamber for most of the proceedings and a maximum of 18-20 members as per 24 June 2021 participating in those proceedings through each sitting), the House agrees to consider urgent items of business and sits for a short time only each day. Further procedural measures can also be explored to minimise the numbers of members required in the chamber at any particular time (eg provision for Notices of Motions to be handed in or emailed to the Procedure Office rather than needing to be read in the chamber) and the Legislative Assembly method of taking divisions by a walk through approach would also reduce the need for all participating members to be in the chamber together for long periods.

Some of the risks identified in the advice from Dr Chant in relation to the now postponed August 2021 sittings, around the participation of regionally based MLCs, could be largely addressed through pairing arrangements between the parties ensuring that unless absolutely necessary regionally based Members are not expected to attend. For the President, Deputy President and Assistant President specific exemptions may be required and advice will be required from NSW Health about quarantining/isolation and strict travel requirements.

As with Option 1, members would need to be extremely mindful of the social distancing guidelines and other COVID safe requirements outlined at the beginning of this document. Option 2 is a possible option in the event there is a need to deal with urgent legislation or there is some similar urgent need for the LC to sit briefly.

Please refer to the HIBBS advice for the circumstances where sittings arrangements such as these are appropriate/preferred.

Appendix 2: Proposed temporary order for 'walk thru' COVID safe divisions

Temporary Order—Conduct of Divisions—During increased public health restrictions

That, notwithstanding anything to the contrary in the standing and sessional orders, during the current session in periods of increased public health restrictions due to the COVID-19 pandemic and unless otherwise ordered, the conduct and counting of divisions be varied as follows:

- (1) When a division is called for, the Chair will appoint tellers for the Ayes and tellers for the Noes based on those members' votes by voice.
- (2) The Clerk, at the direction of the Chair, will then ring the bells for five minutes as indicated by a minute glass timer.
- (3) While the bells are ringing, the tellers for the Ayes will move to the right side of the Table and tellers for the Noes to the left, and proceed to count the division.
- (4)
 - (a) Members in the chamber must cast their vote with the respective teller.
 - (b) Members not then in the chamber, will vote by entering the chamber via the main doors and casting their vote with either the tellers appointed for the 'ayes' or 'noes'. Members may then exit the chamber via the members lounge, or take a seat in the chamber.
- (5) After the bells have rung, the Chair is to provide members up to a further five minutes, as indicated by a timer, within which to vote.
- (6) The tellers will record the names of members voting on for the 'ayes' or 'noes' respectively, sign their lists and present them to the Chair.
- (7) Once satisfied that all members intending to vote were counted, the Chair will declare the result of the division.

CONDUCT OF BUSINESS - PRECEDENCE OF BUSINESS THIS DAY

I seek the leave of the House to move a motion to suspend standing and sessional orders to move a motion for the precedence and routine of business this day as follows:

That:

- (a) there be no question time or debate on committee reports this day,
- (b) the Government business relating to the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020, the Treasury Legislation Amendment (COVID-19) Bill 2020 and the Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020 take precedence of all other business on the Notice Paper until concluded or disposed of,
- (c) the following motions, notice of which was given this day, be moved at the conclusion of debate of Government bills:
 - (i) Sessional order to authorise the President to postpone a scheduled meeting of the House
 - (ii) Sessional order to vary standing order 36 to include a designated representative as a person who can request a recall of the House on behalf of a party
 - (iii) Extension of reporting date for the Regulation Committee inquiry into the Impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting Regulation 2020
 - (iv) Extension of reporting date for the Select Committee inquiry into Animal Cruelty laws in NSW
 - (v) Extension of reporting date for the Regulation Committee inquiry into making of delegated legislation
 - (vi) Referral to the Privileges Committee of the role of the House relating to disputed claims of privilege
 - (vii) Amendment to sessional order to provide for electronic participation in committee proceedings and substitute members
 - (vii) Further order for papers relating to payroll tax exemptions
- (e) private member's business item no 467 outside the order of precedence relating to a select committee to inquire into and report on the impact of technological and other change on the future of work and workers in New South Wales, and
- (f) Business of the House order of the day relating to the Code of Conduct for Members.

Appendix 4: Conduct of business motion agreed to on 24 June 2021

CONDUCT OF BUSINESS—24 JUNE 2021

Mr PRESIDENT:

I move, according to sessional order: That standing orders be suspended to allow a motion to be moved forthwith relating to the conduct of business of the House.

Question put.

If agreed to—

Minister says—

Mr PRESIDENT:

I move: That the conduct of the business of the House for today be as follows:

1. That notices of motions for formal business for today be set down for formal business on the next sitting day.
2. That there be no question time this day.
3. That the question on the motion for the adjournment of the House this day be put without debate.
4. That consideration of the Appropriation Bill 2021 and cognate bills take precedence of all other business for today.
5. That consideration of the Appropriation Bill 2021 and cognate bills proceed as follows:
 - (a) after the first reading and printing of the Appropriation Bill 2021 and cognate bills,
 - (i) the Appropriation Bill 2021 and the Appropriation Parliament Bill 2021 proceed through all stages together, except committee of the whole, in a similar manner as a single bill,
 - (ii) the second reading of the Electric Vehicles (Revenue Arrangements) Bill 2021 be set down as an order of the day for the first sitting day after the winter recess,
 - (iii) the second reading of the NSW Generations Funds Amendment Bill 2021 be set down as an order of the day for the first sitting day after the winter recess,
 - (iv) the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 be referred to Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

