



Clerk's review



The year was a 'normal' one, in that the Senate functioned during the whole of the year with its composition as determined by the 2007 general election, undisrupted by an election period. By year's end the fourteen new senators were fully functional in their parliamentary roles, although, as noted in last year's report, the Senate Department is conscious that its orientation program, however improved, cannot fully prepare new senators for all the complexities of their multifaceted roles.

There was also a return to normal levels of activity in the Senate, but the number of sitting days remained low at 56, and the problem of the compacting of more business into the same amount of time continues. There was more legislation, more complex and large bills, and more amendments required, reflecting the continuous expansion of the legislative function.

For Senate committees the workload was far greater. There were big increases in all measures of activity. The change in the structure of the committee system, to revert to the 'twin' committees of 1994 to 2006, was a sign of the expanding workload rather than a cause, and reflected the fact that, with no party holding a majority in the Senate, the inquiry agenda of the institution is determined by the priorities of senators collectively rather than of the government or one party. It is only a slight exaggeration to say that the Senate is a legislative and deliberative assembly appended to a system of committees, although the powers to pass legislation and to determine the subjects of inquiry remain with the chamber, which therefore remains the centre of activity.

The number of written advices provided to senators, a measure of the advisory role of the department, rose significantly, partly determined by the number of new senators requiring guidance but mainly by the change in the composition of the Senate and the new and more numerous issues that arose for advice.

The period was characterised by some procedural innovation. The practice of referring bills to Senate committees before their receipt by the Senate, and sometimes even before their public appearance, led to the adoption of processes which procedural purists of the past would have regarded as outlandish. Estimates hearings were held on a subject (Indigenous affairs) rather than on the responsibilities of a department, with various responsible departments examined in the same hearing.

The 12th edition of *Ogden's Australian Senate Practice* was published in late 2008, and this comprehensive work on Senate processes was kept up to date with a supplement at the end of the financial year. A new and valuable addition to the procedural resources of the Senate, the *Annotated Standing Orders of the Australian Senate*, was completed for publication early in the next year.

The development of information technology, particularly in the integration of the production of documents, continued apace. Work progressed on the establishment of a comprehensive committee database to assist committees to cope with their heavy workload by standardising and streamlining their information-handling processes. More material was placed online to facilitate both the functions of the Senate and public access to its work. Particularly notable were more materials on the legislative processes of the chamber, particularly the texts of documents used in the chamber such as amendments to legislation, the conversion of an exhibition in Parliament House on the work of the Parliament into an online exhibition, the loading of occasional lectures in sound and vision, and the placing online of educational videos produced by the Parliamentary Education Office.

The department was able to achieve this increased level of activity with basically the same staff level, indicating that staff continue to increase their productivity. As has been pointed out in earlier reports, this increase in productivity is not solely a function of technology application but of constantly rising knowledge and skills levels on the part of staff.

In relation to financial resources, the story is somewhat different. After more than a decade of accumulating cash surpluses by efficient use of its appropriations, the department is now investing its funds up to the limits of its appropriation, having in 2008 returned half of its cash holdings to the government. It may be necessary in the future to recalibrate the level of funding for the department, a step that will be the responsibility of the Appropriations and Staffing Committee.

This is my last contribution to the department's annual report. The start of my forty years with the Senate coincided with the long-awaited success of moves to establish a comprehensive standing committee system. My twenty-one years as Clerk began with the codification of the law of parliamentary immunity and of the Senate's practices in relation to its principal immunities and powers. Earlier this year the Senate adopted a codification of another kind: a procedural order setting out for the first time in detail the process that is to be followed by ministers and public sector witnesses who consider that there may be some public interest grounds for withholding information from Senate committees. Procedural enhancements of these kinds have characterised the Senate throughout its history.

The Senate is well equipped to perform its legislative inquiry and scrutiny roles, not to perfection, but to the constantly improving standard expected by the public and worthy of a free Commonwealth.

I leave office confident that my colleagues will provide the Senate and its committees with the same high level of advice and support as has been developed in the past.

Harry Evans

Clerk of the Senate