

# Procedure Office

## Outputs

Legislative drafting and procedural support to non-executive senators.  
 Support for legislative scrutiny committees.  
 Procedural research services.  
 Parliamentary information for public servants and the community.  
 Parliamentary education for schools.  
 Policy support and funding for inter-parliamentary relations.

### Performance information

### Performance results

Procedural documentation and advice is sound and timely, enabling the instructing senator to fulfil their role.

Senators and their staff continued to acknowledge the accuracy and value of procedural advice including through responses to an evaluation survey.

Legislative amendments and private senators' bills are prepared in accordance with the constitutional authority of the Senate, are legally sound and meet the requirements of instructing senators.

Legislative amendments and bills were accurate, and were prepared within required timeframes and to the satisfaction of senators.

Administrative, procedural, research and report drafting assistance to the Regulations and Ordinances Committee, the Scrutiny of Bills Committee and the Parliamentary Joint Committee on Human Rights is accurate, of a high standard and timely.

Advice and documentation provided to, and publications prepared for, the legislative scrutiny committees were accurate, of a high standard and provided within the timeframes set by the Senate and the committees.

Parliamentary research information is accurate, timely and comprehensive. Seminars, lectures and other parliamentary information projects are provided to increase the awareness of the work and role of the Parliament, in particular the Senate and its committees. Inter-parliamentary functions are supported to the satisfaction of stakeholders.

Accurate and comprehensive parliamentary research was provided within required timeframes. Seminars and lectures were held in accordance with the programmed schedule, and public information projects were delivered in accordance with the required timeframes. Training was provided to the satisfaction of stakeholders, demonstrated by consistently favourable feedback from evaluation processes. Inter-parliamentary functions were carried out to the satisfaction of stakeholders.

Parliamentary education teaching programs delivered to students and teachers visiting Parliament House which improve their understanding of Parliament. Outreach programs and services increase teacher and student knowledge of Parliament. Other PEO projects provide relevant, accessible and accurate print and digital resources to improve understanding of Parliament.

Feedback from teachers using Parliamentary Education Office (PEO) services continued to indicate very high levels of satisfaction with the education program. Teaching programs were consistently conducted in accordance with the booking schedule. PEO role-play programs, website and publications were promptly updated to ensure accuracy and to accommodate electoral and parliamentary events. PEO projects were managed and delivered in accordance with current implementation plans.

## Overview

The Procedure Office is led by the Clerk Assistant (Procedure) and has four functional areas, as shown in figure 8.

**Figure 8 – Elements and responsibilities of the Procedure Office**

<b>Executive and legislative drafting</b>		
<b>Jackie Morris, Clerk Assistant</b>		
Procedural advice, support and training. Drafting of legislative amendments and private senators' bills.		
<b>Procedural support and public information</b>	<b>Parliamentary education</b>	<b>Legislative scrutiny</b>
<b>Toni Matulick, Director, Procedure and Research Section</b> Legislative drafting and procedural advice Publications, seminars, public lectures and exhibitions Parliamentary liaison and research on parliamentary matters	<b>Tim Grainger</b> (July 2017 to April 2018), <b>Angela Casey</b> (April 2018 to June 2018) <b>Director, Parliamentary Education Office</b> Parliamentary education services and resources for schools, teachers and students	<b>Anita Coles, Secretary, Scrutiny of Bills Committee and the Regulations and Ordinances Committee</b> <b>Toni Dawes, Secretary, Parliamentary Joint Committee on Human Rights</b> Secretariat, advisory and administrative support to the committees

The office provides a range of advisory, research and public information services closely aligned with the role and work of the Senate, including legislative drafting services and support for the Parliament's legislative scrutiny committees. The PEO produces educational programs and resources for schools, students, teachers and others. The office also supports the Parliament's international programs.

The demand for procedural and legislative advice and support is substantially driven by the requirements of senators and the Senate. The work of the secretariats of the legislative scrutiny committees is similarly driven by the volume of legislation coming before the Senate and any additional inquiries undertaken by the committees.

The Procedure Office monitors levels of satisfaction with its performance through formal and informal channels such as letters, emails, phone calls, seminar evaluation forms and direct advice from senators and their staff, educators, students, and members of the public. This continuous performance appraisal was supplemented during the reporting period by a survey of senators and their staff to gauge satisfaction with legislative drafting and procedural advice.

The full-time equivalent staffing level for the Procedure Office in 2017–18 was 29.5 (28 in 2016–17). The cost of providing the services of the Procedure Office in 2017–18 was \$5.7m, including \$1.6m for PEO (\$5.5m in 2016–17).

## Procedural support

In 2017–18, the office assisted non-executive senators and their staff by providing advice, both written and oral, relating to the role and work of the Senate and its committees, and the Parliament more generally. There was strong demand for such advice, particularly during sitting periods. Advice was provided on many procedural issues, including the constitutional powers of the Senate, the legislative process, the process for disallowance of delegated legislation, reference of matters to committees and opportunities for debate. The office also provided research support to the Clerk and Deputy Clerk on matters of practice and procedure.

Staff ensured the accuracy of advice by researching appropriate precedents and consulting other departmental officers, particularly the Clerk and the Deputy Clerk. Advice was non-partisan, consistent, and provided to senators and their staff in a timely fashion often within extremely short time frames.

In 2017–18, the office prepared an average of 13 procedural scripts per sitting day for use by senators in the chamber, and a total of 727 scripts for the year. This represented a slight decrease in scripts per day on the previous year when an average of 15 scripts per sitting day were drafted. These scripts assist senators to pursue matters of concern to them through, for example, orders for the production of documents, committee references and the introduction of bills.

The office also checked material for procedural accuracy on request from senators and their staff. The advice provided was accurate and provided in time to enable senators to use this material in the Senate and elsewhere.

## Legislative drafting

In 2017–18, the office provided legislative support to senators by drafting amendments to bills and drafting private senators' bills, primarily for non-government senators.

The office prepared and circulated 30 second reading amendments (a decrease on the previous year, when 43 second reading amendments were circulated). The office also drafted and circulated 177 sets of committee of the whole amendments, comprising 1,011 individual amendments to 61 bills debated in 2017–18. This represented a significant increase on the 667 amendments circulated on 142 sheets in the previous year which included an election period.

A further 129 sets of amendments to 65 different bills were requested and drafted, but not circulated. Reasons that amendment sheets may not be circulated in the chamber include the bill not being listed for debate, the sponsoring senator deciding not to proceed with the amendments, or amendments being drafted to inform negotiations between parties or as an alternative position to circulated amendments.

In accordance with section 53 of the Constitution, three sets of amendments were framed as requests to the House of Representatives. For these requests, the office also produced statements of reasons for their being framed as requests (as required under the Senate's procedures).

Senators continued to use private senators' bills as a means of furthering policy debate and, in some cases, influencing the government to pursue legislative action. In 2017–18, the office received requests for 50 private senators' bills, and 31 private senators' bills were introduced. Five private senators' bills were passed by the Senate during 2017–18 and one, the Marriage Amendment (Definitions and Religious Freedoms) Bill 2017, was subsequently agreed to by the House of Representatives.

Table 1 summarises legislative drafting and procedural services provided to senators over the last four years.

**Table 1 – Legislative drafting and procedural advice services provided to senators, 2014–15 to 2017–18**

Service	2014–15	2015–16	2016–17	2017–18
Committee of the whole amendments circulated	825	1158	667	1011
Second reading amendments circulated	30	22	43	30
Private senators' bills introduced	30	17	21	31
Procedural scripts prepared	626	593	701	727

Feedback from senators and their staff confirmed the quality of the advice provided by the office. In particular, 20 responses were received to an electronic survey seeking feedback regarding the legislative drafting and procedural advice services provided by the office. Survey responses continued to reveal very high levels of overall satisfaction with the timeliness and quality of those services (all respondents considered those services to be either excellent or good). As was the case in 2016–17, a few respondents considered that it would be desirable for additional resources to be available to support the drafting of private senators' bills. In response to this feedback, the duties of several staff have been realigned to increase their focus on procedural and legislative support.

During 2017–18, the Office of Parliamentary Counsel provided legislative drafting training to Procedure Office staff in order to enhance the drafting skills of the office. This training will help the office to respond to the increased demand for these services, particularly as staff consolidate the training through practical application of these skills.

## Support for legislative scrutiny committees

During the year, the Legislative Scrutiny Unit provided secretariat, research and administrative support to the Regulations and Ordinances Committee, the Scrutiny of Bills Committee and the Parliamentary Joint Committee on Human Rights.

The committees examine all bills and instruments according to each committee's terms of reference. The committees report each sitting week on the scrutiny review undertaken and also report annually, outlining their work for each year and highlighting the significant matters they have pursued.

The Regulations and Ordinances Committee secretariat examined 1,838 legislative instruments (1,483 in 2016–17) and drafted 16 *Delegated legislation monitors*, containing comments on 255 legislative instruments, raising matters related to the committee’s scrutiny terms of reference (under Senate standing order 23).

The Scrutiny of Bills Committee secretariat examined 260 bills (254 in 2016–17) and drafted 15 reports, containing comments on 117 bills (115 in 2016–17), raising matters relating to the committee’s scrutiny terms of reference (under Senate standing order 24).

The Parliamentary Joint Committee on Human Rights secretariat examined 266 bills (255 in 2016–17) and drafted 13 reports containing comments on 71 bills (64 in 2016–17), raising matters relating to the committee’s scrutiny terms of reference (contained in the *Human Rights (Parliamentary Scrutiny) Act 2011*). The secretariat also examined 1,697 disallowable and exempt legislative instruments (1,720 in 2016–17) and drafted comments on 62 instruments (44 in 2016–17).

The work of the committees in scrutinising bills and instruments supports parliamentary consideration of legislation in a number of important ways, including:

- influencing the drafting of bills and legislative instruments so that they conform with human rights obligations and good legislative practice
- improving explanatory material
- informing consideration of issues in legislation committee reports
- informing debate in the Senate and the House of Representatives, and
- resulting in amendments to bills and the disallowance of legislative instruments.

## Public information and parliamentary research

The Procedure and Research Section helps raise awareness of the role and work of the Senate by coordinating a range of public information activities and producing publications and exhibitions.

### Seminars, training programs and lectures

During 2017–18, the section coordinated and delivered seminars and professional training programs for senators’ staff, parliamentary staff, public service officers and others, and a series of lectures for the general public.

Eleven seminars were offered to senators’ staff to provide specialised training about the operations and procedures of the Senate and its committees. Staff training seminars were well attended and anecdotal evidence indicates that the subject matter is appropriate and well received.

Twenty-seven seminars on aspects of Senate practice were provided for 575 public service officers. This was the fourth consecutive increase in both seminars and attendees since 2013–14. Staff from across the department contributed to the delivery of the seminar series which successfully met the learning objectives of those participating. Evaluation surveys of participants indicated that 92 per cent considered that their learning objectives had been fully met.

The section arranged seven public lectures during 2017–18 as part of the department’s occasional lecture series on aspects of Australian governance and democracy, attended by approximately 631 people. Lectures are generally live-streamed and are available ‘on demand’ on ParView. There were 379 online views of the lectures in the reporting period. Transcripts of the lectures are made available on the Senate website. The department also convened the annual Harry Evans Lecture, commemorating the service of the longest serving Clerk of the Senate. The lecture was presented by Mr Bret Walker SC on 1 December 2017 with 86 people in attendance, and 110 people viewing online.

The Procedure and Research Section runs the Australian National Internships Program in partnership with the Department of the House of Representatives and the Australian National University. Twenty-six students were placed with senators and members in semester two 2017 and 41 in semester one 2018.

### **Publications, exhibitions and conferences**

The section continued to produce publications and exhibitions with a focus on the work and role of the Senate and its committees and the operations of the Parliament. In particular, two editions of the department’s journal, *Papers on Parliament*, were edited and published during 2017–18.

## **Parliamentary Education Office**

The PEO delivers parliamentary education services to teachers, students and others across Australia through:

- experiential learning programs that enable students and teachers to understand and engage with the work of the Parliament, and
- teaching resources aligned to the Australian civics and citizenship curriculum, including seven websites covering fundamental concepts such as representation, law-making, the separation of powers and responsible government.

Over two million students have expanded their knowledge of the role, function and value of the Australian Parliament through participating in a PEO program.

The PEO is jointly-funded by the Department of the Senate and the Department of the House of Representatives and guided by the PEO Advisory Committee. Co-chaired by the Deputy President of the Senate and the Deputy Speaker of the House, the committee offers advice on the strategic direction of the PEO, and forms an additional conduit between the PEO and parliamentarians. The committee reports to the Presiding Officers and meets twice a year.

## Education programs: on site, digital and outreach

The PEO delivers education programs on-site at Parliament House, in classrooms across Australia through an outreach program, and through video conferencing.

The PEO's immersive learning program at Parliament House is regarded as a highly effective method of parliamentary education. The program continued to run at capacity, with 89,259 students from 1,646 schools across Australia participating in 2017–18. These figures represent a small increase on the 2016–17 student participation rate (88,169 students and 1,621 schools).

The PEO also delivered a number of tailored education programs, including:

- 'Rotary Adventure in Citizenship', a week-long program for 36 Year 11 students from around Australia
- committee and chamber debate role-play sessions for 400 Year 12 students participating in the 2018 National Youth Science Forum, and
- professional development to assist 80 science teachers to incorporate civics and citizenship in their work as part of the Australian Science Teachers Association's STEM X Academy.

In 2017–18, the PEO delivered outreach to 1,037 students in two electorates in Queensland. The PEO also commenced delivering programs to Australian classrooms via video conferencing in 2018. This new platform for program delivery allows the PEO to engage with schools across Australia, particularly those in regional and remote areas. In the first six months of operation, 598 students participated in a video conference program, paving the way for a substantial increase in the reach of the PEO.

## Content: online and print

The PEO's primary website, [www.peo.gov.au](http://www.peo.gov.au), continued to perform strongly. A total of 1,001,776 users (representing 2.47 million unique page views) were recorded over the past year, representing an increase of 4 per cent on 2016–17 traffic. The website and six associated sub-sites provide information about Parliament and curriculum aligned teaching resources for Australian teachers and students.

To better support civics and citizenship teachers, the PEO introduced *Session Notes*, an e-newsletter for teachers. Distributed four times per year, the newsletter provides teachers with information about programs and content available to support their classroom practice. The first edition was sent to 370 subscribers in September 2017 and the number of subscribers has subsequently more than doubled.

The PEO produced and distributed a range of publications during the reporting period, including the *Australian Constitution pocket edition*, produced in partnership with the Australian Government Solicitor; *Get Parliament*, an easy-to-understand booklet that explores Australia's system of governance; and *Role-play the Parliament: a teacher's guide*, a step-by-step guide to conducting immersive parliamentary education in the classroom.

## Services for members and senators

The PEO provides dedicated support to encourage and assist members and senators to engage with schools and students. In 2017 an e-newsletter – *Click* – was introduced to better support member and senator engagement. The newsletter was opened by 73 per cent of recipients, suggesting that it is a valuable resource for members and senators.

Members and senators are offered a complimentary annual allocation of education and information materials for students, teachers and others in their communities. In 2017–18, 123 members and 42 senators requested their allocation, an increase of 27 per cent from 2016–17.

The PEO's customised materials for members and senators continue to be popular. In 2017–18, personalised versions of *Representing you* – a tailored brochure outlining the role of a parliamentarian and the issues in their electorate or state or territory – were created for 20 members and eight senators.

## Inter-parliamentary relations and capacity building

The Australian Parliament's international program focuses on strengthening engagement and cooperation with parliaments internationally, with an emphasis on parliamentary relations with countries in the Asia-Pacific region.

The program's activities and projects in 2017–18 were coordinated by the International and Parliamentary Relations Office (IPRO) and the Parliamentary Skills Centre (PSC), with input from all four parliamentary departments. IPRO manages incoming and outgoing delegation programs, membership of inter-parliamentary organisations, and the international interests and travel of senators and members. The PSC is responsible for all parliamentary strengthening and capacity building programs of the Australian Parliament, including study programs for visiting parliamentarians and staff of other parliaments.

IPRO and PSC are offices administered by the Department of the House of Representatives, and IPRO is funded jointly by the Department of the Senate and the Department of the House of Representatives.

### Parliamentary engagement

During 2017–18, IPRO coordinated 24 official overseas delegation programs, which involved visits to 35 countries; attendance at seven assemblies, conferences, workshops and seminars; and other visits, including Presiding Officer visits. There were three official visits to Australia by parliamentary delegations from other countries as guests of the Australian Parliament, and 32 other visits, including for a range of capacity building activities.

A regional focus was maintained in the visits programs. Of the 35 visits to Australia, 13 were from parliaments in the Asia–Pacific region, including the annual visit by a combined delegation from Association of Southeast Asian Nations (ASEAN) countries. Of the 24 overseas visits, eight were to countries in Asia or Oceania.

The Australian Parliament's participation in MIKTA (Mexico, Indonesia, the Republic of Korea, Turkey and Australia) continued, with the President of the Senate attending the third annual Speakers' Consultation in Istanbul, Turkey, in October 2017.



## **Parliamentary cooperation**

The Australian Parliament maintained its strong commitment to regional and international parliamentary cooperation in 2017–18. Delegations attended Inter-Parliamentary Union assemblies; the United Nations General Assembly; the ASEAN Inter-Parliamentary Assembly; the North Atlantic Treaty Organization (NATO) Parliamentary Assembly; and the Asia Pacific Parliamentary Forum.

In June 2017 the Presiding Officers convened a meeting of all interested senators and members which agreed that the Parliament should apply to reconstitute the Commonwealth of Australia branch of the Commonwealth Parliamentary Association (CPA). The Parliament's branch had withdrawn from the CPA in 2012, owing to concerns over the governance arrangements and financial accountability of the CPA. Noting that progress had been made to address the Parliament's concerns, senators and members in attendance unanimously agreed to apply to reconstitute the branch. The decision to readmit the branch was ratified by the CPA General Assembly, which met in Dhaka, Bangladesh, on 7 November 2017. The branch formally rejoined the CPA with effect from 1 January 2018. Since rejoining the CPA, the branch has met, adopted rules to govern its operations and elected an executive committee.

## **Parliamentary strengthening**

The PSC continued to coordinate activities under the Pacific Parliamentary Partnerships program and the Pacific Women's Parliamentary Partnerships Project (PWPP), which was funded under the Australian Government's Pacific Women Shaping Pacific Development initiative. The major focus of the Pacific Parliamentary Partnerships program during the year was work with the parliaments of Fiji and Samoa.

Support for the Parliament of Fiji was arranged in conjunction with the United Nations Development Programme. It included placements of parliamentary researchers from the Department of Parliamentary Services and the Victorian Parliament to assist with the Fiji Parliament's budget analysis and provide mentoring support for Fiji's parliamentary sittings.

A seminar was held in Apia, Samoa, for members and staff of the Samoan Legislative Assembly on the topics of parliamentary privilege, procedure and ethics. This was conducted with the help of a former Speaker of the House of Representatives, Ms Anna Burke.

The Samoa project concluded in 2017, whereas the Fiji program was extended until January 2020.

During the year, the major activities of the PWPP involved organising the fifth PWPP forum in Honiara, Solomon Islands, and facilitating research scholarships for parliamentary officers from the Autonomous Region of Bougainville (Papua New Guinea), Fiji and Samoa. Feedback on the project and the forum in Honiara was positive. The PWPP concluded at the end of 2017.

Departmental staff and colleagues from all parliamentary departments, with coordination by the PSC, contributed to study programs for visiting members and staff of numerous overseas parliaments including India, Kenya, Myanmar and the Philippines.

Feedback from participants on the study visit programs was consistently positive. In addition, the annual Inter-Parliamentary Study Program was conducted for senior parliamentary staff, with 15 participants from overseas parliaments including Brazil, China, India, Morocco, Nepal and Vietnam. There were also two participants from the Victorian and Northern Territory parliaments, which are in twinning arrangements with two of the Pacific participants: Fiji and Niue.

## Performance outlook

The historically large number of senators on the cross-bench continues to drive increased demand for procedural and legislative drafting support and advice for non-executive senators. In 2017–18, the duties of staff in the Procedure and Research Section were revised to increase focus on providing procedural and legislative drafting support to senators, and staff received specialist training to enhance their capability to provide this support. In 2018–19, these arrangements will be consolidated and additional focus will be put on deepening the procedural knowledge and legislative drafting skills of staff in the section as well as broadening the pool of staff with those skills across the department.

The numbers of bills and legislative instruments examined by the legislative scrutiny committees will remain consistent with previous years. The Legislative Scrutiny Unit also faces challenges in ensuring staff develop the specialist skills required to effectively support the legislative scrutiny committees, which will be met through targeted recruitment processes and the maintenance of structured induction training.

With advance bookings for learning programs at Parliament House likely to remain high, the PEO will continue to operate at capacity and will explore strategies to effectively meet demand while ensuring program quality in 2018–19. In 2019 the renewed PEO website will be launched, along with a redeveloped print resource for teachers. Support for students and teachers who are unable to visit Canberra will be delivered through the expansion of video conferencing and through continued delivery of professional learning programs, and associated content, directed at teachers.

The PEO has been embedded within the Procedure Office since its inception. In 2018–19, a small change to the structure of the department will see the PEO sit alongside – rather than within – the Procedure Office. This change will sharpen focus on the distinct role of the PEO – providing parliamentary education programs and resources to schools, teachers and students. Moreover, it will better reflect that the PEO provides services on behalf of both Houses, not just the Senate. Both offices will continue to be led by the Clerk Assistant (Procedure).

Demand for training and seminar programs, including requests for bespoke programs, continues to increase and this is expected to continue in 2018–19. The office will continue to give priority to providing tailored training to new senators and their staff, but will endeavour to meet requests for tailored programs, particularly from Commonwealth departments and agencies.