

# Clerk's review

The core functions of the Senate department can be identified in its role as secretariat to the Australian Senate. We provide the secretariat to the Senate itself – enabling its legislative and accountability activities – and to dozens of parliamentary committees, whose work encompasses the Senate's scrutiny functions and its exercise of Parliament's broad inquiry powers. In doing so, we provide the Senate, its committees, the President and other senators with expert, impartial advice about Senate and committee operations.

There are numerous activities we undertake each year in support of these functions. We process, store and ensure access to the thousands of documents presented to the Senate each year, including government documents, legislative instruments and committee reports. We publish the Senate's records and produce an array of information resources, so that people may understand and engage in its work. We also promote an understanding of the role and work of Parliament through seminars, lectures and other information projects; and through our world-class Parliamentary Education Office, which provided experiential learning on-site for 93,000 students during the year, and for many more through its outreach programs and presence online. More broadly, we provide administrative advice and support to senators and their staff, particularly in Parliament House. Our corporate plan provides further details of these activities, which are also summarised on page 15 of this report.

We succeed in our purpose – to use the current terms of art in public governance legislation – when the Senate and its committees meet in accordance with their decisions, and when senators and others receive the advice and support they need to participate in those meetings.

The decisions senators make in connection with those meetings largely determine our work and our workload. Their decisions about the Senate's legislative work drive demand for procedural advice and legislative drafting. Their decisions about committee work determine the number of operative committees and the nature of their inquiries, in turn driving demand for the advice, administrative support, research and writing undertaken by our committee staff. These activities carry with them the challenges of managing unpredictable workloads and deadlines, and ensuring that our advice and support is consistent, professional and impartial; underpinned by expert procedural knowledge. The largest part of the Senate's work is delegated to its network of committees, and facilitating those committees in gathering evidence, deliberating and reporting their findings has grown to be our largest function.

Significant factors influencing the demand for our services include the electoral cycle and the political composition of the Parliament, which in turn affect the level of committee and legislative activity in the Senate. These influences were evident during the year in review; the third year of the 45<sup>th</sup> Parliament and an election year.

In any election year, there are inevitably fewer sitting days and fewer estimates hearings. Committee activity slows during the election period, while legislative activity – the work of the two Houses – falls away. This activity ramps up again as the new parliament gets

underway. Although constrained by the Constitution and by electoral law, the precise timing of elections is a matter for government. While it was known that the 45<sup>th</sup> Parliament would end during 2018–19, it was not known when. The timing remained a matter for speculation throughout the year.

As it transpired, the Spring sittings of 2018 were typical of the mid-years of any parliament: 32 sitting days cast across 8 weeks, a week of estimates hearings and elevated levels of committee activity throughout. By contrast, the first half of 2019 was entirely shaped by the electoral cycle. Only five Senate sitting days were scheduled ahead of the election, their timing dictated by the government's decision to schedule an early Budget and accommodate the usual non-sitting period leading up to it, and by the Senate's decision to ensure that estimates hearings were scheduled in its wake.

As has been noted, our workload is principally determined by senators themselves; by the decisions they make, individually and collectively, in the course of their work. Trends noted in recent years – substantial demand for procedural and legislative support, and intense levels of committee activity – were again evident, as they have been since the advent of a larger, more diverse crossbench in the 44<sup>th</sup> Parliament. The composition of the crossbench was maintained until the election, comprising 19 senators in nine different groupings. At the same time the 45<sup>th</sup> Parliament saw an unprecedented turnover of Senate seats, necessitating additional support for new senators. Earlier in the parliament, to meet this demand, we shifted the focus of a number of staff to provide additional procedural and legislative support. During the year in review, this involved further training for staff in legislative drafting and Senate procedure. We also sought to maintain staffing resources at a level appropriate to support sustained, elevated levels of committee activity.

For non-government senators, procedural and legislative advice and support is principally provided through the Procedure Office. During 2018–19 that office continued to assist senators by drafting bills and legislative amendments. Thirty-seven private senators' bills were prepared and introduced (compared with 31 last year), while 473 legislative amendments were prepared and circulated in the Senate (1011 last year; the decrease reflecting the reduced number of sitting days). The office also provides procedural advice and documentation, preparing 689 procedural scripts for senators' use, consistent with levels last year. Similar procedural support is provided by the Table Office for the President and Deputy President, and for ministers and committee chairs, with around 1,150 procedural scripts provided. The level of demand for formal, written advice was consistent with recent years, as were other metrics, such as bills passed and documents tabled.

The level of committee activity supported during much of the reporting period was also consistent with that of the past few years, while demand tapered off as expected as the end of the Parliament approached. Our Committee Office managed 70 new references; arranged around 290 hearings and twice as many private meetings; analysed the evidence from around 5,400 submissions and 6,000 witnesses; and prepared more than 170 reports for tabling. To take a broader view, across the 45<sup>th</sup> Parliament the office supported more than 345 inquiries, arranging more than 950 hearings and drafting over 530 reports. These statistics echo those for the 44<sup>th</sup> Parliament. In addition, the department supported the three legislative scrutiny committees in producing

reports each sitting week, analysing bills and legislative instruments, and the Senate's other domestic committees in producing ad hoc reports as required. This remains an impressive body of work by any standard.

The performance statements beginning on page 13 of this report demonstrate the department's success in supporting these endeavours, and senators' satisfaction with the advice and support provided.

In 2016 the election period comprised some 16 weeks, from the dissolution of the two Houses on 9 May until the Parliament reconvened on 30 August. The election timetable in 2019 was somewhat shorter, at 11 weeks, with the Parliament summoned to meet again on 2 July, 6 weeks after polling day. During that time we prepared for the opening of the 46<sup>th</sup> Parliament – a large, logistical exercise involving staff from across and outside the parliamentary service – as well as for the swearing in of Australia's 27<sup>th</sup> Governor-General in the Senate chamber on 1 July. I particularly thank the Usher of the Black Rod and his team for their adept planning for these occasions. At the same time, we planned and delivered an orientation program for 18 senators newly elected at the 18 May election, or filling casual vacancies earlier in the year. We also updated the resources needed to provide training and resources to staff of new senators, and staff in new roles. Following changes to the electoral law requiring candidates to lodge detailed statements of eligibility under section 44, the department put in place arrangements to administer the new Register of Qualifications established by the Senate, to be overseen by the Standing Committee on Senators' Interests.

As foreshadowed in last year's report, projects to revamp our online statistical collection, and to deliver live, updatable programs for estimates hearings were finalised during the year. We also progressed further enhancements to systems used by our committee staff, while work continued on developing a system to receive and publish digital copies of government documents. We participated in the development of a new digital strategy for the Australian Parliament, led by DPS, and undertook work to redevelop the PEO website, which will be launched early in the next period. A list of our achievements and current work on ICT projects can be seen at page 37 of this report. Although the parliament's ICT functions were consolidated in DPS some years ago, the ongoing requirement to support the development and governance of shared ICT systems and digital resources has revealed a strain on current staffing resources, which will be carefully monitored.

The department is nothing without its people. Our capacity to meet the needs of senators and the Senate rests on the knowledge, skill, motivation and professionalism of our staff. They form a team that I am honoured to lead. While different learning and development activities were available throughout the year, the election period provided a particular opportunity to focus on training across the department. Our goal here is institutional continuity. Achieving this requires the recruitment of exceptionally capable staff, in numbers commensurate with workload (subject, of course, to budgetary constraints); the provision of ongoing staff training and support; and the production of authoritative procedural guides and reference works. Over the past year we have renewed our focus on the health and well-being of our staff, including through the release of a Health and

Well-being Strategy in May 2019, after substantial consultation across the department. The strategy documents the department's commitment to supporting staff working in the often charged and challenging parliamentary environment.

I'd like to again thank my colleagues, David Elder, Rob Stefanic and Jenny Wilkinson, for their cooperative engagement throughout the year, particularly (but not only) in our formal quarterly meetings. I was pleased to be invited to make some remarks recently upon David's retirement as Clerk of the House, having worked with him in various guises over the years, and to reflect on the high degree of collegiality found across the Parliamentary Service. Such collegiality serves the Parliament well. Examples may be found of staff at all levels working toward the goal of more seamless support to the Parliament, whether in ICT projects, managing parliamentary business or consolidating aspects of parliamentary administration. In that vein, I look forward to working closely with the new Clerk of the House, Claressa Surtees.

## Looking ahead

In 2019–20, we will support the first year of the 46<sup>th</sup> Parliament. This will no doubt entail charting and adapting to the levels of legislative and committee activity in the new Senate, with its changed composition. The department recorded a very small surplus for 2018–19 (before depreciation), noting that parliamentary activity tapered off toward year's end. We will monitor whether our current resources remain adequate during the full program of sittings and committee work expected in 2019–20. During the year we will also engage with staff in relation to our enterprise agreement, in advance of the expiration of our current agreement in late 2020.

Among other administrative priorities, we will continue to work with DPS to examine whether a centralised model for processing corporate transactions for the parliamentary departments is feasible, cost-effective and appropriate to the needs of the department, the Senate and senators. If a business case can be made, the department will seek the views of senators through the Appropriations, Staffing and Security Committee, which examines proposed changes to the structure and responsibilities of the parliamentary departments. We will also work with the other parliamentary departments, led by DPS, in refining ICT governance arrangements for the Parliament. A priority here will be modernisation of the core parliamentary business systems that underpin the work of the Houses and their committees, as foreshadowed in the new Digital Strategy.

Richard Pye  
Clerk of the Senate