

Clerk's review

Rosemary Laing

This has been a year of major change for the Senate department with the retirement of the 13th Clerk of the Senate, Dr Rosemary Laing.

At the start of the 2017 sittings the President informed the Senate that Rosemary had commenced a period of leave pending her retirement on 8 March, after more than 7 years in the role. Institutional continuity was a focus for Rosemary throughout her Senate career. It was therefore fitting that, at the same time, the President tabled the 14th edition of *Odgers' Australian Senate Practice*, the second edited by Rosemary, and her final substantive contribution as Clerk. The work, which has borne the name of its originating author, James Rowland (Jim) Odgers, since its seventh edition, acquired in its latest edition a new subtitle – *As revised by Harry Evans* – to acknowledge the unsurpassable contribution of the Senate's longest-serving Clerk. As the preface notes, 'The documentation and analysis of the work and the rationale of the Senate undertaken by these two Clerks is a legacy of inestimable value.' In this context, Rosemary's work in systematising Odgers and keeping it current was invaluable.

The capacity of the department to undertake its work effectively – to serve the Senate and senators – rests on two things: its people and their collective knowledge. Finding the right people, training them well and making sure they have up to date, accessible information resources. This was exemplified in Rosemary's approach to the professional development of staff, through targeted learning and development activities aimed at enhancing both workplace skills and parliamentary knowledge. Rosemary also did much to embed orientation programs for new senators as an essential induction activity, having participated in or led nine such programs, most recently in August last year.

An important aspect of our institutional continuity lies in understanding the principles which underpin the Senate's powers and procedures. Rosemary's own reference work, the *Annotated Standing Orders of the Australian Senate*, in particular exemplifies this: illuminating the standing orders, through their history and rationale; bringing them to life, to assist in interpreting and adapting them to the changing needs of the Senate and senators. Of course, knowledge is of no use unless it is accessible, and Rosemary brought a strong focus to innovation in raising awareness of the Senate's role and work, including through gateway resources like the *Dynamic Red*, the *Senate Daily Summary*, and the popular *Pocket Guide to Senate Procedure*, and by championing the establishment of the Senate Public Information Office, to coordinate the Senate's information resources and improve the way we compile and share information.

When Rosemary announced her retirement, the Commonwealth Attorney-General, Senator the Hon. George Brandis, wrote:

Dr Laing has brought to her role a scholar's instinct. This has been evident in her careful consideration of difficult issues and her impartial and practical advice to Senators of all persuasions. It has also been evident in, for example, her work as the current editor of *Odgers' Australian Senate Practice*. This reflects her prodigious

knowledge of Senate practice and her unrivalled command of the Standing Orders. Like all great Clerks, Dr Laing has been a strong and effective defender of our parliamentary system, and of the Senate in particular. We are greatly in her debt.

Equally apt, in my view, was Annabel Crabb's description of Rosemary as 'cult hero of the Senate', tweeted in conjunction with ABC TV's recent documentary series, 'The House'.

I count myself extremely fortunate to have been mentored by Rosemary and by her predecessor, the late Harry Evans. There could be no better grounding in parliamentary law and practice as it relates to the Senate. Rosemary, equally, would acknowledge the expertise and guidance of long-time Deputy Clerk, the late Anne Lynch; a trailblazer for women in the parliamentary administration.

The work of the department

The Senate itself began 2016–17 with the proverbial clean slate. The first double dissolution election in a generation saw an interruption in its status as a continuing House, and a hiatus in its legislative work. Instead of the usual half-Senate election, all 76 places were determined by voters on 2 July 2016. The Coalition government was returned; the ALP opposition gained a senator, and the large, diverse cross-bench of the previous Parliament was further enlarged: 20 of 76 senators represented minor parties when the new Senate met on 30 August. This rose to 21 in the new year when a government senator joined their ranks.

These developments affected the work of the Senate department. We provide the secretariat to the Senate and to dozens of parliamentary committees. Our advisory and support services facilitate the Senate's legislative and accountability activities, which rely on the work delegated to its network of committees. As indicated in our corporate plan, 'it is the senators themselves who determine our workload, by the decisions they make individually and collectively, in undertaking their legislative, investigative and representative roles.' This means that the demand for the department's services is directly influenced by the composition and dynamics of the Senate.

That being the case, trends noted in recent years – substantial demand for legislative and procedural advice and support; increased number and variety of committee references – were again evident. Recent elevated levels of committee activity, in particular, seem to have become entrenched. Record rates of referrals in fact increased further this year, challenging the capacity of the department to meet the demand for its services. A factor in the number of references appears to be the number of parties in the Senate seeking to pursue matters of public policy and political interest.

As an indicator of the level of activity, the Senate referred more than 160 matters to the committees supported by our Committee Office in the first 10 months of the 45th Parliament (including readopting matters not concluded in the previous parliament). This compares with around 130 in the equivalent period in the 44th Parliament and 'only' around 110 in the 43rd. Since October last year, the number of inquiries taking place at any given time has not fallen below 60; rising as high as 71 (albeit fewer than the 83 taking place at one time in the previous reporting period).

The department provides updates on committee activity at each round of estimates, prior to appearing before the Finance and Public Administration Legislation Committee. It is clear that senators remain concerned at the impact this level of activity has on secretariat staff, and it is a tribute to those staff that they continue to produce substantial, high-quality draft reports to the satisfaction of chairs and other committee members. As has frequently been noted, however, the final determinant of the capacity of Senate committees to undertake the work delegated to them is the availability of senators to attend hearings, and to consider, reflect, and respond to the evidence they receive. It is a matter for senators themselves whether recent activity levels can or should be sustained.

Other aspects of the department's workload, and its success in meeting its performance criteria, are detailed throughout this report, but particularly in the annual performance statement for this year. The department succeeds in its work when the Senate and its committees are able to meet in accordance with their own decisions; and when senators (and others) have the advice and support they require to participate in those meetings. The performance statement shows that the department met these, and other, criteria well throughout the year. Assurance for the performance statement rests on records kept by managers; assessment of senators' satisfaction, through formal and informal means; and advice from the department's Audit Committee that appropriate systems are in place to support the department's compliance and reporting obligations. During the year, the independence of the Audit Committee was further enhanced by the appointment of an external chair. Among the observations made by the chair in providing the committee's annual report was that 'the department is performing very well in an environment of increasing demands on the department's capability and capacity to support the Senate'.

Budget and planning

The need to secure adequate funding to support the Senate's work has been a perennial topic in these reviews. My predecessor noted last year that 'the department has an expected shortfall of approximately \$3m a year as additional efficiency dividends continue to have a disproportionate effect on a small agency'. The budget for 2016–17 included 'one-off' supplementation of \$3m, principally for committee support. The department's final audited outcome was a deficit of \$0.5m; around 2% of its budget. This year, the President and the Appropriations, Staffing and Security Committee again supported the department in seeking funding commensurate with the demand for its services, and succeeded in securing an ongoing increase of \$3.7m from the 2017–18 budget year. This is slightly less in the out years than the funding sought but, as it is ongoing, it allows the department more flexibility in planning for future requirements. (The original proposal had also sought funding to counter the inevitable clawback of efficiency dividends, however that's a discussion for another day.)

During the year, the department progressed negotiations for a new enterprise agreement covering non-SES staff. As occurred across the public sector, the department's initial proposal was rejected in a ballot of staff, sending us back to the bargaining table. (While the matter was pending at the end of the reporting period, staff approved the department's second formal offer in a ballot in August 2017.) A challenge for the department is to streamline its work to provide the productivity offsets necessary to fund

its new agreement while, at the same time, bringing more resources to bear in direct support of senators' legislative and committee work. The delivery of new IT arrangements in support of committees, and a realignment of the duties of some staff to increase their involvement in procedural and legislative support during sitting weeks, provide the focus for our strategy here.

One of Rosemary's last administrative acts was to finalise with the heads of the other parliamentary departments our first Strategic Plan for Parliamentary Administration, which signals our continuing efforts to develop a more effective partnership across the parliamentary service. While the departments have their individual roles and responsibilities, and must maintain the capacity to provide independent advice and support, there is much that we do together and much to be gained by continuing to strengthen the parliamentary service.

In that vein, I'd like to thank my colleagues – Clerk of the House, David Elder; DPS Secretary, Rob Stefanik; Parliamentary Budget Officer, Phil Bowen (and, following his retirement, Jenny Wilkinson); and their respective staff – for their support and cooperative engagement since my appointment earlier this year. The degree of collegiality is very welcome.

Senate staff routinely go 'above and beyond' in supporting the work of the Senate and senators, in the face of sometimes unrelenting work demands, and this year has been no exception. They have been particularly welcoming of my appointment as Clerk, and supportive of the new management team as we all have transitioned into new roles during 2017. It is a team that I am proud to lead.

Senators have also been very generous in their response to my appointment, for which I am again very grateful. In particular, I'd like to thank the President, Senator the Hon. Stephen Parry, and the Deputy President, Senator Sue Lines, for their ongoing support.

Richard Pye
Clerk of the Senate