

Output Group 1—Clerk’s Office

Outputs	
<p>Provision of sound and timely advice on proceedings of the Senate and its committees, and leadership and strategic direction for the department.</p> <p>Provision of secretariat and advisory support to the Procedure Committee, the Committee of Privileges and the Committee of Senators’ Interests.</p> <p>Provision of procedural information and related services to senators and the Senate Department.</p>	
Performance indicators	Performance results
<p>Quality</p> <p>The degree of satisfaction of the President, Deputy President, committee members and senators, as expressed through formal and informal feedback mechanisms, with the quality and timeliness of advice and support and the achievement of key tasks.</p> <p>Advice, documentation, publications and draft reports are accurate and of a high standard.</p>	<p>The 2005 survey of senators confirmed that all senators who sought advice from the Clerk’s Office were satisfied or highly satisfied with its quality and timeliness. Informal feedback (for example, in comments made during debates in the Senate) confirmed senators’ high levels of satisfaction with the quality and timeliness of advice and support and with the achievement of key tasks.</p> <p>All advices, documents, publications and draft reports were of a high standard and none was shown to be inaccurate.</p>
<p>Timeliness</p> <p>Meetings held, documentation provided and reports produced within timeframes set by the Senate or the committee, as relevant.</p> <p><i>Odgers’ Australian Senate Practice</i> updated each six months; new printed edition produced regularly.</p> <p><i>Procedural Information Bulletin</i> produced two days after end of sitting fortnights.</p> <p>Other procedural resources updated and augmented as required.</p>	<p>All the indicators relating to timeliness were met to the satisfaction of senators.</p> <p>A new edition of <i>Odgers’ Australian Senate Practice</i> was published in November 2004.</p> <p>The <i>Procedural Information Bulletin</i> was published within the specified timeframe.</p> <p>All other procedural resources were kept up to date.</p>
<p>Quantity</p> <p>As required, on request, or proactively, to facilitate proceedings.</p>	<p>Advices were produced in accordance with demand and proactively to facilitate proceedings.</p> <p>Sufficient copies of all publications for which the office was responsible were produced to enable access immediately after they were published or tabled, and relevant reports were published on the internet within minutes of being tabled in the Senate.</p>

Analysis

The Clerk's Office consists of the Clerk, the Deputy Clerk and two executive assistants.

The Clerk and Deputy Clerk are the principal advisers to the President and senators in relation to proceedings in the Senate, parliamentary privilege, committee proceedings and their outcomes in the chamber, and other parliamentary matters. The Clerk and Deputy Clerk give advice, both within and outside the chamber; ensure that efficient chamber processes are in place; and coordinate research support to assist the Senate and senators in relation to Senate proceedings. The Clerk is the Secretary of the Department of the Senate.

The full-time equivalent staffing level for the year for the Clerk's Office in 2004–05 was 4.0. The decrease from last year's level of 4.8 was due to the return of an officer from long-term absence on paid leave and the cessation of the temporary staffing arrangements that had been in place for much of the previous year.

The cost of the office for 2004–05 was \$0.9 million.

Procedural advice

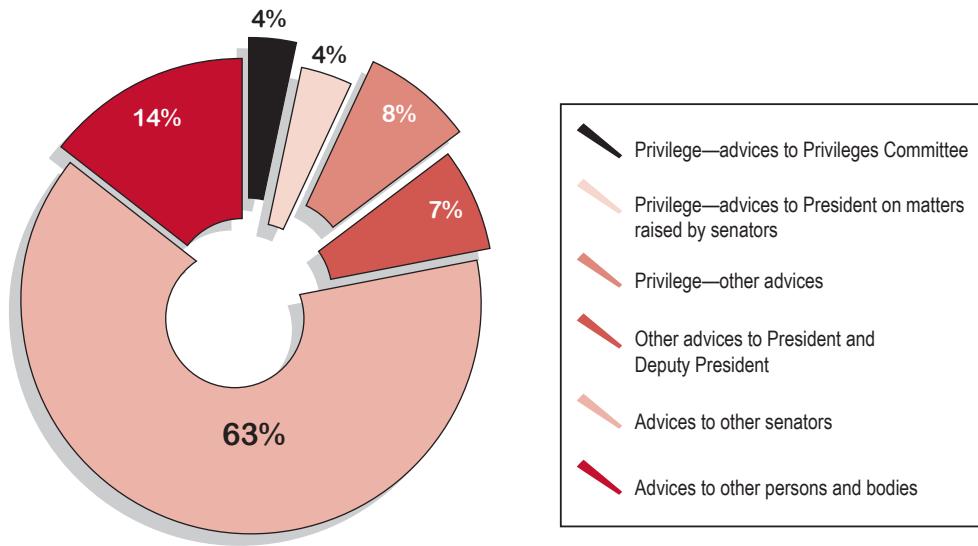
Providing procedural and constitutional advice is the primary function of the Clerk's Office. Advice is given orally and in writing, but is recorded only in the latter case because of the difficulty of quantifying oral advice. Advice may be provided proactively or in response to requests.

The numbers and kinds of written advices provided during 2004–05 are shown in Table 2, while Figure 3 shows each kind as a proportion of the total. Despite the general election of 2004, the figure was well above the average of recent years. The previous year was also one of heightened activity. The increase was largely due to questions generated by Senate committees.

Table 2 **Written advices provided by the Clerk, 2004–05**

Category	No. provided
Privilege—advices to Privileges Committee	5
Privilege—advices to President on matters raised by senators	5
Privilege—other advices	11
Other advices to President or Deputy President	10
Advices to other senators	90
Advices to other persons and bodies	20
Total	141

Figure 3 **Written advices provided by the Clerk, 2004–05**



Subjects covered by advices included the immunity of senators from the seizure of materials under search warrants; the protection of documents prepared for the purposes of parliamentary proceedings; the immunity of documents in the possession of state authorities; the treatment by committees of their documents; the publication of committee documents; claims of public interest immunity; the Senate’s right-of-reply procedures; the Senate’s sub-judice convention; the effect of disallowance of legislative instruments; constitutional qualifications of senators; inquiries involving members of the House of Representatives; appropriations and parliamentary control of finance; threats of legal action against senators; the effect of taxation legislation; and the conduct of committee hearings.

Much of this advice was provided by email, allowing senators to access and utilise the information very soon after requesting it.

Committees

The office is responsible for the administration of the following three Senate standing committees.

Procedure Committee

The Clerk of the Senate continued to serve as secretary to the Procedure Committee, which meets as required to evaluate and recommend improvements to procedures in the Senate, in response to references from the Senate or the President.

Due largely to the general election and the settling of various procedural questions in the previous year, the committee did not meet in 2004–05 but ended the year with several major matters on its agenda.

Committee of Privileges

The Deputy Clerk served as secretary to the Committee of Privileges. The committee protects the integrity of Senate and committee proceedings through its consideration of matters possibly amounting to contempts of the Senate that are referred to the committee

by the Senate as a result of concerns raised by other committees or individual senators. The Committee of Privileges also administers the ‘right-of-reply’ mechanism for people seeking to respond to adverse comment made about them in the Senate.

The committee met 14 times during the year, twice more than in the previous year, including one public hearing on a general reference.

The committee received three new references from the Senate in 2004–05 (showing a reduction compared with five in the previous year), and presented four reports, based on drafts prepared by the secretariat (also a reduction from five in the previous year). Two reports covered the three references outstanding from the previous year and two related to new references received during 2004–05, including a general reference on the issue of unauthorised disclosure of committee proceedings. Unusually, for the first year since the Senate adopted the right-of-reply procedures in February 1988, no right-of-reply reports were presented during the year.

At the end of the year, one reference remained under consideration, relating to a question of whether a senator had complied with the Senate’s resolutions requiring the registration of interests.

Committee of Senators’ Interests

The Deputy Clerk served as secretary to the Committee of Senators’ Interests and Registrar of Senators’ Interests. The committee continued to supervise the Register of Senators’ Interests and give guidance to senators to fulfil the requirements of Senate resolutions relating to declarations of pecuniary interests and gifts.

The committee met once during the year, considered a draft handbook prepared by the Parliamentary Relations Office for official parliamentary delegations, and agreed to some minor changes to its information booklet. The committee made a recommendation to the President on the disposition of a gift to the Senate, referred to in last year’s report, and presented its annual report to the Senate on 8 March 2005.

As required under the relevant resolution of the Senate, six-monthly updates of the Register of Senators’ Interests, incorporating notifications of alterations of interests and declarations of interests, were prepared by the secretariat and tabled on 8 December 2004 and 22 June 2005. Updates to the register of departmental Senior Executive Service officers were tabled on the same dates.

Procedural information

Ogders’ Australian Senate Practice, the main vehicle for procedural information, was completely revised and updated, and published as the eleventh edition in November 2004.

After each sitting fortnight and each of the two sets of estimates hearings held during the year, the Clerk also produced issues of the *Procedural Information Bulletin*, which identified and analysed matters of significant procedural interest that arose during those times. In addition to these documents, the Clerk continued to produce publications on procedure in various forums.

The Clerk and Deputy Clerk continued to support and participate in seminars on parliamentary matters. More information on such activities is provided in Appendix 5.

Significant changes in functions and services

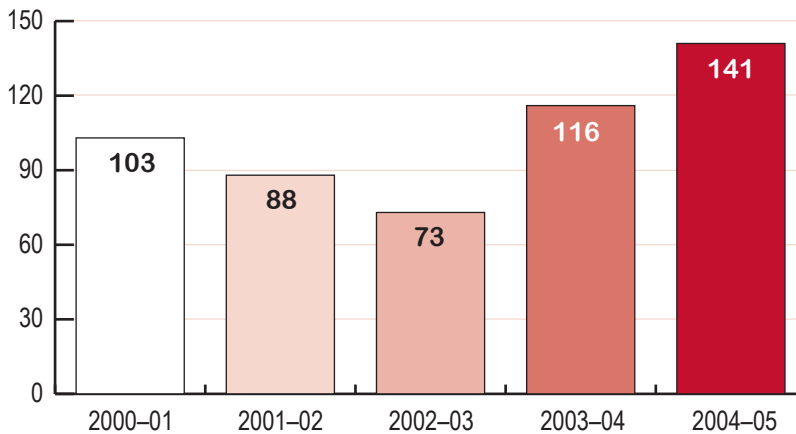
There were no significant changes in functions and services during the year.

Factors, events and trends influencing performance

As in recent years, the concentrated sitting pattern continued to influence performance by creating periods of peak demand. In addition, committees of all types were active, and many advices provided by the Clerk's Office in 2004–05 related to committee operations.

Figure 4 shows the long-term trend for the provision of written advice.

Figure 4 Trends in the provision of advices by the Clerk's Office



Evaluation

The principal medium for formal evaluation of services provided by the Clerk's Office is the biennial survey of senators' satisfaction, conducted most recently in February and March 2005. The survey reflected a high level of satisfaction with the services of the Clerk's Office and did not suggest any areas of major concern.

Advice from the Clerk's Office continued to be sought by committees, by senators and their staff, and by a range of other people and organisations, including representatives of the Australian Public Service, the press, lobby groups and other legislatures. Their continuing recourse to the intellectual resources of the Clerk's Office was a good indicator of its efficacy and efficiency.

Performance outlook

The Clerk's Office will continue to review procedural publications, and at least one supplement to the eleventh edition of *Odgers' Australian Senate Practice* will be produced. An orientation program will be held for the significant intake of new senators from 1 July 2005. The office will continue to respond to the needs of the Senate and senators, meeting existing and emerging requirements with the highest possible level of professionalism. It may be that the government party majority in the Senate and any proposals for changes to Senate procedures will generate increased demand for the services of the Clerk's Office.