

Clerk's Office

Outputs

Advice on, and support for, proceedings of the Senate and its committees.
 Leadership and strategic direction for the department.
 Secretariat and advisory support to the Procedure and Privileges Committees.
 Procedural information and related resources for senators and the department.

Performance information

Performance results

Advice and support are sound and timely, and provided to the satisfaction of the President, other officeholders, Senate committees and senators so that they are able to fulfil their roles.

Senators and other recipients of advice on powers, privileges and proceedings continued to acknowledge its accuracy and value.
 Advice and support was invariably 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.

Activities under the learning and development framework underpinned the department's advisory and support capacities.

Governance structures advance the department's accountability and the achievement of its outcome.

Governance forums achieved all significant targets for the year, including managing budgeting and staffing targets, in response to elevated demand for committee and legislative support services.
 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 further developed and managed public information resources.
 Intranet sites for senators and staff enhanced dissemination of information.
 Planned progress was achieved in significant parliamentary 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 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.

Odgers' Australian Senate Practice is updated to reflect significant changes in the Senate.

The 14th edition of *Odgers'* was published in February 2017.

The *Procedural Information Bulletin* is produced after each sitting period and other procedural resources are updated and augmented as required.

The *Procedural Information Bulletin* was produced promptly after sitting periods and estimates hearings.
 Procedural and administrative information for senators was published to intranet site, Senate Connect.

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 Senate. The Deputy Clerk supports the Clerk in these roles and, with the Clerk Assistant (Procedure), provides procedural and legislative advice and support to non-executive senators. The Deputy Clerk also has particular corporate governance roles, including as the department's senior representative on the Audit Committee and as chair of the Program Managers' Group.

The Clerk also oversees the Senate Public Information Office (SPIO).

The cost of the office for 2016–17 was \$2.3m, including \$1.2m for SPIO (\$2.2m and \$1.1m, respectively in 2015–16).

Advice and information

The provision of advice, particularly to the President, senators and parliamentary committees, is a core function of the department and has always been a priority for 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

Due to the election, the number of advices written by the Clerk declined in comparison with the previous year, however the number of requests remained within the normal range. Advice requested by committees reflected the slow build up of committee activity in the early days of the 45th Parliament. However, advice to senators remained high and continued to account for the majority of written advice. Matters on which advice was sought included the seizure of a senator's documents under search warrant, and consequent claims of parliamentary privilege; the allocation of 3- and 6-year terms to senators in the new Senate; the reference of questions to the High Court concerning the qualification of senators under section 44 of the Constitution; and the protection of witnesses before Senate committees, among many others.

In addition to these topics, requests for advice on privilege and submissions to parliamentary committees increased. Figure 4 shows the number and kinds of written advices provided, and each kind as a proportion of the total, while Figure 5 shows demand over recent years.

Figure 4 – Types of written advices provided by the Clerk, 2016–17

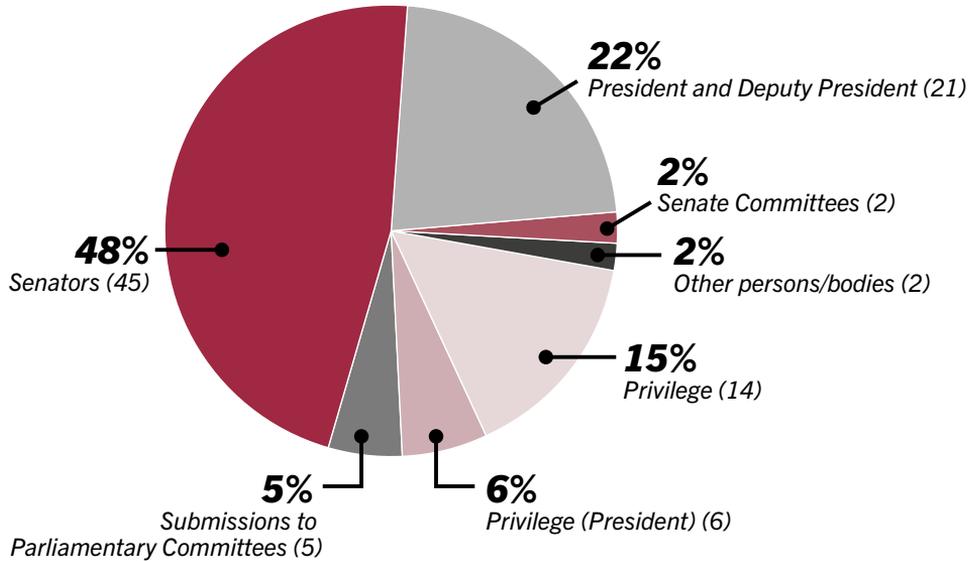
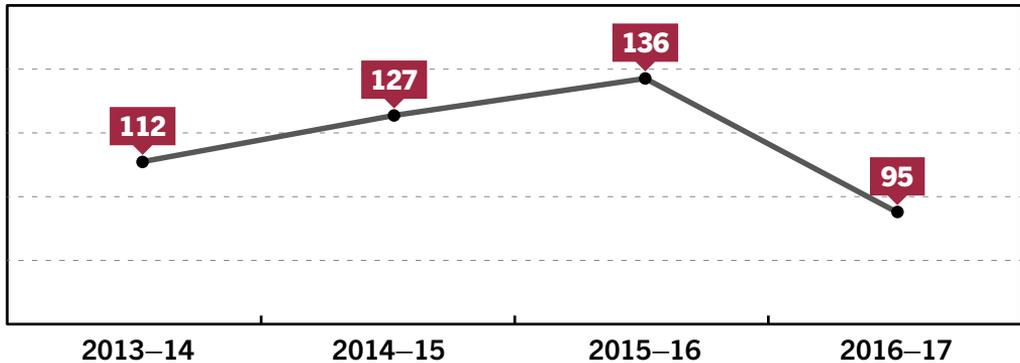


Figure 5 – Number of advices provided by the Clerk’s Office, 2012–13 to 2016–17



Performance indicators for provision of advice focus on timeliness and accuracy. Senators and other recipients of advice continued to acknowledge its accuracy and value, and it was invariably provided in 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. As this advice can inform the actions of senators, the Senate and its committee as well as public debate, all 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.

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. Updates on procedural and administrative matters affecting senators were also published to an intranet site developed for senators and their staff, Senate Connect.

Prior to her retirement as Clerk, Dr Rosemary Laing finalised the 14th edition of *Odgers' Australian Senate Practice*, discussing the practices, procedures and precedents of the Senate to December 2016. It was published in February 2017, both in hard copy and online.

The Clerk and Deputy Clerk prepared and presented sessions in the department's learning and development activities. They also presented at briefing sessions offered in August 2016 to those senators who had been newly elected. Introductory briefings were also offered to three senators selected to fill vacancies in the representation of states arising during the year.

Committees

The office provided secretariat support to three Senate standing committees. Advice and support was acknowledged as meeting the needs and timeframes of the committees and their members.

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 twice and presented one report, its first of 2016. The report revisited discussion on the matter of photographs in the Senate, with the Senate later rescinding long-standing and outdated restrictions. The report also noted the success of the temporary order that allowed debate on ministerial statements, recommending that it become a standing order. It also recommended that standing orders be amended to allow senators to care for infants in the Senate. The Senate adopted both recommendations on 8 November 2016.

Committee of Privileges

The Deputy Clerk served as secretary to the Committee of Privileges, which met 11 times in 2016–17 (six in 2015–16) and presented three reports. The committee protects the integrity of Senate and committee proceedings by considering matters possibly amounting to contempt of the Senate. Those matters, which arise from concerns raised by other committees or individual senators, are referred to the committee by the Senate.

The committee's 163rd and 164th reports related to the same matter – the execution of search warrants by officers of the Australian Federal Police in circumstances where parliamentary privilege may be involved. The Senate accepted the committee's recommendations and the committee is pursuing a related matter with an inquiry into intrusive powers.

The committee also administers the right-of-reply mechanism for people seeking to respond to adverse comment made about them in the Senate. One request was received and reported on during the year, with the Senate adopting the recommendation that the reply be incorporated in *Hansard*.

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. These duties were transferred to the Usher of the Black Rod in a realignment of duties from 30 January 2017.

The secretariat publishes statements of senators' interests online and prepares 6-monthly volumes of statements and alterations for tabling in the Senate. Two such volumes were presented, in October 2016 for the period 30 August to 7 October and February 2017 for the period 8 October to 31 December 2016. The Committee also tabled Report Number One of 2017 during the reporting period.

Governance

The Deputy Clerk chaired the Program Managers' Group, provided liaison between that group and the Senate Management Advisory Group, and was the department's senior representative on its Audit Committee. Following the changes made in the last year to appoint more independent members, the committee amended its charter to require that the committee is chaired by an independent member. More information on these forums is in the chapter 'Management and accountability'.

During the year, the Deputy Clerk and then the Clerk also served on the Parliamentary ICT Advisory Board (PICTAB), which oversees a strategic plan for parliamentary ICT, and on a subsidiary group which provides strategic direction and business information from across the parliamentary service.

More broadly, the Clerk and other senior officers liaised with their counterparts in the other parliamentary departments on matters connected to parliamentary administration. This included the Clerk's attendance at the quarterly meetings of the four department heads.

Managing public information resources

SPIO has a brief to coordinate the department's information resources and improve approaches to publishing and sharing information. The office has two broad streams of work. The first involves developing and publishing information resources, which in 2016–17 included:

- assuming responsibility for the production of the Senate Dynamic Red and the new ParlWork application, the redesigned *Week Ahead* and the *Senate Daily Summary*
- working with the Table Office to redesign some traditional procedural publications, particularly the Senate *Notice Paper*, improving the online versions and allowing the cessation of an external distribution of physical copies to departments and agencies
- working with the Committee Office to develop templates for committee briefing packs, further develop committee web pages and produce accessible, online versions of the large number of committee reports presented to the Senate
- further development of the Senate Connect website, which provides practical and procedural resources for senators and their staff, and the Senate department's intranet, *SENNET*, which provides procedural, administrative and policy materials required by our staff
- producing video, print and web resources for the Parliamentary Education Office, and continuing development of the *Senate Discovery series*
- providing assistance to the ABC's production of *The House*.

The second stream of work involves management of, and liaison on, projects affecting information resources. The continued focus has been on strategic projects undertaken with DPS and DHR to redevelop core parliamentary business systems, including the ParlWork application that went into live production in May this year. This system, which was developed by DPS in collaboration with the House departments, is a web app that organises the mass of online information about parliamentary proceedings around the questions: what is the business before each House today and what is happening now?

The rollout of the committee report builder, a new application to improve the production and publishing of committee reports, continued albeit at a slower pace than expected. Good change management and the continued high volume of committee work particularly, has seen a slower and more cautious roll-out to avoid disrupting the work of the Senate. Nonetheless, the report builder is expected to improve productivity by automating a number of tasks thereby allowing staff to focus on the activities that provide higher value support to the Senate.

Work continued on the development of a system to receive and publish digital copies of tabled documents. There have been meetings across parliamentary departments and government agencies and the Clerk provided advice on the project in a written submission to the Joint Committee on Publications. There are significant improvements to productivity and portability of information to be achieved in this space.

Performance outlook

The next reporting period will cover the second full year of the 45th Parliament, during which the department expects a period of sustained legislative activity, along with a continuation of the very high levels of committee workload which have typified this parliament to date. This activity will no doubt drive the demand for procedural advice during 2017–18. Advice and support for the committees managed by the office will also be provided in accordance with their requirements.

In the area of governance the next year will see the first year of the department's new management team, whose participation in the Program Managers' Group and as the department's representatives on the Audit and Evaluation Committee will bring fresh eyes to how the department complies with the requirements of the *Public Governance, Performance and Accountability Act 2013*.

We will continue to work with the other parliamentary departments to improve the systems which support the core work of the Senate and its committees, and implement the strategic plan for parliamentary ICT. SPIO is currently working with DPS on a number of projects that will enable more efficient publication of Senate and parliamentary information in accessible and innovative ways. Building on the ParlWork application platform and the Senate's established practice of providing live updates on its agenda while sitting through its Dynamic Red, the department is extending this concept to committees' estimates hearings. The online database for browsing and searching Senate estimates questions on notice and their answers is on track for release later this year.

The development of a system to receive and publish digital copies of tabled documents remains a high priority.