



Clerk's review

Among the many statistics in this report, the one which might tend to strike a reader most forcefully is that relating to the number of sitting days in the financial year (41), accompanied by the information that this is the lowest number of sitting days for over 50 years, and dramatically lower than the long-term average of 70. The figure should be clarified by the addition of the number of estimates sitting days (15), which gives a truer picture, but this still leaves the total figure markedly below the average. This information might be reinforced by the passages in the report relating to the low level of legislative activity, as measured by, for example, numbers of bills and amendments. Even allowing for the general election in the latter half of 2004, the picture is startling.

In the other countries with which we like to compare ourselves, these figures would probably set off an outbreak of media items and commentary about the decline of parliament. Our record of sitting days, however, has always been noticeably lower than that of the legislatures of those countries, and seldom gives rise to any expressions of concern. The number of bills passed is higher than in the comparable jurisdictions, and, with allowances for our tendency to have a lot of smaller bills rather than fewer omnibus bills, the conclusion which may be drawn is that legislative activity is more compacted and intense here.

As the report also records, demand for advice for senators and committees actually increased markedly during the year. This also suggests more significant activity compressed into shorter times.

The processing of legislation was certainly more pressured. The same applies to committee inquiries. Although the level of committee inquiries and committee activity generally is recorded as lower, there were significant, highly pressured inquiries which gave rise to many significant questions of process and procedure. This is also reflected in the demand for advisory services.

It is expected that legislative activity will return to a more 'normal' pattern in the next year, although it is impossible to predict with any confidence the effect of the government party majority in the Senate taking effect on 1 July 2005. The workload will probably be redistributed rather than reduced. In particular, there may be a reduction in the intense pressure on the Procedure Office to produce amendments to government bills. There may be greater demands placed on the Scrutiny of Bills Committee and on the standing committees in their examination of legislation, in the expectation that proceedings on legislation in the chamber will provide less of a backstop. In the field of delegated legislation, the volume of activity has been increased by the Legislative Instruments Act, which brings within the Senate's disallowance jurisdiction, and therefore the scrutiny of the Regulations and Ordinances Committee, a greater number of statutory instruments.

The attenuation of the estimates hearings, with a procedure for placing questions on notice substituted for the normal supplementary hearings in November 2004, may partly explain a problem in securing from departments and agencies timely answers to estimates questions on notice. Greater attention may need to be directed to this area to ensure that the estimates process is not devalued. There are certainly higher expectations of the estimates hearings. They are now seen as the key to accountability. More staff time may need to be devoted to them.

The department's response to shifting workload patterns has been to ensure that efficiencies and economies are found through appropriate adjustments, mainly in staffing. This has occurred in all areas of the department. The operations of the department are known to be highly efficient and cost-effective. For example, the printing unit, which the department has always regarded as essential to its provision of adequate services to the Senate and its committees, was found by an independent review to be highly efficient and competitive despite its small size.

The department not only pursued efficiencies but extended the range of its services. This was done partly by exploitation of technology, for example, with the *Dynamic Red*, which allows proceedings in the Senate to be followed as they unfold, and the provision of more information on the television screens about what is going on in the Senate.

In one respect, the department may do itself a disservice by this constant pursuit of efficiencies, because, particularly in election years, it leads to an increase in the department's cash surplus. This may lead to a temptation on the part of government to seek to cut the department's budget. Any such move would be contrary to the rationale of allowing departments to retain surpluses, and the funds may well be needed in the future to meet the demands on the department.

In one area, those demands continue to increase regardless of the legislative workload: there is a constant rise in the general public expectation of more information about the activities of the Senate and its committees, and the department has sought to meet that demand through its various public education activities. Paradoxically, perhaps, the achievement of a government majority in the Senate led to something of an explosion in the demand: persons and organisations of all kinds required information about the implications of this occurrence. There was a yawning information gap which could be filled only by the department; there was also a remarkable lack of knowledge, for example, about the history of party numbers in the Senate and their past effects, and about the means by which the operations of the Senate could be changed.

The situation also revealed the continuing gap between general public understanding of parliamentary operations and the reality. In venturing to meet this demand for information, the department entered into areas of great controversy, but we have always followed the philosophy that avoidance of controversy is not a reason for allowing a lack of information and understanding to continue. The department's most enduring contributions to public education, however, may be found not in ephemera but in its long-term

projects, such as the exhibition and lecture programs, the microfilming of Senate records, and *The Biographical Dictionary of the Australian Senate*, work on which continued at a steady pace during the year.

A demand for public sector departments and agencies to look and sound like private commercial corporations has long been in evidence, and continues despite its poor conceptual basis and institutional inappropriateness. If regard were to be had to that demand, the most prominent feature of this report would be the considerable reduction in size of the Senate Department and its budget as a result of the transfer of the security function, equipment and staff to the joint department. The Senate Department does not regard that change, however, as major, because it relates to functions that are not part of the department's vital purpose of supporting the Senate and its committees as legislative bodies. Perhaps in commerce-speak it might be said that the department has downsized and is concentrating on its core business. That sort of conceptualisation only leads to even more inappropriate analogies: small bodies are ripe for takeover by larger organisations with more functions and money. No doubt there are some who see the change in those terms. The rationale of the department, however, is constitutional and institutional, not economic, and is related to the proper conduct of the public affairs of the body politic. It is hoped that it will be seen in that light by discerning members of the public. The result of the survey of senators, showing high levels of satisfaction with the department's services on the part of its 'customers', the senators, provides hope that this will be so.

During the year, the department lost one of its most experienced staff with the well-earned retirement of the Deputy Clerk, Anne Lynch. This would serve as a reminder, if one were needed, that the expertise of its officers, gained through on-the-job learning and training, is the department's most vital resource. Thanks are due to all of those people for their diligent work.

Harry Evans

Clerk of the Senate