

Clerk's review

This report documents the performance of the Department of the Senate for 2013–14.

Its finalisation was overshadowed by the death of my predecessor as Clerk of the Senate, Harry Evans, less than five years after his retirement in December 2009.

In the Annual Report for 2009–10, I referred to some of Harry's achievements as Clerk including his contribution to the development of the *Parliamentary Privileges Act 1987*, his modernisation of the Senate's standing orders, the reinvigoration of *Odgers' Australian Senate Practice* and his formidable body of writing on parliamentary and constitutional matters. His independence and impartiality were legendary, as was the fearlessness with which he defended the powers and role of the Senate and the rights of individual senators. In the Clerk's review that year, I also wrote that as chief executive officer, Harry Evans represented the highest standards of ethical leadership, probity and the pursuit of value for money on behalf of the taxpayer.

The standards that Harry Evans set over his long tenure as Clerk remain a dominant influence on the department and I hope that legacy will continue for many years to come.

Institutional continuity

An important means by which this may be achieved is institutional continuity. Such continuity is not necessarily measured by length of service of staff, although 25 per cent of employees have more than 10 years' service with the department, and a significant proportion of those have more than 20 years' service. All organisations benefit from renewal, and the department has continued to recruit high quality employees to fill vacancies, while still working within a strict salary cap to stay within its budget. As part of an independent Australian Parliamentary Service, the department is not subject to any limitations on recruitment that may operate in relation to the Australian Public Service.

Institutional continuity is achieved through the department's commitment to the professional development of its employees. All employees, and all new employees in particular, have access to a rich variety of learning and development opportunities and on-the-job training to enhance their skills for the workplace and their parliamentary-specific knowledge, including their knowledge of the Parliamentary Service Values. Sessions on significant parliamentary concepts and powers are complemented by more detailed procedural training. Employees also have the opportunity to participate in university modules or professional development seminars conducted under the auspices of the Australian and New Zealand Association of Clerks at the Table (ANZACATT), or to volunteer for capacity building programs conducted in regional parliaments. All employees are expected to complete at least 21 hours of professional development each year and most exceed the target by a significant margin.

Institutional continuity is also pursued through the production and updating of authoritative procedural guides and reference works including the *Procedural Information Bulletin*, *Odgers' Australian Senate Practice* and the *Annotated Standing Orders of the Australian Senate*, all of which are available online. Works such as these provide consistent sources on which to base advice, including advice about procedural innovations and modernisation that must occur to ensure that the Senate continues to function effectively for new generations of senators across all of its important functions.

Information in the 21st century

The continuity of knowledge and values is particularly important as the turnover of senators proceeds apace. Around 75 per cent of senators have commenced their terms in the past ten years, meaning that the department must maintain a continuous focus on its capacity to advise and support senators in the 21st century, and its production of accurate, relevant and accessible information resources for senators, their staff and the public at large. In line with changing expectations, the department will continue to move away from production and distribution of information in hard copy and more towards online information and provision of navigational aids to find it. Administratively, electronic recordkeeping will be implemented in more and more areas of the department.

During the year, the Table Office implemented major new document and information production systems to support the generation of official and informal records. Further functionality will be implemented over the coming year. A new information service, called *Senate Discovery*, was launched at the beginning of 2014. This is a short online program of no more than a few minutes, featuring highlights of the previous sitting fortnight, with links to more information about the featured items. It is produced largely in-house by the Senate Public Information Office.

A long-running Centenary of Federation project also made the digital transition when the first three volumes of the *Biographical Dictionary of the Australian Senate* went online. They will be joined early in the next reporting period by the complete *Journals of the Senate*, the official minutes, from 1901.

The department uses Twitter to publicise and provide links to important information about the operations of the Senate, including calls for submissions by committees, broadcasts of public hearings, presentation of committee reports, and Senate business information. Twitter is also used to alert people to departmental events including recruitment opportunities or occasional lectures. The number of followers of @AuSenate at the end of June 2014 was approximately 12,400, up from 7,900 at the end of the previous financial year and 3,500 in June 2012.

The electoral cycle

The general election held on 7 September 2013 resulted in a change of government. The very close result in the Western Australian half-Senate poll produced calls for a recount which, in turn, led to the discovery that more than 1300 ballot papers included in the original counts had been lost. Following petitions from a number of petitioners, including the Australian Electoral Commission, the High Court sitting as the Court of Disputed Returns held that the original election was void and a fresh election for the state was held on 5 April 2014.

The elections resulted in the largest number of cross-bench senators in the institution's history, a factor that will heavily influence the work of the department over the coming year in everything from the provision of advice and the design of induction programs for new senators, to arrangements for logistical support.

The new Parliament met for the first time on 12 November 2013 with the Senate Department coordinating the arrangements. As was the case in 2011, the Government proposed that the new Senate meet in early July 2014, necessitating a rapid transition with twelve senators retiring on 30 June 2014 and twelve new senators commencing their terms the following day and being sworn in on 7 July. One of the retiring senators was the outgoing President of the Senate, Senator the Hon. John Hogg, who finished his term as a senator but continued to serve as President till the eve of the first meeting of the new Senate on 7 July.

On that day, Senator the Hon. Stephen Parry was elected as the 24th President of the Senate and Senator Gavin Marshall as the Deputy President and Chair of Committees. The department prepared incoming briefs for both officers.

The electoral cycle is one of the biggest influences on the budget outcome of the department in any year although it does not influence all areas of the department consistently. For example, there was no diminution in the quantity of written advice provided to senators or in the range or challenging nature of the subjects on which advice was sought or provided. There was, however, a drop in the number of sitting days to be supported and a commensurate drop in committee activity and, consequently, lower expenditure on employee travel costs, overtime and temporary staff, among other things. Careful budgeting and the lesser workload of an election year produced a moderate surplus in the department's financial results for the year.

A more independent budget model

The continuing application of the efficiency dividend at heightened levels cannot be sustained in the medium term unless either the department can make up the shortfall with some modest new policy funding as it has done in the past, or the efficiency dividend is reduced. With a change in government, there was no sign that the revised budget processes described in last year's Clerk's review would have any continuing application.

At both the additional and budget estimates hearings in 2014 senators raised the issue of greater budgetary independence for the Parliament and the Senate in particular, given its role in scrutinising the executive government. While the financial initiative of the executive government under the Constitution is undeniable, the importance of independent arms of government such as the parliament and the courts being able to carry out their functions without improper interference caused by inadequate funding is also beyond dispute. In returning thanks to the Senate after its election of him as its new President, Senator Parry referred to the parliament's independence from the executive government and indicated his interest in examining how parliament might have greater control over its budget in future.

Corporate and other developments

Throughout the year, preparations were made for the implementation of the new *Public Governance, Performance and Accountability Act 2013* which updates the Commonwealth financial management and accountability framework. The consolidation of information and communication technology services for the Parliament continued, although the House departments continued to provide direct support for the roll out of vital operational information technology enhancements in the Committee and Table Offices.

With security and ICT now coming under separate oversight arrangements, the previous interdepartmental corporate services forum was re-badged as the Parliamentary Administration Advisory Group, which reports to quarterly meetings of the four parliamentary departmental heads. The Senate Department chaired both groups in 2014. The group provides a forum for coordination and policy development in relation to such matters as parliamentary service legislation, workplace relations, records management and the exploration of further opportunities to pursue shared services in cost-effective ways.

Two earlier reviews of parliamentary administration conducted by two former Parliamentary Service Commissioners (Podger and Briggs reviews) had promoted shared services as a way of achieving significant efficiencies and cost savings across the parliamentary departments. A third review was commissioned by the former Presiding Officers in July 2013 to consider what scope remained for achieving savings in this area. The report concluded that the case for further shared services was not financially viable. Examination of four possible models showed that the scale of potential efficiencies achievable from any of the models was insufficient to recoup the costs of the systems upgrades that would be necessary to implement them.

In debunking the often-repeated claim that the parliamentary departments are inefficient, the report noted an average reduction in Full Time Equivalent (FTE) staffing levels across the corporate areas of the parliamentary departments of 32.7 per cent since 2002, attributed to the impact of the efficiency dividend. The report also found that all of the parliamentary departments were operating well within the benchmarks for both FTE numbers and costs when compared with other agencies.

Despite these clear findings, the report recommended that the parliamentary departments submit to the Presiding Officers their preferred option for a shared services model to commence on 1 July 2014, a recommendation not supported. Instead, options will be explored that do not involve the establishment of a new bureaucracy to cooperate on the provision of common services.

The value of inter-parliamentary professional development was demonstrated during the year by two staff movements at the Senior Executive Service Level. Usher of the Black Rod, Bronwyn Notzon, took up the equivalent position of Serjeant-at-Arms in the Department of the House of Representatives, and was replaced by Rachel Callinan who moved to the Senate department from the Usher's position in the New South Wales Legislative Council. Such movements can only strengthen the broader parliamentary service.

Conclusion

Next year, the department will face significant challenges, including the negotiation of resources to enable it to support an increasingly diversified Senate and the continuing pressure on committees. It will also be looking to negotiate a new enterprise agreement with staff in a severely constrained financial environment but one that calls for higher levels of skill and commitment to professional development than ever before.

On a positive note, we all look forward very much to working with the new President of the Senate, Senator Parry, and Deputy President and Chair of Committees, Senator Marshall.

I thank all staff of the department for the contribution they have made to keeping the Senate and its committees functioning to meet increasing expectations of senators and the public at large. I thank my colleagues in the other parliamentary departments, particularly new Clerk of the House of Representatives, David Elder. Finally, I thank my Deputy Clerk, Richard Pye, for keeping everything running so well during my lengthy absence in spring 2013.