

# Clerk's Office

## Outputs

- Provision of advice on, and support for, proceedings of the Senate and its committees.
- Provision of leadership and strategic direction for the department.
- Provision of secretariat and advisory support to the Procedure Committee, the Committee of Privileges and the Committee of Senators' Interests.
- Provision of procedural information and related services to senators and the Senate department.

Performance information	Performance results
Advice and support are sound and timely, and provided to the satisfaction of the President, other office-holders, Senate committees and senators so that they are able to fulfil their roles.	Formal and informal feedback indicated high levels of satisfaction with advice on powers, privileges and proceedings. No advice was shown to be inaccurate and all advice and support was provided in time to meet procedural and operational requirements.
The capacity of the department and its employees to provide advice and support meets operational requirements.	Targets achieved under the learning and development framework underpinned the department's advisory and support capacities.
Governance structures advance achievement of the department's outcome.	Governance forums achieved all significant targets for the year, including managing budgeting and staffing targets. Contributions to interdepartmental forums advanced the strategic aims of parliamentary administration.
Coordination of information resources advances awareness of the role and work of the Senate.	SPIO developed and managed public information resources and participated in the enhancement of the parliamentary website. Planned progress was achieved in significant ICT projects affecting Senate and committee information resources.
Advice, documentation, publications and draft reports are accurate, of a high standard and produced to meet the required timeframes.	All advice, documents, publications and draft reports produced in support of committees supported by the office were of a high standard and met required timeframes; none were shown to be inaccurate.
<i>Odgers' Australian Senate Practice</i> is updated each six months and a new printed edition is produced regularly. <i>The Procedural Information Bulletin</i> is produced two days after the end of sitting periods and other procedural resources are updated and augmented as required.	Updates to the 13 <sup>th</sup> edition of <i>Odgers'</i> were produced in February 2014, and consolidated into a revised online version, 13.2. The <i>Procedural Information Bulletin</i> was produced within the specified timeframe following all sitting periods and estimates hearings. An occasional newsletter was issued from the Clerk to senators and senators-elect, containing items of procedural interest, among other things.

## Overview

The Clerk is the administrative head of the Department of the Senate and, in accordance with the *Parliamentary Service Act 1999*, is responsible, under the President of the Senate, for managing the department. The Clerk is also the principal adviser to the President and senators on proceedings in the Senate, parliamentary privilege, committee proceedings and their outcomes in the chamber, and other parliamentary matters. The Deputy Clerk supports the Clerk in these roles and oversees the Senate Public Information Office (SPIO). The Deputy Clerk also has particular corporate governance roles, including as chair of the department's Audit and Evaluation Committee and the Program Managers' Group.

The cost of the office for 2013–14 was \$2.0 million (\$1.7 million in 2012–13).

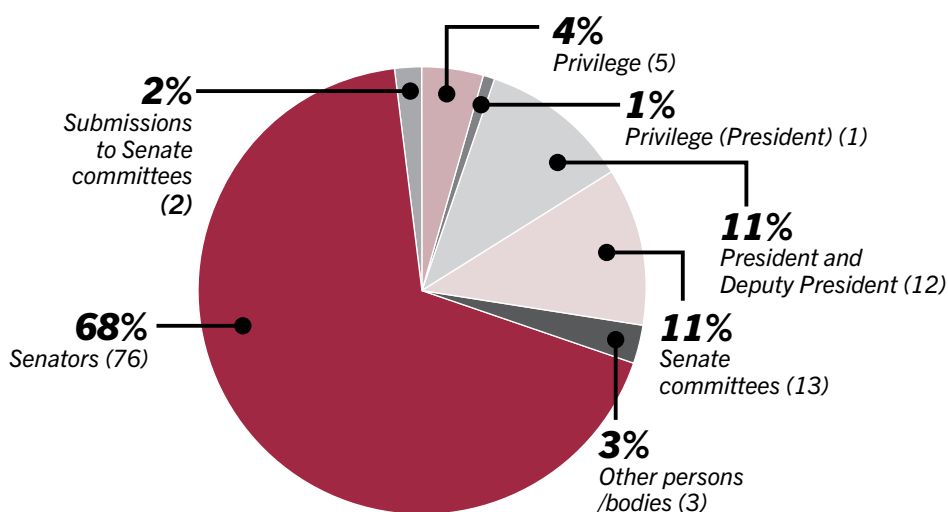
## Advice and information

The provision of advice, particularly to the President, senators and parliamentary committees, has always been a priority of the Clerk's Office. Much advice is provided orally and instantaneously, particularly in the Senate chamber and to senators who seek advice in person. Such advice is impossible to quantify in any meaningful way but the number and kinds of written advices provide some indication of work undertaken.

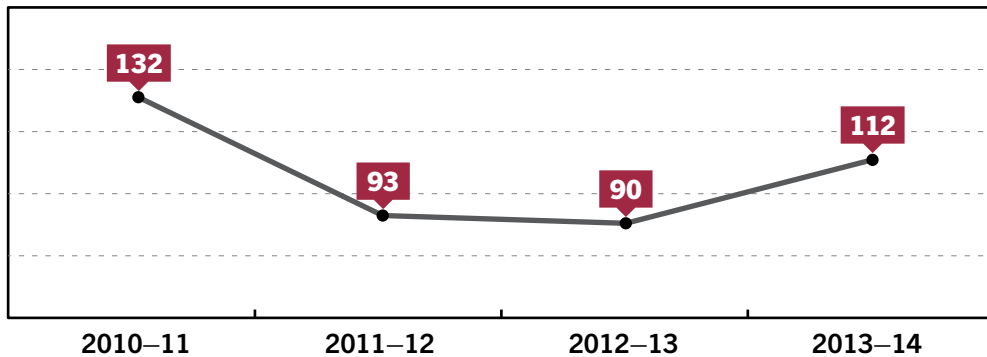
## Written advice

Figure 3 shows the number and kinds of written advices provided during 2013–14, and each kind as a proportion of the total. Figure 4 shows the numerical trend over recent years. After reduced numbers of advices in the past two years, no doubt reflecting the lack of legislative disagreement between the Houses, the number of advices returned to around its long-term average.

**Figure 3 Types of written advices provided by the Clerk, 2013–14**



**Figure 4 Number of advices provided by the Clerk's Office**



Topics of advice generally reflected the electoral cycle and the activities of the Senate. Advice was sought during the election period on the resignation of senators and the processes for filling casual vacancies and, following the change in government, on roles and responsibilities of office-holders assuming new positions. There was increased interest in the new Parliament on the extent of the Senate's inquiry powers, including a renewed focus on claims made by ministers and others seeking to withhold information sought or required by the Senate and its committees. Legislative disagreements led senators to seek advice about procedures for the consideration of contentious bills, the Senate's powers concerning financial legislation, and constitutional provisions for resolving deadlocks on bills. Increased activity in these areas explains the increase in the number of requests for advice from individual senators, accounting for 76 written advices during 2013-14, about twice the number sought in each of the past 2 years.

Other topics of interest included restrictions on the use of Senate records by royal commissions and other external inquiries, and the (non-) application of parliamentary privilege to overseas evidence. Only a handful of advices were sought during the year on privilege matters, and no such advice was commissioned by the Privileges Committee, which received its first substantive reference for the Parliament in the last sitting week of the year. The Clerk also made a submission to the Finance and Public Administration Committee inquiry into the Omnibus Repeal Day (Autumn 2014) Bill 2014 and appeared before the Legal and Constitutional References Committee on Public Interest Immunity Claims, having been asked by the committee for written advice.

Performance indicators for provision of advice focus on timeliness and accuracy. The office invariably provided advice on time to meet the purposes for which it was sought. Most advice is provided on a confidential basis and any decision whether to release it, and on what basis, is for the recipient to make. On numerous occasions during the year, recipients of advice published it as a contribution to public debate, at the same time subjecting it to public scrutiny. When committees seek the Clerk's advice it is almost always for the purpose of publishing it, to show the basis on which committees may have taken particular decisions or reached particular conclusions. The likelihood of publication ensures that advice is prepared to the highest standards and on the soundest possible basis.

Advice provided by the office was frequently tested during estimates hearings and in other Senate proceedings, with senators seeking and relying on such advice throughout the year. None of that advice was shown to be inaccurate and many retiring senators paid tribute to the quality of support provided.

## Procedural information

The Clerk produced issues of the *Procedural Information Bulletin* after each sitting period and each round of estimates hearings, covering all the major procedural developments and matters of procedural interest which arose, and also produced a newsletter to senators covering procedural information, as well as updates on administrative matters.

The Clerk also brought the 13<sup>th</sup> edition of *Odgers' Australian Senate Practice* up to date to 31 December 2013, by way of a volume of supplementary material, together with a consolidated version published online, dubbed version 13.2.

The Clerk and Deputy Clerk updated and presented sessions on procedural matters at orientation programs for new senators in November 2013, and prepared material for similar programs for senators whose terms commenced on 1 July 2014.

## Committees

The office provides secretariat support to three Senate standing committees. Advice and support met the needs and timeframes of the committees.

### Procedure Committee

The Clerk of the Senate served as secretary to the Procedure Committee, which responds to references from the Senate or the President by evaluating, and recommending improvements to, Senate procedure.

During the year the committee met three times and presented two reports, which among other things made recommendations about: the application of privilege to the publication of links to parts of debates; the removal of residual instances of gender-specific language in the standing orders; and changes sought by the Scrutiny of Bills Committee, arising from an inquiry into its role and direction. The committee also again endorsed the principle of proportionality for the allocation of questions at question time.

The committee continued its consideration of the Senate's routine of business, recommending permanent adoption of long-standing temporary orders modifying the rules for question time; three-tiered time limits for the open-ended adjournment debate; and an extension, with variations, of orders for the consideration of private senators' bills. The consideration of more wide-ranging changes to the Senate's routine was foreshadowed.

## Committee of Privileges

The Deputy Clerk served as secretary to the Committee of Privileges, which protects the integrity of Senate and committee proceedings by considering matters possibly amounting to contempt of the Senate. Those matters, which are a result of concerns raised by other committees or individual senators, are referred to the committee by the Senate. The committee also administers the right-of-reply mechanism for people seeking to respond to adverse comment made about them in the Senate.

The committee met five times in 2013–14 (seven in 2012–13), presented three reports on right-of-reply matters, and commenced an inquiry into a possible contempt matter referred in June 2014 relating to the use of cctv material in Parliament House.

## Committee of Senators' Interests

The Deputy Clerk also served as secretary to the Committee of Senators' Interests and, as Registrar of Senators' Interests, helped senators to fulfil the requirements of Senate resolutions relating to declarations of pecuniary interests and gifts.

In 2013–14, the committee met only once and presented its annual report in March 2014. The secretariat published statements of senators' interests online and prepared volumes of statements and alterations one of which was tabled on 12 December 2013, the other scheduled for July 2014.

## Governance

The Deputy Clerk chaired the Program Managers' Group, provided liaison between that group and the Senate Management Advisory Group, and chaired the Audit and Evaluation Committee. More information on these forums is in the chapter 'Management and accountability'.

The department's management forums continued to manage the notional staffing cap and office-level staffing budgets implemented in response to additional efficiency dividends, which are overseen by the Deputy Clerk and the Usher of the Black Rod.

During the year, the Deputy Clerk also served on an interdepartmental working group implementing the centralisation of Parliamentary ICT, on the Parliamentary ICT Advisory Board (PICTAB), which developed and began oversight of a strategic plan for parliamentary ICT, and on the Web Governance Board.

More broadly, the Clerk liaised with her counterparts in the other parliamentary departments on matters connected to parliamentary administration, including through quarterly meetings of the four department heads.

The department also began revising its policies and processes to meet the requirements of the *Public Governance, Performance and Accountability Act 2013*, which implements a new public sector resource management framework from 1 July 2014. The framework is intended to improve the quality of planning, performance monitoring and evaluation and the transparency and accountability of the Australian Public Service. Officers of the department liaised with officers of the Finance department about the application of the Act to the departments which comprise the parliamentary service.

## Managing public information resources

SPIO has a brief to coordinate the department's information resources and improve our approaches to publishing and sharing information. Its role expanded in 2012 with the transfer of the department's web publishing team and some project staff from the Parliamentary Education Office (PEO).

The office has two broad streams of work. The first involves developing and publishing information resources, which in 2013–14 has included:

- producing, publishing and enhancing content on the parliament's website
- developing a new website for the PEO
- developing an online version of the *Biographical Dictionary of the Australian Senate*
- producing video and web resources for the orientation of senators and their staff
- updating the information series *Brief Guides to Senate Procedure* including the provision of an ebook
- the development of a series of short videos, *Senate Discovery*, highlighting the work of the Senate each sitting fortnight.

The second stream of work involves project management and liaison, which has again focused on projects, undertaken jointly with the Department of the House of Representatives, to redevelop core business systems that:

- produce the procedural documents supporting the work of both Houses
- manage submissions to parliamentary committees and other committee documents
- publish committee reports and web pages.

Elements of these projects were implemented during the year and the department is working with the Department of Parliamentary Services (DPS) to continue their roll out. The completion of these projects is expected to contribute to a number of priorities identified in PICTAB's strategic plan. At the end of the year trials of additional automation in the generation of committee inquiry web pages and publication of committee reports were underway.

During the year the department transferred ICT staff positions and assets and associated funding to DPS as part of the planned centralisation of parliamentary ICT. Effecting this transfer and supporting the new arrangements has required ongoing involvement from the Deputy Clerk and officers of SPIO and the Black Rod's Office.

## Performance outlook

The main output of the office will continue to be advice to senators and others about the powers and procedures of the Senate. The next reporting period commences with the first sittings of a new Senate, including an intake of 12 new senators, which will provide an early focus. The proceedings of the Senate and its committees, reflecting the composition of the new Senate, will no doubt drive the demand for procedural advice, as will the

Procedure Committee's ongoing consideration of the Senate's routine of business. Advice and support for the committees managed by the office will be provided in accordance with their requirements.

We will continue to work with the other parliamentary departments to consolidate the centralisation of ICT and improve the systems which support the core work of the Senate and its committees. It is hoped that an increasingly cooperative approach to ICT projects will reduce the resources currently required to manage shared systems and objectives. SPIO will also undertake a project to ensure that documents presented to the Senate are available online as soon as is practicable on each sitting day.

A focus of our governance work will be the implementation of administrative arrangements in support of the *Public Governance, Performance and Accountability Act 2013*. We will also continue the balancing act of managing a shrinking budget with minimal disruption to the services we provide.