



**The Parliament of the  
Commonwealth of Australia**

**PARLIAMENT'S  
APPROPRIATIONS  
AND STAFFING**

**Report of the Senate Select Committee**

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# Parliament's Appropriations and Staffing



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Senate Select Committee

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

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**REPORT OF THE SENATE SELECT COMMITTEE**

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## **MEMBERSHIP OF THE COMMITTEE**

*Chairman:*

Senator D. S. Jessop

*Deputy-Chairman:*

Senator the Hon. D. McClelland

Senator J. W. Knight<sup>1</sup>

Senator C. V. J. Mason

Senator A. J. Missen

Senator E. A. Robertson

Senator S. M. Ryan<sup>2</sup>

Senator J. P. Sim

*Secretary:*

Mr P. N. Murdoch,  
Usher of the Black Rod,  
The Senate, Parliament House,  
Canberra

1. Senator Knight died on 4 March 1981 and was replaced on the Committee by Senator Sim on 31 March 1981.

2. Senator Ryan resigned from the Committee on 21 August 1980 and was replaced by Senator Robertson.

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#### **TERMS OF REFERENCE**

That a Select Committee be appointed to inquire into and report upon Parliament's control of its own appropriations and staffing, and related matters.



## **TRIBUTE TO THE LATE SENATOR J. W. KNIGHT**

Following the death of Senator Knight on Wednesday, 4 March 1981, the Select Committee unanimously placed on record its appreciation of the very valuable contribution which Senator Knight had made to the work of the Committee.

Senator Knight was very keen for the Parliament to achieve a proper degree of control over its own appropriations and staffing and his contributions to the deliberations of Senate Estimates Committee A over recent years were of great assistance in bringing to the attention of the Senate the need for the appointment of this Select Committee to examine the matter in detail.

## SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

1. A common source of concern to all Parliaments is the growing imbalance in the relationship between Parliament and the Executive, the rapidly increasing power and influence of the Executive, the need for Parliament to strengthen its oversight and check of Executive activity, and the concurrent need for the Parliament to regain or assert greater independence and autonomy in regard to its own internal arrangements. . . . Paragraph 3.1.
2. In the majority of countries throughout the world, the respective Parliaments and Executives have made arrangements which provide for real autonomy in relation to their financial appropriations . . . Paragraph 3.3.
3. The Select Committee recognises that the present constitutional arrangements place financial initiative firmly in the hands of the Executive; it concludes that this is a proper arrangement for Government appropriations, but not for Parliamentary appropriations and, therefore, that the Constitution should be amended when the occasion next arises. . . . Paragraphs 5.2 to 5.4.
4. In the meantime, it is still possible to make new arrangements to achieve a desirable measure of autonomy for the Parliament. . . . Paragraph 5.5.
5. The present procedure for Parliament's appropriations is unsatisfactory as it involves Parliament making bids about which the Executive may apply a qualitative judgement and thereby restrict the ability of the Legislature to discharge its constitutional duties. . . . Paragraph 5.6.
6. The Select Committee re-affirms the conclusion that Parliament is not an ordinary annual service of the Government and that such classification is inconsistent with the concept of the separation of powers and the supremacy of Parliament. Accordingly, it is unsatisfactory for the Parliament to be included in the Government's Appropriation Bills. . . . Paragraph 5.7.
7. The Select Committee is confident that the arrangement which best recognises the proper relationship between Parliament and the Executive is for the appropriations for each House to be included in a separate Appropriation Bill. . . . Paragraph 5.8.
8. The Select Committee is of the opinion that if, in addition to the separate Appropriation Bill, each House established a Committee, with Executive representation, to examine and modify, if necessary, the parliamentary estimates, then not only is a desirable level of autonomy achieved for the Parliament, but also the Government's examination from its budgetary policy standpoint is preserved. . . . Paragraph 5.8.
9. The administrative procedure imposed by Government has meant that, without the agreement of the Public Service Board, a staffing proposal has virtually no chance of approval. And the history of the debate surrounding this matter shows that the Senate, in particular, believes that the Board is not qualified in matters concerning staffing of the Parliament to be given what virtually amounts to a power of veto over Parliament's proposals. . . . Paragraph 5.9.
10. The Select Committee considers that the concept of a separate Parliamentary Service as proposed by the Royal Commission on Government Administration is attractive and, whilst some work remains to be done to refine the plan, it might well be of benefit to the Parliament in the future. . . . Paragraphs 5.10 to 5.12.

11. The Select Committee considers that the Presiding Officers should have access to the Public Service Board for advice whenever they consider it necessary; on no account should such advice be mandatory. . . . Paragraphs 5.13 and 5.14.
12. Subject to modifications concerning the creation, etc. of offices and the Board's advisory role, the proposals of the Board are sound and would only require a simple amendment to the Public Service Act to be implemented. . . . Paragraphs 5.12 to 5.15.
13. The Select Committee concludes that if the Committees of each House were, in addition to examining the Parliament's appropriations, charged with an advisory role in relation to staffing proposals, once again a desirable level of autonomy is achieved for the Parliament and also the Government's examination from the standpoint of its manpower policy is preserved. . . . Paragraphs 5.8 and 5.16.
14. The Select Committee is mindful of the need for an experimental approach to be adopted as it can understand a reluctance on the part of the Government to agree to an immediate total reform. . . . Paragraphs 6.1 and 6.2.
15. The Select Committee does not see a Commission similar to the United Kingdom's as being suitable at this stage. The creation of a Commission would produce a rigid, structured approach rather than the flexible approach which is required at the moment. . . . Paragraph 6.3.
16. The Select Committee believes that the Senate and, where appropriate, the Government, should agree to a trial of the proposed arrangements . . . Paragraph 6.4.

### Recommendations

1. As a first step, the Select Committee recommends that the Senate establish a Standing Committee to be known as the Senate Appropriations and Staffing Committee. . . . Paragraph 6.5.
2. The Select Committee recommends that the appropriations for the Parliament be removed from the Bill for the ordinary annual services of the Government and included in a separate Parliamentary Appropriation Bill. . . . Paragraph 6.13.
3. The Select Committee also recommends that all items of expenditure administered by the Executive departments on behalf of the Parliament be brought together in the Parliamentary Appropriation Bill and that provision be made for an Advance to the President of the Senate on the same basis as the Advance to the Minister for Finance . . . Paragraph 6.14.
4. The Select Committee recommends that the President arranges for discussions to be held with the appropriate Executive departments to review those functions which are currently administered by them, and subsequently to plan the transfer of functions suitable for administration by the Senate. . . . Paragraphs 6.16 and 6.17.
5. The Select Committee recommends that section 9 of the *Public Service Act* 1922 be amended to vest in the Presiding Officers, separately or jointly as the case may be, the power of appointment, promotion, creation, abolition and reclassification of offices, and the determination of rates of pay and conditions of service.





## 1. INTRODUCTION

### Establishment of the Select Committee

1.1 On 23 May 1980, the Senate established the Select Committee and appointed Senators D. S. Jessop, J. W. Knight, the Hon. D. McClelland, C. V. J. Mason, A. J. Missen and S. M. Ryan as members. At its first meeting on 23 May 1980, Senator Jessop was elected Chairman and Senator McClelland was appointed Deputy-Chairman.

1.2 Senator Ryan resigned from the Select Committee on 21 August 1980 and was replaced by Senator E. A. Robertson.

1.3 Senator Knight died on 4 March 1981 and was replaced on the Select Committee by Senator J. P. Sim on 31 March 1981.

### Conduct of the Inquiry

1.4 Due to the rather specialised nature of the Inquiry, the Committee did not advertise in the national press for submissions. Instead, it made direct approaches to organisations and individuals having a particular interest in, or involvement with, Parliament's appropriations and staffing. The Committee also obtained from the Presiding Officers and staffs of the United Kingdom House of Commons, the Canadian Senate and House of Commons and the United States' Senate and House of Representatives information concerning their practice in funding and staffing their legislatures.

1.5 In September 1980, the Speaker of the United Kingdom House of Commons kindly allowed the Committee to take advantage of his private visit to Australia and Senator Missen, on behalf of the Committee, discussed with him the arrangements made following the passage of the *House of Commons (Administration) Act 1978*. Similarly, in November 1980, the Chairman, Senator Jessop, was able to take advantage of a visit to Canada and the United Kingdom on other business to have discussions with the Speaker of the Canadian House of Commons as well as Members and officers of the United Kingdom House of Commons.

1.6 During the course of the Inquiry the Committee received fifteen formal submissions. Four individuals, and eight organisations represented by twenty-three persons gave further evidence during five days of public hearings. In addition, the views of a number of other interested organisations and individuals were presented to the Committee.

### Submissions

1.7 The submissions received by the Committee were relatively few in number owing to the specialised nature of the Inquiry. Nonetheless, the information gathered by the Committee is comprehensive and provides a proper basis for consideration of the issues central to the reference.

1.8 There was general recognition that Parliament should have control of its own appropriations and staffing and an indication was given by witnesses from the appropriate Parliamentary and Government departments that there would be no legal, technical or administrative obstacles in making suitable arrangements. It was recognised that the view could be taken that such a goal might be at variance with the interests of the Executive in maintaining absolute discretion in all aspects of Commonwealth funding. However, this attitude ignores the doctrine of the separation, or tripartition of powers, which is enunciated in the Constitution and cited by witnesses as strongly supporting the objective of autonomy and independence for the Parliament in relation to its own appropriations and staffing.

## **Acknowledgements**

**1.9** The Committee expresses its thanks to the President of the Senate, the Speaker of the House of Representatives, the Commonwealth Government and the individuals who participated in the Inquiry. A list of witnesses who gave evidence at the public hearings of the Committee is contained in Appendix 7. A list of the persons and organisations who presented a submission or other material is contained in Appendix 8.

**1.10** The Committee also acknowledges the valuable assistance provided by the Presiding Officers and staffs of the United Kingdom House of Commons, the Canadian Senate and House of Commons and the United States' Senate and House of Representatives.

**1.11** In addition, it is worthy of note that the appearance of the Speaker of the House of Representatives before the Committee, on 12 February 1981, was the first occasion in the history of the Commonwealth Parliament that a Speaker has appeared before a Senate Committee.

## 2. A GENERAL HISTORY OF PARLIAMENT'S APPROPRIATIONS AND STAFFING

### Appropriations

2.1 Debate about the appropriations for Parliament has largely centred on whether or not they should be considered as part of the ordinary annual services of the Government.

2.2 In 1961, in evidence before the Joint Committee on Public Accounts, Professor K.H. Bailey, Solicitor-General, made an important statement of principle that the composition of the ordinary annual Appropriation Bills was a *matter of policy and not of law*. 'This is a matter peculiarly for decision by each House of the Parliament and, to the extent that the parliamentary practice is inconsistent with conclusions reached simply on the basis of legal interpretation, the parliamentary practice clearly prevails.'<sup>1</sup> The Joint Committee endorsed the principle that what constituted the ordinary annual services of the Government was a matter for determination of the two Houses of Parliament.

2.3 On 12 May 1964, during the Senate debate on a Ministerial Statement concerning appropriation measures, Senator Murphy expressed the view that *the Parliament is not an ordinary annual service of the Government*. He continued that:

'one would be extremely surprised to find that included in what were apparently departments of the Commonwealth was the Parliament of the Commonwealth. I would like to know whether the Leader of the Government in the Senate and the Solicitor-General consider that the Parliament of the Commonwealth has become one of the departments of the Government'.<sup>2</sup>

2.4 In 1965, the Committee appointed by Government Senators on *Appropriation Bills and the Ordinary Annual Services of the Government*, and chaired by Senator Cormack, recommended that the appropriations for the Parliament should not be included in the Appropriation Bill for the ordinary annual services of the Government.<sup>3</sup> The Committee pointed out that it had been suggested that it was *inconsistent with the concept of the separation of powers and the supremacy of the Parliament for the Parliament to be treated as an ordinary annual service of the Government*.

2.5 That Committee also referred to the position of the Legislative Council in Victoria where under schedule D of the Constitution Act of Victoria an amount is specifically appropriated for 'the Clerk and Expenses of the Legislative Council'.<sup>4</sup> It noted that the purpose of the special appropriation is primarily to allow the Legislative Council to function fully and independently of the Legislative Assembly and of the Government of the day. (This arrangement has since been extended to provide separate appropriations for the Executive Council and the Legislative Assembly.)

2.6 In the Senate debate on 10 September 1968 concerning the 1968-69 Budget, Senator Cormack again referred to the inclusion of the appropriation for Parliament in the annual Appropriation Bill for the ordinary annual services of the Government. He repeated the view that Parliament was not an ordinary annual service of the Government and noted that the Senate had only the 'lightest control' in dealing with its own housekeeping and safeguarding its own integrity as a Chamber in the bicameral system.<sup>5</sup> Senator Cormack 'regarded Parliament as a unique institution and it was to be recognised that *the internal arrangements of the Parliament must be handled as House and not Government matters. Parliament, he argued, is not like any ordinary Government department; it is a separate arm of government to which the Executive is accountable; and it must be master of its own House*'.<sup>6</sup>

**2.7** In 1972, the Senate House Committee reported on the provision of staff and other facilities for members of Parliament and in relation to appropriations for the Senate it recommended:

'That the proper course is that the appropriation by Parliament for such staff and other facilities for the Senate, its members and office bearers, should be administered by the President acting, where necessary, with the advice of the Senate House Committee and subject to any direction of the Senate; and that insofar as it may be convenient for such staff and facilities to be provided by Departments or Branches of the Executive Government, such agencies should act purely as service agencies on the authority of and in accordance with arrangements made with the President'.<sup>7</sup>

**2.8** In 1974, Senate Estimates Committee A considered the question of the Parliament's appropriations and in its Report it referred again to the principle that the Parliament's vote should *not* be included in the Appropriation Bill for the ordinary annual services of the Government.<sup>8</sup>

**2.9** The Committee also suggested that, in recognising the autonomy and independence of the parliamentary arm of government, the Parliament should have some provision, 'by way of uncommitted funds, for unanticipated parliamentary expenses, which could be used without the necessity for going back to the Treasury for funds'.<sup>9</sup> The Chairman, Senator James McClelland, suggested that such a contingency fund was 'the only solution consistent with the dignity of Parliament'.<sup>10</sup> The Estimates Committee concluded its deliberations by recommending that the matter be considered further and be referred to an appropriate Legislative and General Purpose Standing Committee.

**2.10** The funding of Parliament was again commented on in the Report of the Joint Committee on the Parliamentary Committee System.<sup>11</sup> A number of witnesses suggested to the Committee that the Parliament should not be dependent upon the Government or upon Treasury decisions for the funding of its operations.<sup>12</sup> The Committee made no recommendation on the question of financing parliamentary committee operations but pointed to the greater level of financial independence of the committees of the British and Canadian Parliaments and to the inappropriateness of the present arrangements whereby parliamentary activity, including parliamentary committee activity can be curtailed by Government financial restriction.

**2.11** The Joint Committee considered that the Presiding Officers alone should be responsible for determining the funds required for parliamentary committee operations and the manner of disbursing those funds.<sup>13</sup>

**2.12** Following the suggestion in the Report of Estimates Committee A of 1974, the Senate Standing Committee on Constitutional and Legal Affairs brought up a Report in which it considered the means by which the constitutional right of the Senate to amend proposed laws appropriating revenue or moneys for expenditure on matters other than the ordinary annual services of the Government might be preserved. The Committee reiterated the established principle that the content of Appropriation Bills was a matter for the two Houses of Parliament and not the courts to decide, and recommended that the Senate reaffirm the 1965 Compact, i.e., its constitutional right to amend proposed laws appropriating revenue or monies for expenditure on all matters not involving the ordinary annual services of the Government.

**2.13** The principle has since been restated in the Report of Senate Estimates Committee A, in May 1978, as follows:

'This Committee firmly holds the view . . . that the appropriation for Parliament is not an ordinary annual service of the Government. Parliament is a separate arm of Government to which the executive is accountable, and it must be master of its own affairs. The Committee suggests to the Senate that the time is long overdue for the appropriation for Parliament to be excluded from the non-amendable Appropriation Bill for the ordinary annual services of



the Government, and included in a Special Appropriation Bill which is subject to Senate amendment'.<sup>14</sup>

This point was reiterated in the Estimates Committee A Report of November 1978. It was referred to yet again by Senate Estimates Committee A in its October Report for 1979, as follows:

'Any Parliament which claims, or aspires to, accountability of an Executive Government to the Parliament, must make such arrangements for its own resources and facilities as are necessary to achieve this constitutional relationship, in practice as well as in theory.

The Committee has previously stated (November 1978 Report) that the Senate must assist its President in his (and the Speaker's) efforts to achieve greater control over the expenditure and staffing of the Parliament and that the matter should perhaps be referred to the Senate House Committee'.<sup>15</sup>

## **Staffing**

**2.14** Staffing of the Commonwealth Parliament was first legislated for in the *Public Service Act* 1902. That legislation required appointments, promotions and other matters relating to the departments of the Parliament to be determined on the nomination or recommendation of the Presiding Officer(s). The Senate made amendments to the Bill to put beyond doubt the principle that all staff servicing the Parliament should be under the control of the Parliament and not of the Public Service Board. During the second reading debate on the Bill, it was emphasised that, for the purposes of the legislation, control of officers of the Parliament was to be exercised by the Presiding Officers in place of the Public Service Commissioner.

**2.15** In the Report of the Royal Commission on Public Service Administration, published in 1920, Commissioner McLachlan recommended that:

'Officers of the Parliament should be brought into the general system of administration of the Public Service as regards classification, fixing of salaries, determination of appeals other than in relation to punishments, the internal administration being left to the Heads of Departments of Parliament'.<sup>16</sup>

This recommendation was not fully accepted, for in the debate in the Senate on the Public Service Bill 1921, it was again emphasised that control of parliamentary staff by any authority other than the Presiding Officer(s), for example, by a Public Service Commissioner, would be a severe encroachment upon the rights of the Parliament.

**2.16** It is significant that the argument in favour of the recommendation which considered that consultation with the Public Service Commissioner could be appropriate was concerned solely to protect the rights of officers of the Parliament with respect to conditions of service. In no way could, or should, that examination by the Public Service Commissioner of staffing conditions prevailing in the parliamentary departments be construed as either a detraction of the Presiding Officers statutory authority to act in all senses as the equivalent of the Public Service Commissioner for the parliamentary staff, or an abrogation of the rights of the Parliament to determine its own affairs.

**2.17** The current operations of the *Public Service Act* 1922 are described below in Chapter 4, however, before the present practice evolved, a different interpretation prevailed which was also inconsistent with the spirit of the legislation. Prior to 1973 there was a requirement, as a result of a Cabinet determination, that parliamentary staff matters should be considered by a committee consisting of Presiding Officers, the Prime Minister, the Treasurer and the Attorney-General.

**2.18** In practice, this meant that the advice of the Public Service Board was sought on any matter relating to parliamentary staff, be it classification or additional staff requirements. On receipt of the Board's advice, letters were sent by the relevant Presiding

Officer (or by them jointly) to the other members of the Committee seeking their concurrence in the proposal and, on agreement being reached, the proposal was submitted to the Executive Council, after signature by an appropriate Minister.

**2.19** In 1973, the Prime Minister wrote to the Presiding Officers advising them that the procedure, whereby such consent was required before the approval of the Governor-General to a staffing proposal was sought, had been reviewed and that, in future, staff changes in the Senate and the House of Representatives would need only the consent of the President and the Speaker, after consultation with the Public Service Board. This is the current procedure.

**2.20** In the Senate House Committee's Report of May 1972, the Committee considered the matter of the provision of staff and other facilities for Members of Parliament, necessary for the discharge of their Parliamentary duties. The Committee reported the following resolution to the Senate as a statement of principle:

'(1) That it is inconsistent with the constitutional relationship between Parliament and the Executive Government that the need or justification for the provision of any staff or other facilities for members of Parliament, necessary for the discharge of their parliamentary duties, should be determined by any agency of the Executive Government.

(2) That it is therefore not proper that Senators should have to make application to the Prime Minister, Minister for the Interior or other Ministers or their Departments, for the staff or other facilities necessary to carry out the duties of their offices, whether as Senators or as office bearers of the Senate, such as the President, Chairman of Committees, Leaders or Deputy Leaders of Opposition parties or Whips'.<sup>17</sup>

**2.21** In its Report of May 1978, Senate Estimates Committee A noted its concern at the imposition by the Government of staff ceilings on the Parliament. The Committee went on to note that since the Public Service Board 'does not have the knowledge and understanding of the staffing requirements necessary for, and peculiar to, the Parliament', then the Parliament might do well to consider making 'other arrangements'.

**2.22** In November 1978, the issue of staff ceilings for the Senate was again the subject of comment by Senate Estimates Committee A. The Committee noted that new positions providing for Research Officers for Estimates Committees had been approved by the Board, with the proviso that the positions be staffed from within the existing staff ceiling imposed by the Government. The Committee reported that 'clearly, the Senate must assist its President to overcome this most disturbing form of executive domination of the Parliament', and suggested that a reference of Parliament's control of its own staff could perhaps be referred to the Senate House Committee.

**2.23** On 20 November 1979, Senator Jessop in a speech during the debate on Appropriation Bill (No. 1) 1979-80, recounted the main suggestions made for Parliament to gain control over its own appropriations and staffing and proposed that a number of matters be brought before the Senate for its consideration in the 1980 Autumn Sitting including:

- the need for the Senate to set up a Committee charged with the responsibility to consider the annual estimates for the Senate and for the President to then submit these to Government as the Senate's requirements;
- whether or not these estimates should be submitted to Government and then to the Parliament in the form of a Parliamentary Appropriation Bill for consideration in the sittings prior to the commencement of the financial year to which they refer;
- the need for an advance to the President of the Senate similar to that which operates as the advance to the Minister for Finance; and
- whether or not the Committee appointed to examine the estimates for the Senate should also be charged with responsibility to advise the President of the Senate on the creation and salary levels of offices for the Department.

**2.24** On 23 May 1980, the Senate resolved that a Select Committee be appointed to inquire into and report upon Parliament's control of its own appropriations and staffing, and related matters.

**Notes and references**

1. J. R. Odgers, *Australian Senate Practice*, Fifth Edition, Canberra, 1976, p. 383
2. Hansard, Senate, Vol 25, 12 May 1964, p. 1075
3. Parliamentary Paper No. 55 of 1967, p. 29
4. *ibid*, p. 29.
5. Hansard, Senate, Vol 538, 10 Sept 1968, pp. 482-3
6. Odgers, *op. cit.*, p. 386
7. Parliamentary Paper No. 34 of 1972, Recommendation 2(3)
8. Parliamentary Paper No. 194 of 1974. p. 6
9. *Ibid*, p. 6
10. *Ibid*, p. 6
11. Parliamentary Paper No. 128 of 1976, p. 100
12. *Ibid*, p. 101
13. *Ibid*, p. 102
14. Parliamentary Paper No. 19 of 1978, p. 9
15. Parliamentary Paper No. 221 of 1979, p. 3
16. Australian Government Administration, *Report of the Royal Commission*, Canberra 1977, p. 26
17. Parliamentary Paper No. 34 of 1972, p. 1

### 3. PRACTICE AND EXPERIENCE IN OTHER PARLIAMENTS

3.1 A common source of concern to all Parliaments is the growing imbalance in the relationship between Parliament and the Executive, the rapidly increasing power and influence of the Executive, the need for Parliament to strengthen its oversight and check of Executive activity, and the concurrent need for the Parliament to regain or assert greater independence and autonomy in regard to its own internal arrangements.

3.2 This concern was implicit in the July 1978 report of the Procedure Committee of the United Kingdom House of Commons. The relationship of the Executive and the Legislature was described in the introduction of the report as ' . . . the crucial feature of the functioning of our institution of government'. The balance of the advantage between Parliament and government in the day to day working of the constitution, it reported ' . . . is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy'.<sup>1</sup>

3.3 For the majority of the members of the Inter Parliamentary Union, parliamentary budgets are not subject to any executive modification; the financial autonomy of these legislatures is thus guaranteed.<sup>2</sup> The general pattern is that the estimates are drawn up by the directing authority of Parliament, or by a special committee, on the basis of figures prepared by the administrative authorities, and then approved by the Chamber as a whole. As to the involvement of the Executive, typically the Minister for Finance enters the sums required by the Parliament into the national estimates without questioning them or consulting the Government about them.<sup>3</sup>

3.4 In the course of its deliberations, the Committee corresponded with the Presiding Officers and staffs of the United Kingdom House of Commons, the Canadian Senate and House of Commons and the United States' Senate and House of Representatives to ascertain the staffing and appropriations procedures prevailing in those countries. It is apparent from the following details that the concept of each legislative Chamber independently maintaining control of its own staffing and funding is readily accepted in all three countries. The arrangements are defined by statute in the United Kingdom and the United States, and by convention in Canada.

3.5 In the United States, the Congress had exercised such control for 60 years; in Canada, the Senate and House of Commons have had such control for 114 years; and in the United Kingdom, such control was established with the enactment of the *House of Commons (Administration) Act 1978*.<sup>4</sup>

#### United Kingdom—House of Commons

3.6 In the United Kingdom, all matters relating to the appropriations and staffing for the House of Commons are covered by the *House of Commons (Administration) Act 1978*.<sup>5</sup> This legislation came into force on 1 January 1979 with the two-fold object of providing for a unified administrative structure for the support services necessary for the running of the House of Commons, and the preparation and presentation to the House of the annual estimate (and supplementary estimates as required) for the expenses of the House and its Departments.

3.7 To control these tasks, the legislation established a House of Commons Commission consisting of the Speaker as Chairman, the Leader of the House, a nominee of the Leader of the Opposition, and three other members of the House of Commons, none of whom shall be a Minister of the Crown.<sup>6</sup> With the Leader of the House being the only Minister on the Commission, the majority party not having a majority on the Commission and with decisions of the Commission not requiring Government approval



for implementation, such a balanced political composition is indicative of the Commission's intent to serve the House as a whole in a non-partisan fashion.

### *Appropriations*

**3.8** The legislation provides for a real measure of financial and staffing autonomy for the Commission in that the estimate for proposed expenditure covered by the House of Commons (Administration) Vote is presented to the House by the Speaker on behalf of the Commission, not by a Treasury Minister as is the case for all other Votes.<sup>7</sup> It should also be noted that the estimates do not undergo scrutiny and approval by the Treasury before being presented to the House.<sup>8</sup> This is in direct contrast to the position prior to 1978, when expenditure of the House was subject to direct and detailed Treasury control.

**3.9** The House of Commons (Administration) Vote covers expenditure for departmental salaries and general expenses, select committee expenses including overseas travel by committees, retiring allowances, police and post office services. The Treasury still retains control over some parliamentary expenditure including Members' salaries and expenses, their travelling and secretarial assistance and their pensions.

**3.10** The initial detailed preparation of the draft estimates is undertaken by the officers of the House. The Commission then considers the estimates in detail and has the power to amend them. When confirmed by the Commission, the estimates are published in the general series of the Government's supply estimates and become subject to the normal supply procedures of the House. There is also provision for supplementary estimates which are published and obtained in a like manner to the supplementary estimates for Government departments.

### *Staffing*

**3.11** The Commission is the statutory employer of all staff in the Departments of the House (except for the Clerk, Clerk Assistant and the Sergeant-at-Arms, who are appointed by the Queen, and the Speaker's staff who are personal appointments)<sup>9</sup> and is responsible for their overall management, including recruitment, pay and conditions of service.<sup>10</sup>

**3.12** A limitation placed on the authority of the Commission in House staffing matters is the statutory requirement to keep the complementary grading, pay and conditions of service of the House staff 'broadly' in line with the pay and conditions of the United Kingdom Home Civil Service.<sup>11</sup> However, the term 'broadly' also infers a degree of discretion which the Annual Reports of the Commission reveal has been applied to award House staff with pay loadings for shift work and late hours. There is no such requirement for recruitment procedures or staff numbers to be kept in line with the policies of the Home Civil Service and in these matters the Commission exercises total discretion and independence.

**3.13** A Board of Management was established, consisting of the Heads of the five House Departments, with the Clerk of the House as Chairman, to supervise matters of day-to-day management on behalf of the Commission.<sup>12</sup> The functions of the Board are to exercise co-ordination authority over the separate Departments in all matters affecting more than one Department and to develop a House of Commons service in which the conditions of service of staff conform with the requirement mentioned in the previous paragraph. For these purposes the functions of the Commission in regard to staff were delegated to the Board, subject to the control of the Accounting Officer in relation to expenditure.

**3.14** Staffing proposals are formulated within the various Departments and are forwarded by the Head of the Department to an organ of the Board of Management which

is called the Administration Committee (this Committee comprises the Head of the Administration Department as Chairman, together with the Deputy Heads of all the other Departments). Once a proposal has been agreed to, it is submitted to the Clerk, who as Accounting Officer, has been delegated the authority of the Commission to 'grant final authorisation for staffing proposals'.

**3.15** Staffing proposals for committees are referred through a Liaison Committee of Committee Chairmen direct to the Commission. If the Commission authorises the proposal, it is referred to the Administration Committee for the usual processing described above (in paragraph 3.14).

**3.16** Section 1 (3) of the Act requires the Commission to report annually to Parliament on the exercise of its functions. In the Report, the Clerk, as Accounting Officer, publishes the annual accounts of the Commission, together with all decisions and arrangements made by him under authority delegated by the Commission, such as the creation of new staff positions, appointments of staff, alterations in rates of pay and conditions of employment. In addition to this statutory requirement, there is an arrangement whereby Members can put to the Commission's nominated member oral or written questions during Question Time about the operation of the Commission.

## **United States of America**

### *Senate Appropriations*

**3.17** Formulation of the budget for the United States' Senate is governed by a complex set of authorities, the principal one of interest being the *Budget and Accounting Act 1921*.<sup>13</sup> The section of the Act which guarantees the financial autonomy of the Senate is as follows:

'11. (a) . . . The Budget shall set forth in such form and details as the President may determine . . . estimated expenditures and proposed appropriations necessary in his judgement for the support of the Government for the ensuing fiscal year and projections for the four fiscal years immediately following the ensuing fiscal year, except that estimated expenditures and proposed appropriations for such years for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and *shall be included by him in the Budget without revision*'.<sup>14</sup>

The notable element of this legislation is that the President is required to include the estimates of the legislative branch in his annual budget submission without revision.

**3.18** In addition to this independence from the Executive, each House determines its own Budget. The procedure is for the House of Representatives to pass its own appropriations first and then the Bill is reported to the Senate where the Senate's appropriations are incorporated into the Bill as an amendment. This procedure underlines the independence of the Senate and the House in relation to their respective requirements for funds and staffing.

**3.19** Detailed funding requirements for the operation of the Senate are determined by the Senate Sub-committee on Legislative Branch Appropriations. This Sub-committee considers requests for new positions, position classifications, limitations on the number of positions, limitations on salary levels, allowances for staff and expenses for Senators' offices.

**3.20** The Budget estimates for the Senate are prepared by the Financial Clerk of the Senate who then presents the justifications for each item to the Sub-committee on Legislative Branch Appropriations. In addition, the Sub-committee routinely requests the appearance of Senators, Committee Chairmen and Officers for additional information and further justification of funds.

**3.21** During the course of the Sub-committee hearings, Senators, Committee Chairmen, Senate Officers and other authorised individuals may submit requests revising the Budget estimate for their particular office. In anticipation of a reappraisal of bids, hearings of the Sub-committee are timetabled well in advance of the Senate's consideration of the legislature's Appropriation Bill.

#### *House of Representatives Appropriations*

**3.22** The House of Representatives enjoys the same privileges guaranteed by section 11, Title 31 of the United States Code outlined in paragraph 3.17, entitling it to the automatic inclusion of its appropriation within the National Budget.

**3.23** The Committee on Appropriations and the Committee on House Administration have responsibility for formulating the House's budget. Different elements within the House such as Committee Chairmen, the Sergeant-at-Arms, Doorkeeper and Postmaster also participate in the budget formulation. Under the *Budget and Accounting Act 1921*, the Clerk of the House and the Secretary of the Senate, submit budget estimates to the Office of Management and Budget for inclusion in the President's budget.

**3.24** Funds for the House are provided in three types of Appropriation Acts. The initial Act which provides the bulk of the funds for the fiscal year is a regular Appropriation Act. If a subsequent need for funds develops, and the need is too urgent to be postponed until the next budget, then a supplemental appropriation may be enacted. Finally, if Congress fails to complete action on a regular Appropriation Bill before the start of the new fiscal year, then, a continuing appropriation providing stop-gap funding may be enacted. In recent years, the House has regularly received supplemental appropriations, primarily to cover increased salary costs resulting from annual inflation adjustments.

**3.25** The Legislative Branch Appropriation Act is occasionally debated on the floor of the House. The more usual course is for the detailed examination of the Budget to be undertaken by the Sub-committee on the Legislative Branch. This Sub-committee thoroughly scrutinizes each component and requires witnesses to appear before it to justify their requests.

#### *Senate and House of Representatives Staffing*

**3.26** The autonomy of the Senate and House with regard to appropriations is reflected in the ability of both chambers to appoint staff as required.

**3.27** With regard to committee staffs, there is a commitment and an acceptance of the need to match the expanding government programmes and expenditures with increased staffing levels. The requirement to maintain legislative oversight and to investigate the administration and effectiveness of existing laws with a view to controlling executive discretion has meant that there has been a significant expansion in the size and subject specialisation of the Houses' committees.

**3.28** Congressional committee staffs are divided into two categories; statutory and investigative. All but two House Standing Committees are authorised to employ staff on the recommendation of the Chairman after consultation with his particular Committee. There are, in addition, staff engaged pursuant to resolutions relating to annual studies and investigations.

## Canada

### *Senate and House of Commons Appropriations*

**3.29** The concept that a legislature's finances and staffing should be regulated by its own members and by its own principal elected officer has long been encapsulated in legislation in Canada. *An Act respecting the internal economy of the House of Commons, and for other purposes* was first passed in 1867 providing for the Speaker and four other Commissioners to control the finances and the administration of the House.<sup>15</sup> Assistance in the preparation of the estimates of all expenditure in the House was provided by the Clerk.<sup>16</sup>

**3.30** Today, the Canadian *House of Commons Act* contains substantially the same provisions and has proved consistently effective in controlling the appropriation of the Canadian Parliament.<sup>17</sup> The financial administration and control of the internal affairs of the House is vested in the Speaker and four Commissioners of Internal Economy who are Ministers of the Crown and appointed by Order-in-Council.<sup>18</sup> The Speaker presides over meetings of the Commission and only he may approve the estimates. The Clerk of the House of Commons is the Secretary of the Commission.<sup>19</sup>

**3.31** In 1975, the Standing Orders of the House of Commons were amended to provide for a Standing Committee on Management and Members' Services to advise the Speaker and the Commissioners on the administration of the House and the provision of services and facilities to Members.<sup>20</sup> This Committee consists of 12 Members and was established following the recommendation of the Standing Committee on Procedure and Organisation that it was essential to provide a forum in which members, in addition to Ministers and Commissioners, could formally participate in the development and management of administrative decisions affecting the House. Under the Standing Orders, all matters relating to the administration of the House and the provision of services and facilities to Members are deemed to be referred to this Committee on the first day of each session.<sup>21</sup>

**3.32** The Committee is chaired by a Member of the Opposition and is extensively consulted by the Speaker on the needs and views of backbench Members in connection with the various administrative decisions which he or the Commissioners make. The Committee usually meets in camera, delegates its work to numerous sub-committees and normally does not report to the House, but authorises its Chairman to communicate its recommendations directly to the Speaker. The Committee advises on staff arrangements and salaries and the Speaker, after receiving such recommendations, submits them to a meeting of the Commissioners of Internal Economy for consideration and final approval.

**3.33** The annual estimates are prepared at the operational level of the House and submitted to the Speaker. After receiving the Speaker's approval, the estimates are transmitted to the Minister for Finance for inclusion in the annual estimates. During parliamentary scrutiny of the estimates, the votes relating to Parliament are referred to the Committee on Management and Members' Services which has the power to reduce or alter any of the provisions. After consultation, the Committee reports the estimates back to the House, with or without amendment, for further review by the House itself, if it so chooses. To cope with unforeseen expenses, the Speaker may seek additional funds for the House through supplementary estimates; these are generally tabled for consideration three to four times a year.

**3.34** It is important to note the practice that the Minister for Finance incorporates the parliamentary estimates in the composite Government estimates without any modification. The estimates of the House, however, are transmitted to the Minister for

purposes of convenience and in order to ensure that they will receive the same parliamentary scrutiny as the estimates of Executive departments.

3.35 In preparing the estimates for the House, the Speaker, the Clerk and the Sergeant-at-Arms try to follow as closely as possible the general expenditure guidelines and policies set by the Government. The Executive does not attempt to influence the Speaker to amend the appropriation bids.

3.36 As in Australia, and the United States, consideration of the estimates of one House by the other is a formality.

### *Staffing*

3.37 The *House of Commons Act* also governs the appointment and conditions of employment of officers of the House. Appointments to senior positions must be approved by an internal committee of the House which is chaired by the Speaker, and whose members include the Clerk, the Administrator and the Serjeant-at-Arms. Except for provisions on superannuation and other social benefits, legislation governing the general public service is not adopted by or applicable to the House of Commons.

3.38 The Speaker is ultimately responsible for the administration of the House and directs the management of its internal affairs. The Clerk and the Serjeant-at-Arms and, more recently, the Administrator, support the Speaker in fulfilling these responsibilities.

3.39 The Canadian Public Service has no influence in staffing matters. Parliamentary Committees themselves decide whether they need additional staff, and it is entirely their responsibility to engage whatever supplementary help is required. Apart from normally prescribed rules and regulations, there is no set or predetermined method used to control staff numbers. There are, however, budgetary ceilings established which are controlled by the responsible managers.

3.40 The conduct of the internal administrative affairs of the Senate is similar to that of the House of Commons described above. The Senate has a Committee provided for in its Standing Orders, termed the Committee on Internal Economy, Budgets and Administration, empowered of its own initiative to consider any matter relating to the internal economy of the Senate, including budgetary matters and administration generally, and to report the result of such consideration to the Senate.

### Notes and references

1. R. E. Bullock, *Observations on Practices and Procedures in Overseas Parliaments*, Parliamentary Paper No. 7 of 1980, p. 280
2. V. Herman, F. Mendel, *Parliaments of the World*, London, 1976, p. 280
3. See Appendix 3
4. See Appendix 1
5. Appendix 1. This Act repealed the *House of Commons (Offices) Act 1812*, as amended, and the Commission which that legislation established.
6. *House of Commons (Administration) Act 1978*, section 1 (2)
7. *ibid*, section 3 (1)
8. *ibid*, section 3 (2)
9. *ibid*, section 2 (4)
10. *ibid*, section 2 (1)
11. *ibid*, section 2 (2)
12. The Departments of the House and their staff numbers are as follows:  
Department of the Clerk of the House—(131 personnel)  
Department of the Sergeant-at-Arms—(211 personnel)  
Department of the Library—(131 personnel)  
The Administrative Department—(64 personnel)  
The Department of the Official Report—(71 personnel)  
The Refreshment Department—(233 personnel)
13. United States Code, Title 31, Money and Finance, section 11 (a)

14. *ibid*
15. 31 Victoria, Chapter 27, section 1
16. 31 Victoria, Chapter 27, section 2
17. Canada, House of Commons Act, Revised Statutes, Chapter 143, section 1
18. *ibid*, section 16 (1)
19. *ibid*, section 17 (1)
20. Canada, Standing Orders of the House of Commons, 65 (5)
21. *ibid*, 65 (13)

## 4. PRACTICE AND EXPERIENCE IN THE AUSTRALIAN PARLIAMENT

### Appropriations

4.1 When considering Parliament's appropriations an immediate difficulty arises in defining what constitute, or perhaps should constitute, those appropriations. The current practice provides for only certain specific items to be included in the annual Appropriation Bills under the general heading of Parliament and therefore under the general control of the Presiding Officers (separately in respect of the two House departments and jointly in respect of the joint service departments). Other specific items are contained in the votes for certain Executive departments, such as Administrative Services, Capital Territory, Finance, Housing and Construction and Prime Minister and Cabinet, and are therefore under the administrative control of those Departments.

4.2 Based on approximate figures supplied by the Department of Finance, an examination of the Appropriations, including Special Appropriations, which might be said to relate directly and indirectly to the operation of the Houses of Parliament and the parliamentary activities of their Members shows that, for the year 1980-81, approximately 39% of the estimated expenditure falls into the category of moneys under the control of the Presiding Officers and the remaining 61% into the category of moneys under the control of Executive departments. It should be made clear that this calculation can at best be only approximate, depending as it does on an assessment of what functions relate to the operations of the Parliament. The figures used in the calculation include, for example, the office of Parliamentary Counsel, the inclusion of which as a charge against the Parliament is, at best, doubtful: They do not, and cannot, make any allowance for largely unknown services provided by departments whose activities may range through messenger duties to Parliament House, consideration of legislation, amendments, etc.; to Parliamentary liaison duties, and police security services.

4.3 In general terms the votes under the Presiding Officers' control currently relate to the salaries and allowances of Senators and Members (Special Appropriations flowing from the provisions of the *Remuneration Tribunals Act 1973*), salaries, etc., of Parliamentary staff, the administrative costs of all Committees of the Houses and of the Parliamentary departments, and Parliamentary printing.

4.4 The votes administered by Executive departments on behalf of the Parliament cover matters such as the provision of electorate offices and equipment, the salaries of research and electorate staff (including those provided to assist party committees), official overseas travel of Senators and Members, local travel of Senators and Members' staffs, telephone charges outside of Parliament House, and other comparable matters.

4.5 Current procedures for the preparation of the estimates for the Parliamentary departments are similar to those existing in Executive departments and they are prepared under the same guidelines.

4.6 Draft Estimates of Expenditure, which eventually form the basis of the Budget Appropriation Bills (Nos 1 and 2), are prepared in March/April each year in accordance with the classifications and principles set out in Finance Directions and the Annual Estimates Memorandum of the Department of Finance. In the Department of the Senate, these draft estimates are prepared in the Administration Office of the Department, after consultation with and, where necessary, submissions from other sections of the Department.

4.7 After consideration by the Clerk they are then submitted to the President for his approval. Formal advice of the estimates is forwarded directly to the Minister for Finance, in accordance with recent arrangements made between the Presiding Officers

and the Government. Copies of the approved estimates, together with the explanations, are sent to the Department of Finance.

**4.8** Following the submission of the approved estimates, the contents are the subject of formal discussions, at officer level, between the Senate and the Department of Finance. If agreement cannot be reached on any items of proposed expenditure these are referred back to the President for reconsideration. Formal discussions between the President, the Leader of the Government in the Senate and the Leader of the House may be held at this stage if agreement has not been reached. Discussions are held with the Speaker in relation to the House of Representatives and, in the case of the three jointly controlled Parliamentary departments, with both the President and the Speaker.

**4.9** When agreement has been finally reached, the estimates are included in the relevant Appropriation Bills. If agreement cannot be reached, *the Minister for Finance on behalf of the Government, would ultimately include the figures which the Government deemed appropriate*, in accordance with its economic policy. Included as Appendix 5 is a list detailing examples over recent years of additional expenditures for the Parliament which have been requested and rejected.

**4.10** The funds available to Parliament for what are described as civil works and repairs and maintenance are not contained in the appropriations of any parliamentary department, but such requirements are also subject to an estimating process within each of the parliamentary departments. At present the funds are contained in the appropriations for the Department of Housing and Construction.

**4.11** The Departments of the Senate, the House of Representatives, the Parliamentary Library and Hansard submit their estimates for these items to the Joint House Department, which then submits estimates for Parliament to the Presiding Officers for their approval. After approval by the Presiding Officers the proposals are forwarded to the Minister for Finance and copies of the relevant portions are forwarded to the Department of Housing and Construction. These estimates are subject to the same negotiation arrangements outlined in paragraphs 4.8 and 4.9.

**4.12** One area of interest, and possible concern, relates to the control of expenditure subsequent to the passage of Appropriation Bills. At any stage during a financial year, the Government may determine that actual expenditure by departments will be restricted or reduced, regardless of the appropriations made by Parliament. For example, the actual expenditure during a financial year on civil works may bear little relationship to the sum appropriated for that year, because it is controlled by the Civil Works Programme and a cash allocation set by the Government through the Department of Housing and Construction. This determines how much of particular projects is actually carried out during the year.

**4.13** Estimates for Special Appropriations made under the *Remuneration Tribunals Act 1973* are prepared at the same time as the ordinary estimates for the Department. They are subject to the same procedures as the ordinary appropriations, but as they are determined by the Tribunal, they are not in fact open for any possible negotiation or disagreement.

They include estimates for the payment of:

Senators and Members' salaries and allowances in the nature of salary;

Senators and Members' travelling allowances;

Senators and Members' postage (Canberra); and

the salary and allowances of the Clerks of the Senate and the House of Representatives and the other Parliamentary Permanent Heads.

(Estimates for other payments made pursuant to this Act are prepared by and come under the control of the Department of Administrative Services).



## *Staffing*

**4.14** Staffing of the five Departments of the Commonwealth Parliament is governed by much the same procedures and conditions of service as apply to the Australian Public Service. Section 9 of the *Public Service Act 1922* does, however, contain special provisions relating solely to the staffing of the Parliament.

**4.15** The legislation provides for all appointments and promotions of officers of the departments of the Parliament to be made by the Governor-General on the recommendation of the Presiding Officer(s).<sup>1</sup> The Presiding Officer(s) substitute for the Public Service Board where such a substitution is not inconsistent with the context of the legislation; similarly, references in the legislation to 'the Minister' are to be construed as references to the Presiding Officers.<sup>2</sup>

**4.16** The classification of offices is made by the Presiding Officer(s), but the Presiding Officer(s) may request, the Public Service Board to make the classification. However, a long standing arrangement (see paragraphs 2.17 to 2.19) which has been imposed upon the Parliament has meant that the Presiding Officers must consult with the Board before classifying or creating an office. The Board is also consulted by the Parliamentary departments on a range of other matters affecting the Parliamentary staff for example, organisation, pay, employment conditions and industrial matters.

**4.17** Sections 9 (6) and (7) of the Act provide that the Presiding Officer(s) make regulations on all matters on which the Board may do so, but a regulation made by the Board will apply unless and until

- (a) it is inconsistent with, or dealt with in a regulation relating to parliamentary officers; or
- (b) the Governor-General, on the recommendation of the Presiding Officer(s) declares that it shall not apply.

**4.18** Staff numbers in the Australian Public Service are currently subject to a policy of Executive determined levels, commonly referred to as staff ceilings. The Parliamentary departments are also subject to these staff ceilings. The following extract from correspondence between the Prime Minister and the President indicates the extent of government control over parliamentary staff numbers:

'The Public Service Board, the Department of the Prime Minister and Cabinet and the Treasury prepared a joint report for me on revised ceilings for departments and statutory authorities wholly or partly financed from the Budget. After consideration of the recommendations of that report I have approved revised staff ceilings for the Parliamentary Departments as set out in the attachment to this letter . . . . The setting of these ceilings is consistent with the Government's general approach of achieving economies in expenditure wherever possible and ensuring that maximum restraint is exercised with respect to staffing in the public sector. Accordingly, I am writing to you, the Speaker and to all Ministers asking that, among other things, it be emphasised to departments and statutory authorities that funds for 1976-77 will only be provided to support staffing levels up to but not exceeding the ceilings set to apply at 30 June 1976.'<sup>3</sup>

**4.19** The application of Executive imposed staff ceilings to the Parliamentary departments is a matter of grave concern to the Committee as it clearly undermines the principle that Parliament regulates its own affairs.

## **Notes and references**

1. Public Service Act 1922, section 9 (1)
2. *ibid*, sections 9 (2) and (3)
3. Extract from letter from the Prime Minister to the President, 10 February 1976

## 5. THE COMMITTEE'S CONSIDERATION OF THE OPTIONS

5.1 During the course of the Committee's examination a number of options were considered in relation to both appropriations and staffing. The results of this consideration are detailed below.

### Appropriations

5.2 The Committee recognises that the present constitutional arrangements place financial initiative firmly in the hands of the Executive. Section 53 of the Constitution provides that proposed laws appropriating revenue or moneys shall not originate in the Senate and section 56 provides that such proposed laws shall not be passed unless the Governor-General has recommended the purpose of the appropriation by message.

5.3 The Committee accepts that this is a proper arrangement for Government appropriations but not for Parliamentary appropriations. The arrangement which best recognises the relationship between the Parliament and the Executive is for the appropriations for each House to be contained in a separate amendable Bill which would not require a Governor-General's message and which would be capable of introduction in either House. This arrangement would serve to underpin the independence of the Parliament and yet would still allow the Executive the opportunity to influence each House's appropriations on the floor of the respective Chambers.

5.4 The Committee is not, of course, suggesting that the machinery to so amend the Constitution be put in motion at this stage, however a proposal to seek such an amendment could well be added to other proposals when the occasion next arises.

5.5 In the meantime, and within the limitations imposed by the Constitution, it is still possible to make new arrangements to achieve a desirable measure of autonomy for the Parliament.

5.6 In Chapter 4, the Committee has outlined the procedure which now applies to the preparation, review and approval of the estimates for the Parliament prior to their inclusion in the Appropriation Bills by the Minister for Finance. This arrangement, whilst an advance on that which operated prior to 1976, is still not satisfactory. In the words of the Speaker of the House of Representatives ' . . . it involves Parliament making 'bids' about which the Executive may apply a qualitative judgement and thereby restrict the ability of the Legislature to discharge its constitutional duties. The purpose of the Westminster system is to enable the Parliament to overview the Executive, not the other way around'.<sup>1</sup>

5.7 Another arrangement suggested to the Committee, as an alternative to a separate Bill for the Parliament, is for the inclusion of the Parliament's appropriations, without modification by the Government, in the normal Appropriation Bill. Even if the Government was prepared to accept this procedure, it is still not a satisfactory solution for the Parliament as it perpetuates the classification of the Parliament as an ordinary annual service of the Government. Clearly, this is not the case. As pointed out in the 1967 Report of the Committee appointed by Government Senators, the Parliament may be ordinary; it may be annual; it may even be regarded as a service; but it is not a service of the Government. It is therefore inconsistent with the concept of the separation of powers and the supremacy of Parliament to treat the provisions made for the Parliament as being an ordinary annual service of the Government.

5.8 Within the limits currently imposed by the Constitution, the Committee is confident that the arrangement which best recognises the proper relationship between Parliament and the Executive is for the appropriations for each House of the Parliament to be included in a separate Appropriation Bill. And, if to this arrangement is added a Committee for each House, with provision for representation of the Executive, charged

with the task of examining the parliamentary estimates and agreeing to them with or without modification prior to their inclusion in the Parliamentary Appropriation Bill, not only is a desirable level of autonomy achieved for the Parliament, but also the Government's examination from the standpoint of its budgetary policy is preserved.

## Staffing

5.9 The formal provisions relating to parliamentary staffing as detailed earlier in Chapter 4 give the impression that staff are not subject to Executive influence and control. Section 9 of the Public Service Act provides that staff are subject only to the control of the President in relation to the Senate, the Speaker in relation to the House of Representatives or both in relation to the Parliamentary Library, the Parliamentary Reporting Staff and the Joint House Department. However, all appointments and promotions of parliamentary staff and the creation and abolition of offices require the approval of the Governor-General in Council. The administrative procedure imposed by Government has meant that, without the agreement of the Public Service Board, a proposal has virtually no chance of approval by the Executive Council. And the history of the debate surrounding this matter shows that the Senate, in particular, believes that the Board is not qualified in matters concerning staffing of the Parliament to be given what virtually amounts to a power of veto over the Parliament's proposals. This, of course, is quite apart from the proprieties of a proper relationship between Parliament and the Executive.

5.10 It was partly with the problems of staffing the Parliamentary departments in mind that the Royal Commission on Government Administration developed proposals for the enactment of common legislation to cover Commonwealth employment generally. The Report of the Commission goes on to say that the ' . . . concept of this legislation is that it will enable the relevant management groups to draw on the main streams of legislated conditions of service, for example, for leave, superannuation and compensation, while leaving each group to develop its own distinctive patterns of service. One advantage of these provisions is that they would simplify and encourage the movement of staff within the total field of Commonwealth employment and might therefore benefit the parliamentary departments, by offering them the capacity to engage staff for relatively short periods if this is thought to be desirable in some areas of their activities'.<sup>2</sup>

5.11 The Commission further stated that it had in mind that Parliament might consider the appropriateness of taking advantage of the provisions it had proposed so that the two Houses could apply the main features of Commonwealth employment to the parliamentary service, while reserving, for special determination by the designated authority within the Parliament power to develop particular features for the Parliamentary Service. One feature of the new legislation would be to provide that Parliament (and its officers) would have access to the Public Service Board for advice wherever that was considered desirable or necessary *by the Presiding Officer* (compare with paragraph 5.13 (c)).

5.12 The Committee finds itself very much attracted to the Royal Commission's concept and agrees that, whilst some work remains to be done to refine the plan, it might well be of benefit to the Parliament. However, in the meantime, other arrangements can be made to achieve a desirable level of autonomy for the Parliament in relation to its staffing.

5.13 The Public Service Board's submission to the Committee concluded with a list of features that a possible revision of Parliament's control of its own staffing might include. The main features were:

- (a) appointment powers vested in the Presiding Officers, separately or jointly as the case may be (instead of the Governor-General in Council at present), with power of delegation (e.g. to Permanent Heads);
- (b) promotions power vested in the Presiding Officers, separately or jointly as the case may be (instead of the Governor-General in Council at present) on the recommendation of the appropriate Permanent Head, or with the Permanent Head subject (where appropriate) to the approval, of the Presiding Officer/s (similar arrangements to be made in relation to transfers); and
- (c) rates of pay and terms and conditions of service to be determined by the Presiding Officers, separately or jointly as the case may be, '*subject to their obtaining and considering the advice of the Public Service Board on such matters*'<sup>3</sup> (compare with paragraph 5.11).

**5.14** The Committee agrees with the proposals in relation to promotions and appointments and would also treat in a similar way powers in relation to the creation, abolition and reclassification of offices. However, the Board's proposal in paragraph (c) that it be mandatory for the Presiding Officers to obtain and consider the advice of the Public Service Board shows that it still does not understand its position in relation to the Parliament. In the words of the Royal Commission on Government Administration given emphasis by the Committee in paragraph 5.11 above, the Parliament should have access to the Public Service Board for advice wherever that was considered desirable or necessary ' . . . by the Presiding Officer'.

**5.15** Subject to the modifications concerning the creation, etc. of offices and the Board's advisory role, the proposals of the Board cited above are sound and would only require a simple amendment to section 9 of the *Public Service Act 1922* to be implemented.

**5.16** If, in addition to this arrangement, the Committees of each House as proposed in paragraph 5.8 in relation to the Parliament's appropriations were also charged with an advisory role in relation to staffing proposals, once again not only is a desirable level of autonomy achieved for the Parliament, but also the Government's examination from the standpoint of its manpower policy is preserved.

#### Notes and references

1. Evidence, p. 311.
2. Australian Government Administration, Report of the Royal Commission, Canberra, 1977, p. 263.
3. Evidence, p. 126.

## **6. THE COMMITTEE'S RECOMMENDATIONS**

**6.1** Despite the evidence that, in the majority of countries throughout the world, the respective Parliaments and Executives have made arrangements which provide for real autonomy in relation to Parliamentary appropriations and staffing, the Committee can understand that there may be a reluctance on the part of the Government to agree to an immediate total reform package. In addition, the House of Representatives may determine that in some areas other arrangements may be more suitable for their administration.

**6.2** The Committee is mindful of the need for an experimental approach to be adopted in making any new arrangements for appropriations and staffing. This is especially true in a bicameral Parliament and in one in which there is a sharing of certain services such as the Library, the Reporting Staff and those areas administered by the Joint House Department.

**6.3** For these reasons, the Committee does not see a Commission similar to that established by the United Kingdom House of Commons, for example, as being suitable for adoption at this stage by the Commonwealth Parliament or either House of the Parliament. The creation of a Commission would involve the passage of a statute which would, of necessity, produce a rigid, structured approach, rather than the flexible approach which is required at the moment.

**6.4** Accordingly, the Committee believes that the Senate, and, where appropriate, the Government, should agree to a trial of the following arrangements.

### **A Senate Appropriations and Staffing Committee**

**6.5** As a first step, it is recommended that the Senate establish a Standing Committee to be known as the Senate Appropriations and Staffing Committee.

**6.6** It is proposed that the Committee would be chaired by the President and would comprise 6 other members—the Leader of the Government in the Senate to represent the Executive, and two other Government Senators, and the Leader of the Opposition in the Senate and two other Senators not being members of the Government.

**6.7** The Standing Committee would be charged with the responsibility for the consideration of the proposed estimates for the Senate and the consideration of staffing proposals affecting the Senate and its Committees.

**6.8** In relation to the Estimates, the Committee would examine the proposals of the President and the officers of the Senate at, unless otherwise ordered, public hearings. The Estimates as finally agreed by the Committee would be submitted to the Minister for Finance for inclusion in a separate Parliamentary Appropriation Bill. The Minister would then introduce the Bill in the House of Representatives in accordance with current practice. The Senate, upon receipt of the Bill from the House of Representatives would consider its provisions in the normal way and, at that time, would also have before it a report from the Appropriations and Staffing Committee covering its deliberations concerning the Estimates.

**6.9** Should the Government of the day be opposed to any of the Estimates as agreed to by the Committee and included in the Parliamentary Appropriation Bill, it has the opportunity (on matters affecting the Senate) to seek amendments in the Bill during the Committee of the Whole stage on the floor of the Senate. (The arrangement which operates in the Federal Republic of Germany is of relevance to this point. After the Parliamentary Committee responsible for the preparation of the Bundestag's Budget has agreed to the Estimates, the Minister for Finance has the right to have his view recorded when the Budget is presented and where appropriate, to propose amendments to the Bundestag).

**6.10** In relation to staffing, the Committee would examine proposals seeking to vary the organisational structure of the Senate and its Committees, and staffing and recruitment policies and make recommendations to the President. It would report to the Senate on any matter it considered necessary.

**6.11** The Committee would meet in public or in private session, have power to call for persons, papers and records, and would present an annual report to the Senate on its operations. Generally, it would operate with the same powers and in the same way as the Senate's Legislative and General Purpose Standing Committees. Senators, not being members of the Committee would be able to attend meetings of the Committee and question witnesses, unless otherwise ordered, but not vote.

**6.12** A draft resolution for the establishment of the Appropriations and Staffing Committee is included as Appendix 10.

### **A Parliamentary Appropriation Bill**

**6.13** The Committee recommends that the appropriations for the Parliament be removed from the Bill for the ordinary annual services of the Government and included in a separate Parliamentary Appropriation Bill.

**6.14** It is also recommended that all items of expenditure administered by the Executive departments on behalf of the Parliament be brought together in the Parliamentary Appropriation Bill and that provision be made for an Advance to the President of the Senate on the same basis as the Advance to the Minister for Finance.

**6.15** A draft format for a Parliamentary Appropriation Bill is included as Appendix 2.

**6.16** Following the implementation of these arrangements, the Committee recommends that the President arranges for discussions to be held with the appropriate Executive departments to review those functions which are currently administered by them and subsequently to plan the transfer of functions suitable for administration by the Senate.

**6.17** Some items such as payment of Senators' electoral staff would be taken over by the Senate almost immediately, others would be gradually transferred, whilst some, such as repair and maintenance could remain in the hands of the appropriate Executive department as the agent of the Parliament.

### **Amendment of the Public Service Act**

**6.18** The Committee recommends that section 9 of the *Public Service Act* 1922 be amended to vest in the Presiding Officers, separately or jointly as the case may be, the power of appointment, promotion, creation, abolition and reclassification of offices, and the determination of rates of pay and terms and conditions of service.



# House of Commons (Administration) Act 1978 <sup>1.</sup>

## 1978 CHAPTER 36

An Act to make further provision for the administration  
of the House of Commons.

[20th July 1978]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be a body of Commissioners named the The House of Commons Commission. House of Commons Commission to perform the functions conferred on it by this Act.

(2) The Commission shall consist of—

- (a) Mr. Speaker,
- (b) the Leader of the House of Commons,
- (c) a member of the House of Commons nominated by the Leader of the Opposition,
- (d) three other members of the House of Commons appointed by the House of Commons, none of whom shall be a Minister of the Crown.

(3) As soon as possible after the end of the year 1978-79, and of each subsequent financial year, the Commission shall prepare and present to the House of Commons a report on the exercise of its functions in that year, and shall cause it to be printed.

1. The Public General Acts, London, 1978, Part I, page 735.

(4) In this section—

“Leader of the House of Commons” means the Minister of the Crown for the time being nominated as such by the Prime Minister,

1975 c. 27.

“Leader of the Opposition” means the person who is the Leader of the Opposition in the House of Commons for the purposes of section 2 of the Ministerial and other Salaries Act 1975.

(5) Schedule 1 to this Act has effect as respects the Commission.

Functions of Commission.

2.—(1) The Commission shall appoint all staff in the House Departments, and shall determine their numbers and their remuneration and other terms and conditions of service.

(2) The Commission shall ensure that the complementing, grading and pay of staff in the House Departments are kept broadly in line with those in the Home Civil Service, and that, so far as consistent with the requirements of the House of Commons, the other conditions of service of staff in the House Departments are also kept broadly in line with those in the Home Civil Service.

(3) The Commission shall ensure that the pensions and other similar benefits of staff in or formerly in the House Departments are kept in line with the provisions of the principal Civil Service Pension Scheme (as it applies for the time being to the Home Civil Service), but need not do so in the case of staff for whom provision for such benefits was made under another scheme before they entered service in the House Departments and continues to be so made in respect of such service.

(4) Subsection (1) above does not apply to the power to appoint, or the tenure of office of, the Clerk of the House of Commons, any Clerk Assistant, the Serjeant at Arms or Mr. Speaker's personal staff.

Financial provisions.

3.—(1) For the year 1979-80 and each subsequent financial year the Commission shall prepare and lay before the House of Commons an estimate for that year of the expenses of the House Departments and, to such extent as the Commission may determine, of any other expenses incurred for the service of the House of Commons.

(2) The Commission may appoint a member of the staff in the House Departments to be the officer (“the Accounting Officer”) responsible for accounting for the sums paid out of money provided by Parliament for the service of the House of Commons.



(3) All fees and other sums payable to the House of Commons shall be paid into the Consolidated Fund.

4.—(1) In this Act “ House Departments ” means—

The House  
Departments.

- (a) the Department of the Clerk of the House of Commons,
- (b) the Department of the Speaker,
- (c) the Department of the Serjeant at Arms,
- (d) the Department of the Library,
- (e) the Administration Department,
- (f) the Department of the Official Report of the House of Commons,

and any other House Department provided for under subsection (3) below.

(2) In this section “ the Department of the Official Report of the House of Commons ” means that branch of the Department of the Speaker which immediately before the passing of this Act had the function of producing that report, and accordingly on that passing that branch shall become a separate department and shall cease to be part of the Department of the Speaker, without prejudice however to any power exercisable by the Commission in relation to either department under subsection (3) below.

(3) The Commission may from time to time—

- (a) increase or reduce the number of House Departments,
- (b) allocate functions to any House Department,
- (c) for those purposes make such arrangements for and in connection with the creation, division, amalgamation or abolition of any House Department (including one created after the passing of this Act) as appear to the Commission expedient.

(4) The Commission may from time to time direct that all or any of the provisions of this Act relating to staff in the House Departments shall apply to any office or post which is not in a House Department but falls within subsection (5) below, and to the staff appointed, or to be appointed, to any such office or post, and may further direct that the holder of any such office or post shall be treated as having been appointed by the Commission.

(5) An office or post falls within this subsection if staff appointed to it are employed in or for the purposes of the House of Commons.

(6) Subsection (4) above does not apply to the power to appoint, or the tenure of office of, Mr. Speaker’s personal staff.

Short title,  
etc.

5.—(1) This Act may be cited as the House of Commons (Administration) Act 1978.

(2) In this Act—

“ the Accounting Officer ” has the meaning given by section 3(2) of this Act,

“ the Commission ” means the House of Commons Commission,

“ House Departments ” has the meaning given by section 4(1) of this Act.

(3) Schedule 2 to this Act (supplementary and consequential provisions) shall have effect.

(4) The enactments in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) The following provisions of this Act, namely—

section 2,

paragraphs 3 to 5 of Schedule 2, and

Schedule 3,

shall not come into force until 1st January 1979.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE COMMISSION

##### *Incorporation*

1. The Commission shall be a body corporate.

##### *Members other than Mr. Speaker and the Leader of the House*

2.—(1) Subject to paragraph 3 of this Schedule, a member of the Commission, other than an ex officio member, shall vacate his office—

- (a) if he ceases to be a member of the House of Commons, or
- (b) if another person is nominated or appointed in his place.

(2) Subject to sub-paragraph (1) above, a member of the Commission, other than an ex officio member, shall hold office for the duration of the Parliament in which he is nominated or appointed, and for the further period provided by paragraph 3 of this Schedule.

(3) A member of the Commission, other than an ex officio member, may resign at any time by notice to the Commission.

(4) Past service is no bar to nomination or appointment as a member of the Commission.

(5) In this paragraph, and paragraph 3 of this Schedule, “ex officio member” means Mr. Speaker and the Leader of the House of Commons.

##### *Dissolution of Parliament*

3.—(1) On a dissolution of Parliament the person who is then Mr. Speaker shall continue in office as a member of the Commission until a Speaker is chosen by the new Parliament.

(2) Subject to sub-paragraph (3) below, on a dissolution of Parliament the members of the Commission who are not ex officio members shall continue in office until members are nominated or appointed in their place.

(3) Where at any time after Parliament has been dissolved it appears that a member of the Commission who is not an ex officio member—

- (a) has not been validly nominated as a candidate at the ensuing general election ; or
- (b) although so nominated, has not been elected a Member of Parliament at that election,

that member shall resign from the Commission forthwith ; but nothing in sub-paragraph (2) above or this sub-paragraph shall be taken as preventing any such member from resigning otherwise than in pursuance of this sub-paragraph.

SCH. 1

*Chairman*

4. Mr. Speaker shall be chairman of the Commission.

*Delegation of Commission's functions*

5.—(1) The Commission may delegate to Mr. Speaker any of its functions under section 2 of this Act.

(2) The Commission may also delegate—

(a) to any person who is the head of any House Department, or to two or more of those persons jointly, any of its functions concerning staff in the House Departments,

(b) to the Accounting Officer, whether he is the head of any House Department or not, any of its functions under subsections (2) and (3) of section 2 of this Act.

(3) Anything done by or in relation to a person to whom functions are delegated under this paragraph in the discharge of the Commission's functions shall have the same effect as if done by or in relation to the Commission.

(4) Any delegation made under this paragraph or any amendment or revocation of such a delegation shall be mentioned in the report under section 1(3) of this Act.

(5) Notwithstanding any delegation under this paragraph, the Commission shall retain the ultimate responsibility for considering representations made in relation to matters affecting the interests, in connection with their employment, of staff in the House Departments by trade unions who are recognised by the Commission in respect of such staff, and for the conduct of consultations and negotiations about such matters with those trade unions.

1974 c. 52.

(6) In sub-paragraph (5) above, "trade union" has the same meaning as in the Trade Union and Labour Relations Act 1974 and "recognised", in relation to a trade union, has the same meaning as in Part IV of the Employment Protection Act 1975.

1975 c. 71.

*Proceedings and business*

6.—(1) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission, or by any defect in the appointment or nomination of any Commissioner.

(2) The Commission may determine its own procedure.

(3) The Commission may appoint one of the Commissioners to act as chairman at any meeting of the Commission in the absence of Mr. Speaker.

Section 5.

## SCHEDULE 2

## SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

*Mr. Speaker to act after dissolution of Parliament*

1. For the purposes of this Act and section 122 of the Employment Protection Act 1975, the Speaker at the time of a dissolution of

Parliament shall be deemed to remain Speaker for the further period for which he holds office by virtue of paragraph 3(1) of Schedule 1 to this Act.

SCH. 2

*Deputy Speaker acting for Mr. Speaker*

2.—(1) While Mr. Speaker is temporarily absent from the House during a session of Parliament a Deputy Speaker having power to act under section 1 of the Deputy Speaker Act 1855 may exercise the functions of Mr. Speaker under this Act. 1855 c. 84.

(2) The said functions shall include any functions delegated to Mr. Speaker under paragraph 5 of Schedule 1 to this Act, but an appointment made in exercise of functions so delegated shall be only for such time as the Deputy Speaker has power under this paragraph to exercise the functions of Mr. Speaker.

*Transitional provision*

3. All persons employed in the House Departments immediately before the coming into force of section 2 of this Act, other than those mentioned in subsection (4) of that section, shall be treated for all purposes as if their appointments had been made by the Commission.

*Contracts of Employment Act 1972 (c.53)*

4. In section 5(4) of the Contracts of Employment Act 1972 (written statement to be given to employee on change in his employer), in paragraph (b), after the word "Act" insert the words "or section 122(7A) of the Employment Protection Act 1975".

*Employment Protection Act 1975 (c.71)*

5.—(1) Section 122 of the Employment Protection Act 1975 (application of employment legislation to House of Commons) shall be amended in accordance with this paragraph.

(2) In paragraphs (b) and (c) of subsection (1), after the words "construed as", in each place where they occur, insert the word "including".

(3) For subsections (3) to (7) substitute the following subsections—

"(3) Nothing in any rule of law or the law or practice of Parliament shall prevent a relevant member of House of Commons staff from bringing a civil employment claim before the court or from bringing before an industrial tribunal proceedings of any description which could be brought before such a tribunal by any person who is not such a member.

(4) In this section—

'relevant member of the House of Commons staff' means—

(a) any person appointed by the House of Commons Commission (in this section referred to as the Commission) or employed in the refreshment department; and

Scm. 2

(b) any member of Mr. Speaker's personal staff ;

'civil employment claim' means a claim arising out of or relating to a contract of employment or any other contract connected with employment, or a claim in tort arising in connection with a person's employment ; and

'the court' means the High Court or the county court.

(5) It is hereby declared that for the purposes of the enactments applied by subsections (1) and (2) above and of the Redundancy Payments Act 1965 (where applicable to relevant members of House of Commons staff) and for the purposes of any civil employment claim—

(a) the Commission is the employer of staff appointed by the Commission ; and

(b) Mr. Speaker is the employer of his personal staff and of any person employed in the refreshment department and not falling within paragraph (a) above ;

but the foregoing provision shall have effect subject to subsection (6) below.

(6) The Commission or, as the case may be, Mr. Speaker may designate for all or any of the purposes mentioned in subsection (5) above—

(a) any description of staff other than Mr. Speaker's personal staff ; and

(b) in relation to staff so designated, any person ;

and where a person is so designated he, instead of the Commission or Mr. Speaker, shall be deemed for the purposes to which the designation relates to be the employer of the persons in relation to whom he is so designated.

(7) Where any proceedings are brought by virtue of this section against the Commission or Mr. Speaker or any person designated under subsection (6) above, the person against whom the proceedings are brought may apply to the court or industrial tribunal, as the case may be, to have some other person against whom the proceedings could at the time of the application be properly brought substituted for him as a party to those proceedings.

(7A) For the purposes mentioned in subsection (5) above a person's employment in or for the purposes of the House of Commons shall not, provided he continues to be employed in such employment, be treated as terminated by reason only of a change (whether effected before or after the passing of the House of Commons (Administration) Act 1978, and whether effected by virtue of that Act or otherwise) in his employer and (provided he so continues) his first appointment to such employment shall be deemed after the change to have been made by his employer for the time being, and accordingly—

(a) he shall be treated for the purposes so mentioned a being continuously employed by that employer from

the commencement of such employment until its termination ; and

SCH. 2

- (b) anything done by or in relation to his employer for the time being in respect of such employment before the change shall be so treated as having been done by or in relation to the person who is his employer for the time being after the change.

(7B) In subsection (7A) above ‘ employer for the time being ’, in relation to a person who has ceased to be employed in or for the purposes of the House of Commons, means the person who was his employer immediately before he ceased to be so employed, except that where some other person would have been his employer for the time being if he had not ceased to be so employed, it means that other person. ”.

(4) In subsection (8) (power to amend subsections (4) to (6)), for the words “ subsections (4) to (6) ” substitute the words “ subsections (4) to (7) ”.

SCHEDULE 3

Section 5.

REPEALS

| Chapter                  | Short Title                             | Extent of Repeal  |
|--------------------------|---|---|
| 52 Geo. 3.<br>c. 11.     | House of Commons<br>(Offices) Act 1812. | The whole Act.  |
| 4 & 5 Will. 4.<br>c. 70. | House of Commons<br>Officers Act 1834.  | The whole Act.  |
| 9 & 10 Vict.<br>c. 77.   | House of Commons<br>Offices Act 1846.   | The whole Act.  |
| 12 & 13 Vict.<br>c. 72.  | House of Commons<br>Offices Act 1849.   | The whole Act.  |
| 1975 c. 71.              | Employment Protection<br>Act 1975.      | In section 122, subsection (9).<br>In Part IV of Schedule 16,<br>paragraph 1. |

1980-81

APPENDIX 2

DRAFT FORMAT

**A BILL**

**FOR**

**An Act to appropriate certain sums out of the Consolidated Revenue Fund for the Parliament for the service of the year ending on 30 June 19**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

1. This Act may be cited as the *Parliamentary Appropriation Act (No. 1)* 19

**Commencement**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

**Issue and application of \$**

3. The Minister for Finance may issue out of the Consolidated Revenue Fund and apply for the services specified in Schedule , in respect of the year ending on 30 June 19 , the sum of \$

**Appropriation of \$**

4. The sums authorised by section of the Supply Act and by Section 3 of this Act to be issued out of the Consolidated Revenue Fund &c. are appropriated, and shall be deemed to have been appropriated as from July for the services expressed in Schedule 2 in respect of the financial year that commenced on that date.



## SCHEDULE 2

Section

## ABSTRACT

| Page Reference | Departments and Services                | Total |
|----------------|---|-------|
|                | Senate . . . . .                        |       |
|                | House of Representatives . . . . .      |       |
|                | Parliamentary Reporting Staff . . . . . |       |
|                | Parliamentary Library . . . . .         |       |
|                | Joint House Department . . . . .        |       |
|                | <b>Total</b> . . . . .                  |       |

SENATE

| 19 -   | 19 -          |             |
|--|---------------|-------------|
| \$   | Appropriation | Expenditure |
| \$   | \$            | \$          |
| <b>DIVISION 101.—SENATE</b>  |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>   |               |             |
| 01. Salaries and allowances . . . . .  |               |             |
| 02. Overtime . . . . .   |               |             |
| <b>2.—Administrative Expenses—</b>   |               |             |
| 01. Printing, binding and distribution of papers . . . . .                                       |               |             |
| 02. Standing and Select Committees—Expenses . . . . .  |               |             |
| 03. Other administrative expenses . . . . .  |               |             |
| 04. Furniture and fittings . . . . .   |               |             |
| <b>3.—Other Services—</b>  |               |             |
| 01. Representation at Inter-Parliamentary Union<br>Conference and visiting delegations . . . . . |               |             |
| <i>Total: Division 101</i>   |               |             |
| <b>UNDER CONTROL OF DEPARTMENT OF<br/>ADMINISTRATIVE SERVICES</b>                                |               |             |
| <b>DIVISION 102.—SENATOR'S STAFF AND SERVICES</b>  |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>   |               |             |
| 01. Salaries and allowances . . . . .  |               |             |
| 02. Overtime . . . . .   |               |             |
| <b>2.—Administrative Expenses—</b>   |               |             |
| 01. Travelling and subsistence—Within Australia . . . . .  |               |             |
| 02. Office requisites and equipment, stationery and<br>printing . . . . .                        |               |             |
| 03. Postage, telegrams and telephone services . . . . .  |               |             |
| 04. Incidental and other expenditure . . . . .   |               |             |
| <b>3.—Conveyance of Senators and Others . . . . .</b>  |               |             |
| <b>4.—Visits Abroad of Senators and Others—</b>  |               |             |
| The President of the Senate—1979 . . . . .   |               |             |
| The President of the Senate—1979 . . . . .   |               |             |
| The President of the Senate—1980 . . . . .   |               |             |

## Senate—continued

| 19 -  | 19 -          |             |
|---|---------------|-------------|
| \$  | Appropriation | Expenditure |
| \$  | \$            | \$          |
| <i>Division 102.—Senator's Staff and Services—continued</i>   |               |             |
| <b>Senate members of:—</b>  |               |             |
| Parliamentary Fact Finding Mission to U.S.S.R.,<br>Romania and Hungary—1979 . . . . .   |               |             |
| Parliamentary Delegation to Africa—1979 . . . . .   |               |             |
| Parliamentary Fact Finding Mission to ASEAN<br>Countries and South Korea—1979 . . . . .   |               |             |
| Australian Parliamentary Observer Delegation to<br>the Second General Assembly to the ASEAN<br>Inter-Parliamentary Organisation (AIPO)—1979 |               |             |
| Australian Representatives OECD Debate—Stras-<br>bourg and Environment Conference—Geneva—<br>1979 . . . . .                                 |               |             |
| DIVISION 103.—SENATE.—OTHER SERVICES—   |               |             |
| 01. Inter-Parliamentary Union—Contribution . . . . .  |               |             |
| <b>UNDER CONTROL OF DEPARTMENT OF<br/>HOUSING AND CONSTRUCTION</b>  |               |             |
| DIVISION 104.—SENATE.—REPAIRS AND<br>MAINTENANCE . . . . .  |               |             |
| <b>Total: Senate . . . . .</b>  |               |             |

HOUSE OF REPRESENTATIVES

| 19 -   | 19 -          | Expenditure |
|--|---------------|-------------|
| \$   | Appropriation | \$          |
| <b>DIVISION 105.—HOUSE OF REPRESENTATIVES</b>                                    |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>                         |               |             |
| 01. Salaries and allowances . . . . .  |               |             |
| 02. Overtime . . . . .   |               |             |
| <b>2.—Administrative Expenses—</b>   |               |             |
| 01. Printing, binding and distribution of papers . . . . .                       |               |             |
| 02. Other administrative expenses . . . . .                                      |               |             |
| 03. Furniture and fittings . . . . .   |               |             |
| <b>3.—Other Services—</b>  |               |             |
| 01. Commonwealth Parliamentary Association Conferences—Representation . . . . .  |               |             |
| <i>Total: Division 105</i>   |               |             |
| <br><b>UNDER CONTROL OF DEPARTMENT OF ADMINISTRATIVE SERVICES</b>                |               |             |
| <b>DIVISION 106.—MEMBER'S STAFF AND SERVICES</b>                                 |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>                         |               |             |
| 01. Salaries and allowances . . . . .  |               |             |
| 02. Overtime . . . . .   |               |             |
| <b>2.—Administrative Expenses—</b>   |               |             |
| 01. Travelling and subsistence—Within Australia . . . . .                        |               |             |
| 02. Office requisites and equipment, stationery and printing . . . . .           |               |             |
| 03. Postage, telegrams and telephone services . . . . .                          |               |             |
| 04. Incidental and other expenditure . . . . .                                   |               |             |
| <b>3.—Conveyance of Members of House of Representatives and others . . . . .</b> |               |             |
| <b>4.—Visits Abroad of Members and Others—</b>                                   |               |             |
| The Speaker of the House of Representatives—1977                                 |               |             |
| The Speaker of the House of Representatives—1978                                 |               |             |
| The Speaker of the House of Representatives—1979                                 |               |             |
| The Speaker of the House of Representatives—1980                                 |               |             |

## House of Representatives—continued

| 19 -  | 19 -          |             |
|---|---------------|-------------|
| \$  | Appropriation | Expenditure |
| \$  | \$            | \$          |
| <i>Division 106.—Member's Staff and Services—continued</i>  |               |             |
| House of Representatives members of:—   |               |             |
| Parliamentary Fact Finding Mission to U.S.S.R.,<br>Romania and Hungary—1979 . . . . .   |               |             |
| Parliamentary Delegation to Africa—1979 . . . . .   |               |             |
| Parliamentary Fact Finding Mission to ASEAN<br>Countries and South Korea—1979 . . . . .   |               |             |
| Australian Parliamentary Observer Delegation to<br>the Second General Assembly to the ASEAN<br>Inter-Parliamentary Organisation (AIPO)—1979 |               |             |
| Australian Representatives OECD Debate—Stras-<br>bourg and Environment Conference—Geneva—<br>1979 . . . . .                                 |               |             |
| DIVISION 107.—HOUSE OF REPRESENTATIVES.—<br>OTHER SERVICES—   |               |             |
| Australian Branch of the Commonwealth Parlia-<br>mentary Association—Contribution . . . . .   |               |             |
| UNDER CONTROL OF DEPARTMENT OF<br>HOUSING AND CONSTRUCTION  |               |             |
| DIVISION 108.—HOUSE OF REPRESENTATIVES.—<br>REPAIRS AND MAINTENANCE . . . . .   |               |             |
| <b>Total: House of Representatives</b> . . . . .  |               |             |

**PARLIAMENTARY REPORTING STAFF**

|   | 19 - | 19 - | Expenditure |
|---|------|------|-------------|
|   | \$   | \$   | \$          |
| <b>DIVISION 109.—PARLIAMENTARY REPORTING STAFF</b>                          |      |      |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>                    |      |      |             |
| 01. Salaries and allowances . . . . .                                       |      |      |             |
| 02. Overtime . . . . .  |      |      |             |
| <b>2.—Administrative Expenses—</b>  |      |      |             |
| 01. Hansard—Printing, distribution and binding . . . . .                    |      |      |             |
| 02. Other administrative expenses . . . . .                                 |      |      |             |
| 03. Furniture and fittings . . . . .  |      |      |             |
| <i>Total: Division 109</i>  |      |      |             |
| <b>UNDER CONTROL OF DEPARTMENT OF HOUSING AND CONSTRUCTION</b>              |      |      |             |
| <b>DIVISION 110.—PARLIAMENTARY REPORTING STAFF.—REPAIRS AND MAINTENANCE</b> |      |      |             |
| <b>Total: Parliamentary Reporting Staff</b>                                 |      |      |             |

**PARLIAMENTARY LIBRARY**

|  | 19 - | 19 -          |             |
|--|------|---------------|-------------|
|  |      | Appropriation | Expenditure |
|  | \$   | \$            | \$          |
| <b>DIVISION 111.—PARLIAMENTARY LIBRARY</b>                     |      |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>       |      |               |             |
| 01. Salaries and allowances . . . . .                          |      |               |             |
| 02. Overtime . . . . .   |      |               |             |
| <hr/>  |      |               |             |
| <b>2.—Administrative Expenses—</b>                             |      |               |             |
| 01. Library books, journals and periodicals . . . . .          |      |               |             |
| 02. Other administrative expenses . . . . .                    |      |               |             |
| 03. Furniture and fittings . . . . .                           |      |               |             |
| <hr/>  |      |               |             |
| <i>Total: Division 111</i>                                     |      |               |             |
| <hr/>  |      |               |             |
| <b>UNDER CONTROL OF DEPARTMENT OF HOUSING AND CONSTRUCTION</b> |      |               |             |
| <b>DIVISION 112.—PARLIAMENTARY LIBRARY.—</b>                   |      |               |             |
| <b>REPAIRS AND MAINTENANCE . . . . .</b>                       |      |               |             |
| <hr/>  |      |               |             |
| <b>Total: Parliamentary Library . . . . .</b>                  |      |               |             |

**JOINT HOUSE DEPARTMENT**

| 19 -  | 19 -          | Expenditure |
|---|---------------|-------------|
| \$  | Appropriation | \$          |
| <b>DIVISION 113.—JOINT HOUSE DEPARTMENT</b>                         |               |             |
| <b>1.—Salaries and Payments in the nature of Salary—</b>            |               |             |
| 01. Salaries and allowances . . . . .                               |               |             |
| 02. Overtime . . . . .  |               |             |
| <b>2.—Administrative Expenses—</b>                                  |               |             |
| 01. Postage, telegrams and telephone services . . . . .             |               |             |
| 02. Office services . . . . .                                       |               |             |
| 03. Other administrative expenses . . . . .                         |               |             |
| 04. Furniture and fittings . . . . .                                |               |             |
| <i>Total: Division 113</i>  |               |             |
| <b>UNDER CONTROL OF DEPARTMENT OF HOUSING AND CONSTRUCTION</b>      |               |             |
| <b>DIVISION 114.—JOINT HOUSE.—REPAIRS AND MAINTENANCE . . . . .</b> |               |             |
| <b>Total: Joint House Department.</b> . . . . .                     |               |             |
| <b>Total: Parliament</b> . . . . .                                  |               |             |



## APPENDIX 3

### The process of preparation and modification of the budgets of Members of the Inter Parliamentary Union<sup>1</sup>

| COUNTRY                        | PROCESS   |
|--------------------------------|---|
| Argentina                      | The Secretariat of each House prepares a draft budget which is submitted by its President to the House for adoption as part of the general budget of the State.   |
| Austria                        | The Office of the Director of Parliament prepares the budget which is approved by the President of the National Council in consultation with the Second and Third Presidents.   |
| Bangladesh                     | The Secretariat of Parliament prepares the budget, which is not subject to modifications by the Government.   |
| Belgium                        | House of Representatives—The Accounting Committee establishes the budget in consultation with the Questors and submits it to the House. Senate—the Questors' annual report contains budgetary estimates for the following year. |
| Brazil                         | Parliament establishes a draft budget and forwards it to the Minister of Planning for inclusion in the Union Budget. The draft budget is subject to modifications by the Government.  |
| Bulgaria                       | The Council of State establishes its own budget and the budget of the National Assembly. The Ministry of Finance may only submit modifications to the Assembly's budget after consultation with the Council of State.           |
| Cameroon                       | The National Assembly establishes its budget within the total sum allocated to it in the State Budget.  |
| Canada                         | Each House prepares and votes its own budget which is not subject to modifications by the Government.   |
| Costa Rica                     | The secretariat of the Legislative Assembly prepares a draft budget which, with possible modifications, is incorporated by the Ministry of Finance into the national Budget and eventually adopted by the Assembly as a law.    |
| Czechoslovakia                 | The Federal Assembly prepares and votes its own budget, which is not subject to modifications by the Government.  |
| Democratic Republic of Vietnam | The National Assembly does not have an independent budget. The secretariat of the Permanent Committee establishes the budget estimates, which are incorporated in the estimates of the general expenditure of the state.        |

| COUNTRY                              | PROCESS  |
|--------------------------------------|--|
| <b>Denmark</b>                       | The Folketing prepares and votes its own budget, which is not subject to modifications by the Government.  |
| <b>Fiji</b>                          | After consultations with the Speakers of each House and the leaders of the majority and opposition parties, the Clerk of Parliament prepares the budget, which is subject to modifications by the Government.  |
| <b>Finland</b>                       | The Office's Committee of the Eduskunta prepares the budget, which comes under a separate chapter in the State Budget.   |
| <b>France</b>                        | A committee composed of the Questors of both Houses and a President of the Audit Office as chairman establishes a draft budget, which is forwarded to the Ministry of Finance for inclusion, without modifications, in the Finance Bill.                 |
| <b>German Democratic Republic</b>    | The Presidium of the Chamber of the People prepares and votes on the budget of the Chamber.  |
| <b>Germany (Federal Republic of)</b> | The Budget is prepared by the Council of Elders. The Government may submit to the Bundestag its modifications to it in a separate document.  |
| <b>Hungary</b>                       | The National Assembly prepares and votes its own budget.   |
| <b>India</b>                         | The budget estimates are prepared by the secretariat of each House and approved by their directing authorities. The estimates are forwarded to the Minister of Finance, who can propose modifications to them to the directing authorities of the House. |
| <b>Ireland</b>                       | The Department of Finance prepares the budget of the Parliament.   |
| <b>Israel</b>                        | The Knesset prepares and votes its own budget.   |
| <b>Italy</b>                         | Each House prepares and votes its own budget.  |
| <b>Ivory Coast</b>                   | The National Assembly prepares and votes its own budget.   |
| <b>Japan</b>                         | The President of each House prepares the annual estimate of expenditure and sends it to the Cabinet, which includes it as a separate item in the national budget and submits it to the Diet.   |
| <b>Jordan</b>                        | The House of Representatives prepares and votes its own budget.  |
| <b>Kuwait</b>                        | The budget is prepared by the President of the National Assembly after consultation with the Minister of Finance. The Government may submit modifications to the budget, but they are subject to the approval of the Assembly.                           |
| <b>Liechtenstein</b>                 | The Diet prepares its own budget, which is included in the general budget of the Government and submitted to the Diet for approval.  |
| <b>Malawi</b>                        | The National Assembly prepares and votes its own budget.   |

| COUNTRY                    | PROCESS  |
|----------------------------|--|
| <b>Malaysia</b>            | The Clerk of Parliament prepares the annual estimates of expenditure which, after examination by the Treasury, are presented to Parliament for approval.   |
| <b>Malta</b>               | The budget, as prepared by the Clerk of the House, is debated in the House of Representatives where it may be modified. Increases in the budget of Parliament may only be recommended by the Government.                                       |
| <b>Monaco</b>              | The National Council prepares and votes its own budget.  |
| <b>Netherlands</b>         | The draft budget is submitted to each House by its respective Presidium. The Government may submit modifications to the budget. The draft budget is sent, as a heading in the national budget, to the Second Chamber by the Government.        |
| <b>New Zealand</b>         | The budget is prepared by the Clerk of the House and is subject to modifications by the Government.  |
| <b>Norway</b>              | The Storting prepares and votes its own budget.  |
| <b>Pakistan</b>            | The secretariats of both Houses prepare budget estimates, which are approved by the Finance Committee of the House concerned. The estimates so approved are included in the budget estimates of the Federal Government without any alteration. |
| <b>Poland</b>              | The budget is prepared by the Presidium of the Diet and sent to the Minister of Finance, who incorporates it, without modification, in the draft State Budget and submits it to the Diet for adoption.   |
| <b>Republic of Korea</b>   | The National Assembly prepares its own budget and submits it to the Government for inclusion in the State Budget for final adoption by the Assembly. The Government can introduce modifications to the budget.                                 |
| <b>Republic of Vietnam</b> | Parliament prepares and votes its own budget.  |
| <b>Romania</b>             | The Grand National Assembly prepares and votes its own budget.   |
| <b>Senegal</b>             | The budget estimates are prepared by the Questors in agreement with the Bureau of the Assembly and the Accounting and Control Committee, and are transmitted to the Minister in charge for incorporation in the Finance Bill.                  |
| <b>Sierra Leone</b>        | The Office of the Clerk of Parliament prepares a draft estimate, which is forwarded to the Ministry of Finance for scrutiny and incorporation in the national budget which has then to be approved by Parliament.                              |
| <b>South Africa</b>        | The budget is prepared by the Secretary of each House under the authority of the respective Presiding Officer. The budget is submitted to the Treasury for approval before inclusion in the main estimates, which are presented to Parliament. |
| <b>Spain</b>               | The Cortes prepares and votes its own budget.  |

| <b>COUNTRY</b>                  | <b>PROCESS</b>   |
|---------------------------------|--|
| <b>Sri Lanka</b>                | The Clerk of the National State Assembly prepares the annual estimates of expenditure which, after examination by the appropriate committee of the House, are forwarded to the Government for approval before they are submitted to the Assembly for adoption.                                     |
| <b>Sweden</b>                   | The budget is prepared by the Administrative Office of the Riksdag and incorporated by the Government, without modifications, into the annual Budget Bill for adoption by the Riksdag.   |
| <b>Switzerland</b>              | In co-operation with the Secretary General of the Federal Assembly, the Finance and Customs Department prepares the budget, which is subject to the approval of the Assembly.  |
| <b>Syrian Arab Republic</b>     | The Bureau of the People's Council prepares the budget and forwards it to the Government for approval before it is submitted to the Council for adoption.  |
| <b>Thailand</b>                 | The Legislative Assembly prepares and votes its own budget, which is subject to modifications by the Government.   |
| <b>Tunisia</b>                  | The National Assembly prepares its own budget which is subject to modifications made to it by the Government.  |
| <b>USSR</b>                     | Each House establishes its own budget, which is part of the general budget of the Supreme Soviet approved by the two Houses under the USSR State Budget.   |
| <b>United Kingdom</b>           | The Clerk of each House prepares the annual estimates of expenditure which, after examination by the appropriate committee, are forwarded to the Treasury for approval (except in so far as they relate to Members' salaries) before their presentation to Parliament. (Note: Pre 1978 procedure). |
| <b>United States of America</b> | Each House prepares its own budget and transmits it to the Office of Management and Budget of the Executive Office of the President for inclusion in the annual federal Budget.  |
| <b>Yugoslavia</b>               | The Secretary General of the Assembly prepares the draft budget following instructions of the Assembly Presidium. The Presidium submits the draft to each Chamber for adoption.  |
| <b>Zaire</b>                    | The Bureau of the Legislative Council prepares the draft budget and submits it to the Executive.   |
| <b>Zambia</b>                   | The National Assembly prepares its own budget and forwards it to the Ministry of Planning and Finance for incorporation into the National Budget.  |

### **Reference**

1. *Parliaments of the World, op cit.*, pp. 282-292.

## APPENDIX 4

### STAFFING LEVELS AND NUMBERS FOR ROYAL COMMISSIONS AND COMMISSIONS OF INQUIRY<sup>1</sup>

At pages 154 and 155 of the Official Hansard Report, the Committee requested staffing details for all Royal Commissions and Inquiries which have occurred since 1970, "together with the positions and classifications."

2. The attached schedule, which shows the total establishment and classifications of the senior secretariat positions in respect of each of the Royal Commissions/Inquiries since 1970, has been prepared by the Department of Administrative Services. That Department has the responsibility of servicing Commissions and Inquiries.

3. Staff figures have not been included in the schedule as they would not give an accurate picture of staffing levels on Royal Commissions, which tend to peak and trough depending on the stage the Commission has reached. Staff levels are low at the beginning and conclusion of a Commission, but may rise to above establishment figures during busy periods, when the Department seconds staff to assist on a short-term basis. On the other hand, in some cases the number of personnel on the staff of a Commission may not at any one time be as high as the total establishment figure.

| Commission  | No. of positions              | Level of top positions   |
|---|-------------------------------|--|
| Inquiry into the Viability of the Christmas Island Phosphate Industry     | 8                             | Secretary, Level 1,<br>Clerk, Class 9<br>Clerk, Class 8                                  |
| Commission of Inquiry into the Efficiency and Administration of Hospitals | 16                            | Secretary, Level 3<br>Director (Research), Level 2<br>Clerk, Class 8                     |
| Royal Commission of Inquiry into Queensland Electoral Re-distribution     | 9                             | Secretary, Class 11<br>Clerk, Class 6  |
| Australian Royal Commission of Inquiry into Drugs                         | 56<br>(includes 16 in States) | Secretary, Level 3<br>Executive Secretary, Level 1<br>Clerk, Class 11                    |
| Royal Commission on Norfolk Island  | 7                             | Secretary, Level 1<br>Principal Research Officer, Class 8<br>Clerk, Class 5              |
| Royal Commission on Alleged Payments to Maritime Unions                   | 6                             | Secretary, Class 10<br>Project Officer, Class 9<br>Clerk, Class 6                        |
| Royal Commission into Intelligence and Security                           | 11                            | Secretary, Level 3<br>Clerk, Class 11<br>Clerk, Class 9                                  |
| Royal Commission on Human Relationships                                   | 22                            | Secretary, Level 2<br>Research Director, Class 11<br>Principal Research Officer, Class 8 |
| Royal Commission on Australian Government Administration                  | 44                            | Secretary, Level 3<br>Special Advisor, Level 3<br>Director (Research), Level 2           |
| Maritime Industry Commission of Inquiry                                   | 9                             | Secretary, Level 3<br>Principal Project Officer, Class 11<br>Clerk, Class 9              |

1. *Office of the Public Service Board*, Letter, 24 September 1980.

| Commission                                   | No. of positions | Level of top positions   |
|--|------------------|--|
| Royal Commission on Petroleum                | 11               | Secretary, Level 3<br>Assistant Secretary, Level 1<br>(reduced to Senior Executive Officer, Class 10)<br>Principal Project Officer, Class 11 |
| Commission of Inquiry into Land Tenures      | 9                | Secretary, Class 11<br>Assistant Secretary, Class 9<br>Principal Research Officer, Class 9   |
| Independent Inquiry into F.M. Broadcasting   | 5                | Secretary, Level 1<br>Clerk, Class 6   |
| Australian Post Office Commission of Inquiry | 9                | Secretary, Level 3<br>Assistant Secretary, Class 11<br>Clerk, Class 8  |
| Aboriginal Land Rights Commission            | 2                | Secretary, Class 5<br>Senior Research Officer, Grade 2, Class 7  |

## APPENDIX 5

### EXAMPLES OF ADDITIONAL EXPENDITURES FOR PARLIAMENT REQUESTED AND REJECTED<sup>1</sup>

|   | Amount sought<br>\$                      | Amount Provided<br>\$ |
|---|--|-----------------------|
| <b>1977-78</b>  |  |                       |
| Furniture and Fittings  | Program provision of<br>148,700 sought   | 100,000               |
| Lower program provision was agreed on the basis that, pursuant to Budgetary policy, departments of state were also required to accept lower provisions for the furniture and fittings program.  |  |                       |
| <b>1978-79</b>  |  |                       |
| Capital Works   | Program provision of<br>1,450,000 sought | 1,131,000             |
| Prime Minister sought and received the agreement of the Presiding Officers to a reduction in the proposed capital works program.  |  |                       |
| House of Representatives  |  |                       |
| Standing and Select Committees—   |  |                       |
| Expenses  | 124,600                                  | 51,600                |
| An amount of \$43,000 was incorrectly sought under this item for salaries of seconded public servants. After deducting this amount and having regard to expenditure experience in previous years (a history of considerable expenditure shortfalls) the Government agreed a provision of \$51,600.  |  |                       |
| Parliamentary Reporting Staff   |  |                       |
| Hansard—Printing, distribution and binding  |  |                       |
| - Senate  | 963,000                                  | 864,000               |
| - House of Representatives  | 840,000                                  | 735,000               |
| The Government agreed the lower figures based on expenditure experience in 1977-78.   |  |                       |
| Parliamentary Library   |  |                       |
| Salaries and Allowances   | 1,847,000                                | 1,797,200             |
| Reduction agreed by Presiding Officers.   |  |                       |
| Computer Services   | 79,000                                   | 25,000                |
| Original bid included an amount for interdepartmental charges which are not in fact levied and the Presiding Officers also agreed to defer a provision for the development of computer systems pending detailed examination of the proposal.  |  |                       |
| An across-the-board 3 per cent reduction in all non-wage and salary Administrative Expense votes was agreed by the Presiding officers pursuant to Budget policy direction. Amounts specifically agreed by the Government (e.g. Hansard—printing, distribution and binding) were exempted from the across-the-board reduction.   |  |                       |
| <b>1979-80</b>  |  |                       |
| Parliamentary Reporting Staff   |  |                       |
| Hansard—Printing, distribution and binding  |  |                       |
| - Senate  | 941,000                                  | 833,000               |
| - House of Representatives  | 801,000                                  | 786,000               |
| Original bid of Presiding Officers provided for a 9 per cent increase in AGPS charges for printing: no decision had been taken by AGPS to vary it charges. In accordance with normal estimating principles the Minister for Finance sought and obtained the Presiding Officers' agreement to remove the allowance for prospective cost increases on the basis that the situation would be reviewed if necessary if charges were subsequently increased. |  |                       |

|  | Amount sought<br>\$ | Amount Provided<br>\$ |
|--|---------------------|-----------------------|
| Parliamentary Library  |                     |                       |
| - Library books, journals and periodicals  | 255,000             | 202,000               |
| Presiding Officers agreed to a reduction in this item pending examination of a proposed program for upgrading the Library's book collection. |                     |                       |
| 1980-81  |                     |                       |
| All bids of the Presiding Officers were agreed by the Government.  |                     |                       |

1. Department of Finance, Letter, 19 March 1981.



## APPENDIX 6

### One-line appropriations—Appropriation Acts (Nos. 1 and 2) 1980-81\*1

| DIVISION           | DESCRIPTION  |
|--------------------|--|
| 120-5              | National Aboriginal Conference   |
| 123-1              | Aboriginal Development Commission  |
| 125-1              | Australian Institute of Aboriginal Studies   |
| 158-1              | Australian Bicentennial Authority  |
| 177-1              | Legal Aid Commission (Australian Capital Territory)  |
| 184-1              | Australian Institute of Criminology  |
| 185-1              | Criminology Research Council   |
| 186-1              | Law Reform Commission  |
| 187-1              | Legislative Drafting Institute   |
| 188-1              | Australian Security Intelligence Organization  |
| 189-1, 823-3       | High Court of Australia  |
| 200-1              | National Companies and Securities Commission   |
| 214-1, 837-5       | National Capital Development Commission  |
| 215-1, 837-6       | Parliament House Construction Authority  |
| 271-1, 841-3       | Australian Capital Territory Schools Authority   |
| 271-2-01, 841-2-01 | Canberra College of Technical and Further Education  |
| 271-2-02, 841-2-02 | Bruce College of Technical and Further Education   |
| 271-2-03, 841-2-03 | Canberra School of Music   |
| 271-2-04, 841-2-04 | Canberra School of Art   |
| 271-2-08, 841-2-05 | Woden College of Technical and Further Education   |
| 278-1, 841-1-02    | Canberra College of Advanced Education   |
| 279-1, 841-1-01    | The Australian National University   |
| 281-1              | Curriculum Development Centre  |
| 282-1, 841-1-04    | Australian Maritime College  |
| 319-1              | Australian Secret Intelligence Service   |
| 327-1              | Health Insurance Commission  |
| 327-2              | Health Insurance Fund and Other Expenditure under the <i>Health Insurance Act 1973</i>                             |
| 329-1, 861-2       | Capital Territory Health Commission  |
| 334-1, 866-9       | Australian War Memorial  |
| 338-1              | Australia Council  |
| 340-1, 866-4       | Australian Film and Television School  |
| 342-1, 2; 866-5, 6 | Australian Film Commission   |
| 344-1              | National Library of Australia  |
| 346-1, 866-7       | Australian National Gallery  |
| 348-1              | Australian Heritage Commission   |
| 365-1              | Australian Institute of Multicultural Affairs  |
| 376-1, 881-1       | Australian Trade Union Training Authority  |
| 382-1              | Australian Tourist Commission  |
| 434-1              | Albury-Wodonga Development Corporation   |
| 436-1, 891-2       | Australian Atomic Energy Commission  |
| 482-1, 901-2       | Australian Broadcasting Commission   |
| 482-2              | Australian Telecommunications Commission (payment for services under <i>Broadcasting and Television Act 1942</i> ) |
| 484-1              | Australian Broadcasting Tribunal   |
| 487-1, 901-3-01    | Special Broadcasting Service   |
| 511-1              | Office of National Assessments   |

| DIVISION     | DESCRIPTION  |
|--------------|--|
| 548-1, 927-2 | National Standards Commission  |
| 550-1        | Anglo-Australian Telescope Board   |
| 552-1, 927-4 | Australian Institute of Marine Science                                       |
| 554-1, 927-3 | Commonwealth Scientific and Industrial Research Organization                 |
| 558-1        | Great Barrier Reef Marine Park Authority                                     |
| 560-1, 927-6 | Australian National Parks and Wildlife Service                               |
| 565-1, 927-5 | The Supervising Scientist and the Alligator Rivers Region Research Institute |
| 646-1        | Joint Coal Board   |
| 662-1        | Australian National Railways Commission                                      |
| 868-03       | Australian Sports Institute  |

**Reference**

- \* Single-line payments to Commonwealth authorities/bodies
- 1. Department of Finance, letter, 19 March 1981.

## APPENDIX 7

### List of witnesses who appeared before the Committee

Bradshaw, Mr K. O., Clerk of the Senate  
Bradley, Mr F., Director, Finance and Administration, Joint House Department  
Bray, Mr M., Senior Executive Officer, Parliamentary Library  
Brudenall, Mr J., Head of Systems and Co-ordination, Parliamentary Library  
Burrell, Mr R., Operations Manager, Joint House Department  
Butler, Mr A. P. Assistant Secretary, Grants Authorities and General Branch, Department of Administrative Services  
Cumming Thom, Mr A. R., Deputy-Clerk of the Senate  
Gilmour, Mr G. H., Assistant Commissioner, Public Service Board  
Glenn, Mr G. G., Deputy Commissioner, Public Service Board  
Hawker, Dr G., Lecturer, School of Administrative Studies, Canberra College of Advanced Education  
Jorgensen, Mr J. M., Secretary, Joint House Department  
Kelly, Mr N., Personnel Manager, Joint House Department  
Kerr, Mr J. F., Principal Parliamentary Reporter, Parliamentary Reporting Staff  
Knight, Mr H., Finance Officer, Parliamentary Library  
Lidbetter, Mr P. L., Assistant Secretary, Accounting Operations Branch, Department of Finance  
McLeod, Mr R. N., First Assistant Commissioner, Pay and Conditions Division, Public Service Board  
Odgers, Mr J. R., C.B., C.B.E., former Clerk of the Senate  
Pearmain, Mr C. W., Administrative Officer, Department of the Senate  
Reid, Professor G., Deputy Vice-Chancellor, University of Western Australia  
Roberts, Mr J. W., Assistant Principal Parliamentary Reporter, Parliamentary Reporting Staff  
Rose, Mr D., First Assistant Secretary, Advising Division, Attorney-General's Department  
Snedden, Rt Hon. Sir Billy, K.C.M.G., Q.C., M.P., Speaker of the House of Representatives  
Temperly, Mr F., Administrative Officer, Parliamentary Reporting Staff  
Wallace, Mr D. K., Acting Assistant Secretary, Accounting and Supply Division, Department of Finance  
Weir, Mr H. G., Parliamentary Librarian  
White, Mr D. R., First Assistant Secretary, Management Services Division, Department of Administrative Services  
Woolley, Mr M. N., First Assistant Secretary, Accounting and Supply Division, Department of Finance

## APPENDIX 8

### List of people and organisations who provided the Committee with submissions or other written material

Canadian House of Commons

Cormack, Sir Magnus, K.B.E.

Crisp, Professor L. F., Department of Political Science, Australian National University

Combined Library Unions Committee

Dawe, Mr P. St J., Mawson, A.C.T.

Government Departments

Attorney-General's

Administrative Services

Finance

Office of the Public Service Board

Gross, Mr P. F., Director, Institute of Health Economics and Technology Assessment

Hawker, Dr G., Lecturer, Canberra College of Advanced Education

Odgers, Mr J. R., C.B., C.B.E.

Parliamentary Departments

Joint House Department

Parliamentary Library

Parliamentary Reporting Staff

Senate

Reid, Professor G., Deputy Vice-Chancellor, University of Western Australia

Sawer, Emeritus Professor G., Law Faculty, Australian National University

Sherry, Mr M., Office of Mr P. Morris, M.P.

Snedden, Rt Hon. Sir Billy, K.C.M.G., Q.C., M.P., Speaker of the House of Representatives

Sorrensen, Mr A., Office of Mr A. C. Holding, M.P.

United Kingdom House of Commons

United States Senate

United States House of Representatives

Wiltshire, Mr K., Senior Lecturer, University of Queensland



**DEPARTMENT OF FINANCE**

NEWLANDS STREET, PARKES, A.C.T. 2600

Telephone: CANBERRA 63 9111

**APPENDIX 9**

Reference :

Contact Officer :

Telephone :

11 June 1981

Mr P.N. Murdoch  
Secretary  
Senate Select Committee on  
Parliament's Appropriations and Staffing  
Parliament House  
CANBERRA ACT 2600

Dear Mr Murdoch

During the examination of Department of Finance Officers on 7 April 1981, the Committee sought further advice on amendments that would be necessary to the Audit Act and other legislation to provide for an Advance to the President of the Senate on the same basis as the Advance to the Minister for Finance. Comment, in consultation with the Attorney-General's Department as necessary, was also sought on the practicality of providing such an Advance to a committee under the chairmanship of the President or the Speaker.

I understand the advice was sought against the background of the Committee's consideration of a possible separate Appropriation Bill(s) for the Parliament and that the Advance to the President/Committee would be included in the Bill(s).

As indicated in Mr Lidbetter's evidence to the Committee, an amendment to the Audit Act 1901 would appear necessary to enable amounts issued from an Advance to the President/Committee to be charged to specific heads of expenditure as is presently the case, under section 36A of the Act, with issues from the Advance to the Minister for Finance. Section 36A reads:

"Expenditure in excess of specific appropriation or not specifically provided for by appropriation may be charged to such heads as the Minister (for Finance) may direct provided that the total expenditure so charged in any financial year, after deduction of amounts of repayments and transfers to heads for which specific appropriation exists, shall not at any time exceed the amount appropriated for that year under the head "Advance to the Minister for Finance".

A parallel provision to section 36A would seem an appropriate course if an Advance were included in a separate appropriation measure for the Parliament.

Apart from an appropriation for the Advance in the separate Appropriation Bill for Parliament, no other Act or amendment to any Act, and no amendments to the Finance Regulations or Finance Directions, would appear necessary (subject to the comment below in relation to the question of an Advance to a committee of the Parliament).

Turning to the question of the practicability of an Advance to a committee of the Parliament, and leaving aside any policy implications of such a proposal, there are at least two issues that arise: the first is a legal issue, the other a question of practicality.

As regards the legal point, it would not be possible to make an appropriation available to a Committee unless it had specific legal status either in legislation or in Standing Orders or resolutions of the Houses, detailing the Committee's powers, functions, quorum, voting rights etc.

As to practicality, I would merely point out that, having in mind the comment of the Chairman of the Select Committee at the Public Hearing on 7 April that the same sort of criteria would apply to the proposed Advance as applies to the Advance to the Minister for Finance (namely that it shall be drawn upon only if the Minister is satisfied that the expenditure concerned is urgently required and was unforeseen on a specified date), the need to convene a committee meeting to approve issues from the Advance would very likely prove difficult in dealing with requests for urgent requirements. This would be the more so when the Parliament was in recess.

I would make two further observations relevant to the question of a separate Appropriation measure for the Parliament and an Advance to the President/Committee. First, by virtue of section 17(i) of the Act Interpretation Act 1901 and the Administrative Arrangements Orders made by the Governor-General in Council, the Minister for Finance is responsible for the issue of moneys from the Consolidated Revenue Fund (see for example section 3 of the Appropriation Act (No 1) 1980-81). The Minister is also responsible, under section 32 of the Audit Act, for obtaining Governor-General's Warrant in respect of any appropriation of the Consolidated Revenue Fund before moneys may be drawn against such appropriation. We believe these fundamental requirements should continue even for a separate appropriation Bill for the Parliament.

Secondly, as regards any Advance to the President/committee, the purposes of such an Advance would not appear to need to be as widely drawn as is the case for the Advance to the Minister for Finance. Thus it would not seem to be necessary to provide for recoverable advances or for expenditures pending the issue of a warrant of the Governor-General; the only provision that would seem necessary would be the equivalent of paragraph (b) of Division 310/1 of Appropriation Act (No 1) 1980-81 and, if appropriate, paragraph (b) of Division 855 of Appropriation Act (No 2) 1980-81.

I conclude by emphasising that the foregoing addresses only legal and administrative aspects of the questions posed by the Select Committee. It does not reflect any possible policy attitude the Government might have towards the issues involved in separate appropriation measures for the Parliament and/or the question of an Advance to the President/Parliamentary Committee.

Yours sincerely



M.N. Woolley  
First Assistant Secretary

## APPENDIX 10

### Establishment of Standing Committee on Appropriations and Staffing—Draft Resolution

1. At the commencement of each Parliament, a Standing Committee to be known as the Appropriations and Staffing Committee shall be appointed.
2. The Committee shall inquire into:
  - (a) proposals for the Annual Estimates and the Additional Estimates for the Senate;
  - (b) proposals to vary the staff organisational structure of the Senate, and staffing and recruitment policies; and
  - (c) such other matters as are referred to it by the Senate.
3. The Committee shall—
  - (a) in relation to the estimates—
    - (i) determine the amounts for inclusion in the Parliamentary Appropriation Bills for the Annual Estimates and the Additional Estimates; and
    - (ii) report to the Senate upon its determinations prior to the consideration by the Senate of the related Parliamentary Appropriation Bill;
  - (b) in relation to staffing—
    - (i) make such recommendations to the President as it sees fit; and
    - (ii) report to the Senate on any matter it considers necessary; and
  - (c) make an annual report to the Senate on the operations of the Senate's appropriations and staffing, and related matters.
4. Unless otherwise ordered, the Committee shall consist of the President and six other Senators—the Leader of the Government in the Senate, and two other members of the Government to be nominated by the Leader of the Government in the Senate, and the Leader of the Opposition in the Senate, and two other Senators not being members of the Government to be nominated by the Leader of the Opposition in the Senate or by an Independent Senator: Provided that in the absence of agreement between the Opposition and the Independents, as to nominations, duly notified to the President, the question as to representation shall be determined by the Senate.
5. The quorum of the Committee shall be four.
6. The Committee shall have power to appoint sub-committees consisting of three or more of its members, and to refer to any such sub-committee any of the matters which the Committee is empowered to consider. The quorum of a sub-committee shall be two Senators.
7. The Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
8. The Chairman of the Committee shall be the President and he may from time to time appoint another member of the Committee to be Deputy-Chairman and the member so appointed shall act as Chairman at any time when there is no Chairman or the Chairman is not present at a meeting of the Committee.
9. In the event of an equality of voting, the Chairman, or the Deputy-Chairman when acting as Chairman, shall have a casting vote.
10. A Senator, though not a member of the Committee, may attend and participate in its deliberations, and question witnesses, unless the Committee orders otherwise, but shall not vote.
11. The Committee or any sub-committee shall have power to send for and examine persons, papers and records, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.
12. A daily *Hansard* shall be published of such proceedings of the Committee as take place in public.
13. The Committee shall be provided with all necessary staff, facilities and resources.