



Clerk's review

The primary output of the Senate Department is advice on the proceedings and processes of the Senate. The number of written advices issued by the Clerk's Office is used as a rough measure of that output; it is a very rough measure because it is impossible to record and measure advices given orally, and a change in the figure for written advices may indicate only a shift to unwritten advices. The impression of Senate officers of 2006–07 is that as much if not more oral advice was given as in the past. There was a small reduction in the number of written advices, but the figure is still at a higher level than for all but two of the past six years, so the volume of the output probably did not change significantly.

The natural thought is to relate any change to the effect of the government majority in the Senate, which is the focus of much attention by those who look at the work of the Senate and its department. The government majority may have reduced the demand for advice, because non-government and individual senators have fewer options for parliamentary action, given that nearly all actions taken in the chamber are expected to be determined by the government. In the past senators could always be advised of various options to pursue issues and to seek solutions to problems. Now the feasible options are usually variations on ways of simply raising matters in debate; what we call the 'make a noise' option.

The restructuring of the committee system which occurred in September 2006, and which gave the government parties the majority and chairs of all committees, may have reinforced this trend by reducing the options of senators for action in committees. The committee system, however, is still a more effective accountability forum than the Senate chamber, especially in the estimates hearings. Committees have been the first accountability forum since the establishment of the committee system 37 years ago, but are now the focus of accountability efforts more than ever before.

In the work of the committees there was a shift from inquiries into matters referred by the Senate to examination of bills, with more bills referred, and in examining bills the committees, as in 2005–06, were placed under tighter deadlines than in previous years. This trend away from inquiries into matters of public interest further emphasised the estimates hearings as the most important accountability forum. Thus, estimates hearings have generated many requests for advices. In reflection of this, the department has created a database of past advices on estimates proceedings for the use of officers engaged in estimates hearings.

A major subject of advice was what to do about refusals by ministers and officers to answer questions and provide information to committees. There was a trend to more such refusals, often without the properly raised public interest immunity grounds that are required by past resolutions of the Senate.

Confidence on the part of ministers and officials that the committees and the Senate will not take remedial action is undoubtedly a factor. Again, the ‘make a noise’ option is usually all that is available to senators, with variations. But the advice has also pointed out the past precedents and resolutions of the Senate in support of accountability, and this has had some effect in particular instances. There are also practical and political limitations on refusal to answer questions and provide information. The estimates hearings are still a highly effective accountability mechanism and a source of much accountability-related information as well as requests for advice.

The committee hearings on bills are also not without their effect, and there were several instances of government amendments to bills, some moved in the House of Representatives, arising out of Senate committee scrutiny. This provides an incentive to senators on committees to be diligent in their examination of legislation.

Certainly committee staff treat every committee inquiry as a serious exercise of the legislative function, regardless of the likelihood of it changing policy or legislation. They therefore strive to provide committees with the highest level of service and advice. Some committee staff were put under intense pressure by the tight deadlines imposed on bills inquiries, but this does not lessen their commitment.

The reduced importance of the chamber is also reflected in the long-term decline in the number of sitting days and the time taken to consider legislation. There are also fewer and less complex amendments made to bills in the chamber, a trend somewhat disguised by government amendments to fix problems in legislation and in some cases to take note of committee evidence. Non-government senators still look closely at the details of bills and move many amendments to bills, and it is to be hoped that they will not give up this essential legislative activity. There was, indeed, an increase in non-government amendments drafted. Senators also continued to introduce private senators’ bills, in increased numbers, and one, relating to human embryo research, passed into law. This activity put the officers responsible for drafting amendments and private senators’ bills under considerable pressure. Senators sometimes suggest that more resources should be devoted to this activity, but the widespread farming out and subdivision of the task would lead to inefficiencies and mistakes; it has to be performed by a few people who know what they are doing.

Following the success of in-house technology applications, such as the Dynamic Red, significant projects for technology applications to the processing of legislation and other documents were pursued. These projects require the cooperation of other agencies and are taking a long time to come to fruition, but considering the mistakes which are often made in new technology projects this may not be a disadvantage.

As in previous years there was an increase in the demand for public information on the Senate, its committees and parliamentary matters generally, and the department is striving to meet this demand. The same applies to the demand for information from specialist audiences, such as public servants who are catered for by training seminars. The department maintained a high output

of presentations and publications accordingly. The Parliamentary Education Office continued to respond to the increase in the number of students using its services, through its classes in Parliament House and its outreach programs and publications, adding a revised and greatly expanded new web page to the means by which it reaches students throughout Australia.

There was a notable expansion of the assistance provided to foreign parliaments. The department follows the philosophy that, in order to increase their effectiveness, legislatures must draw upon elements of their own countries' cultures, and the department's assistance to foreign legislatures is designed to facilitate that building on existing cultural attributes. Committee operations, particularly public hearings, are the major means by which legislatures can achieve a higher level of effectiveness and are therefore the focus of most of those efforts.

The volume and complexity of administrative support for senators and their offices continue to grow. The transfer of the provision and administration of senators' private printing entitlements to the Department of Finance and Administration has not reduced the services provided by the Senate Department; on the contrary, the department has enhanced the services it provides in Parliament House.

The biennial survey of senators' satisfaction with departmental services indicated a high level of appreciation by senators of the department's efforts. Senators also show an awareness, particularly in debates in the Senate on committee reports, that staff work hard to produce results of which they can be proud. While the appreciation is welcome, our people expect to be stretched to their limits at frequent intervals during their service.

The total staff level of the department remained approximately the same, with a slight decrease in the full-time equivalent staff-years figure. Given the preoccupation with 'gender balance' in many organisations, it is noted in passing that a majority of the department's staff, a majority of the parliamentary executive levels 1 and 2 staff, and a majority of the SES-level staff, are women.

The department therefore produced a larger output, especially in committees, with virtually the same level of resources, because of capable staff working both smarter and harder. Continuous adaptation of improvements in technology to particular functions undoubtedly plays a large role, but technology can be productively applied only by people who understand the function and the application, so productivity increase is ultimately dependent on people and their minds.

This being my twentieth year as Clerk, it is appropriate for me to note that Senate department staff are of great quality, highly dedicated and producing a larger and higher quality output than ever before, and for that I am grateful.

Harry Evans
Clerk of the Senate