

## SUPPLEMENTARY QUESTIONS

### THE LEGISLATURE

#### Questions from Ms Abigail Boyd MLC

##### Cisgender women employed by Parliament

**1. How many individuals who identify as cisgender women are employed by the Department of Parliamentary Services, and what proportion of the total DPS workforce identify as cisgender women?**

**(a) If possible, please also provide a breakdown by branch: people and engagement, financial services, information services, facilities, etc.**

	Female	%
Catering	9	39%
Facilities	24	44%
Financial Services	10	56%
Information Services	51	65%
People & Engagement	16	73%
	110	56%

DPS records gender according to the information provided by staff members upon commencement, and do not record birth gender.

##### Accessibility works in DPS Masterplan

**2. When is the Disability Action Plan expected to be completed?**

The NSW Parliament has commenced work on a physical access strategy for Parliament House, which includes a comprehensive review of changes required to continue the Parliament's journey towards complete accessibility. This strategy is anticipated to take 18 months to complete, and is dependent on receiving funding from NSW Treasury to undertake comprehensive investigative works around the building.

#### Questions from Mr David Shoebridge MLC

##### Budgets

**3. What other jurisdictions including Canada have processes to independently set the Parliament setting budgets to include provision for independent statutory authorities that oversee parts of the executive?**

While no Australian parliaments are able to independently set their own budgets, the ACT Legislative Assembly has a process of setting its budget that provides considerable autonomy. Both Houses of the Federal Parliament have Appropriations committees that recommend to the Executive the

funding they require for their operations. However we are not aware of any parliaments in Australia that independently set the budgets of independent statutory authorities reporting directly to them. For instance, in Victoria the Auditor-General; the Electoral Commissioner; the IBAC Commissioner; the Ombudsman; and Victorian Inspector are all independent officers of Parliament under various pieces of legislation but all still have their budgets determined by the Executive.

**United Kingdom:** the House of Commons and House of Lords both have a large degree of financial independence. In the case the House of Commons the executive can exert dominance if they have a majority members on committees and through the Leader of the House.

**Canada:** The Canadian Parliament has a relatively strong position in terms of financial independence from the executive. The Parliament's funding is decided by two separate bodies in each respective chamber.

For unicameral parliaments, the Canadian province of Ontario arrangements have been called 'the best model available'<sup>1</sup> for financial management of parliaments under the Westminster system of government. The Board of Internal Economy is the governing body for the Office of Assembly and has the power over all financial and administrative processes including funding. It also can establish and vary the estimates of: the Ombudsman, the Provincial Auditor; the Election Office; the Commission on Election Finances and the Information and Privacy Commissioner.

The Scottish Parliament, as a unicameral Parliament, also has a relatively strong level of independence via its Scottish Parliamentary Corporate Body.

A greater level of detail on the processes each of these jurisdictions have to asset their independence is contained in the *Independence of Parliament No.3 May 2017* Research Paper published by the Parliamentary Library & Information Service, Department of Parliamentary Services, Parliament of Victoria <https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/13807-independence-of-parliament>.

#### **4. How is the budget determined for statutory independent bodies, including the ICAC and the LECC?**

The Parliament is not involved in determining the budget for statutory independent bodies in NSW.

### **Renovation of Parliament**

#### **5. What was the budget for the recent renovations of the Parliament?**

The theatrette renovation was conducted as a part of a broader program to renovate the theatrette, construct an Education Centre and install a fully accessible public bathroom and changing facility on level 6 of Parliament House. The total budget for this program of works was \$4,979,321.00 (+ \$497,932.10 GST).

#### **6. Was the process managed externally? If so why?**

Internally, by the Facilities Branch Capital Works Team

#### **7. Regarding renovation of theatrette – why was the screen not replaced?**

The screen was assessed as part of the overall project and deemed still serviceable.

---

<sup>1</sup> G White (1989) *The Ontario Legislature: A Political Analysis*, Toronto, University of Toronto Press, p.200.

**8. What consultation was undertaken with Staff familiar with the facility to ensure required changes were made?**

In respect to the theatre renovation both house departments had representatives attend the design meetings and with the audio visual equipment there was two specific meeting with the team leaders with the design documents being provided to these team for their feedback.

Over the past 18 months Facilities have hosted three open information sessions for Members and staff. Members and staff are encouraged to provide feedback and comments on all upcoming projects or on any completed projects. Alternatively, Members and staff are always welcome to visit, phone or email the branch directly with any questions, comments or feedback.

**9. How much over budget has the current set of renovations gone?**

It has not gone over budget

**10. What follow up has been done to assess staff satisfaction with the renovation process?**

See Q.8 above.

**Staffing**

**11. What steps if any have you taken to work with the Special Constables in having their pay and conditions re-evaluated?**

It important to note that pay and conditions are a matter for is a NSW Police, although we understand negotiations are currently ongoing.

**12. Are there any plans for redundancies or restructures in catering, cleaning, maintenance or other departments?**

DPS has significant efficiency dividend savings amounts to find in 2019/20 and beyond. No part of DPS is off the table in considering how to meet the reduced funding envelope.

**13. With increased workloads for budget estimates and inquiries do the committee secretariat currently have the resources required to do their jobs effectively?**

The 2019-20 budget included an additional \$688,000 ongoing allocation to support the work of LC committees. As well as supporting additional expenses such as for committee travel to regional and rural areas on NSW, this enabled the employment of an additional five committee staff. This was calculated as the additional staffing required to meet committee workloads at the historically high levels experienced during 2018. However, since May 2019 the inquiry workload has increased even further beyond the 2018 levels. For instance there are 20 inquiries currently active and the Estimates hearing days have increased from seven days per year to at least 24 days, with 9,000 supplementary questions received. While currently the Department is able to provide a consistent quality of support to committees, limitations on staff resources mean that the commencement of some inquiries or their reporting dates will need to be staggered and/or delayed.

The impact of efficiency dividends is of particular concern. Given the current efficiency dividend imposed on the Parliament, the benefits of the additional \$688,000 funding provided to support LC committees will be completely eroded within three years and the Department would not be able to provide its current level of support.

**14. Have there been any additional staff approved for any member of the Legislative Council from the Parliament's budget above their standard entitlements?**

No.

### **Energy efficiency**

**15. What steps are being taken to make NSW Parliament more energy efficient?**

The NSW Parliament remains committed to promoting sustainability in areas such as water and energy within Parliament House. The Parliament reviews existing sustainability infrastructure and conducts sustainability reporting annually, in line with the NSW Government reporting policies. This information shows us how we are tracking with reducing energy and water consumption in the Parliament.

In the 11 years since the major energy savings initiatives of 2008 the Parliament has undertaken the following.

- All upgrades to any bathroom/sanitary facilities include Water Efficiency Labelling and Standards (WELS) scheme products. Wherever possible the highest possible star rating is selected
- All upgrades to lighting throughout the building include LED technology
- Reduction of single use plastics combined with organics composting
- Introduction of Return and Earn collection with proceeds going to charity
- Replacement of old technology for the gas fired boilers in the engineering plant

The capital works program has also ensured energy efficiency is incorporated into projects, such as:

- Replacement of aged and inefficient mechanical services as part of the ceilings replacement projects
- Installation of energy efficient LED lighting for new fit outs, including the upgrade to public spaces, disabled-access toilet upgrade, Education Centre and Level 6 Modifications project, and Ceilings and Building Services Replacement project
- Use of the highest rated water saving taps and fittings for the disabled access-toilet upgrade, including dual flush toilets
- Refurbishment rather than replacement of timber panelling to avoid waste and maintain heritage

**16. Does the NSW Parliament have an environmental and/or sustainability policy in place?**

As part of NSW Parliament's ongoing commitment to improving sustainability at Parliament House, the Environmental Sustainability Policy was published in January 2015. The Policy focuses on three key areas: compliance and reporting, workforce culture, and infrastructure and operations. The purpose of the Policy is to continue to promote the Parliament's commitment to an environmentally sustainable workplace. The Policy is planned to be revised this year.

**(a) If so, please provide details?**

The Environmental Sustainability Policy can be found on the intranet.

<https://intranet.parl.nsw.gov.au/layouts/15/download.aspx?SourceUrl=/employmentpolicies/policies/Documents/Environmental%2520Sustainability%2520Policy.pdf>

**(b) If not, why not?**

N/A

**17. Has Parliament considered having solar panels installed?**

The Parliament already has a 29.5 megawatt solar array on the roof.

**18. Do any products stocked by the Parliament contain unsustainable palm oil?**

DPS is committed to removing the use of unsustainable palm oil in all of its operations.

The Catering branch have contacted suppliers to ensure they understand we do not wish to receive any products that contain unsustainable palm oil. Catering is currently performing a review of many of the products that may contain unsustainable palm oil.

Our Executive Chef uses the 'Palm oil scanner' app for Palm oil detection to help avoid products that contain palm oil. We have scanned over 180 barcodes and at present there are currently these items that contain palm oil:

**Contain palm oil not sure if it's from a sustainable source**

Mini Jam Doughnuts contain palm oil

Captain's table water crackers

Chocolate croissant

**Inconclusive Under investigation**

Summer roll chocolate bar

Nougat honey bar

Sesame bar

Investigations are continuing into these items.

The remainder of DPS does not use any unsustainable palm oil in its operations.

**19. How many recommendations from Weir Consulting into WHS issues with Parliamentary Reporting Services (Hansard) have been fully implemented?**

The three most acute WHS-related recommendations from the Weir report have been fully implemented.

**20. What is the timeframe for implementation?**

The five outstanding WHS recommendations related to the physical working environment of Hansard staff. DPS had committed in April 2019 to conducting detailed inspections of the Hansard offices by August 2019 to assess the suitability of the workstations, the cleanliness of the rooms and the risks of staff sleeping in the office. After making this commitment and in response to the lack of funding for the broad-ranging accommodation review envisaged by the Master Plan, DPS decided to prioritise the Hansard offices as part of the ceiling replacement project and fold the issues about the

physical working environment into that project. The replacement of existing workstations with modern, more ergonomic designs will take place over the December 2019-January 2020 non-sitting period in consultation with the staff.

**21. Which recommendations have not been accepted by DPS?**

At the time of writing the responses and prior to the inclusion of the Hansard office space in the ceiling replacement project, DPS did not accept the recommendation for a breakout room for staff due to a lack of space. However, accommodation options being considered for staff have provided the opportunity to look at potential locations and design of a breakout room, which will be included as part of the consultations with staff.

**22. What is the reasoning behind the decision not to accept these recommendations?**

See response to Q. 21.

**23. What risk assessments have been done following the report?**

As outlined in response to question No. 20, the initial response to the Weir report was that DPS would conduct detailed inspections of the Hansard staff office space to assess any WHS risks. The inclusion of the Hansard office space in the ceiling replacement project meant that any assessments done in August 2019 would be redundant as soon as the accommodation layout was redesigned and rebuilt over the December-January period. To avoid duplicating the office space risk assessments, DPS has deferred the risk assessments until detailed planning work and consultation begins on the Hansard accommodation layout. This is expected to be completed by the end of October 2019.

**24. Is a fatigue management strategy in place?**

DPS is in the process of drafting a fatigue management policy for the whole department. The commitment by DPS to have the policy drafted by the end of 2019 remains. In advance of a general fatigue management plan for DPS, the minimum breaks between shifts, the 55-hour weekly cap on hours and other changes in the allocation of work have been the means by which fatigue in Hansard has been managed.

**25. Are standard WHS breaks rostered every 5 hours?**

DPS is not formally rostering breaks every five hours. With the additional staff employed since April 2019, the lunch and dinner breaks of the Legislative Council allow staff sufficient time to take at least 30-minute breaks. The additional staff also mean that when one House continues to sit late into the evening and all staff work on the same roster, the amount of time each staff member receives for each segment of transcript doubles. Consequently, even in the absence of breaks by the Houses, staff should be receiving adequate breaks. To confirm that all staff are receiving the recommended break every five hours, the staff are recording their times in a spreadsheet which will enable the Editor of Debates over the December-January non-sitting time to assess whether the current rostering arrangements are fulfilling their purpose. If they are not, DPS will make whatever changes are necessary to ensure regular breaks for staff.

**26. What is the standard break is between shifts if less than 10 hours does this comply with Parliaments' WHS obligations?**

The consultants did not recommend specific time lengths for the breaks staff should receive between shifts. For guidance on suitable time spans, DPS referred to the relevant provisions of the Crown Employees (Parliament House Conditions of Employment) Award. Given that the Parliamentary Reporting Staff (Salaries) Award contains no WHS-related provisions but the award covering other employees of the Parliament does, DPS took the minimum eight-hour break between shifts from the latter. In recognition of the fact that 10-hour breaks are found in other awards, DPS provides cabcharges to return to work in the morning for those staff who receive breaks of between eight and 10 hours.

***27. How many times have the 13 hour daily and 55 hour weekly caps been breached since the beginning of the 57th Parliament?***

The 13-hour daily limit was set as a target for DPS to work towards, rather than a recommendation for DPS to implement. The 55-hour weekly cap on hours has not been breached by any of the Hansard reporters and subeditors since the start of the 57th Parliament.

***28. When was the report presented to the presiding offices?***

The report was largely based upon confidential one-on-one interviews with Hansard staff. Although the report itself does not refer to any particular staff members by name, given the small size of the Hansard team the report contains references that could easily identify individual staff members. To preserve the confidentiality of the information provided by staff, the Chief Executive of DPS determined that it was inappropriate to distribute the report beyond those responsible for formulating a response to it. A summary of the report's findings and recommendations, as well as the response of DPS to each issue, was provided to staff in April 2019 during a meeting with the Chief Executive. The Presiding Officers were briefed on the substance of the report by the Chief Executive of DPS.

***29. When is the report being presented to parliament?***

For the same reasons of confidentiality outlined in response to question No. 28, DPS does not intend to present the report to Parliament.

***30. What did the investigation cost DPS?***

The final cost of the investigation and report was approximately \$70,000 (exc. GST).

**Questions from the Hon Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)**

**Skills and Training Development within DPS**

***31. Do DPS and the two houses have a training and professional development scheme for their employees (excluding MoPS Act staff)?***

Both DPS and the Department of the LC undertake an annual Performance Development Program (PDP), which aims to maximise the performance of employees and ensure they are capable of contributing fully to the achievement of the Parliament's objectives and goals. The Program

identifies professional development and training requirements for the current and future needs of employees.

**(a) What is the annual budget?**

In 2018/2019 financial year, DPS spent \$192,562 on staff training and development across the five branches: Financial Services, Facilities, Catering, People & Engagement and Information Services, covering approximately 175 staff.

In the same period, the Department of the LC spent \$16, 224 on training and development for its 38 staff. This figure does not necessarily capture costs of staff attending conferences, which is also seen as an investment in professional development of staff.

**(b) Do external providers attend Parliament to provide in-service training on-site?**

Yes. To ensure our employees are provided with the best possible professional development DPS uses both internal and external providers. When sourcing the external providers we look for expertise and value for money. For example, in 2018/19 DPS engaged IPAA (Institute of Public Administration Australia) to undertake the Great Managers Academy and Writing Skills, Project Management as well as Healthcorp to run First Aid requalification training.

**(c) Do employees attend training off site?**

Yes, where the training is specific and required by either a single employee or a number that is not financially viable to run in-house, employees attend training courses off-site.

**(d) What types of courses do employees have access to?**

Training courses for employees include first aid and WHS, writing skills, financial management, workplace behaviour and recruitment information. Parliament also has an extensive e-Learning system where employees can access courses such as cultural appreciation, emotional intelligence, Work Health and Safety, computer skills (Word, Excel, Project).

**(e) What is the most expensive (per person) training or professional development provided?**

The most expensive professional development per person was the Parliamentary Law Practice and Procedure course through ANZACATT. DPS nominates 1 person per year in most years, and the Department of the LC typically one to two staff.

**(f) Are individual employees limited to a set dollar amount of training and development per person to be expended each year?**

No, DPS and the Department of the LC manages the expenditure on the training and development of its employees based on need in line with common practice in the broader public sector.

**32. Do Managers and Directors within DPS and the LA or LC attend management seminars or conferences?**

Yes Managers and Directors within DPS and the LC attend seminars and conferences.

**(a) How many of these occur each year?**

Last year the conferences that were attended by DPS Managers and Directors included: Australasian Study of Parliament Group (ASPG), Australian & New Zealand Association of Clerks At The Table (ANZACATT), Australian & New Zealand Parliamentary Information Technology (ANZPIT), Australasian Parliamentary Educators Conference (APEC), Parliamentary Law, Practice and Procedure (PLPP) and Institute of Public Administration Australia (IPAA) State Conference. Conferences



attended by LC managers include Australasian Study of Parliament Group (ASPG), Australian & New Zealand Association of Clerks At The Table (ANZACATT) and the Presiding Officers and Clerks Conference (POCC).

***(b) How many people attend?***

On average 1-3 employees attend each conference from each Department. Please note that not only Managers and Directors attend these conferences.

***(c) What is the annual budget?***

Neither DPS nor the Department of the LC have a separate annual allocation for seminars and conferences for executives or managers. Expenditure is on a case by case basis, depending on need and funding available. The annual cost for training is provided above, in answer to question 31.

***(d) What is the most expensive (per person) seminar, conference or training course attended by a DPS executive in the past five years?***

The Deputy Chief Executive and Director, People and Engagement attended the Australian & New Zealand School of Government (ANZSOG) Executive Fellows Program (EFP) that brings together world-recognised academics and high-calibre practitioners from the senior ranks in the public, not-for-profit and private sectors. It applies the latest thinking and academic rigour, while being firmly grounded in the reality of modern public service challenges. The Deputy Chief Executive won her position on the program through a competitive selection process conducted across the whole NSW public sector, as a part of NSW's commitment to the ANZSOG. The cost was \$27,817.28.

***(e) How many seminars, conferences or training courses have been attended by:***

***i. The DPS Executive Manager / CEO?***

Two

***ii. Each of the four DPS Directors?***

Each director went to one in the 2018/19 financial year

***(f) Who approves which conferences, seminars or training courses may be attended by DPS executives?***

Within DPS, the Chief Executive approves attendance at conferences, with approval of the Presiding Officers for international travel.

***(g) Do Managers and Directors within DPS and the LA or LC travel overseas for seminars, study tours?***

No overseas travel for seminars or study tours in the previous year by DPS managers.

In 2018-19 the DPS Chief Executive accompanied the President on the Canadian part of his study tour.

In 2018-19 an LC Director accompanied the President on part of his US study tour, the Clerk Assistant Procedure participated in the House of Commons overseas clerks program, and the Deputy Clerk, as President of ANZACATT, attended the Canadian Clerks Association Professional Development Seminar following attendance at the NCLS conference with a delegation of members. The Clerk also attended the Presiding Officers and Clerks Conference (POCC) held in New Zealand. Papers are generally presented by officers attending seminars to inform other jurisdictions of the work of the Council and its members.

## **Executive Pay**

### **33. Are DPS executives' pay tied to public sector Clerk Grades?**

The Parliamentary Senior Officer grades are now set by an internal instrument, approved by the Wages Policy Taskforce, which reflects the Senior Officer grades that used to apply in the public sector. As attrition occurs, DPS will begin using contract based senior executive recruitment to match the employment remuneration and conditions of senior executive roles across the public sector. This has occurred for one role so far.

#### **(a) What grade/band is the DPS CEO?**

The Chief Executives remuneration is set by the Statutory and Other Officers Remuneration Tribunal.

#### **(b) What grade/band is the DPS Deputy CEO?**

Parliamentary Senior Officer Grade 3 (Band 1 equivalent)

## **DPS Staffing**

### **34. What is the annual cost of labour hire agency staff in the Catering division of DPS?**

2017/18	\$ 1,652,297
2018/19	\$ 1,291,587

#### **(a) How many catering workers are employed this way?**

At any given time there may be up to 40 staff employed in this nature due to the fluctuating demands of the business, as in peak periods and slow periods.

#### **(b) How many catering workers have been employed this way for a period greater than 2 years?**

We use three agencies, below are the responses provided by them

Clifford Wallace: Of the Clifford Wallace team working at Parliament House, 12 current team members have worked at Parliament House for more than 2 years.

Nosh: from Nosh only one employee works at Parliament House for more than two years

Fresh: No employee has worked for more than two years from this agency

#### **(c) How many catering workers are employed as permanent staff?**

18

#### **(d) Can labour hire agency catering workers request permanency?**

We understand that all labour hire agency catering workers can request permanency from their labour hire agency. All labour hire agency workers are able to apply for any permanent role that is advertised in the Parliament at any time.

### **35. How many Full Time Equivalent cleaning staff positions are there in this financial year?**

16 FTE on payroll with 7 FTE agency personal, total of 23 FTE

#### **(a) How many were there last year?**

as above

**(b) How many were there five years ago?**

16.5 FTE on payroll with 5 FTE agency personal, total of 21.5 FTE

**(c) What is the annual cost of labour hire agency staff in the Cleaning division of DPS?**

\$425,943.28

**(d) How many cleaning workers are employed this way?**

14

**(e) How many cleaning workers have been employed this way for a period greater than 2 years?**

5

**(f) How many catering workers are employed as permanent staff?**

18

**(g) Can labour hire agency cleaning workers request permanency?**

Agency cleaners have in the past been offered ongoing (permanency) however due to fiscal tightening in recent years it has become necessary to consider alternatives to permanent employment.

## **Capital Projects**

**36. When will the western-end bathrooms in the Tower Building being renovated?**

This is part of the parliament's 10 year masterplan that has not yet been funded. If funding is made available it is scheduled to be roughly in 2 years' time.

**37. Who has access to the data logs of the new swipe locks on Members' office suites?**

As per the NSW Parliament House Closed Circuit Television Security Access Control Systems Policy found on the Parliament's [intranet](#) Authorised users; who require access to the security software, as part of their daily employment requirements. Director Facilities, Security Manager, Security Administration Officer, Facilities Administration Officer, Security helpdesk operator, NSW Police Special Constables and Authorised Security Contractors. The ability to review data is restricted to each user's authorised access levels, within the software.

**(a) How long is this data stored?**

Data is stored for 2,555 days (7 Years)

**(b) How many times has this stored data been accessed since the locks were installed?**

The data is accessed by authorised personal on a need basis as per the policy.

**(c) On whose request (not including requests from ICAC or a police warrant)?**

As per the policy

**(d) Has data been accessed without authority?**

There have been no reported incidences that would indicate unauthorised access. The ability to review data is restricted to each user's authorised access levels as per the policy.

i. **If yes – by whom?**

N/A

**38. Is there an option to opt out of changing the locks from a physical key to a swipe card?**

Consultation was provided to all members, ministers and staff prior to the installation of the project.

**(a) Can a Member change back to a physical key if requested?**

Not in the foreseeable future. It is best practise to remain consistent with access controls throughout Members accommodations, for the welfare and security of occupants.

**39. What consideration was given to protect Members' privacy and Privilege when these locks were installed?**

Parliament carefully considers both security and accessibility convenience in all aspects of the building, upgrades and capital works projects. Parliamentary Privilege is covered by the policy. Facilities regularly holds open information sessions on all current and completed projects and Members and staff are always welcome to provide feedback, comments or concerns to the Facilities Branch.

**40. Who has access to the data logs of internet browsing history of Members and Members' staff?**

IT Services network administrators (currently four staff members) have the permissions required to manage all aspects of internet filtering and, if requested, access and report on data logs containing internet browsing history.

**(a) How long is this data stored?**

In accordance with Parliament's policy, the data is stored for 4 years

**(b) Is this data accessible by anyone in the DPS IT staff?**

Network administrators are the only DPS IT staff who have the necessary network permissions to access this data – it is necessary that they have these permissions to maintain the application.

**(c) Is this data accessible by DPS IT contractors?**

No

**(d) Is this data accessible by anyone outside of DPS IT?**

No – only designated staff within IT Services have the permissions necessary to access this data. In addition, existing policy requires the written approval of a Clerk, Chief Executive or the Director, People & Engagement be provided before this data is accessed in report form by anyone, including IT Services staff.

**(e) How many times have these data logs been accessed (not including requests from ICAC or a police warrant) in:**

- i. 1 July 2019 to date
- ii. 2018/19 financial year
- iii. 2017/18 financial year
- iv. 2016/17 financial year

No such requests have been authorised for access to these data logs and no reports have been produced for the periods identified above.

***(f) Who has accessed this information (not including requests from ICAC or a police warrant)?***

***i. If yes – by whom?***

Network administrators have the permissions required to provide day to day management of the application. Real time (screen view only) internet activity of individuals is sometimes monitored by network administrators as part of a problem resolution process. Historical data has not been accessed.

***41. Can DPS IT read emails in Members' and Members' staff Parliamentary inboxes?***

IT Service Desk and network administrators (currently totalling 10 staff) have the network permissions required to provide themselves with access to individual email accounts. This is only done when the mailbox owner provides written authorisation via email.

***(a) What consideration has been given to protect Members' privacy and Privilege in respect of email communication being visible to IT Staff and Contractors?***

Email communications are not generally visible to IT staff and contractors. IT Service desk and network administrator staff grant themselves permissions on an as required basis to view individual email accounts for a specific purpose. IT staff will only enable these permissions upon authorisation from the owner of the mailbox, and disable the access after completing the relevant action(s). Contractors are engaged at times to fill some positions on the Service Desk – these contractors are provided with the same rights to administer the email system as permanent staff on the Service Desk.

***(b) Can any other person/s outside of DPS IT read emails in Members' and Members' staff Parliamentary inboxes?***

Staff outside of the IT Operations team do not have the permissions required to read emails in Members' and Members' staff inboxes. IT Services can grant access to staff outside of DPS under the following conditions:

- Some Members will make a request for their staff to have access to their mailbox – in these cases, IT Services will only provide the access after written approval is received from the Member
- Members sometimes seek access to email accounts of staff who have recently ceased employment with the Parliament – in these cases, IT Services can provide Human Services with access to review these email accounts and forward and forward relevant (work related emails).
- In connection with an investigation or as directed by the Clerks or Chief Executive of DPS.

***(c) Has there been any unauthorised access to this data?***

No

***(d) How many times have these emails been accessed without the knowledge of the Member or staff (not including requests from ICAC or a police warrant) in:***

- i. 1 July 2019 to date
- ii. 2018/19 financial year
- iii. 2017/18 financial year
- iv. 2016/17 financial year

No such access has been provided without the knowledge of the Member or staff to active email accounts for the periods identified above.

***(e) Who has accessed this information (not including requests from ICAC or a police warrant)?***

***i. If yes – by whom?***

N/A

***42. What happens to PCs used by Members and Members' staff after a Member ceases to hold office or if the PC is periodically replaced during a Member's term of office?***

The PC may be reallocated if it is still within its expected life and in working condition. All hard drives on PCs used by members and Members' staff are wiped after a Member ceases to hold office. The exception to this is in instances where the outgoing Member grants access to the incoming member to all data – in these cases, the hard drives are not wiped.

***(a) Is the data wiped?***

Where the outgoing Member chooses not to pass on their data to the incoming member, the data is wiped.

***(b) To what standard is the data wiped?***

Data is wiped using a secure disk wiping application that effectively overwrites existing data a number of times making it impossible to retrieve data from the hard drive. In addition to wiping the data using a secure disk wiping application, the hard drive is re-imaged with a new instance of Windows.

If the PC is periodically replaced during a Member's term, and the replacement process is managed internally by IT Services staff, secure disk wiping application (as described above) is used. If the PC disposal is outsourced to a vendor, the hard drives are physically destroyed as part of the computer disposal. IT Services currently uses an external vendor to dispose of PC's in electorate offices – in these instances the vendor issues a certificate of destruction for each hard drive providing the hard disk drive serial number for each hard disk destroyed

***(c) Would the data be easily read by a data recovery tool or an external service provider who specialised in data recovery?***

No – both methods described above prevent data recovery.

***43. When a PC is removed from service, how is it disposed of? Returned to a leasing company, public auction, donation to charity?***

When a PC is removed from service, it is wiped using a secure disk wiping application and disposed of through an accredited recycler of e-waste.

***44. Does DPS remove Hard Drives from retired PCs and make these available to Members?***

No but copies of data are extracted to a USB or external hard drive for all outgoing Members.

***45. Who owns the data on these hard drives? Members, or DPS?***

The data is owned by the Member.

**46. What considerations has been given to protect Members' privacy and Privilege in respect of hard drives which are disposed of by Parliament and which may still contain Members' work product and Privileged material?**

The hard drives contained in computers that are identified for disposal are either wiped (using a secure disk wiping application) or the hard drive is destroyed as part of the computer disposal process.

**Parking**

**47. On a Parliamentary non-sitting week, staff are able to book a parking space at a cost of \$25 per day if they are required to attend Parliament House which is then reimbursed. Why are staff charged when they are able to claim the parking cost and are reimbursed the funds?**

Parking Space Levy Regulation (11 Obligations of persons in government service positions) stipulates that persons in government service positions are under an obligation to make arrangements towards payment of the levy associated with their use of parking spaces. This includes those in the office of a member and staff of the Legislative Council or of the Legislative Assembly. Further, it is specified that payments must be made out of his or her remuneration as a government employee.

**(a) Is there a restriction on which staff are able to book a parking space and have the cost reimbursed?**

See A.47 above.

**(b) Is there a restriction on the reason that staff are attending Parliament House to have the parking cost reimbursed?**

See A.47 above.

**48. During Parliamentary sitting weeks when Regional and Rural Electorate Office staff drive to Sydney for work, why are the staff unable to claim for parking unless parking fees are included with their accommodation?**

See A.47 above.

The Annual Report and Determination of the Parliamentary Remuneration Tribunal, dated 21 June 2019, discusses parking, at page 11:

'The Tribunal has been requested to permit Members to receive a refund for the cost of parking at a commercial parking station. This matter was first raised in the 2018 annual review.

**Commercial parking costs and parking meters**

It was submitted that an anomaly exists in that Members can be reimbursed for the cost of a taxi, other hire cars and other commercially available transport but not for the cost of parking at a commercially available space.

The Tribunal considers that it is reasonable for Members to be reimbursed for all relevant travel costs associated with undertaking their parliamentary duties. On that basis the conditions have been amended to include the reimbursement of commercial car parking costs and parking meters for

travel relating to attendance at a meeting or an event. These costs are to be funded from the existing entitlements and no additional funds are provided to meet these costs.

Members are not able to claim the cost of parking at their principal place of employment – either Parliament House or their electorate office.’

In previous years, Members’ staff driving to Sydney for work could not claim parking unless it was charged as part of an accommodation bill. However, the latest Determination of the Parliamentary Remuneration Tribunal now provides for commercial parking to be claimed (excluding locations considered to be the principal place of work, if applicable) and the Tribunal has updated its conditions for use of the General Travel Allowance accordingly:

3. A Member who incurs parking costs (at either a commercial parking station or a parking meter) may be reimbursed these costs from the General Travel Allowance when the travel relates to attending a meeting or event.

This is applicable from 1 July 2019.

***(a) As much of the accommodation that provides parking on-site is located a considerable distance from Parliament House, and staff sometimes require a taxi to reach their accommodation, does this not create an additional cost due to reimbursement of taxi fares?***

Commercial parking expenses may now be claimed (excluding at locations considered to be the principal place of work) by staff whilst supporting their Members for parliamentary or electorate purposes. However in previous financial years, the prohibition on claiming parking may have led to claims by staff for taxi fares which exceeded the cost of an equivalent private vehicle journey and parking.

***(b) Why was this restriction placed on staff who are required to reside away from their home to support their Member when changes were made from a LSA Accommodation and Meals/Sustenance Allowance Claim which was a set daily allowance amount to the current reimbursement of expenses upon invoice proof?***

Prior to February 2014, staff received an allowance while in Sydney at the daily rate set by the Australian Taxation Office (ATO). This was provided to cover meals, accommodation and incidentals. No definition of ‘incidentals’ has been provided by the ATO.

Following the passing of the Members of Parliament Staff Act 2013, the Presiding Officers released ‘Members’ Staff Conditions of Employment – Determination of the Presiding Officers’ (February 2014). This document included a section on travel expenses, and determined that staff would be reimbursed for authorised actual travel expenses incurred, upon the provision of receipts to substantiate their expenses. Parliament therefore ceased to pay the daily allowance and instead reimbursed staff based on actual costs incurred. According to the administrative guidelines applied to the Logistic Support Allocation at the time, parking was not considered an expense that could be claimed. The ‘incidentals’, which would previously have been covered by the allowance, were not considered to include parking.

### ***Hansard Employment conditions***

***49. How many of Weirs’ recommendations have been fully implemented?***



The three most acute WHS-related recommendations from the Weir report have been fully implemented.

**50. What is the implementation timeframe?**

The five outstanding WHS recommendations related to the physical working environment of Hansard staff. DPS had committed in April 2019 to conducting detailed inspections of the Hansard offices by August 2019 to assess the suitability of the workstations, the cleanliness of the rooms and the risks of staff sleeping in the office. After making this commitment and in response to the lack of funding for the broad-ranging accommodation review envisaged by the Master Plan, DPS decided to prioritise the Hansard offices as part of the ceiling replacement project and fold the issues about the physical working environment into that project. The replacement of existing workstations with modern, more ergonomic designs will take place over the December 2019-January 2020 non-sitting period in consultation with the staff.

**51. Why have some recommendations not been accepted by DPS?**

At the time of writing the responses and prior to the inclusion of the Hansard office space in the ceiling replacement project, DPS did not accept the recommendation for a breakout room for staff due to a lack of space. However, accommodation options being considered for staff have provided the opportunity to look at potential locations and design of a breakout room, which will be included as part of the consultations with staff.

**52. Have all the risk assessments and the fatigue management strategy taken place?**

As outlined in response to question No. 50, the initial response to the Weir report was that DPS would conduct detailed inspections of the Hansard staff office space to assess any WHS risks. The inclusion of the Hansard office space in the ceiling replacement project meant that any assessments done in August 2019 would be redundant as soon as the accommodation layout was redesigned and rebuilt over the December-January period. To avoid duplicating the office space risk assessments, DPS has deferred the risk assessments until detailed planning work and consultation begins on the Hansard accommodation layout. This is expected to be completed by the end of October 2019.

DPS is in the process of drafting a fatigue management policy for the whole department. The commitment by DPS to have the policy drafted by the end of 2019 remains. In advance of a general fatigue management plan for DPS, the minimum breaks between shifts, the 55-hour weekly cap on hours and other changes in the allocation of work have been the means by which fatigue in Hansard has been managed.

**53. Are standard WHS breaks being rostered every 5 hours?**

DPS is not formally rostering breaks every five hours. With the additional staff employed since April 2019, the lunch and dinner breaks of the Legislative Council allow staff sufficient time to take at least 30-minute breaks. The additional staff also mean that when one House continues to sit late into the evening and all staff work on the same roster, the amount of time each staff member receives for each segment of transcript doubles. Consequently, even in the absence of breaks by the Houses, staff should be receiving adequate breaks. To confirm that all staff are receiving the recommended break every five hours, the staff are recording their times in a spreadsheet which will enable the Editor of Debates over the December-January non-sitting time to assess whether the current rostering arrangements are fulfilling their purpose. If they are not, DPS will make whatever changes are necessary to ensure regular breaks for staff.

**54. Why has 8 hours not the standard 10 hours been chosen as a break between shifts?**

The consultants did not recommend specific time lengths for the breaks staff should receive between shifts. For guidance on suitable time spans, DPS referred to the relevant provisions of the Crown Employees (Parliament House Conditions of Employment) Award. Given that the Parliamentary Reporting Staff (Salaries) Award contains no WHS-related provisions but the award covering other employees of the Parliament does, DPS took the minimum eight-hour break between shifts from the latter. In recognition of the fact that 10-hour breaks are found in other awards, DPS provides cab charges to return to work in the morning for those staff who receive breaks of between eight and 10 hours.

**55. How many times have the new 13 hour daily and 55 hour weekly caps have been breached since the start of the new 57th Parliament now that its hours of the Legislative Council have been extended and budget estimates are much longer?**

The 13-hour daily limit was set as a target for DPS to work towards, rather than a recommendation for DPS to implement. The 55-hour weekly cap on hours has not been breached by any of the Hansard reporters and subeditors since the start of the 57th Parliament. The most likely effect of the limit on hours staff can work each week will be on committee transcription, rather than for the Houses. DPS has changed the method Hansard uses to record and transcribe committee hearings to allow a) more staff to take leave on non-sitting days and b) to allow work to be spread over a greater number of days rather than have all staff work very hard on tight deadlines.

**56. When was the report presented to the Presiding Officers?**

The report was largely based upon confidential one-on-one interviews with Hansard staff. Although the report itself does not refer to any particular staff members by name, given the small size of the Hansard team the report contains references that could easily identify individual staff members. To preserve the confidentiality of the information provided by staff, the Chief Executive of DPS determined that it was inappropriate to distribute the report beyond those responsible for formulating a response to it. A summary of the report's findings and recommendations, as well as the response of DPS to each issue, was provided to staff in April 2019 during a meeting with the Chief Executive. The Presiding Officers were briefed on the substance of the report by the Chief Executive of DPS.

**57. When is the report being presented to Parliament?**

For the same reasons of confidentiality outlined in response to question No. 56, DPS does not intend to present the report to Parliament.

**58. What did the investigation cost DPS?**

The final cost of the investigation and report was approximately \$70,000 (exc. GST).