

The Senate

Finance and Public Administration
Legislation Committee

Parliamentary Service Amendment Bill 2014

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Membership of the Committee

Members

| | |
|---|----------|
| Senator Cory Bernardi (Chair) | LP, SA |
| Senator the Hon Kate Lundy (Deputy Chair) | ALP, ACT |
| Senator John Faulkner (until 6 February 2015) | ALP, NSW |
| Senator the Hon Joseph Ludwig (from 12 February 2015) | ALP, QLD |
| Senator Bridget McKenzie | NAT, VIC |
| Senator Dean Smith | LP, WA |
| Senator Janet Rice | AG, VIC |

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List of recommendations

Recommendation 1

1.22 The committee recommends that the Senate pass the bill.

Chapter 1

Introduction

1.1 On 26 November 2014, the Speaker of the House of Representatives, the Hon Bronwyn Bishop MP, introduced the Parliamentary Service Amendment Bill 2014 (bill) into the House of Representatives.¹ The bill was subsequently debated and passed by the House of Representatives on the same day.² On 27 November 2014, the bill was introduced into the Senate.³

1.2 On 4 December 2014, pursuant to the Selection of Bills Committee report, the bill was referred to the Senate Finance and Public Administration Legislation Committee for inquiry and report by 2 March 2014.⁴

Objectives of the bill

1.3 Section 65A of the *Parliamentary Service Act 1999* (Act) provides for the establishment of the Security Management Board (SMB).

1.4 The function of the SMB is:

[T]o provide advice as required to the Presiding Officers on security policy, and the management of security measures, for Parliament House.⁵

1.5 Membership of the SMB is:

- the Secretary of the Department of Parliamentary Services (DPS);
- a Senior Executive Service (SES) employee of the Department of the Senate, nominated by the President of the Senate in writing; and
- an SES employee of the Department of the House of Representatives nominated by the Speaker of the House of Representatives in writing.⁶

1.6 The current members of the SMB are: the Secretary of DPS; the Usher of the Black Rod; and the Serjeant-at-Arms.⁷ The Presiding Officers appoint a member of the SMB to chair meetings.⁸ The Secretary of DPS has been appointed to this role.⁹

1 *Votes and Proceedings*, No. 86 – 26 November 2014, p. 1001.

2 *Votes and Proceedings*, No. 86 – 26 November 2014, p. 1002.

3 *Journals of the Senate*, No. 70 – 27 November 2014, pp 1898-1899.

4 *Journals of the Senate*, No. 74 – 4 December 2014, p. 1986.

5 Paragraph 65A(5) of the Act.

6 Paragraph 65A(2) of the *Parliamentary Service Act 1999* (Act). Instead of the Secretary of DPS, an SES employee of the Department of Parliamentary Services nominated by the Presiding Officers in writing may be a member of the SMB.

7 Clerk of the Senate, *Submission 2*, p. 2. The submission also notes that for a brief period in 2012-2013 the Parliamentary Budget Office was also a statutory member of the Board.

8 Paragraph 64A(4) of the Act.

9 *Submission 2*, p. 2.

- 1.7 The SMB may, with the approval in writing of the Presiding Officers:
- invite other members of the Parliamentary Service to attend its meetings; and
 - invite the heads of other organisations to attend or be represented at its meetings.¹⁰

1.8 The bill proposes to amend the Act to provide that the Commissioner of the Australian Federal Police (AFP), or a Deputy Commissioner or a senior executive AFP employee who is nominated by the Presiding Officers, may be a member of the SMB.¹¹

1.9 The bill also proposes to amend the Act to include 'operational measures' within the remit of the SMB.¹²

Conduct of the inquiry

1.10 Details of the inquiry, including links to the bill and associated documents, were placed on the committee's website at: www.aph.gov.au/senate_fpa.

1.11 The committee also directly contacted a number of relevant organisations to notify them of the inquiry and invite submissions by 30 January 2015. Submissions received by the committee are listed at Appendix 1.

1.12 The committee decided to prepare its report on the basis of submissions received and available information. The committee thanks those who assisted by providing submissions to the inquiry.

Background

1.13 The Clerk of the Senate outlined the security arrangements for the parliamentary precincts:

Pursuant to section 6 of the *Parliamentary Precincts Act 1988*, the parliamentary precincts are under the control and management of the Presiding Officers (subject to any order of the two Houses). The Presiding Officers are therefore responsible, among other matters, for security arrangements within the precincts.

The Department of Parliamentary Services is responsible for the provision of security services for Parliament House. In addition, the Usher of the Black Rod and the Serjeant-at-Arms have particular security responsibilities in relation to their respective houses.¹³

1.14 The Clerk of the Senate also set out the history of the SMB, noting that the SMB was established by the Presiding Officers in March 2002 to provide specialist advice and support them in their responsibility for security arrangements in the parliamentary precincts, and '...to ensure the coordination of the strategic

10 Paragraph 65A(3) of the Act.

11 Explanatory Memorandum (EM), p. 3.

12 EM, p. 3.

13 *Submission 2*, p. 1.

management and technical requirements of security at Parliament House.¹⁴ The SMB was given statutory authority in 2005 through the insertion of 65A into the Act.¹⁵

1.15 In terms of the membership of the SMB, the Clerk of the Senate stated:

The practice of inviting representatives of relevant government agencies began soon after the Board was established. Since 2003/2004 representatives of the Department of Finance, the AFP and the Attorney-General's Department have regularly attended meetings of the Board (with some variation of the years), until mid-2013 when external agencies ceased attending meetings of the Board.

In late 2014, at the request of the Presiding Officers, a number of government agencies were invited to nominate representatives to attend meetings of the Board including: the AFP, the Australian Security Intelligence Organisation, the Attorney-General's Department, the Department of Finance and the Department of the Prime Minister and Cabinet. Representatives of those agencies attended the subsequent meetings of the Board[.]¹⁶

1.16 The Clerk of the Senate provided a comparison with arrangements for security advice in other Australian and New Zealand jurisdictions¹⁷ and outlined recent security changes and the enhanced role of the AFP:

Security arrangements within the parliamentary precincts have recently been enhanced in response to the changing security environment and the Australian Government's decision to raise the National Terrorism Public Alert level from medium to high.

In early September 2014, a security review of Parliament House was undertaken by the Attorney-General's Department and the AFP. The review concluded that changes to security practices and procedures within the precincts were necessary in order to continue to provide a secure workplace in the increased threat environment.

Subsequently, a number of changes to security were introduced in order to strengthen the existing security arrangements at Parliament House. The changes included increasing the security presence and capability within the precincts, changes to arrangements for access to the private areas of Parliament House and a program of capital works to enhance the physical security of Parliament House. In addition, the Presiding Officers requested the AFP to undertake an increased role within the precincts.

Previously, AFP-Uniform Protection provided security services only externally to Parliament House and within the Ministerial Wing. Following the security review, the Presiding Officers authorised the AFP to act on

14 *Submission 2*, p. 1, quoting from Parliament House – Security Matters – Statement by the President: SD, 11/11/2002, pp 5817-5818.

15 *Submission 2*, pp 6-7.

16 *Submission 2*, p. 5.

17 *Submission 2*, pp 3-4.

their behalf in relation to the day-to-day operational security of Parliament House including assuming command, control and coordination of all operational security and response functions within the precincts. The AFP are now working closely with the DPS Parliamentary Security Service to provide security within the precincts as a whole, where appropriate in consultation with the Usher of the Black Rod and the Serjeant-at-Arms.¹⁸

Discussion of the proposed changes

1.17 The inclusion of the AFP in the membership of the SMB was supported by the Clerk of the House:

In light of the AFP's new coordinating and lead agency responsibility for security at Parliament House it seems entirely appropriate for a senior representative of the AFP to be included as a fourth member of the SMB. This would ensure that those with a central operational responsibility for security at Parliament House are also involved as a full member in advising the Presiding Officers on the policy, management and operational aspects of security. Also it will strengthen the security capacity of the SMB in providing advice to the Presiding Officers, noting that the Board also has available to it expertise from relevant agencies, such as the Attorney-General's Department, the Australian Security Intelligence Organisation etc., as observers at meetings. While the AFP would be included as a full member of the SMB, the interests of Members, Senators, building occupants and the parliamentary institution would continue to be represented effectively by the three parliamentary department members.¹⁹

1.18 The Clerk of the Senate noted:

Although the AFP has not, to date, held a position on the Board, its views and expertise have always been available to the Board, through attendance at meetings and through consultation on various matters.²⁰

1.19 The Clerk of the House also had no issue with amending the function of the SMB to include the 'operation' of security measures:

In light of the recent changes to security measures at Parliament House, it is sensible to add to the existing roles of the SMB an advisory responsibility on the operation of security measures.²¹

1.20 The Clerk of the Senate also commented on the amendment to the functions of the SMB, stating:

While the existing functions of the Board are arguably broad the amendment would put beyond doubt that the Board can and should examine matters related to the *operation* of Parliament House Security.²²

18 *Submission 2*, p. 4.

19 *Submission 1*, p. [3].

20 *Submission 2*, p. 5.

21 *Submission 1*, p. [3].

22 *Submission 2*, p. 5, emphasis in original.

Committee view

1.21 No issues were raised in relation to the bill and therefore the proposed changes are supported by the committee.

Recommendation 1

1.22 The committee recommends that the Senate pass the bill.

Senator Cory Bernardi

Chair

Additional Comments from the Australian Greens

- 1.1 The Australian Greens have concerns about Schedule 1 of the *Parliamentary Service Amendment Bill 2014*, noting that it both creates an unnecessary position on the Security Management Board and formalises operational measures as part of the Board's remit.
- 1.2 Formalising an AFP position on the Security Management Board – be it the Commissioner or other representative as listed – is unnecessary. Section 65A of the *Parliamentary Service Act 1999* already permits the Board to invite the heads of other organisations to attend or be represented at its meetings, and this discretionary power is sufficient.
- 1.3 The expansion of the Board's remit to include the 'operation' of security is also a concern in light of recent debates about face coverings and the carrying of firearms within the chambers of Parliament. There has been a move toward militarisation of our public space, and the Australian Greens are concerned the changes in this Bill aim to further facilitate this trend.
- 1.4 The Australian Greens do not support firearms being carried inside the Parliament, and view this as a clear divergence from long standing practice in the Westminster system that no arms are carried in houses of parliament. It is completely inappropriate for firearms to be held inside the House of Representatives and the Senate.
- 1.5 The Australian Greens believe there should be stronger regulation of firearms, including a ban on semi-automatic guns. We do not believe it is appropriate to facilitate the physical presence of weapons, or a cultural perspective that says guns are needed to protect people in a workplace.

Senator Janet Rice

APPENDIX 1

Submissions received by the committee

Submissions

- 1 Clerk of the House
- 2 Clerk of the Senate

