

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Monday 16 March 2020

Examination of proposed expenditure for the portfolio area

THE LEGISLATURE AND PREMIER

The Committee met at 09:30

CORRECTED

MEMBERS

The Hon. Tara Moriarty (Chair)
The Hon. Robert Borsak (Deputy Chair)
The Hon. Mark Buttigieg
The Hon. Ben Franklin
The Hon. Taylor Martin
The Hon. Shaoquett Moselmane
The Hon. Adam Searle
Mr David Shoebridge
The Hon. Natalie Ward

PRESENT

The Hon. John Ajaka, *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: Members, witnesses and those in the public gallery, we request any person who is feeling unwell or has returned from overseas within the last 14 days to please leave the hearing room now. Welcome to the public hearing for the inquiry into budget estimates 2019-2020 relating to the portfolios of the Legislature. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the Elders past and present of the Eora nation and extend that respect to any other Aboriginals present. I welcome President Ajaka and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of the Legislature and will take evidence from the NSW Electoral Commissioner at the conclusion of the hearing of the Legislature.

Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses have the right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat.

Mr President, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web as soon as possible. I remind everybody to switch your phones to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. President Ajaka, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. But the other witnesses do need to be sworn in. Today's hearing will be conducted from 9.30 a.m. to 11.00 a.m. I declare the proposed expenditure for the portfolio of the Legislature open for examination.

MARK WEBB, Chief Executive of the Department of Parliamentary Services, affirmed and examined

DAVID MICHAEL BLUNT, Clerk of the Parliaments and Clerk of the Legislative Council, sworn and examined

The CHAIR: As there is no provision for any witnesses to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. NATALIE WARD: Just before we begin, if I may, did we say the timing?

The CHAIR: Yes.

The Hon. MARK BUTTIGIEG: Mr President, do we have an idea of roughly how many people would pass through the New South Wales Parliament on an average on a daily basis?

The PRESIDENT: We do have a rough idea. I know that Mr Webb has a fair idea and maintains some records. I can hand that question over to Mr Webb to answer it generally and then I can provide specific numbers to you on notice.

Mr WEBB: In general, on a non-sitting day, you would probably have between 400 and 600 people through the building. On a sitting day, up around 1,000 people through the building.

The Hon. MARK BUTTIGIEG: Given those numbers and the Prime Minister's decree on Friday of a ban of all gatherings above 500 people, understanding that that was designed for close proximity gatherings, would it not have been common sense to at the very least shut the Parliament down to the public?

The PRESIDENT: I am happy to take that. Firstly, it should be appreciated that the numbers are not present at the one time. We are talking about the numbers over a period from 8.00 a.m. and sometimes as late as 11.00 p.m. We have made it very clear that we follow the advice of the New South Wales Chief Medical Officer, Dr Kerry Chant. On Friday 13 March we completed and sent out to all members and staff the pandemic plan. I wanted to get it out earlier. I wanted to ensure that it was received prior to the Committee hearing today to allow Committee members an opportunity. We will follow that plan as set out.

Also the Parliamentary Executive Group [PEG]—which comprises myself as President, Mr Speaker, the Clerk of the Legislative Assembly, the Clerk of the Legislative Council and Mark Webb as the Chief Executive Officer of the Department of Parliamentary Services—meet and confer on a regular basis. We in fact had a telephone hook-up at 4.30 p.m. yesterday to again canvass each of the issues, including the question that you asked. The determination by all five of us was that there is no need to close Parliament down. Mr Buttigieg, no-one would have been happier than me to close Parliament down this morning so I would not have to be here. But the reality is that based on the advice we are getting from the Chief Medical Officer, there is no need to close Parliament down.

The Hon. MARK BUTTIGIEG: Was that advice specifically sought in relation to that particular mooted provision?

The PRESIDENT: We have continually sought advice from the Chief Medical Officer in relation to that and many others. For instance, there is no advice for us to now cease allowing students to come into Parliament. However, we have taken the decision to advise the schools that they should cancel any students coming in. We are also well aware that the Department of Education has set out their advice that excursions should be cancelled. Those numbers that we talked about are inclusive of the school students. We would have had three school student excursions just today. We are aware now that they will not be attending the Parliament.

The Hon. MARK BUTTIGIEG: Can I ask one more follow up on that. Presumably these decisions are made on a curve of risk-averseness, if you like—that is, what is the downside? What is the downside to shutting down what is, in essence or quintessentially, non-essential activity—that is, members of the public visiting the Parliament?

The PRESIDENT: Clearly the fundamental rule has always been that we are a democracy. This is the hub of democracy. This is the Parliament. The Parliament has always been open to the public. These committee hearings are open to the public but, at the same time, they are being televised. We are taking steps to reduce the numbers of the public entering but, in reality, the public themselves are doing that. You have only got to walk around this morning. I can assure you, we do not have anywhere near the numbers we would normally have on a day like today. The last committee meeting I had the public gallery was full, so to speak. That is not the case today. Yes, there is the issue that Parliament is open to the public. It is the people's Parliament. I am not one who believes that Parliament should simply be closed for the sake of being closed. I will operate, as does Mr Speaker—

it is our joint decision; his and mine—on the advice from the Parliamentary Executive Group as to whether Parliament is required to be closed. At this stage, it is not.

Also, Mr Buttigieg, you were spot-on in what you said. This is something we continue to look at. It is not something that we will consider again in a week's time or two weeks time. We have already set the next PEG meeting for Wednesday at 10.30 a.m., if we do not have to come back earlier. We do the phone hook-ups. It was my granddaughter's christening yesterday and I was on a phone hook-up during that christening. We do what we have to do.

The Hon. SHAOQUETT MOSELMANE: Mr President, there is a great sense of confusion amongst the public. Is not the onus on us to take the lead and make decisions, to say there is a potential threat to your health and wellbeing by entering a Parliament where there is 200, 300 or 400 people at any one time? To give one example, I just came down in the lift. Dr Chant's advice for social distancing is 1.5 metres. I was in the lift with nine people. I have a bit of a runny nose; no sore throat, nothing—but any one of those nine people could have some virus or some germ, and that could easily be passed on. Therefore, we are failing to meet that 1.5 metre social distancing.

The Hon. NATALIE WARD: Take the stairs.

The PRESIDENT: Mr Moselmane, you are 100 per cent correct when you say that we have responsibility. I, as the Presiding Officer, together with the Speaker, have the joint responsibility to ensure the proper running of this Parliament, the safety of the public, the safety of the staff, the safety of all members of Parliament. It is not a responsibility I take lightly and I am sure I speak on behalf of the Speaker, it is not a responsibility he takes lightly. That is why we continually discuss it. I am not a medical practitioner. I rely on the advice of those who are far smarter than I am when it comes to this issue. That advice is clear that there is no requirement to close the Parliament down. They gave some good advice in relation to seating. We followed that immediately. They give other advice in relation to large gatherings. We are going to follow that. I do not believe, I would not be here today if I did—

The Hon. SHAOQUETT MOSELMANE: What is the trigger, Mr President? Is it when someone falls sick, someone is contagious?

The PRESIDENT: At this stage I am not aware of a single person by way of either a member or a member's staff who has a condition. The trigger will occur in accordance with the pandemic plan. I am happy to hand over to Mark Webb who can talk about the triggers, if you like.

The Hon. SHAOQUETT MOSELMANE: Yes, because I would like to know what is the trigger.

The Hon. MARK BUTTIGIEG: I take you to that pandemic plan, so we might—

The PRESIDENT: Did you want me to answer Mr Moselmane's question first?

The Hon. MARK BUTTIGIEG: This might be a dual answer to what will be a follow-up question. I just want to take you up on that point that you made and further to my colleague's point. We are elected in this place to take a leadership position. It seems to me as though the downside risks of at least shutting off Parliament to the public are far less than the potential risks of exposure to the public and to parliamentary members and staff. I think there would be a view out there in the public that we are not leading the way and we are not leading by example. It is business as usual, which I do not think is the signal that the Government wants to send. Let me take you to the pandemic report that you touched on and which was emailed out on Friday, I think about lunchtime. The current alert level—

The PRESIDENT: Please provide a page number so we can look at it.

The Hon. MARK BUTTIGIEG: There is a hierarchy of responses.

Mr WEBB: Page 6.

The Hon. MARK BUTTIGIEG: Yes, that sounds right.

The PRESIDENT: Yes, got it, Australian alert levels.

The Hon. MARK BUTTIGIEG: Correct. The current level we are at is the red bar where it is called "Action: Initial."

Mr WEBB: Yesterday the Prime Minister announced that we were moving into the "Action: Targeted" element, which was the basis of some of the announcements that were made yesterday afternoon.

The Hon. MARK BUTTIGIEG: But we have not been informed at the State level that we are on that escalated level.

Mr WEBB: No, but we are looking at everything in the action area.

The Hon. MARK BUTTIGIEG: Officially now we are still at "Initial". How is that judgement made and who makes that?

Mr WEBB: About?

The Hon. MARK BUTTIGIEG: About what level we are at.

Mr WEBB: That is not made within the Parliament or on an individual organisation basis. That that is recommended by the medical authorities, made by the Prime Minister at a national level and the Premier at the State level.

The Hon. MARK BUTTIGIEG: The problem I see with these sorts of headlines—without being facetious, motherhood statement documents—is they do not actually flesh out what it means on the ground at a practical level. If you read "Action is divided into two groups of activities: Initial"—which is where we are at now:

(when information about the disease is scarce)

- prepare and support health system needs;
- manage initial cases;
- identify and characterise the nature of the disease within the Australian context;
- provide information to support best practice health care and to empower the community and responders to manage their own risk of exposure; and
- support effective governance.

Then "Targeted" goes on to outline what you do in those situations. But what it actually means on the ground at a practical level is what people are interested in. Assuming I am intuiting from your response that we are going to go to "Targeted" today, could you outline what that means for the Parliament at that level?

The PRESIDENT: Before Mr Webb does that, I remind you of this. The pandemic plan goes out. We then meet. It is for that reason the far more practical email went out at 5.58 p.m. by Mark Webb setting out what it actually means in a practical, what is required sense, what is going to happen. That is what we will continually do. You need to understand what it means from a practical point of view. I assume you have received this email?

The Hon. MARK BUTTIGIEG: Yes, I have got the email in front of me.

Mr WEBB: As the President said, the actions outlined in the email yesterday were our first response to the announcements made yesterday, which included the Prime Minister saying we were moving into the "Targeted" area. You were quite right to say that one of the steps that we could consider into the future is the closing of the Parliament to the public. That is definitely a potential step moving forward. We agree that the actions of the Parliament do send a message to the community. We are particularly keen that our actions are in line with the best advice from the medical authorities that is happening at any given time. As any workplace, at the moment we are being told that mass gatherings, where people are close to each other of over 500 people need to stop, but that workplaces need to continue. I feel at the moment that following that advice is the best message that we can send to the people of New South Wales.

The Hon. MARK BUTTIGIEG: Let us drill down into this "Targeted" level which we are now at. What do you—

Mr DAVID SHOEBRIDGE: Are we at "Targeted" yet or do we expect to be at "Targeted"?

Mr WEBB: I have just asked someone to see if there have been any announcements this morning. We are working on the basis that we will be at "Targeted" but we have not seen any announcement yet.

Mr DAVID SHOEBRIDGE: Sometime today.

The Hon. MARK BUTTIGIEG: Let us assume we are at "Targeted" for the purposes of the argument. What does that actually mean in practice?

Mr BLUNT: Could I just add something before Mark Webb continues? You have referred to, I think, page 6 of the plan, which sets out those various levels. If you go to pages 13 and 14, there are a number of more specific actions that take place, "Action: Initial" and on page 14 "Action: Targeted".

The Hon. SHAOQUETT MOSELMANE: I go back to my question about the trigger. What does it take to trigger a lockdown? I know Mr President says we wait till we get some advice from Dr Chant and her department. But we are in this building and we have immediate knowledge of what is going on in the building. What trigger do you need to make those decisions?

The PRESIDENT: The advice we get is the trigger. We do not have that advice to trigger the lockdown. That is the only way I can put it to you. There has not been sufficient advice to compel Mr Speaker and I to lock down Parliament.

The Hon. SHAOQUETT MOSELMANE: Is it not our responsibility to do something about it?

The PRESIDENT: With all due respect, your responsibility is to decide whether you want to show up here or not. It is my responsibility with the Speaker to decide whether to shut down the Parliament.

The Hon. MARK BUTTIGIEG: I will follow this up, because it is relevant to my colleague's questioning, so we get the process right. There is a level of escalation and we have just heard that we are likely to be at "Targeted" soon. There are a lot of statements around what that means but the specificity on what "Targeted" means is actually on direct advice from the chief medical officer. Is that correct?

The PRESIDENT: I will start from the beginning. The Federal chief medical officer, the State chief medical officer will advise the Prime Minister, will advise the Premier, will advise the Federal Minister for Health, will advise the Minister for Health and that will come down. Declarations are made, statements are made. You know as well as I do that now almost hourly statements are being made. We went from a statement being made every few days, to a statement being made every day to this stage. While we are sitting here—

The Hon. MARK BUTTIGIEG: Isn't the point, Mr President—

The PRESIDENT: If I could finish, please.

The Hon. MARK BUTTIGIEG: Sure.

The PRESIDENT: Thank you. While we are sitting here, for all I know a statement is being made right now. For all I know the Chief Medical Officer is giving advice to the Premier and, as a result of that advice, I may be here sitting here saying, "We have just received the appropriate advice, it is just triggered, we intend to close the Parliament down now."

The Hon. MARK BUTTIGIEG: The question is, Mr President, presumably we, as a sovereign Parliament, and you, as the President of the Parliament, have a degree of discretion as to how to implement those recommendations at a higher level. That degree of discretion is critical because you can either get ahead of the curve or be behind the curve. I think there is a view by some—certainly from me—that we are behind the curve at the moment.

The PRESIDENT: I do not agree with you.

The Hon. MARK BUTTIGIEG: I think many people would take that view, without necessarily expressing it.

The PRESIDENT: Mr Buttigieg, I will answer it to you this way: I do not agree with you, the Chief Medical Officer does not agree with you and the Premier, at this stage, does not agree with you because of the advice of the Chief Medical Officer. However, I must say, I will leave this budget estimates now being more informed as to what your view is, what Mr Moselmane's view is and, I assume later on, Mr Shoebridge and other Committee members. Clearly, that is a matter that I will take into account. But at this very minute, as of when I walked into this place—as of 4.30 p.m. yesterday—I am not of that view, and nor is the Speaker.

The Hon. SHAOQUETT MOSELMANE: Mr President, the facts as we have them at the moment is that there is a potential 1.9 million people who will be infected in New South Wales. That is almost 20 per cent of people in New South Wales. In this Parliament, at any one time there may be 400, 600, 800 people. There is going to be 20 per cent of our staff and members potentially infected. Why do we not take proactive measures to prevent that percentage of infection amongst our staff by taking urgent initial steps to prevent it?

The PRESIDENT: I will answer it this way: You are saying, notwithstanding the advice from the Chief Medical Officer, you, right now, are demanding I close the Parliament?

The Hon. SHAOQUETT MOSELMANE: Yes.

The PRESIDENT: Then why are you here? Why did you choose to be here?

The Hon. SHAOQUETT MOSELMANE: Because I wanted to ask those questions, and I am about to go.

The PRESIDENT: That is your right to do that. I am not compelling you to be here. I am not compelling anybody to be here. But, as I said before, the entire Executive group, as of 4.30 p.m. yesterday and this morning, formed the view, based on the right advice from the experts—who are far smarter than I am when it comes to this aspect—that there is no trigger at this stage to close the Parliament down. I cannot tell you if that trigger will not occur in the next 10 minutes, hour, sometime tomorrow or sometime the next day. That could easily be the case.

The Hon. SHAOQUETT MOSELMANE: From my understanding of your response, it is basically out of your hands.

The PRESIDENT: That is not fair. I did not say it is out of my hands.

The Hon. NATALIE WARD: Point of order: That is not what he said.

The Hon. SHAOQUETT MOSELMANE: That is what he said.

The Hon. NATALIE WARD: That was not his evidence.

The PRESIDENT: This is a very serious matter and I appreciate what each and every one of you is putting to me. I appreciate and respect enormously your views and I know you respect my views. There is absolutely no conflict here—I do not believe there is any conflict here. As I said to you before, it is my joint decision with Mr Speaker, and a decision that we make and take very seriously based on the appropriate advice that we receive from the Chief Medical Officer. That trigger has not occurred yet. Personally, I do not want to be here, but the point is I have a responsibility to this Parliament and I have a responsibility to everyone. I genuinely believe at this stage that there is no necessity to close the Parliament. But it may be different in the next couple of hours—I do not know.

Mr DAVID SHOEBRIDGE: Mr President, Mr Blunt and Mr Webb, thank you for coming this morning. I appreciate the distance. As I understand it, the current advice delivered at a Commonwealth level and disseminated to us is that we are at response phase, action initial. Is that right?

Mr WEBB: Yes, we are expecting that to change, but yes.

Mr DAVID SHOEBRIDGE: I understand that. And that is communicated to the Parliament through what formal mechanisms?

Mr WEBB: As to not clog up the medical authorities, they have a webpage where they announce those changes as soon as they happen. We monitor that on an ongoing basis.

Mr DAVID SHOEBRIDGE: Is that webpage available to the public?

Mr WEBB: Yes, it is a public page.

Mr DAVID SHOEBRIDGE: Is it on the NSW Ministry of Health?

Mr WEBB: Yes, it is on the Health website.

Mr DAVID SHOEBRIDGE: Does it say that we are at action initial?

Mr WEBB: At the moment, that is my understanding.

Mr DAVID SHOEBRIDGE: It uses that phrase? That is the exact same hierarchy of response that is in our pandemic action plan—is that the same that is coming under the Federal health authorities?

Mr WEBB: Correct.

Mr DAVID SHOEBRIDGE: And being disseminated at the State level?

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: We are at action initial and we expect—and I accept that this is just an expectation—Mr President, to get to action targeted? Is that correct?

The PRESIDENT: That is the expectation.

Mr DAVID SHOEBRIDGE: Can I just go through this table at the end of the pandemic action plan—

The PRESIDENT: Yes.

Mr DAVID SHOEBRIDGE: —about what action targeted means. It talks about implementing targeted risk management strategies, minimising threat and impact of pandemic, looking at absenteeism and the like. But, then, halfway down that table it says, "Consider increasing social distancing measures and alternative work arrangements as required. Further limit face-to-face meetings, group gatherings, external meetings and training." That is the first dot point. Is that a reference to meetings like we are having now?

The PRESIDENT: One of the requirements of the meeting that we have now was the 1½ metres seating requirements.

Mr DAVID SHOEBRIDGE: Well, it does not talk about arrangements for meetings; it actually questions holding meetings like this. Is that a reference to seriously reviewing and not holding meetings like we have today?

Mr WEBB: Potentially. We would never, of course, cross over the right of a committee to make its decisions, but our advice would start to switch to, "Do you need to meet face to face?", once we move to that level, yes.

Mr DAVID SHOEBRIDGE: I accept, and can I just say I accept, the professionalism of the advice that we have been getting, the work you have been doing behind the scenes and I accept that you are not three people. You, Mr President, in particular, are not the person to make the medical call. I accept that. But if we get the advice that ratchets up to targeted level, it seems to me that implicit in that is a recommendation that meetings like we are having now should be reviewed by the committee on the assumption that they should not proceed unless they are essential. Is that where we get to?

The PRESIDENT: Yes. Can I take it one step further. At our phone hook-up yesterday at 4.30 p.m., on the agenda was, "Will the budget estimates committee meetings still continue to convene?" We determined, based on the advice, yes they will. But, if based on further advice, based on further escalation—if I can use that—then, clearly, we would have to make a determination to that effect. That would then require me to confer with the committee chairs because, ultimately, at the end of the day, I have the authority, with Mr Speaker, to close the Parliament. I would have had the authority to close the Parliament this morning, which meant that you would not have had a venue to meet, but that does not stop you as a committee—I do not control you—to determine that. You may have determined to meet somewhere else, or you may determine to do a phone call.

Mr DAVID SHOEBRIDGE: But the practical reality of that would be—

The PRESIDENT: You are not going to be here.

Mr DAVID SHOEBRIDGE: That we would not be here, there would not be a venue, the meetings would not proceed. That is the practical reality.

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: That is the practical reality. So if we get to the point sometime today—and I know we constantly say that we should not deal with hypotheticals, but let us assume that is going to happen today—that it ratchets up to response phase, action targeted then, Mr President, will you be exercising those powers to direct that the Parliament facilities not be used for meetings like this and Hansard not attend meetings like this and your committee staff and presidential staff not attend meetings like this?

The PRESIDENT: Yes. Mr Speaker and I will make that determination, conferring with the rest of the PEG group. But the short answer is, yes.

Mr DAVID SHOEBRIDGE: Mr Blunt and Mr Webb, that was the unanimous position, was it, of the Parliamentary Executive Group?

The PRESIDENT: Including the Speaker and the Clerk from the Legislative Assembly, who is part of the group.

Mr DAVID SHOEBRIDGE: I take that, Mr Blunt and Mr Webb, is a yes?

Mr WEBB: Yes.

Mr BLUNT: Yes.

Mr DAVID SHOEBRIDGE: That could have a dramatic impact upon today's meetings, could it not?

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: If somebody refreshes the website at some point this morning and it shows that we have moved up?

Mr WEBB: Yes.

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: So, we have dealt with committee meetings. There is another meeting that often happens in this—in fact, meetings happening simultaneously—it is called Parliament. It is really just a big meeting. What is the position on that meeting?

The PRESIDENT: In relation to the Parliament sitting?

Mr DAVID SHOEBRIDGE: Yes.

The PRESIDENT: Mr Shoebidge, and I am going to us the Clerk, because we have had to seek some—we have done some work on this and sought some advice, so the Clerk will add to what I am about to say.

Mr DAVID SHOEBRIDGE: Sorry, can I just say, I am going to ask this in two questions. One is: What is the position that you will be adopting, in terms of the facilities and what is safe and what the response for the Parliament will be—

The PRESIDENT: I understand.

Mr DAVID SHOEBRIDGE: —with your powers as the President. Then I might ask separately: If there is a determination for Parliament not to proceed, how, constitutionally, do we go about that?

The PRESIDENT: Thank you. Do you want to deal with the first part, the facilities?

Mr DAVID SHOEBRIDGE: Yes, please.

The PRESIDENT: If the Parliament is shutdown, there will be no facilities. There will be no catering, there will be no persons within the Parliament, there will be no functions within the Parliament, there will be no Hansard operating within the Parliament. If that is what you are talking about, that all shuts down.

Mr DAVID SHOEBRIDGE: Yes. That makes it kind of tricky.

The PRESIDENT: Very much so.

Mr DAVID SHOEBRIDGE: Let us make it clear: It makes practically impossible for Parliament to proceed. Do we agree?

The PRESIDENT: Absolutely. So there will be no sitting of Parliament in this venue, if that happens—that is the constitutional aspect, which we will deal with shortly. But you want to deal with the facilities first?

Mr DAVID SHOEBRIDGE: But the practical aspect is, the support will not be available for Parliament to function. Is that right?

The PRESIDENT: Correct.

Mr WEBB: That is right. If the Parliament shuts down—just keep in mind that the action targeted phase does not require a shutdown of Parliament, it is face—individual meetings have to be considered. Non-essential versus essential, there are a few factors in there. But if the decision is made to shutdown Parliament, that is right, we will not have access to any of the facilities.

Mr DAVID SHOEBRIDGE: It is odd that in the Parliament's pandemic action plan—and this is my one critique of it—it does not actually address that key point of the meeting of Parliament.

Mr WEBB: Yes, fair enough.

Mr DAVID SHOEBRIDGE: I think that should be addressed in black and white in the pandemic action plan. If you are asking for feedback from it, that is the one obvious question—at what point do we get where the recommendation is, or the position is, Parliament will not meet. It is odd to have the parliamentary pandemic action plan not answer that question. But, as I understand it, reading between the lines on targeted response phase action targeted, that effectively means Parliament does not meet. Is that right, Mr Webb?

Mr WEBB: Yes. As I say, not essential but, yes, in practice.

Mr DAVID SHOEBRIDGE: Mr Blunt, we have scheduled meetings commencing the 24th—

The PRESIDENT: —sitting.

Mr DAVID SHOEBRIDGE: Sorry, well, a meeting of Parliament on 24th. As I understand it, to prevent that meeting proceeding, Parliament will need to be prorogued. Is that the advice?

Mr BLUNT: It is a really interesting question and I could take as much time as you want speaking about prorogation—such an interesting topic, particularly in view of events on the other side of the world late last year. The other thing I would add to what Mr President and Mr Webb have said is that I am in constant contact with Clerks, not only the Clerk of the Legislative Assembly, but also Clerks around the country at the moment. We are communicating by email just about on a daily basis about these sorts of things. The decisions that have been taken here today and the planning that is going on ahead of potential sitting next week, are consistent with the actions and decisions being taken in all the parliaments around the country.

Each of the parliaments are in a slightly different situation. As you well know, under the standing orders, the President has the specific, explicit authority to recall the House early on the request of an absolute majority of members. Often when the House breaks for a lengthy period—for the winter or the summer—there is also a special adjournment motion on the last sitting day, which gives another source of authority to the President or, if the president is unable to act, to the Deputy President, to also recall Parliament early. There is currently nothing in the standing orders or the sessional orders that authorises the President to do the opposite—to do an anti-recall, to—

Mr DAVID SHOEBRIDGE: There are good policy reasons for this, with all due respect, Mr President.

The PRESIDENT: And I do not want that power, I get that.

Mr BLUNT: —postpone or cancel a sitting, which leaves the New South Wales Parliament and a number of other parliaments around the country, in the situation that the only legally valid way to postpone or cancel the sitting of the House is for Parliament to be prorogued by proclamation of the Governor on the advice of the Executive Council. So, if it comes to the point where the public health advice is such that it is inappropriate for Parliament to meet—we have not received that advice yet, but if that was the case—

Mr DAVID SHOEBRIDGE: That is the available measure?

Mr BLUNT: That is the only available measure. I should just add that if we do sit on 24 March and subsequently that week—and, as I say, at this stage, there is nothing to suggest that we will not—then there are a number of measures that could be taken and that are being explored. I think we could perhaps draft together a draft sessional order, drawing on the best in all the parliaments where presidents do have the ability to postpone, to frame an appropriately balanced and cautious source of authority which has a number of safeguards built in.

Mr DAVID SHOEBRIDGE: But realistically, if we ratchet up sometime today to action targeted, we can expect, I assume, that if the Cabinet is of the view that that advice in the pandemic plan should be implemented, that there will be the proroguing of Parliament?

The PRESIDENT: Well, noting that we are eight days away. So, it may be that, based on advice today, the decision to prorogue Parliament may be held off for another three or four days.

Mr DAVID SHOEBRIDGE: I understand. And then if that does happen that has a series of procedural impacts, but there are measures to address that?

The PRESIDENT: Yes.

Mr BLUNT: Yes.

Mr DAVID SHOEBRIDGE: And, of course, committees in the upper House continue to sit, notwithstanding prorogation. That is the position, isn't it—if we choose?

Mr BLUNT: Yes. If you are seeking my advice on that, my advice—I stand together with my predecessor in saying that Legislative Council committees can continue to meet.

Mr DAVID SHOEBRIDGE: It is bringing back terrible memories of gentraders, but yes, I remember that. Could I ask then about measures to protect casual staff?

The PRESIDENT: Certainly.

Mr DAVID SHOEBRIDGE: If we do proceed to the action phase, we will start with the staff at the cafeteria. Many of those are casuals and are directly employed by Parliament—

The PRESIDENT: Can I give you a general view, first, Mr Shoebridge—

Mr DAVID SHOEBRIDGE: Yes.

The PRESIDENT: —in relation to the breakup? Because, in a sense, there are four categories of staff, and I think the question that you are concerned about relates to only one of those four. You have our—and I use the word "our"—full-time staff, who have all of their entitlements and their entitlements are fully protected and continue to be protected, so if they are unable to be here they still receive their entitlements. We then have our regular part-time staff—again, our staff—who are fully protected, fully paid. We then have our temporary part-time staff, who, again, are fully paid and fully protected. By that, I am giving examples of staff might be employed on a permanent one day a week, two days a week, three hours—they are fine. I think the staff you are referring to—

The Hon. MARK BUTTIGIEG: I am sorry. Mr Blunt, do you mind if I ask a quick follow-up on those three?

The Hon. BEN FRANKLIN: With the greatest respect—

Mr DAVID SHOEBRIDGE: Can we just let the President finish and then there will be some time later.

The PRESIDENT: Can I just get to the fourth category; otherwise, I think we will get a bit confused. I think the category you are asking about are what I would call the regular agency casual staff. These are paid only on the hours that they come in based on when the agency provides them, based on when we request them. They are not entitled to the same entitlements; they do not receive the same entitlements that our staff receive. Their relationship is with their agency.

Mr DAVID SHOEBRIDGE: I assume we have budgeted to pay for those services notwithstanding the shutdown. Is that correct?

The PRESIDENT: To answer your earlier question, yes. But yes to this question. To answer your earlier question, currently we are looking at what will occur in those circumstances and how we can assist in those circumstances. That is something currently being worked on.

Mr DAVID SHOEBRIDGE: Can we just chew this up in pieces?

The PRESIDENT: Yes.

Mr DAVID SHOEBRIDGE: There is a budget already to meet those costs going forward.

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: So there is money available to meet those costs going forward.

Mr WEBB: Except for some of the agency staff. For agency staff that are dependent on levels of activity in catering there is no budget. It is based on the fact that we get an event and we bring people in to service that event.

Mr DAVID SHOEBRIDGE: Save for those unpredictable events—

Mr WEBB: Yes.

The PRESIDENT: But can I just add this? In my mind it is budgeted in. That income being received from that event is income that will be able to pay for the casual staff.

Mr DAVID SHOEBRIDGE: Yes. But if the event does not happen? I get that events that are—

Mr WEBB: Functions.

Mr DAVID SHOEBRIDGE: —functions that are erratic and where the income is dependent upon the function happening, there is no budget for that. But for the regular running of the cafe, where I know that is where some of the casual staff are—correct?

The PRESIDENT: Yes.

Mr DAVID SHOEBRIDGE: And for some of the cleaning staff, I believe some of those are provided on a casual basis from an agency now. Is that right?

The PRESIDENT: Mr Webb? I will let Mr Webb answer that.

Mr WEBB: Sorry I was just reading something.

Mr DAVID SHOEBRIDGE: Are some of the cleaning staff provided on a casual basis?

Mr WEBB: Yes. Some of the cleaning staff do come through agencies and, you are right, we are budgeted for those activities.

Mr DAVID SHOEBRIDGE: So we have cafe and cleaning staff. Where else do we see as casual staff?

Mr WEBB: Primarily they are the two locations.

Mr DAVID SHOEBRIDGE: Can I ask you this, Mr President. You say you are in discussions about, I assume, those two categories of staff in your mind when you are having discussions about protection going forward.

The PRESIDENT: Yes.

Mr DAVID SHOEBRIDGE: There is money available in the budget to effectively pay them through their subcontractor. Will you continue to negotiate on a good faith basis with their employers to see if we can ensure that they have economic security going through this?

The PRESIDENT: The short answer is yes. And it is a fair question. The longer answer of course is that we are also in discussion with the agency because we also want to ensure the agency is doing, as you put it, the right thing by those staff.

Mr DAVID SHOEBRIDGE: Yes. We need to make sure we are not just providing money to the agency. The key thing here is the people who work among us and provide the service.

The PRESIDENT: And I am with you on that.

Mr DAVID SHOEBRIDGE: When you land those negotiations, will you commit to informing the members about where those negotiations could lead?

The PRESIDENT: Let me take that as a question on notice, which compels me to come back to you.

Mr DAVID SHOEBRIDGE: Yes. I have a bunch of questions upon the parliamentary budget and upon a bunch of other of those matters and I intend to put them on notice.

The PRESIDENT: Right.

Mr DAVID SHOEBRIDGE: Because I would like this meeting to be as short as possible.

The PRESIDENT: I understand.

Mr DAVID SHOEBRIDGE: Because I have understood the health advice. Can I ask you about working from home and what proportion of parliamentary staff will be in a position to work from home? How are we facilitating that?

The PRESIDENT: Yes. I am going to ask Mr Webb and Mr Blunt to add a bit to what I am going to say. For a good few weeks now but in particular over the last four or five days, efforts have been made by the Department of Parliamentary Services [DPS], I can only answer for our Clerk because, as you know, I cannot talk for the Legislative Assembly [LA], but take it that whatever we are doing they are doing as well, and work is being done in relation to assisting the working-from-home environment, in particular if we are all working from home. That required three major issues to be dealt with. The most important issue of course is the information technology issue and access to all of the IT facilities here within Parliament.

Mr DAVID SHOEBRIDGE: Can I quickly put on the record that, I think, at least from my engagements with the IT staff, they have been clearly working very hard. I appreciate the work that they are doing.

The PRESIDENT: Yes. And then there are other aspects in relation to travel. The third aspect of course is if committees are going to continue—where, how, et cetera, venues. I will let Mr Webb answer part of it and then I will ask Mr Blunt to look at the other part.

Mr WEBB: It is an excellent question because as we reviewed our continuity and business recovery plans with the pandemic in mind, we realised that most people's recovery plans involve remote working, which makes a lot of sense. We have been going through a series of steps over the last couple of weeks. The first is to acquire more tokens, which are cryptographic tokens, to allow people to work from home. We have a store of those set up that we can deploy if either there is a localised—for instance, if there was a COVID-19 diagnosis in an electorate office that electorate might have to stop. Not that we are talking about the LA but if there was one here as well, there would need to be some working-from-home arrangement. We have a store of those cryptographic tokens ready to deploy.

The other side of it is the hardware side of things—making sure people can actually do that. There are a couple of ways that you can work from home. If you have department-issued laptops or surfaces or the like, there is a thing called Global Protect, which allows your laptop to continue to work as if you are in the Parliament but remotely using this token and cryptography to connect. There is a second thing—I know it is techie talk but it is called a Citrix connection. That allows you to access things like emails, shared drives and the like. We are able to deploy both of those. I would say that we have been purchasing some more supplies of the laptops. I do not have enough that I could give one to every single person in the Parliament but we do have enough to handle critical staff doing critical functions if we need to.

Mr DAVID SHOEBRIDGE: I have just one final question and then I will hand over.

The Hon. MARK BUTTIGIEG: I was interrupted before when I tried but go ahead.

Mr DAVID SHOEBRIDGE: No, I am not going to be precious. You go.

The Hon. SHAOQUETT MOSELMANE: Mr President, I just gave my staff who share the one position in my office the opportunity to work from home.

The PRESIDENT: Yes.

The Hon. SHAOQUETT MOSELMANE: I just heard what Mr Mark Webb said about the token and their Citrix connections. How fast will they be available for staff to connect these things?

Mr WEBB: This is why we pre-purchased a bunch of them so that we could deploy them very quickly. If you have made that decision, if you contact the IT service desk, they will deploy them straightaway to people. It takes about two or three days to get the tokens. That is why we bought a bunch of them in advance so that we could deploy them very quickly.

The Hon. SHAOQUETT MOSELMANE: Thank you.

Mr WEBB: If we get close to running out, of course we will purchase some more.

The Hon. MARK BUTTIGIEG: President, I just want to drill down on my colleague's question when you broke it down into four categories of employees. The first three were pretty much protected, if you like, in terms of income stream. I just want to drill down into that. Is that guaranteed payment, notwithstanding the requirement for them to be gainfully employed? In other words, in the event that Parliament is shut down, a lot of the functionality associated with those ancillary roles would not be required but they continue to be paid. Is that correct?

Mr WEBB: That is what we are negotiating with the agencies.

The Hon. MARK BUTTIGIEG: No, no, no.

The PRESIDENT: I do not think we are being asked that. He is asking about the three that are out.

The Hon. MARK BUTTIGIEG: I am talking about the first three categories.

Mr WEBB: Sorry, yes, my mistake. I misunderstood.

The PRESIDENT: That is why I wanted to clarify that there are four categories.

Mr WEBB: Yes. For the first three there is a memorandum of understanding [MOU] between the Government and the union movement that allows for a category of leave called "pandemic leave". That pandemic leave can be used for people that, for instance, are required to self-isolate for the 14 days. There is a body of 20 days of leave that people can use there. If someone runs out of sick leave in any of those three categories they can also use the pandemic leave if they run out of sick leave as well. So, yes, those arrangements are available for all three.

The Hon. MARK BUTTIGIEG: But those forms of leave that you are referring to—pandemic leave, sick leave—that is different to not being required to work anymore. I just want to tease out in the event that we severely delimit the functionality of Parliament and therefore the demand for labour, do those people still get paid notwithstanding? You may not be entitled to pandemic leave. You may not be entitled to sick leave because you are healthy but you are no longer required to work because the Chamber is not functioning. What happens then?

Mr BLUNT: Mr Buttigieg, if I can just give a short answer on behalf of the Department of the Legislative Council?

The Hon. MARK BUTTIGIEG: Sure

Mr BLUNT: We have a staff of 43 full-time equivalent employees. As you know, they are incredibly professional and incredibly dedicated. There were a number of messages I gave them on Friday. Not only did I remind them of those qualities that they have demonstrated through seamlessly supporting budget estimates over the last two weeks—

The Hon. NATALIE WARD: Hear, hear.

Mr BLUNT: —throughout this very tumultuous time we are all living in, I indicated that despite their loyalty and dedication, if they are sick, I do not want to see them here. They should be at home.

The Hon. SHAOQUETT MOSELMANE: Good.

The Hon. BEN FRANKLIN: Hear, hear.

Mr BLUNT: Secondly, I indicated that in the event that they cannot be here, the first priority is that I want them to the fullest possible extent working from home. For us in the Department of the Legislative Council it is fairly easy to do that because of the nature of the work. There is so much committee work that there is a significant amount of research, report writing, drafting and analysis, and all that sort of thing that there is enough work that can be done from home to keep all of my staff gainfully employed for a considerable period of time.

The next step down from working from home, and particularly in the specific circumstances identified in the Premier's circular last Thursday, has been incorporated into our pandemic plan. If any of our staff are unable to work because they are caring for sick family members, caring for family members due to the closure of schools or caring facilities, or they are unable to attend work due to transport disruption, then they have access to that up to 20 days pandemic leave. That is before they need to access any other form of leave, whether it is recreation leave or sick leave or leave without pay. With those 20 days and the working from home, I think it would take quite a lengthy shutdown before we get to people winding down their own leave.

The Hon. MARK BUTTIGIEG: Yes. Can I rephrase that just in terms of the hierarchy? The Parliament will do whatever it can to provide gainfully employed work. In the event that is not possible or people become sick or need to care, they can access the leave. We envisage that that would see them through for literally months. Correct?

Mr BLUNT: Well, if they are sick, they would use sick leave. If they are caring for sick family members, et cetera, unable to attend work due to transport disruptions, then consistent with the policy, as per the Premier's circular last Thursday, then, yes, they would access the pandemic leave.

The Hon. SHAOQUETT MOSELMANE: And this advice is on the web?

Mr BLUNT: Yes.

Mr WEBB: It is actually in the pandemic plan. Pages 8 and 9 of the pandemic plan cover both the unable to work that Mr Blunt talked about. There is also at the top of page 9 where workplaces close: "... flexible work arrangements should be considered ... Where work is unable to be provided to these employees, they are to be paid as normal and are placed on paid special leave."

The PRESIDENT: The short answer to your question is that if we close Parliament down—I emphasise "if we close Parliament down"—we have prevented them from coming here to work. If they can work from home, they will continue to work from home but if they are unable to work from home, they would still be paid.

The Hon. SHAOQUETT MOSELMANE: Just a quick question before I pass back to my colleague: With regards to the token and Citrix connections, is there a charge to the MP's office?

Mr WEBB: Under normal circumstances I am sure many of you are aware that we do pass on the cost of those tokens. Under these pandemic conditions, where people need them for this purpose, we will not be charging for them.

The Hon. SHAOQUETT MOSELMANE: Thank you.

Mr WEBB: If you decide to keep them afterwards, we might.

The PRESIDENT: I wanted to charge but I was outvoted.

The Hon. MARK BUTTIGIEG: Good decision, President. I just want to tease out something that my colleague Mr Shoebridge raised before with regards to the alert levels because I think there is a pretty clear response that, in the event that we move to—what is that second level?

Mr WEBB: Action targeted.

The Hon. MARK BUTTIGIEG: The likelihood is that we would cease the Parliament but it is not necessarily guaranteed. That is what you are saying.

Mr WEBB: No. That is right.

The PRESIDENT: Again, based on the advice we get from the Chief Medical Officer.

The Hon. MARK BUTTIGIEG: Of course. But in terms of the escalation to the next level, which is standdown—and, again, that would be as a result of the various health departments making those declarations—that would necessitate the shutdown, would it not?

Mr WEBB: No. The standdown is actually coming out the other side of that.

The PRESIDENT: It is better.

Mr WEBB: Yes. It is better. This is when we are transitioning back.

Mr DAVID SHOEBRIDGE: I think the peak is action targeted.

The PRESIDENT: This is when we are transitioning back into—

The Hon. MARK BUTTIGIEG: It is quite an unfortunate term, "standdown", because in the industrial landscape it normally means people do not come to work.

Mr WEBB: Yes. We copied and pasted that.

The PRESIDENT: We wanted to make sure we followed what everyone else is doing and not come up with our own.

Mr WEBB: I should say on the matter that both of you have raised: If we do move to action targeted the advice I would be providing the President would be that we seek the explicit advice of the Chief Medical Officer about the status of Parliament, not just divine things from the broad advice but specifically ask the Chief Medical Officer to give advice around where Parliament is at.

The PRESIDENT: Mr Buttigieg, can I also indicate to the Committee Chair that there are also stages in relation to, if I can use the term, shutting down Parliament. It may well be that Parliament can continue to operate with members and their staff passholders only coming into Parliament but that no public are permitted to come into Parliament.

The Hon. MARK BUTTIGIEG: Or a rotational basis.

The PRESIDENT: Yes. There is that aspect of it. It may well be that just simply committees coming into Parliament, meaning that you basically have a skeleton number of staff that are coming through Parliament, may continue to occur. As far as functions are concerned, well, large functions you can take it that what is going to happen with large functions of 500 or over they will not be proceeding at all. We have already had quite a number of notices cancelling functions that were occurring in Parliament. I have a list already of those and I can take that on notice if you want me to provide that. I do not want to go through it now. But we are receiving phone calls each and every day. It will continue to happen. It is not simply just a matter that today we are open, we are continuing open and now I may say it is completely shut down. That could happen but there is also that staging aspect.

The Hon. MARK BUTTIGIEG: In the event that we may get to the point where we do not have a physical meeting in the Chamber, what is the contingency plan to deal with ongoing Government business, if any?

The PRESIDENT: Fabulous question.

The Hon. SHAOQUETT MOSELMANE: Take it on notice.

The PRESIDENT: I mean—

Mr DAVID SHOEBRIDGE: Point of order—

The Hon. MARK BUTTIGIEG: Go ahead.

Mr DAVID SHOEBRIDGE: The President is here not representing the Government. The President is here representing the Legislative Council.

The PRESIDENT: Correct. That is why I said it is a fabulous question.

The Hon. NATALIE WARD: Ha, ha. I like that.

The PRESIDENT: It is a decision for Government.

Mr DAVID SHOEBRIDGE: I had the same questions but I just do not know if we can get the answers from the President.

The PRESIDENT: No. At the end of the day I cannot answer for the Government. I cannot answer for the Executive of Government. That is not my role. What I can answer is: I have the authority to bring back Parliament, as indicated by the Clerk, in certain circumstances. I actually do not at this stage have the authority—and historically it is well known why I do not have the authority—to be able to simply say that it will not proceed. That is why there is the issue of proroguing Parliament and that why there are the conventions about what occurs in a proroguing of Parliament situation.

The Hon. MARK BUTTIGIEG: Okay. Let me rephrase.

The PRESIDENT: As Mr Blunt said, it does not in any way affect the ability of the committees.

The Hon. MARK BUTTIGIEG: Okay. Let me rephrase it because we are a Legislative Council.

The PRESIDENT: Correct.

The Hon. MARK BUTTIGIEG: We deal with Government business and we review Government business. In the event that that Government business is impeded by the fact that people cannot physically meet in the lower House or the upper House, are there logistical contingencies for the upper House to deal with Government legislation remotely? That is what I am asking.

The PRESIDENT: If you are asking me are there contingencies for me to arrange for new premises to be found for the Legislative Council to operate from, that is an excellent question. It is a question I have been asking. I do not have an answer at this stage. But it is something that you would have to say would be looked at. I will let Mr Blunt say a bit further on. I am not aware in the history of the Legislative Council ever having to meet in another venue.

Mr BLUNT: I think there are two issues here. There is one about alternative meeting venues and the other direction I think you were headed was virtual Parliaments—

The Hon. MARK BUTTIGIEG: I think one is more relevant, Mr Blunt.

Mr BLUNT: —or meeting via sort of electronic participation.

Mr BLUNT: As you know from your work with this Committee and other committees there are some provisions for electronic participation of members in deliberative meetings, for instance. That has been something that has evolved over time. Committees only have that authority to allow for electronic participation to that limited degree because that authority has been granted by the House by resolution. In order for there to be authority for there to be a—sorry, I keep coming back to the word "authority" but it is an important word in this whole context. For, if you like, a virtual Legislative Council, that would necessitate very careful consideration by you as its members and resolutions and orders of the House establishing that.

The PRESIDENT: Which do not exist at the moment.

Mr BLUNT: Neither the President or myself as Clerk or Mark Webb would have the ability—

The Hon. MARK BUTTIGIEG: This is a very important point.

Mr BLUNT: —to be able to establish that without the House having indicated that that is a good idea. In terms of meeting at another location, our business continuity planning—and I probably should be careful about how far I go in this—is generally framed around planning for scenarios whereby it would be impossible to meet here but it would still be a good idea for Parliament to continue to meet. We do have a number of contingencies in place for that sort of thing. There are instances in other jurisdictions where—so, for instance, late last year I was in Western Australia and discovered that the Western Australian Legislative Council had had to suspend a sitting in their Chamber in the event of a disruption and reconvened in another part of the building by resolution of that House. That is an interesting precedent, so there are options for those sorts of things.

The Hon. MARK BUTTIGIEG: With all due respect, Mr Blunt, I think this is largely an academic example—

Mr BLUNT: Yes.

The Hon. MARK BUTTIGIEG: Because we are talking about the need to avoid—

Mr BLUNT: You are talking about something else.

The Hon. MARK BUTTIGIEG: —is by virtue of avoiding close proximity and therefore exposure. So it is the virtual one.

Mr BLUNT: Yes. Absolutely.

Mr DAVID SHOEBRIDGE: So it cannot happen is the long and the short of it unless we resolve.

The Hon. MARK BUTTIGIEG: It actually cannot happen. In the event that this escalated out of control over the next week and we were not to reconvene in the Chamber, there is no provision for government business to proceed by virtual means, which means that if we had to institute some sort of money bill—stimulus, whatever—it actually cannot be done.

Mr BLUNT: That would require a proclamation from the Governor reconvening Parliament at the end of the prorogation period.

Mr DAVID SHOEBRIDGE: But is that not, I suppose, where we are getting to?

The PRESIDENT: Yes.

Mr DAVID SHOEBRIDGE: What are the contingency plans to have a bare-bones Parliament meet if needed to do something like a stimulus plan, emergency health legislation? Are those contingency plans in place so we can, if we need to, meet as part of our obligation as public officials? If we need to come together to meet and pass emergency legislation, what are the contingency plans that will enable that to happen because it may happen?

The PRESIDENT: I just want to say one thing before I hand over to Mr Blunt. It is why the Clerk mentioned earlier that the situation today is very different to what it could be if we manage to still meet day one on 24 March and sessional orders come in et cetera. In hindsight, maybe it would have been wonderful that we did those when we amended the sessional orders recently at the commencement of this term. Now, with this wonderful hindsight, I believe it is something that we should seriously look at because one of the things I want to do with the usual meeting—the Procedure Committee—is to look at bringing in the new standing orders 2020. Clearly this will be top of the agenda.

The Hon. MARK BUTTIGIEG: Okay, so on that point—

The PRESIDENT: But in relation to assuming we are not going to have that opportunity, if there is a shutdown before 24 March, the Clerk has a few things he would like to comment on.

Mr BLUNT: Whenever the House next sits—and if hypothetically Parliament was prorogued and then sometime down the track there is a proclamation reconvening Parliament and both Houses sit—the extent to which it is a full Parliament, the extent to which the Legislative Council is full and has 42 members is essentially in your hands and the hands of the, really, in terms of how many members are there. The quorum is eight plus the chair. That is the requirement to meet.

The Hon. NATALIE WARD: How many pairs can be issued at any one time?

The Hon. SHAOQUETT MOSELMANE: That applies to the Legislative Assembly as well, does it?

Mr BLUNT: I would not speculate about the LA.

The PRESIDENT: We cannot talk about the LA.

The Hon. SHAOQUETT MOSELMANE: Yes, I know, but in terms of the distancing of 1.5 metres.

The PRESIDENT: You will have to ask him.

The Hon. SHAOQUETT MOSELMANE: I am asking you.

Mr DAVID SHOEBRIDGE: What is the contingency planning? There are two different options. One is that we proceed to meet next week, in which case do I understand it there is work being undertaken now to place before the Chamber a variety of procedural options that we may want to look at to adopt on an urgent basis—

Mr BLUNT: Yes.

Mr DAVID SHOEBRIDGE: —in case after that sitting we do get prorogued and cannot continue.

The PRESIDENT: And that work being undertaken is work by the Clerk's office with the Leader of the Government, with the Leader of the Opposition, with the crossbench—you will all be part of that work.

Mr DAVID SHOEBRIDGE: Obviously more transparency in advance of that is best. And that would include things potentially like increasing the President's power in prescribed circumstances to vacate scheduled hearings as one thing.

The PRESIDENT: I would have to assume yes.

Mr DAVID SHOEBRIDGE: What about the question Mr Buttigieg asks about potentially allowing electronic attendance, if you like, in Parliament? Is that—

The Hon. MARK BUTTIGIEG: That was going to be part of my follow-up, which I will tack on to Mr Shoebridge's. Let's pretend we are in this optimistic outcome whereby we do meet on 24 March, we pass the sessional orders which allow to re—

The PRESIDENT: Yes.

The Hon. MARK BUTTIGIEG: What plans have we put in place to allow remote virtual access for meetings? Because it seems to me as though we are patently unprepared for that.

The PRESIDENT: You would have to go back a step. You would have to assume that the new sessional orders will include all of that. Based on it, including all of that, we would have to undertake the work to make that happen.

Mr DAVID SHOEBRIDGE: That is one—

The PRESIDENT: I do not even know if the House will agree to it.

Mr DAVID SHOEBRIDGE: No. There is a number of questions there, are there not, about in what manner can you be physically present? How can you be assured? There are complex questions about that. I am not looking for a simple answer.

The PRESIDENT: Very much so.

Mr BLUNT: Absolutely.

Mr DAVID SHOEBRIDGE: And it may not be achievable.

The PRESIDENT: Correct.

Mr DAVID SHOEBRIDGE: So what about the plan B, if I can call it that, which is contingency planning in place to call together a bare-bones Parliament, if needed, to pass emergency legislation?

Mr BLUNT: As I suggested to—

Mr DAVID SHOEBRIDGE: It seems a much more likely practical—

Mr BLUNT: As I suggested to Mr Buttigieg before, that is perhaps not nearly such a difficult matter as the options of virtual meeting. That really is a matter to a large degree in your hands and, I would have thought, the hands of the major parties as to how many members are here on sitting days.

The PRESIDENT: Again, let's do this from a practical point of view, if I may. If the Leader of the Government was to move a motion for a new sessional order to indicate a cut-down version of the Legislative Council, noting the exact number of Government members, the exact number of Opposition members, the exact number of crossbench members, who those crossbench members were going to be and how the House would be convened, where it would be convened, and the House passed that sessional order, then it would happen. But again all of those matters would have to take place.

Mr DAVID SHOEBRIDGE: We do not have time to unpackage that. I see major constitutional problems about that. But as I understand it, assuming there was emergency legislation that had been communicated to members and there was a willingness across the political spectrum to pass that at speed, the business of the Legislative Council at least can be dispatched with eight members present—

Mr BLUNT: Plus the chair.

Mr DAVID SHOEBRIDGE: —plus the President—and a skeleton staff to make that happen if we need to.

Mr BLUNT: Yes.

Mr DAVID SHOEBRIDGE: What about if Parliament has been prorogued? What is the mechanism to get that meeting happening? Can it be done by a petition of a majority of members?

Mr BLUNT: No. Once Parliament is prorogued the reconvening of Parliament is an action of the Executive Government.

The PRESIDENT: Through the Governor.

Mr BLUNT: The Executive Council advises the Governor to prorogue. Similarly, the Executive Council advises the Governor to issue a proclamation recalling Parliament.

The PRESIDENT: That is the negativity aspect of proroguing.

Mr DAVID SHOEBRIDGE: Obviously the constitutional concern there is if Parliament believes there has been an excess of Executive action or inappropriate Executive action our ability to reconvene to hold the Executive to account during an emergency is removed by prorogation. That is one of the effects of prorogation—is that correct?

Mr BLUNT: Mr Shoebridge, the only thing I would say in response to that is that Legislative Council [LC] committees would still have the ability to meet.

The Hon. SHAOQUETT MOSELMANE: On the LC committees, particularly in deliberatives members have to be at meetings to be able to cast a vote. What would be the plan to allow members not to be in at meetings and to be able to cast a vote? Because at the moment we have to be here to cast a vote. We cannot be on Skype or on the telephone.

Mr BLUNT: Mr Moselmane, my understanding is that the rules for electronic participation in committee meetings require that for a deliberative meeting to deal with a Chair's report you still need to be present but that for other deliberative meetings where other decisions are being taken about, for instance, what hearings to hold, witness lists and that sort of thing, you can participate electronically and that you participate as a fully-fledged committee member in those circumstances.

Mr DAVID SHOEBRIDGE: That is my understanding.

The Hon. SHAOQUETT MOSELMANE: Thank you.

Mr DAVID SHOEBRIDGE: Even in deliberatives we could, with courtesy, allow a member to be electronically present. We could have a courtesy arrangement during a crisis. My final question is about IT. Mr Webb, as I understood it there is a very long delay in getting things like laptops and the like and that part of that is the supply chain from China has been disrupted by the pandemic. Is that correct?

Mr WEBB: Yes. It is longer. We have put in orders for extra in advance of needing them because of that.

Mr DAVID SHOEBRIDGE: Can I ask about the IT staff?

Mr WEBB: Yes.

Mr DAVID SHOEBRIDGE: Do we have enough IT staff to do the work that is required, because I am certain that their workload has exponentially increased? Do we have enough IT staff?

Mr WEBB: Yes. We are having to deprioritise some other pieces of work but, yes, at the moment. Obviously the capacity of the IT staff to continue to provide that support if they were required to stay at home is one of the scenarios that we have been working through. We have determined that things like the help desk and so your ability to ring in and ask for help, all of that can continue happening even if all of the staff are working from home.

Mr DAVID SHOEBRIDGE: Mr Buttigieg's staff are working from home, my staff are working from home, I think Mr Moselmane's staff are working from home—I do not know about yours, Madam Chair—but you can see already it is happening. If all staff work from home, is there going to be the bandwidth available for them all to log on and use the parliamentary assets?

Mr WEBB: Yes is the short answer to that.

The Hon. SHAOQUETT MOSELMANE: To follow up on committee meetings on reports, does that include the draft report as opposed to the Chair's final report?

Mr BLUNT: Yes. The draft report is the draft that the Chair brings to the deliberative meeting at the end of an inquiry.

The Hon. SHAOQUETT MOSELMANE: So members have to be present.

Mr BLUNT: So for that meeting to consider a draft report then members do need to be present.

The Hon. MARK BUTTIGIEG: We have discussed the issue of virtual Parliament and the logistics behind all of that. If we were of the mind to go down that path in the event that we were not able to physically meet then you would just have to pull together regardless. In terms of staff—and I may have missed my colleagues question before—our experience is that staff are having difficulty working remotely now in the limited circumstances that it occurs. What have we done to try to enhance those remote access systems? Because we have examples where staff get logged out every 30 seconds and they have to log back in. It is very clunky.

Just last night I was trying to email colleagues and if you log in remotely to the parliamentary environment and you are in Outlook, for example, and then you have a document outside that environment—a Word document—you try to attach that within the parliamentary environment and you just cannot. So it is very clunky—that is when you can log in. And it seems to me as though if that is our status quo now we are going to have extreme difficulty working with staff working from home. To my knowledge, there has been no engagement with staff or members over the problems they are experiencing and any effort to rectify. Can you elaborate on where we are up to with that? Because it seems to me as though that is quite an urgent thing to look at.

Mr WEBB: There are a couple of moving parts to your question so I will try to cover all of them. The first is just to reiterate what I said to Mr Shoebridge about the capacity inside the Parliament's infrastructure here at Parliament House—so what people are connecting to. There is the capacity, even if we ramped up to most people working from home, for the connection to be okay at this end. We are aware that some staff when they are in a home environment have varying levels of internet connectivity. A staff member with a poor internet connection might struggle. The kinds of problems that you are talking about in terms of being kicked out of connection every 30 seconds, I have not heard of any of those issues being escalated to me but if there are the IT service desk is there to help people work through those. That is not a normal function of the remote access.

The Hon. MARK BUTTIGIEG: What if I were to tell you, Mr Webb, that if you were to survey members, one in two would probably say, "I don't even bother because it doesn't work"?

Mr WEBB: Right. Well, I would like to understand why that is the case.

The PRESIDENT: We would like those members to contact us.

Mr WEBB: Yes, and we can work through. But I will also say there are—

The Hon. MARK BUTTIGIEG: What I am suggesting is that we are in an environment now where we may have to rely on this much, much more than we have in the past—

Mr WEBB: Yes, absolutely.

The Hon. MARK BUTTIGIEG: —and there is no dialogue about what the issues are.

Mr WEBB: Absolutely. I would also just like to point out that I said before there are two ways of accessing remotely: one if you have a piece of hardware that is the Parliament's hardware, like the Surfaces and the like, and the other is the Citrix connection. I think you are mostly referring to the Citrix connection, which does have limited—you can access your email, you can access shared drives but you cannot access every system of the Parliament. If you do have a Surface or another laptop or one of the Parliament's pieces of hardware we can install the GlobalProtect function, which enables your desktop to continue working completely as if you were in the Parliament building. So it does depend a little on what hardware—

The Hon. MARK BUTTIGIEG: That to me, Mr Webb, strikes me as a kind of a silver bullet, in a sense, because what we are saying is that if you use a parliamentary device at home a lot of these issues just disappear.

Mr WEBB: They do, yes.

The Hon. MARK BUTTIGIEG: Do we have the capacity or is there any planning being done to provide people with parliamentary devices to obviate all those problems that I outlined before for remote access?

The PRESIDENT: As indicated by Mr Webb, we have pre-purchased but we will have to continue to pre-purchase. Mr Buttigieg, can I suggest this? I am going to request that Mr Webb contact the Whips and the crossbench to sit down and truly ascertain what problems are occurring that have not actually been notified so that you, as one of the Whips, can deal with that.

The Hon. MARK BUTTIGIEG: Sure.

The PRESIDENT: And I think the earlier that is done the better.

The Hon. MARK BUTTIGIEG: Absolutely.

The PRESIDENT: Because I think there needs to be far more discussion between at least you and Mr Webb, Natasha Maclaren-Jones and Mr Webb, and some of the crossbench.

The Hon. MARK BUTTIGIEG: I just want to put on the record that this is not a criticism of IT.

The PRESIDENT: No, no, it is not taken that way.

The Hon. MARK BUTTIGIEG: I have had nothing but support from Helen and the team. I think it is more a function of the systemic problems with RSA and Citrix, rather than any lack of support from the staff.

The PRESIDENT: Mr Buttigieg, we see this, myself and my officers here, as a request from us to you to help us to be able to move forward. No-one is looking at this as a criticism of anybody.

The Hon. MARK BUTTIGIEG: Correct.

The PRESIDENT: We are in a whole new world, as they say, so any assistance you can give us to assist you is greatly appreciated.

The Hon. MARK BUTTIGIEG: I think we have covered—I had a question that related to the ability for staff to have free access for those who do not currently have access, and I think, Mr Webb, you answered in the affirmative that that would be provided.

Mr WEBB: Yes, absolutely. Once the pandemic passes, if you choose to keep the access, we might have a conversation but, yes, while the pandemic is in place.

The Hon. MARK BUTTIGIEG: Okay. In terms of pandemic special leave, can you just reiterate when that kicks in, when it applies?

Mr WEBB: The memorandum of understanding between the unions and the Government was, essentially, activated last Thursday, so it kicked in from last Thursday. It applies for situations where people are required to self-isolate or otherwise cannot attend work—so public transport shutdowns, a requirement to self-isolate when they are well. Under those circumstances they would not be claiming sick leave because they are not sick but if they have been required to self-isolate they can access this pandemic leave but also in situations where they are, through no fault of their own, unable to work. In those situations the pandemic leave provisions kick in. For instance, if we were to close down a part of the Parliament or the whole Parliament and the people who are unable to work from home or—for instance, it is very hard to clean the building from home so in those situations those people who are on our payroll will be able to access the pandemic leave.

Mr BLUNT: Importantly under the policy, as it is incorporated into our pandemic plan, caring for family members due to closure of schools and caring facilities is another trigger for that pandemic leave.

The Hon. MARK BUTTIGIEG: Okay. I just want to take you to—we have covered it to a certain extent but I think it is important to drill into it just to clarify—so 4.4 of that plan, staff attendance and absence, there is a paragraph there that demarks where it can be taken and where it cannot. I will read it for the purposes of clarity:

Unless staff are on approved leave (examples, sick, recreation, pandemic, special leave or other) they are to remain working during a pandemic influenza outbreak. Parliament will apply all NSW Health recommended measures for providing a safe workplace. Any employee who then chooses not to work (after the appropriate HR process has been followed) and is not on approved leave will be placed on leave without pay.

So that is describing a situation whereby, in the opinion of the employer, they have provided a safe workplace, leave has not been granted because of that, yet the employee chooses to stand down because they may have a concern about their own personal safety or health. What is the process for resolving those disputes?

Mr WEBB: The first thing I would say is that everything in this section is straight from the memorandum that went around from the Premier. These are all of the leave arrangements around the pandemic. These are—it is literally copied and pasted.

The PRESIDENT: The memorandum of understanding.

Mr WEBB: Yes, that is right. It is copied and pasted from the Premier's memorandum from last Thursday. That situation that you have described there is where there is no medical advice for someone to self-isolate, they have not been directed to self-isolate, they are not sick, they have not been able to organise any kind of work-from-home arrangements. Where it says "the appropriate HR—

The PRESIDENT: Parliament is not shut down.

Mr WEBB: Yes, Parliament is not shut down. The work is still there. We have a safe workplace. When it refers to things like HR processes, that is about determining whether someone can do their work from home, for instance, if they have got a particular circumstance. It is where we have gone through all of that, we have a safe workplace, the work is there to be done and the person has decided that they do not want to attend work and they do not want to take any leave because, of course, someone could decide to take recreational leave or extended leave or some other form of leave, but it is in the situation where people have decided—

The Hon. MARK BUTTIGIEG: There may be a dispute between the employer and the employee over that decision-making process.

Mr WEBB: Yes, so we would go through our normal grievance processes at that point.

The PRESIDENT: No different to what would have occurred previously.

Mr WEBB: No different to any other—that is right. Like any other dispute in the workplace, we would go through the normal—

The Hon. MARK BUTTIGIEG: I am not familiar with that instrument. Is that like an escalation point to the NSW Industrial Relations Commission? How does that work?

Mr WEBB: No, the grievance policy is on the intranet. I can send you a copy afterwards if you like. It basically describes the process we go by where there is some dispute between an employee and their manager. So there are escalation processes within the Parliament about how we deal with those grievances within the Parliament. Of course, depending on the nature of the grievance, there are external bodies. You mentioned the NSW Industrial Relations Commission, the Anti-Discrimination Board of NSW. There are external bodies that people could escalate an issue to but the grievance policy focuses on our process for resolving disputes within the Parliament.

The PRESIDENT: Can I just remind you, of course, that the LC members' staff, you are the employer. The member is the employer.

The Hon. MARK BUTTIGIEG: Yes.

The PRESIDENT: The staff of the Parliament, of course, where we are talking about staff in DPS, staff in the LC, then that, of course, is the Parliament's staff that we are talking about.

The Hon. MARK BUTTIGIEG: So members have control over that relationship.

The PRESIDENT: Correct. That is all on the web. We can assist and, in fact, we can provide assistance but ultimately it is the member's call.

The Hon. MARK BUTTIGIEG: So, if you are not an employee of a member and you find yourself in that situation—

The PRESIDENT: Then you are either a member of the DPS or you are a member of the LC.

The Hon. MARK BUTTIGIEG: Correct but the clearinghouse may be an arbitrated outcome at the IRC, for example.

Mr WEBB: Depending on the nature of the dispute, that is a possibility. We do try, of course—good human resources practice indicates that the quicker you can resolve a dispute, the better for the long-term relationship. So, our grievance process has, as one of the principles, that we try to resolve issues as quickly as we can at the most junior management level that we possibly can. But, yes—

Mr BLUNT: Mr Buttigieg, I would be very, very surprised if a situation of that kind arose in relation to either the Department of the Legislative Council or the Department of Parliamentary Services.

The Hon. MARK BUTTIGIEG: No, so would I, Mr Blunt. It is just a matter of putting it on the record so people in those situations can be sure that there is always an outlet.

Mr BLUNT: The message I would send to them—those who are following on the webcast or reading the transcript—is that if, as a member of staff here, you are anxious about either travelling to work or being in the workplace at the moment, then talk to your manager and talk to the work health and safety co-ordinator in DPS because if there is a—and there may be any number of very legitimate reasons for such anxiety and in that instance we have indicated that we will develop an individualised plan so that you can prepare for various contingencies.

Mr WEBB: Both Mr Blunt and I have communicated that to all of our staff as part of this process.

The Hon. MARK BUTTIGIEG: Okay, great. Because I think people are just genuinely feeling a bit insecure about the future, obviously, and I think it is—

Mr WEBB: Yes, and I really want to emphasise the words in the pandemic plan are a copy and paste of the memorandum so some of the language is a direct reflection of what is in that memorandum rather than, perhaps, how we might have phrased it if we were writing it ourselves.

The Hon. MARK BUTTIGIEG: In terms of the provision of a medical certificate, if you are in a situation where you are self-isolating or quarantined for a period of two days or more and you request sick leave for that period, is the provision of a medical certificate required?

Mr WEBB: The senior management group, which is the two Clerks and I, met on this well over a week ago and we have relaxed the requirement for medical certificates in situations where people—we do not want people clogging up the medical system just for the purpose of getting a medical certificate because they have a slight cold or if they are required to self-isolate. In the situation where they are self-isolating and they are perfectly well, it is more that they have been directed to self-isolate, so they are more likely to use the pandemic special leave than they are to use the sick leave and there is no medical certificate requirement for the pandemic special leave.

The Hon. MARK BUTTIGIEG: The phenomenon that occurs anecdotally during a normal working week but may be exacerbated in these situations—presenteeism, the phenomenon of people turning up when they should not, what is DPS policy on dealing with that?

Mr WEBB: I should say that this policy applies at all times, not just in the pandemic situation, but if you are sick, do not come to work. That would be the very clear message. We are particularly policing that at the moment. The keen-eyed amongst you might have noticed that my chief financial officer, John Gregor, who is usually a witness at these Committee hearings, has some cold symptoms this morning and very wisely decided to stay home, and that is a good example of what we have been instituting across both departments. I think Mr Blunt would not mind me saying that. It is generally our practice but we are being particularly vigilant about it at the moment.

The Hon. MARK BUTTIGIEG: Are there any plans to escalate the degree of communication and emphasis on that?

Mr WEBB: Just in the last 24 hours both Mr Blunt and I have communicated that message again to all staff and we will continue to do so, absolutely. Both of our management teams have had very clear directions from us to do that. I really wanted to recognise, certainly staff of DPS—and I feel confident saying this about the department of the LC—care passionately about the Parliament and want to support the Parliament in every way possible, and we have recognised that amongst our staff as well. But in this particular instance—again, if I can use Mr Blunt's phrase—the message I would say to anyone watching the broadcast or reading the transcript is that the best way that you can serve the Parliament if you are unwell is to stay at home and focus on getting better, and that is the message we will continue to put out to everybody.

The PRESIDENT: Mr Buttigieg, can I indicate this as well: From the Presiding Officers' perspective, we have made it very clear that we want information sent out by email, not just to members, not just to the staff of members, but to all of the staff who are working within Parliament. We had a meeting at 4.30 p.m. yesterday and you will notice that around 5.00 p.m. the memo went out. Mr Webb and the Clerk are under a very clear understanding that it is not a matter of just communicating with each other. We want the information out to everyone as soon as possible and if that means sending out three or four memos a day, we will send out three or four memos a day.

The Hon. MARK BUTTIGIEG: In light of the recent incident that was reported in the media whereby two people in Parliament—one a member, one a staffer—had self-isolated, there may have been some confusion post that event on exactly under what circumstances a trigger point is arrived at for self-isolation. Do we have clarity or instructions from the Parliament on whether people should make the decision to self-isolate?

Mr WEBB: You would have seen in all the emails that go out that we encourage people who are unwell to contact their GP and to take medical advice on whether to self-isolate. We do not provide medical advice to people on whether to self-isolate. We encourage people to speak with the medical professionals. You would have seen that the advice is that if you have cold symptoms to call your GP rather than attend, and some people have done that. In the situations where a medical specialist requires someone to self-isolate while they are awaiting test results, we obviously support them in doing that.

The PRESIDENT: Can I indicate, Mr Buttigieg, one of the difficulties is this: Some of us suffer allergies—I am one of those—and some of us, severe allergies. There is not a time that I come into this place if I have been here for four or five hours—and it will start now—where I will not start sneezing, my nose will not start running. I recognise it immediately. It is an allergy. It is the only symptom I suffer. The eyes will start to water. Of course, those who hear you sneeze and those who see it, suddenly there is a bit of a panic going on and I should self-isolate. I cannot self-isolate in those circumstances. Of course, if I start developing a sore throat, if I start developing other symptoms, then I will be going to see the doctor immediately and I will self-isolate.

That has got to be the reality of the situation. Fortunately, the two persons you referred to, they did the right thing and both tested negatively. So that was good news for both of them in those circumstances. But irrespective of what we do, at the end of the day—Mr Moselmahe mentioned earlier that there is a responsibility on my part. Absolutely, but there is also a very strong responsibility on the part of members, on the part of staff, that if they believe then they should not be here, they should isolate.

The Hon. MARK BUTTIGIEG: I take your point, Mr President. It is a well-made point. Individual responsibility obviously plays a key role here but, by the same token, there is a lot of misinformation out there and people are looking for an authoritative source on, for example, when should I go and see the doctor because I have got a runny nose? Some people say that is not indicative of coronavirus. Others might say it is. I have got an itchy throat, when do I actually present and go and get checked?

The PRESIDENT: And what is happening here, and you have said it yourself—and you have to congratulate the staff—getting out the information as soon as possible is what is occurring, and the right information.

Mr WEBB: Just to reiterate what I said before, if someone does have cold symptoms, they are unwell and they should be staying home and recovering, regardless of whether they feel they have COVID-19 or do not have COVID-19. If you are sick, you should be staying home to recover from being sick.

The Hon. MARK BUTTIGIEG: Regardless of the symptoms?

Mr WEBB: Regardless of the symptoms. The President said earlier, and I agree 100 per cent, these things are changing on a day-by-day basis.

The PRESIDENT: Hour by hour.

Mr WEBB: Yes. The advice that we got last week might not be the advice into the future but in terms of reviews, it is where there is a confirmed case of COVID-19 that the medical authorities would come into a workplace and undertake a close-contact check. It is specialists who do that work and in a case where somebody came forward and said, "I have got a positive test," we would be in the hands of the medical experts then to work through the process that they would need us to work through.

The PRESIDENT: Again, Mr Buttigieg, please, if there is anything you can think of after we leave this meeting, please communicate it to Mr Webb, and he will do likewise with members and staff.

The Hon. MARK BUTTIGIEG: Sure, I am happy to.

Mr WEBB: Could I say, and I mean this genuinely, I have been the beneficiary of some great suggestions from across both members and staff—suggestions about how we could do things differently and better. Just this morning a member contacted me to indicate they would like us to put out some advice about how to use the new phone network if they started to do more conference calls rather than face-to-face meetings, for instance, which was a fantastic suggestion, which we will be acting on this morning. So we do very much want people to be talking to us. We do very much want to be able to provide more information. I know every time I send out an email it probably generates more questions from people. We encourage that because we want to be getting information out to people that is targeted at what they need to know.

The Hon. MARK BUTTIGIEG: Can I ask about the general level of cleanliness and sanitising measures? Unless I have missed something this morning, there were three or four hand sanitiser locations on levels six and seven but nothing in the tower blocks where members and staff were. Was there any reason for that?

Mr WEBB: We are actually reviewing the hand sanitiser distribution at the moment. Last week, with the advice that we had at the time, we were placing them in individual high-traffic areas—so cafes, front and back entrances, the level six lift lobby because there is particularly high traffic of people through there. Given the advice over the weekend, we are now reviewing that. We have also secured a supply of some hand sanitiser. I have ten to add, we are not trying to hoard anything, but it is a decent supply of hand sanitiser, and that has been available to

members for either their electorate office or for their office if they want it. We are now reviewing whether we should more proactively deploy more hand sanitiser, given the events of the weekend.

The Hon. MARK BUTTIGIEG: I think when members and staff see those things on the wall, there is an intuitive reaction to use them.

Mr WEBB: Yes.

The Hon. MARK BUTTIGIEG: Just that alone is worthwhile in my view.

The PRESIDENT: We have also been giving out the little personalised sanitisers throughout the whole Parliament. It is on everyone's desk. I have hardly gone anywhere where it is not sitting on someone's desk.

The Hon. MARK BUTTIGIEG: In terms of the cleaning regime—sanitising offices and other areas of use—has anything stepped up in that respect?

Mr WEBB: Yes. I can talk to that, if you like, Mr President.

The PRESIDENT: Absolutely.

Mr WEBB: Yes. Over a week ago we initiated an additional level of cleaning. Basically the advice at the time was around common surfaces that people touch a lot—handrails, buttons in elevators, door handles and table surfaces in common areas. We stepped up the cleaning regime around those areas and have been doing extra cleaning in that space. We are constantly reviewing whether we need to do more. The cleaners that are going around are doing a fantastic job, I should say, and are making their way around the whole building. We have reviewed the products that we use to make sure that they are the best that could possibly be used under the circumstances and we have been trying to make sure we can secure a reasonable supply of any materials that we need to support the operations of offices. So, yes, there has been a step up of that, but it is something we are constantly reviewing. If we need to step it up again, we absolutely will.

The Hon. MARK BUTTIGIEG: Notwithstanding the understandable preoccupation with the virus and the effect that it is going to have on health and the economy, are we still putting in an exemption for the efficiency dividend?

The PRESIDENT: I can answer that and I am happy to provide more on notice because I am noting the time. As you are aware, we were required under the current budget to meet an efficiency dividend of 4 per cent. The reason it was 4 per cent is that—the usual efficiency dividend of 3 per cent plus we were given a deferment of 1 per cent from the previous year. So we were required to meet 4 per cent. The good news is that the Treasurer has agreed to not require us to meet that 4 per cent efficiency dividend for this financial year. We are of course still in negotiations and will continue to be in negotiations and discussions with the Treasurer in relation to the efficiency dividends for the next financial year onwards but we do not have to meet it, which is wonderful news for us. From memory, it was approximately \$1,377,000, which would have been extremely difficult, if not near impossible to find. So that issue has been resolved.

The Hon. MARK BUTTIGIEG: For 2019-20?

The PRESIDENT: For 2019-20. We are still in discussions. We have just about completed the 10-year business plan that we were required to complete. A gain we can add more to that on notice, noting the time. I could talk about this for the next two hours if you want to come and see me.

The Hon. MARK BUTTIGIEG: Just one more quick one. I am conscious of time.

The Hon. NATALIE WARD: You can put it on notice.

The Hon. MARK BUTTIGIEG: Yes, I can, but just indulge me.

The CHAIR: This will be the last question and then we will wrap up.

The PRESIDENT: It will be quicker to ask the question than debate whether we should ask it or not.

The Hon. MARK BUTTIGIEG: We have got an economic calamity, clearly, that is hitting us at all levels. Has there been any modelling done on whether or not that is going to affect the day-to-day operations of the Parliament in terms of the budgetary impact?

The PRESIDENT: Obviously we are looking at that. Obviously DPS are continually coming to talk to us. If I can give catering as an example, a good 10 years ago catering was unfortunately in the black of over \$1.5 million. When I came in as President I think the figure was \$500,000 over budget. For the first time ever, last budget estimates I was able to advise that we had broken even. Now for the first time ever we are

approximately \$211,000 over budget. The reality is, of course, we are now having events. The positive aspect of the catering budget comes from functions. Functions are well ahead of the budget, whereas other areas in catering are above budget in a negative way. So we are looking at, of course, the impact that will have as well. But it is not just catering. There are other aspects we have to look at. The waiving of the efficiency dividends of \$1.337 million has become even more wonderful news, having a result to what is occurring.

The Hon. MARK BUTTIGIEG: Thank you.

The CHAIR: Thank you, Mr President, and officials for attending today. We are finished with your questions except for those that will be put on notice. Thank you for the work that you are doing.

The PRESIDENT: Thank you very much, Madam Chair. Thank you to all members.

(The President and the witnesses withdrew.)

(Short adjournment)

JOHN SCHMIDT, NSW Electoral Commissioner, affirmed and examined

The CHAIR: The Committee will now continue its questioning with the NSW Electoral Commissioner, Mr John Schmidt. Welcome and thank you for coming back. I declare examination of the proposed expenditure for the portfolio of the Premier open with questioning of the NSW Electoral Commissioner. There is no provision for witnesses to make any opening statements before the Committee commences questioning, so we will begin with questions from the Opposition.

The Hon. ADAM SEARLE: Electoral Commissioner, thank you for your time today. Last budget estimates you outlined for the Committee the financial pressures upon your organisation occasioned by the current level of government resourcing for the Electoral Commission. You outlined stressors on your workplace such as excessive hours and the like but also an ongoing financial fragility in the organisation given the current and proposed levels of funding. It has been some five months since then. Can you update the Committee about what, if anything, has happened in connection with the resourcing of your organisation and what, if any, discussions you have been having with the Government around those issues?

Mr SCHMIDT: Thank you, Mr Searle. To perhaps contextualise my comments, first I appreciate that we sit here today with a range of other pressures applying to Government and the community. Obviously the coronavirus will play out in due course and will have economic impacts and impacts on funding, and we of course have just come out of a period of fires, floods and drought—a challenging time. What I think is very important though for this discussion—and I welcome the opportunity to be here—is that in the very near future you and the public at large will receive two reports, one from the Public Accountability Committee about the funding model for the integrity agencies. And then the Auditor-General will release her report looking at the efficiency of operations, the funding model and hopefully also turning her mind to the adequacy of funding for the integrity agencies as well.

So, yes, the pressures which I have alluded to in the past continue. We are now in the lead-up to the budget process for the coming financial year. I have submitted a number of budget requests. In fact, if you asked me about the requests that I had put in the previous financial year, a number of them are replicated where they were unsuccessful. I am engaging in dialogue with a number of individuals within Government. To date I have met with representatives from the Premier's office, the Treasurer's office and Minister Harwin's office. I also plan to meet with the Premier shortly and Minister Harwin. My officers are engaged with the Treasury officials, as you do as part of any budget process, and I will be having further meetings myself with senior Treasury officers in the near future. We are doing everything that we can to bring to relevant people's attention the pressures that we are facing.

The Hon. ADAM SEARLE: Apart from the ongoing regulatory functions of your organisation, there is another challenge on the near-term horizon in terms of the September local council elections. Are any of those conversations or plans that you are developing directed to ensuring adequate resourcing for that task?

Mr SCHMIDT: Absolutely. We have in fact, as you are aware, been given funding—or the Government has announced funding. We have funding this year. The funding for next year has been announced and that is to meet some of the core costs of running those elections on behalf of councils. There is great consideration, as you would expect, within the commission at the moment as to what this means—this current crisis—for the holding of those elections. It is a very, very complex area. We are currently preparing for more intense discussions with governments in coming weeks about some of the critical breakpoints in the process.

For the benefit of people who may be watching this from councils, et cetera, who are interested in what sort of considerations have to come to bear, if I could walk you through. Assume, for example, that we are having a normal election in September, which includes postal voting, which might transpire. People might say, "Why can't you have full postal voting?", which is envisaged for future local government elections. To get to the decision points along the way, first off the nomination process has to work effectively. We bring in up to 80 temporary staff to process nominations and we only have two core people with the core skills to oversight that process. Let us assume the nomination process works. You print the ballot papers. You have to be able to have the supplier print those ballot papers. Can they source the paper? Can they source their own staff to do the work to produce the ballot papers?

You then go to the next step of preparing the acquittal of those ballot papers to go out through the postal system. We are renting a large space out at the—I think it is the Sydney Showground—which will be an intensive area. We anticipated a normal election of about 200,000 postal packs. A full election would be approximately five million. There is a completely different set of challenges there. But let us say it is normal postal. You have to

have temporary staff come in to do that work. If they do not come in you cannot send out the postal packs. You could outsource some of that to providers who can provide those services; they may not be able to get the staff. What happens when the postal votes come back? There is some commentary in the media that the virus can live for a period of time on paper. From obvious health and safety grounds we have to form a view as to how long you leave paper and how you treat it before you count the votes.

Then you have got to have a significant number of staff brought in to actually do the counting. Again, if there is unavailability of the temporary staff you cannot do that. Also the national and State governments may have made decisions at various points in time to shut down processes and you run into statutory time limits, et cetera. So we are considering all of those—and that is just one stream of voting. We are considering all of those implications at the moment and we will continue to discuss that within Government.

The Hon. ADAM SEARLE: And what are those breakpoints? I know some countries—I think France recently held local council elections, but that was very touch and go given when it is happening. Hopefully by September things will be a bit clearer here. But what are the trigger points that might lead to, for example, a postponement or delay or the need for a delay?

Mr SCHMIDT: There are numerous ones. It might be that in the next few weeks the Government instructs all agencies to shut down completely—all of industry. There are some things you can do working from home remotely. There are some planning processes and running of IT systems, et cetera, you really need to have people in the office. If I cannot get past even those initial stages, can I catch up time? That might just be the first of a number of hurdles. I think we are just going to have to be incredibly flexible with this and it will be some time before final decisions can be made.

Ultimately, of course, I am only a service provider in the local government elections. It is different from State elections where I am the commissioner and I have a broader statutory remit. Here I provide a service to those councils who have engaged me; 124 of the councils have done so. It is a matter for the Government ultimately as to what happens with the conduct of the election. Having in mind, as I understand it, the legislation does not give a huge amount of scope for deferral as currently drafted as well. That is another problem that Government will have to grapple with and I will continue to provide advice to Government to inform many decisions.

The Hon. ROBERT BORSAK: So there is no decision being made yet to defer the local government elections?

Mr SCHMIDT: No.

The Hon. ROBERT BORSAK: So it is a watch-and-see basis?

Mr SCHMIDT: Absolutely.

The Hon. ROBERT BORSAK: For not just yourselves obviously, but the Government as well?

Mr SCHMIDT: Yes.

The Hon. ADAM SEARLE: Just to be clear, the current level of resourcing for your office has not been varied or increased since the last budget estimates hearing but you are in close discussions with Government around those issues?

Mr SCHMIDT: Yes. And back to the point which I made earlier—again, to give context not for today but in the future, it may well be that legislation comes out as a product of the Auditor-General's report or the public accountability report. To give you some further context, when you are considering what options you as a Parliament might decide to consider, I will give you two examples of some of the challenges we have faced. We are moving accommodation in the near future. We are meant to move on 1 June. We did not ask to move. We were quite happy where we were. We had an option to extend. We had an option to extend for five years at a discount of 15 per cent on the rent. I will digress into humour briefly. Last year one of my colleagues in the commission received a phone call from an officer in the Department of Premier and Cabinet [DPC] saying, "What did you think about the Cabinet decision about your accommodation?" To which our response was, "What Cabinet decision?" "Oh, weren't you consulted?" "No." My officer then said, "Can you tell me what the Cabinet decision says?" "No, I can't tell you that. It is Cabinet in confidence." So we are moving.

The Hon. ADAM SEARLE: That is laughable.

Mr SCHMIDT: I received a request from Property NSW in November—or the commission did—asking me to sign a confirmation that I have \$64 million in my out-years to pay for the rent over the period of the lease. That is an increase in rent. There is a double period of rent for some 10-plus months in that. I do not have

\$64 million in my budget to do that and I do not have the delegation to sign for that amount of money; I have a \$5 million delegation. I am meant to be moving at this point on 1 June. I do not have the money to pay for the rent of the new property. I do not understand how that could happen.

The Hon. ADAM SEARLE: Just to be clear, your organisation is going to have to be paying two sets of rent for a period of nearly a year.

Mr SCHMIDT: There is nothing wrong with that in the sense that, because there is a local government election on, we always take extra accommodation. So if the election is held in September, then that would dovetail quite nicely on the basis that we can get in by 1 June but we have to have the additional money, and going forward we have to have the additional money. A more pertinent example is, I think, Mr Shoebridge, the last time when I appeared, I was asked a question—had I been consulted on the legislation that was proposed, the funding changes like the \$100 cash limit?—and I indicated I had not and that is fine. You said, "You probably require more resources" and I said I think I would.

But that legislation was announced again or when it became clear it was going forward, I wrote to the DPC saying, "This legislation is coming forward. It is going to have financial impacts on us to implement. My staff are ready, willing and able to discuss it with the Department of Premier and Cabinet." We submitted, at their request, details of the funding we thought we would require, a combination of staffing and communication—communication to the world at large and to political participants. This is a significant change as to how people have done business in this space previously. I have received approval, I think, on 3 March—now, this 3 March—to use some of my existing protected money for the expenditure I need in that space for this financial year. I do not have staff on deck to do a communications program yet.

It was envisaged I would bring them in. I am not going to be able to spend that money on a communications program between now and 30 June. There was also staff money sought for additional audit capability and investigatory capability. I cannot go to the market and engage people for three months—even if you get anybody—to do any work between now and 30 June. And I have further funding bid in the normal budget process, going forward into future years, for similar money.

So communication strategy—this legislation started on 1 January. We have material on our website. We have written to the parties and members about the change as if the local government election continues, as people have registered, because you can register as a candidate for fundraising purposes now. We alert them to this fact but the legislation was passed last year. The funding need was identified and I have been given permission to access only some of my own existing money, which is protected money—it was unspent money for public funding—on 3 March to 30 June. I have to wait now until May anyway to find out what the ongoing funding will be.

This is an example. A large organisation—an Education, a Health or a large infrastructure body—would have the capacity to move funds around and do things; I have no capacity. I cannot just take people off in their area of work because they are fully committed to do something because a new obligation arises. This is why transparency—whatever the model the Government or the Parliament ultimately adopts—is so important so that if there is a legislative change that has an impact on funding resourcing, there is this capacity for me—and I will speak on behalf of myself; the other integrity agency, I assume, have similar concerns—that I can come to you and say, "These are the implications of that. I can do this with that. I cannot do X if I do not have Y."

Mr DAVID SHOEBRIDGE: A contingency fund you could draw upon.

Mr SCHMIDT: That would be one particular solution to that but at the moment it is very hit-and-miss. Expectations are raised and I do not have the capacity to carry out the functions.

The Hon. ADAM SEARLE: Is there an additional problem that even within the overall resourcing of your organisation there are limits on the moneys you can access, or is just a question of the quantum of funds that you have got?

Mr SCHMIDT: Certainly, I think 55 percent of my budget is protected money—it is public funding, it is election funding et cetera. Out of \$120 million, \$55 million you can take out of the equation straightaway. That is earmarked. I have very limited capacity to move funds around with the remainder. I talked I think before the Public Accountability Committee; I am not sure if I talked about it here. I still face that cliff at the end of October where, I think, 135 of my 257 positions become unfunded. So my primary bid with the Government at the moment is to seek some ongoing funding for core capabilities. Not all of that group of people have an expectation they will continue to be engaged because we do have cyclical funding, but through the external

reviews that we have done and the ongoing internal reviews, we have identified 50 core staff who we require to maintain our capability.

As I have said to Government, that is my primary bid for this financial year. In essence, you can give me money for other things but if I do not have the staff to deliver the function, it becomes an exercise in futility. I am now starting to say no to things. One of the matters, I think, Mr Borsak discussed last time I was here was the online poll for funding and disclosure. We have had funding for that for a period of time. When in the lead-up to the State general election the former Premier asked that we stop the broader project but concentrate on a disclosure regime and an online system for political donations in the lead-up to the election, we did that because that money was expended to finish the entire project to have the maximum benefit for political participants—online lodgement of materials, which we can help guide people through the accuracy and completeness of what they lodge. I am going back to government additional funding.

I am hopeful I get that but I am being quite blunt these days. I have said to Government, "If I do not get that money, I will not be doing the project." I have money at the moment to do a discovery phase. We are going to market and we will be engaging someone to complete a discovery phase in the period up to 30 June. But to complete the project and make it a reality, I will need additional money in future years. If I do not get the money, that is it—I stop. I do not have the capacity to spend more time developing a matter, which I know is near and dear to every politician, every party and every political participant because it is a complex area and anything we can do to engage people and make it easier for them must be a good thing.

Mr DAVID SHOEBRIDGE: Commissioner, I know you answered some questions before I got here about capacity to defer the September local government elections. If I understand the reports that I had, you do not have any capacity to defer it yourself and there is no mechanism other than a legislative intervention to defer that. Is that right?

Mr SCHMIDT: I am merely a service provider. I will advise the Government about whether I, as a service provider, actually can deliver it. It may become a fait accompli anyway. But my understanding of the legislation, as it is currently drafted, is that I think the Minister can defer it up to 28 days.

Mr DAVID SHOEBRIDGE: Yes.

Mr SCHMIDT: If that is the case then they may have to—a question arises as to what happens in reality if no deferral is given but the election fails. We have to be able to hold elections and so there may be an argument that you can somehow restart the clock. But I will not get into that. That is a matter for government.

Mr DAVID SHOEBRIDGE: Can there be repeated 28-day deferrals?

Mr SCHMIDT: I am not sure of that. I would leave that to the Minister and the Government.

Mr DAVID SHOEBRIDGE: In terms of the preparation for something as complex as a local government election, how much notice do you need to plan ahead for a particular day to ensure that the election succeeds? I assume at the moment we have advice that it will proceed in September, all things being equal. But if that were called off, how much notice would you require to get something as complex as a local government election back on track?

Mr SCHMIDT: There is no simple answer. Obviously, it depends. The wildcard is the ongoing impact of the coronavirus. But if it were not to be held in September, it depends what sort of election you are talking about. We are considering all possibilities. One of the possibilities is could you have just postal elections the next time around, as will be the case for many councils in future years? Do you introduce internet voting into this space as well? If it is full postal, there will be a number of people. It may be that the postal service is so disrupted by coronavirus that people cannot vote. If you are going to use internet voting as well, that will take a considerable period of time to develop. I am not going to be held to this—these are just dates we are throwing around. I have not had this discussion within Government yet. It may be March; it may be May. We shall see.

Mr DAVID SHOEBRIDGE: If that were deferred, as we have seen with previous election cycles, would the current councillor terms be extended to cover that deferral period?

Mr SCHMIDT: That is a matter for the Government.

Mr DAVID SHOEBRIDGE: But that has been a historical precedent. Is that right?

Mr SCHMIDT: I think they did that in 2017 with the split—elected 2016-2017.

Mr DAVID SHOEBRIDGE: Yes, and I think they did it in 2012 or 2013. That is my memory as well, having suffered through that extension.

The Hon. ADAM SEARLE: In the 2004-2008 session and the 2008-2012 session, both terms were extended.

Mr DAVID SHOEBRIDGE: Could I then ask you about what kinds of considerations you are looking at in terms of the coronavirus? What are the circumstances in which you would say, "We cannot practically hold an election"? What are you looking at to make that kind of call?

Mr SCHMIDT: Certainly. I will talk about some of the things that we can do. First off, for example, one of the main vulnerabilities at the moment appears to be the aged and infirm. Under both the State and local government voting regimes I can have declared institutional voting at nursing homes and hospitals. I have already made a decision that if it is September, there will be no declared voting. Anybody who wants to vote in those premises will be using postal votes. I assume the authorities would not want to see them anyway with people wandering around in those particular places.

Mr DAVID SHOEBRIDGE: That is because you do not want to introduce a risk by having one of your officers going into an elderly person's home. Is that right?

Mr SCHMIDT: Yes, that is exactly right.

Mr DAVID SHOEBRIDGE: There is that impact. Therefore, if there was that risk, that is one way of managing that. We would obviously get a reduced vote from frail and elderly people in those circumstances. But what are the other indicators that would say, "We cannot practically hold an election."

Mr SCHMIDT: If you work downscale, if the current model is static gatherings of 500 people or more, some pre-polls on the Friday before the election become very busy. Sydney Town Hall has been used traditionally and there would be a strong argument to say that we should not offer that as a facility. There is the risk to the electorate in turning up and voting and the degree of comfort that they have with that, but we engage 22,000 staff to run the election.

If the labour hire organisations are unable to provide that, and whilst a number of these people—the temporary staff we engage and the labour hire staff—work in smaller polling places with not so much contact but there is a steady stream of people coming through. When it comes to some of the key components of the election, in particular, counting, you have massive numbers of people in the same space for extended periods of time. So it may well be, say, we cannot count the votes. We take the votes but we cannot count them. If it is that bad, I do not think we can get to the stage of taking votes anyway.

Mr DAVID SHOEBRIDGE: Is there a place where you are having this dialogue with the Government? Where is that dialogue happening? I hope it is better than about your rental premises.

Mr SCHMIDT: Sorry?

Mr DAVID SHOEBRIDGE: I hope it is a better dialogue than you have about rental premises, Commissioner.

Mr SCHMIDT: I am sure it will be. We are having an internal discussion. I have alerted, obviously, the Office of Local Government and the Department of Premier and Cabinet. They are aware of these considerations and they have been fed into the State Emergency Operations Centre as a risk. We are working—we have been and will continue to work—this week to bring together a whole range of options and identify the key risk areas. I hope to be having a meeting next week with representation from the Department of Premier and Cabinet and the Office of Local Government to have a much more nuanced discussion about the risks.

Mr DAVID SHOEBRIDGE: I suppose given the situation is very fluid, you would not have an idea when a statement might be made or a position might be adopted.

Mr SCHMIDT: No.

Mr DAVID SHOEBRIDGE: I have a number of other questions I could put you about your budget. There has been another place where we have been having those discussions. But my only question about the budget is: Given a lot of this is going to be happening outside the standard budgeting cycle—everyone's bids went in in November and they are being churned through the system at the moment. Given a lot of what you are going to have to do, either to prepare or defer an election, is going to happen outside the budget cycle, how do you make the application for additional budget? Is there a process through which you can make application for additional budget to deal with this?

Mr SCHMIDT: We will be raising it directly with the Department of Premier and Cabinet and the Treasury. The challenge will be, of course, in that it is not fully Government funded. The issue is the risk for

councils. We are expending money now. They will be incurring liability now if it is postponed. There is a risk that for some particular services they may be charged twice. It will be a matter for the Government how they deal with such situations.

Mr DAVID SHOEBRIDGE: How many of the council areas have confirmed they are going with the Electoral Commission? Do you know how many have confirmed they are going to a private provider?

Mr SCHMIDT: I think there are 128 local government areas in New South Wales. Two are in administration. One hundred and twenty-four are coming with the commission and two have gone to a private provider.

The Hon. ADAM SEARLE: Have they gone to the same private provider?

Mr SCHMIDT: Yes.

The Hon. ADAM SEARLE: What is the name of that provider?

Mr SCHMIDT: Australian Election Company Proprietary Limited.

The Hon. MARK BUTTIGIEG: I have a follow-up question on my colleague's question regarding the preparedness. You touched on the possibility of moving towards an online, internet-based election. How long would that take to develop and implement? Part of the problem is that we do not actually know how dire it is going to be in September, and presumably you need a lead-in time. How long would that take to develop?

Mr SCHMIDT: It is a good question, and having in mind the legislation does not currently envisage internet voting for local government it will not be my call as to whether it happens, but there are significant issues. As you are aware, we had some problems with the use of iVote at the last election and a number of those difficulties related to the registration component of the system. We have not gone through the entire process of resolving those as yet because we were not anticipating that there might be a call on a large scale until the 2023 election. There is a fundamental question about capacity. I digress briefly. The discussion with The Legislature earlier was interesting about working from home. We, of course, are encouraging people to work from home, but is there a sufficient bandwidth in Australia if everybody does it from home? So I will just park that issue.

The Hon. ADAM SEARLE: I think we know the answer to that question.

Mr SCHMIDT: And bandwidth is important too for internet voting. We take a couple of hundred thousand votes at the State general election. If we were to make it available at the local government election—say, approximately five million potential users, a significant number might use postal, a large number using internet voting—the absolute number of users itself is not a challenge, it is when they choose to vote. So what organisation has the bandwidth capacity without the system crashing to handle that flood, and we do get floods at particular points of time. How do you throttle access to the system without discouraging people to enable it to work? In a roundabout way, to answer your question, there are a number of significant issues, which is why I was foreshadowing time periods. Internet voting would not be available this year is my current thinking and you would be looking at some time next year if that was perceived to be a potential solution to this problem.

Mr DAVID SHOEBRIDGE: But I think there was a widespread view that iVote should not be expanded beyond its current capacity not only for those practical reasons but there are also ongoing concerns about the integrity, if I could say that, about following through the vote to the final count, and those have not been fully resolved to a state that all political parties are comfortable with.

Mr SCHMIDT: And that may well be the case. I am just offering it—

Mr DAVID SHOEBRIDGE: No, I understand.

Mr SCHMIDT: And I will be appearing on 31 March before the Joint Standing Committee on Electoral Matters, where this, I think, will be the primary discussion of the day.

Mr DAVID SHOEBRIDGE: All things being equal.

Mr SCHMIDT: Assuming we are all together on that occasion as well.

The Hon. BEN FRANKLIN: I suspect there will be one or two things as well on top of that.

The Hon. MARK BUTTIGIEG: Just to finish off quickly, like all things, those issues are a function of the amount of resource thrown at it because we have got a world financial system that basically operates online; we have got legal documents that get circulated everyday with traceable, audible trails. So it is a matter of will, is it not, at the end of the day, and resource?

Mr SCHMIDT: Internet voting is a bit more challenging because of the secret vote. The ultimate product that comes out the other end is a vote which is removed from the voter. If you send a legal document through an electronic system you can see the product that comes out the other side of the electronic process and say "That is the document I sent." We endeavour, through our system, to provide as much certainty as we can to give assurance that what goes in one end comes out the other, but there are people who are raising questions about the reliability of those systems, and perception or reality are very, very important in this space because it is people's trust and faith in the system which ultimately must be maintained.

Mr DAVID SHOEBRIDGE: And it is that moment when it transfers over from a traceable link to the individual voter to go into the pool that has created the concern.

The Hon. ADAM SEARLE: There is also a different dynamic in voting, which we do not have time to discuss today.

Mr DAVID SHOEBRIDGE: Yes, there is a different other issue.

The CHAIR: Thank you, Commissioner, for your time today. The Committee secretariat will be in touch in the near future regarding any questions taken on notice and any supplementary questions.

(The witness withdrew.)

The Committee proceeded to deliberate.