

Clerk's review

This report documents the performance of the Department of the Senate for 2014–15.

The new Senate

In one sense, the work of the Department of the Senate throughout the past financial year was typical of the middle section of an electoral cycle, with all staff and systems fully engaged in supporting the work of the Senate and its committees. In many other respects, the year was far from routine.

It began with the Senate meeting on 7 July 2014, following the commencement of the new Senate term on 1 July, the Government having announced an intention to press ahead with legislation to repeal the carbon and mining taxes at the earliest opportunity. This is now the second consecutive occasion on which a new Senate has been pressed into action as soon as possible following changes in composition at the previous election that held significance for the government of the day.

The formalities of the first meeting of the new Senate included the attendance of the Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd), to swear in senators, the election of Senator the Hon. Stephen Parry as 24th President of the Senate and his presentation to the Governor-General, and the election of Senator Gavin Marshall as the Deputy President and Chair of Committees. By the end of the first sitting fortnight, new senators, including those occupying balance of power roles, had had to exercise their vote on matters of great importance and participate in proceedings of unusual complexity and combativeness.

In this environment, the challenges for the department included providing support for new officeholders, providing accurate procedural advice and support for all senators but, perhaps most pressingly, devising and delivering an orientation program appropriate to the needs of twelve new senators, many of whom would be under media scrutiny, without the support of a developed party structure and facing intense pressure in respect of their vote. We made the decision to split the orientation program into different components held at different times. The first component, held on 3 and 4 July 2014, concentrated on the legislative process, the routine of business and advanced procedure, in order to prepare senators as much as possible for the expected intensity of the first two sitting weeks. Later sessions addressed financial scrutiny and committee work, among other things. The programs were well-received by senators who were able to put theory into immediate practice.

A larger and more diverse cross-bench stretched the department's capacity to provide procedural and legislative drafting support. At some points in the year, we were able to keep up with demand only by negotiating deadlines with senators, particularly for the drafting of private senators' bills, and by spreading workload where practicable.

After the July sittings, as chamber operations became more settled, the focus moved to committees where new records were set in the number of matters referred concurrently by the Senate to its existing committees and to select committees established for specific purposes. Many inquiries were generated by an increasingly active and influential cross-bench and “a Senate inquiry” continued to be seen as a remedy of first resort for examining policy change and program delivery, and for scrutinising government operations. At the time of the Budget estimates hearings in May-June 2014, committees had 55 active inquiries. At the equivalent hearings a year later, the number had risen to 78, with around 70 concurrent inquiries becoming the new average.

This level of committee activity is unprecedented but, as I explained at the 2014 Budget estimates hearings, committees themselves are ultimately constrained by the capacity of senators to participate in all stages of an inquiry. While some additional resources were provided to committees, and staff continued to be deployed flexibly to areas of greatest need, committees determined their priorities and sought extensions of time for inquiries where necessary and were supported in this planning by their secretariats.

The department’s budget

Last year, I was able to report that the department had delivered its services within budget for the second year in a row after a series of deficits. Rebalancing of the budget entailed working to a strict ceiling on numbers of full time equivalent staff with each office allocated a staffing cap. Numbers were adjusted following the addition of a modest amount of new policy funding to support new committee activity, greater demand for legislative drafting services and online publishing resources.

This year, the department’s balance sheet showed a deficit of \$1.2 million, and a similar outcome has been budgeted for in 2015–16, even with a one-off injection of \$1.5 million in additional funding for committee support. These financial results tell us that the department’s budget has been eroded by years of additional efficiency dividends, which have not been ameliorated by new policy funding, and that there are now sufficient funds only for election years when activity levels are generally lower. Workload is determined by decisions of the Senate. When workload returns to fully operational levels, as it has done this year, business as usual is no longer affordable.

If the department’s budget is inadequate to support the level of activity that the Senate determines, then the Senate risks being constrained in being able to carry out its constitutional functions, an outcome that is unacceptable.

The need for a more independent funding model is not a new theme in these reviews. While some progress has been made, much remains to be done in gaining recognition for a budgeting process that respects the constitutional separation of functions and the different rights and responsibilities of the legislative and executive arms of government. Current Senate President, Senator the Hon. Stephen Parry, has been assiduous in championing the independence of the Senate and its financial independence in particular. The department will continue to work with the President and the Senate Appropriations, Staffing and Security Committee in pursuit of this goal.

Changes in the security environment

Heightened security concerns during the year and a change in the national threat level led to a greater emphasis on security-related matters and a change in the composition, terms of reference and name of the Appropriations, Staffing and Security Committee. Amendments were also made to the composition and terms of reference of the Security Management Board established under the *Parliamentary Service Act 1999*. An additional task force, to operate on a temporary basis, was convened to provide advice, particularly in relation to a program of capital works required to strengthen the building's defences.

These developments, and decisions of the Presiding Officers to move command and control of security operations in Parliament House from the Department of Parliamentary Services (DPS) to the Australian Federal Police, involved the Usher of the Black Rod and her staff in extensive consultations with both agencies, particularly during the implementation phase. The new arrangements have worked well in ensuring that the position of the Senate is effectively represented in the development of security policy and in the operational arrangements that affect senators.

ICT arrangements

After the transfer in 2013 of the department's information and communications technology (ICT) staff and resources to DPS, following the Presiding Officers' 2012 review of parliamentary ICT, the centralisation of parliamentary ICT continued to mature. Participation of Senate Department staff in ICT governance fora continued to ensure that appropriate consideration was given to the business needs of the Senate and its committees in strategic planning, as well as in the implementation of projects.

At the end of the year, preparations necessary for the transfer to DPS of responsibility for ongoing maintenance and support of the Shared Committee Information Database (SCID) were well advanced. It would be no exaggeration to claim that SCID – which was developed in-house – has revolutionised the capacity of Senate committees to support the ever-expanding number of inquiries referred to them, particularly by automating the management and publication of submissions. In test at the end of the year were systems for expedited report production and publication, and publication of answers to estimates questions-on-notice, processes which were highly labour intensive in the past.

The department's other major software redevelopment investment, the Table Office Production System (TOPS), has not been as effective in transforming the work of the Table Office as SCID has been in supporting committee work. Although the system has replaced old and unsupported databases and systems to produce and publish our formal records, the promise of being able more easily to share and repurpose procedural information has not been met. We are looking to a new app – ParlWork – being developed with DPS and the Department of the House of Representatives, to allow more of our vision to be realised.

Recruitment and professional development

Although the department has been operating under a strict staffing cap, there has been no freeze on recruitment. Positions becoming vacant have been reviewed to ensure that they best reflect the department's needs but most positions have been filled on the basis that they were essential to the department's ability to perform its functions.

The strength of the department has been enhanced by the recruitment and promotion of highly qualified employees, but aptitude is only part of the picture. The parliamentary environment is demanding and unforgiving, and it is essential that employees are given access to relevant professional development to provide them with the procedural skills and knowledge they need to provide effective support to the Senate, its committees and senators.

Across the department, employees committed to undertake thousands of hours of professional development, from on-the-job experience and practical seminars, to formal study. We continued to produce a comprehensive training calendar every six months, covering induction and parliament-specific training, skills for the workplace and exposure to conferences, lectures and seminars. Individual professional goals were discussed as part of biannual performance reviews.

As a knowledge organisation with a dynamic staffing profile, the department must continue to support staff to gain the knowledge and experience required to operate effectively and to provide appropriate models of conduct that reflects the Parliamentary Service Values. I am confident that our staff remain the Senate's single most valuable asset, with the skills, dedication and resilience to deliver high quality support to the institution.

A challenge for the forthcoming year is to recognise the contribution of our staff by negotiating a fair and reasonable enterprise agreement with them in a very challenging industrial relations context.

Conclusion

In addition to the pressures already noted, our working relationships with DPS during much of 2014–15 were difficult in some areas. Publication at different times of advice requested by a senator, a Senate committee and an overseas parliamentary colleague made for an awkward relationship with the former DPS Secretary, but other events have overtaken and resolved those difficulties.

In this environment, I thank senior officers of the department and all departmental staff for their outstanding performance. I thank my parliamentary colleagues, the Clerk of the House of Representatives, the Parliamentary Budget Officer, and the Parliamentary Librarian and Acting DPS Secretary, and their staff, for countless instances of cooperation and collegiality in working together to support the Parliament. I am also grateful to parliamentary colleagues around the world, and many other people, for expressions of support in a difficult year.