

## **Farewell to Harry Evans\***

*Cleaver Elliott, Clerk Assistant, Committees*

Colleagues, former colleagues and distinguished guests from Canberra, around Australia and from overseas, while it is wonderful to see so many of you here, it is with great sadness that I welcome you to this farewell for Harry Evans, who is retiring from his position as distinguished Clerk of the Australian Senate. I say sadness for the single reason obvious to us all, that with his retirement, the Australian Senate will be losing a man who has dominated the parliamentary accountability stage for a quarter of a century and who is recognised nationally and internationally as an outstanding champion of an independent and effective legislature.

It is a great honour to introduce the Clerk to you this morning, but an honour laced with trepidation; how many of us ever get to farewell a boss whom not one of us in this room wants to lose?

The notability of Harry's career did not commence with his appointment as Clerk. His career path to becoming one of the greatest of parliamentary officers commenced much earlier with his appointment to the department in 1969 as a research officer to the then Clerk J.R. Odgers, author of *Australian Senate Practice*. There has followed a most distinguished career, during which everything he touched turned to procedural gold. The department has flourished and senators have consistently rated their support from him and the services which have developed under his leadership, as being of the highest level. During the 70s, his career saw several periods as acting Usher of the Black Rod or Deputy Black Rod.

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There is nothing like the baubles of Westminster to bring out Harry's precision of thought. I refer to his well-known explosion of the myths of the Westminster system, so often used to veil our eyes while our constitutional clock is stealthily and consistently wound backwards by an overreaching executive—Harry, we thank you for that. He will not allow myths to conceal reality.

A further feature of his career was to serve as secretary of the Regulations and Ordinances Committee, a position where he fine-tuned his great insight into the Stalinist tendencies of modern executive governments. One of his duties as secretary of the committee was to organise the first Conference of Commonwealth Delegated Legislation Committees which was held in Canberra in 1980. His duties included organising a social program and there are stories that he convinced an eminent member of the House of Lords delegated legislation committee that in order to enjoy a barbecue in the Aussie bush, one first had to go out and shoot dinner before it hopped away!

What has been the driving force in Harry's career? Unswervingly, everything he did was for the advancement of the institution of the Senate, the legislative arm of the Commonwealth, and for senators.

His career has been marked by a most prolific record of writing. Many know of the greatest of his achievements, the production of six editions of *Odgers' Australian Senate Practice*, including a regularly updated electronic version, (and you know what is significant about Harry's *Odgers*—not that it is a repository of our collected procedural wisdom—but his emphasis that we must make our own decisions and our own way in the world) but I want to single out for special mention two more of his spectacular written achievements.

It is not an everyday event that the Senate decides to investigate the conduct of a High Court judge. Yet when the Senate decided to investigate the conduct of the then Mr Justice Murphy, it was to Harry they turned for faultless procedural guidance. He was not content with that achievement—and this is the essence of Harry's work—from the legal and parliamentary procedural issues which emerged, he distilled the principles and formulated them into a codification of parliamentary privilege. The *Parliamentary Privileges Act 1987* now endures as a testimony of his clarity of thought, precision of writing and fair preservation and safeguard of fundamental rights.

I come to the last written achievement which must be mentioned and perhaps the one which has been of the greatest benefit in maintaining and advancing the rights of senators—his rewriting of the standing orders of the Senate as a present for this new building.

In the old building, we had 451 standing orders, many of them repetitive, superseded and while useful, often muddled in their thinking and in need of an overhaul. The procedural experts amongst us know that to rewrite a set of standing orders is a most daunting task. It is a credit to Harry that he accomplished this task in a very short space of time and reduced a muddlesome 451 orders, to some 210, which today, 20 years later, still sparkle with clarity and simplicity. It is a wonderful thing to see that movement in the chamber, as a senator pulls open their desk drawer, reaches for their standing orders, and then stands to assert their rights or the rights of another senator. While it is a great privilege for us to assist senators with their procedures, the procedures belong to them, not to us. It is their house not ours and Harry, you have given them the greatest gift, modern standing orders for a modern building, and the capacity to manage their own affairs with the

minimum of intervention by us support staff. While his writings will fortunately grace the record for many years to come, these three written works alone conclude a procedural trifecta without parallel.

That brings me to another side of Harry, and that is his loyalty to, and compassion for, his staff. Harry has maintained a deep concern and interest in all of his staff, congratulating all our personal and professional achievements in life, and condoling with our losses. His leadership has fostered an attitude of the pursuit of excellence, a willingness to contribute, and a fair workplace where our efforts are recognised.

Whenever we brought a new project, it was met with enthusiasm and support.

During his 40 years of parliamentary service, Harry has broken many records. We can count the number of sitting days, all 2764 of them, and not a day's sick leave since 1988—who said we did not have a sick leave policy! But the greatest record of all is having served a total of 304 senators, each of whom he remembers, and he could tell you of the policies they pursued, the contributions they made, and a story about each one of them.

He has a wicked sense of humour—as you know, he tells a great joke and a story. True to his interest in history, all things parliamentary and also of the natural world around us, the jokes and stories range from fascinating snippets from the tumults of the English revolution, the principles of which still play out all around us today, to the wondrous habits of the woodpecker finch of the Galapagos.

Just the other day he was reminding us of the thoughts and writings of a Puritan parliamentarian by the name of Edmund Ludlow, one of Cromwell's dour generals, who (how can I phrase this...?) took the English army to Ireland. It put me in mind of the way Harry surveys the front bench during question time (you know, the way a magpie looks down a sauce bottle...) and I often wonder if he thinks Ludlow's thoughts on Ireland as he looks at the ministry, which I adapt to the Senate: this chamber affordeth not a piece of timber sufficient to hang these men, nor enough water in any one place to drown them, nor earth enough in any one part to bury them.

I conclude with his interest in American history and the value of their constitutional arrangements and developments. If you ever give him a moment, he will share the wisdom but also the wry sayings of American presidents. Calvin Coolidge, the 30th, is one of his interests, not because of constitutional profundities, but as a man of legendary few words. He was seated at a dinner next to a young woman who had taken up a bet to get him to talk. 'I bet you I can get more than three words out of you', she said. 'You lose' was the Coolidge reply. Lessons there for some of our modern politicians. But his love of the bush and his stories of the excellence of the minds of ravens have always been captivating.

Harry, although we try, words are not enough to mark a contribution which has been as sustained and spectacular as yours. Yours has been a unique career, one which we are all privileged to have shared and one which we are unanimous in congratulating you for.