

# Clerk's review

This report documents the performance of the Department of the Senate for 2015–16.

As explained in the text of the report, this year is a transitional year in the evolution of the Commonwealth's performance framework and the report bridges the transition by containing elements of the new and old reporting frameworks.

A significant sign of the transition was the launch of the department's new Audit Committee on which 60% of the membership now comprises independent external members. The committee has already demonstrated its value, with the department's governance and internal audit strategies benefitting from additional external perspectives and experience. The financial statements for 2015–16 which are attached to this report include an unmodified opinion from the Australian National Audit Office.

I began last year's review by explaining the implications for the department's performance of the new Senate, which first met on 7 July 2014 with a record number of senators sitting on the cross-benches. At the end of the 2015–16 financial year, that new Senate had been dissolved, the first such dissolution in almost three decades. Preceding the dissolution was another unusual constitutional event, the first prorogation of Parliament since 1977 that was not followed by a general election. During the year, the pressure on Senate committees also continued at record levels as Senate committee inquiries continued to function as a panacea for any problem of policy, governance or administration that required further examination.

Although resources were stretched, the principal performance objectives were achieved to the satisfaction of senators, thanks to the calibre and commitment of the department's greatest asset – its staff.

## The department's budget

Together with the community's reliance on Senate committees to find answers, these unusual events, and the department's response to and support for them, highlight the importance of the department's advisory role in the operation of our system of government. They reinforce the importance of adequate funding to maintain and enhance the capacity of the department and its staff to support the Senate and its committees in the breadth of work senators undertake as representatives of the people of the states and territories.

Last year, I wrote that "if the department's budget is inadequate to support the level of activity that the Senate determines, then the Senate risks being constrained in being able to carry out its constitutional functions, an outcome that is unacceptable". Regrettably, despite the efforts of the President of the Senate and the Appropriations, Staffing and Security Committee, little changed in 2015–16 and the department has an expected shortfall into the future of approximately \$3 million a year as additional efficiency

dividends continue to have a disproportionate effect on a small agency. The department ran a deficit in the 2015–16 financial year but with one-off supplementation of \$3 million for additional committee support for 2016–17, expects to achieve a balanced outcome this year. While supplementation is always welcome, a longer-term solution would be more efficient for planning purposes and a better reflection of the independence of the legislature from the executive government.

The efficiency dividend has long been recognised as a blunt instrument which fails to acknowledge efficiency savings and productivity improvements made by agencies. It is also an ill fit for an agency such as the Senate department whose workload is determined almost exclusively by the Senate, not by the executive government, and whose capacity to support the Senate is inappropriately impeded by policy decisions of the latter. Most mature democracies recognise the value of a legislature that can deliver policy-saving compromise through careful inquiry and judicious amending of legislation, and fund it accordingly, respecting the separation of powers that underlies such systems.

Efforts will no doubt continue in 2016–17 and beyond to address this most unsatisfactory situation.

In the meantime, the story of 2015–16 was more encouraging on other fronts.

## ICT developments and parliamentary information

Centralisation of ICT services in the Department of Parliamentary Services (DPS) continued to mature as responsibility for ongoing maintenance and support of ICT systems was consolidated in DPS, thereby freeing up resources in the Senate department to focus on the production and publication of high quality information.

The election break provided an opportunity to develop and test new applications that will finally allow us to realise more of our vision for streamlining the production of parliamentary information by sharing and easily repurposing procedural resources. In particular, ParlWork, an app developed with DPS and the Department of the House of Representatives, will be launched early in the 45th Parliament and will provide easy access to live chamber business for members of Parliament, their staff and parliamentary officers, regardless of the device used and with much greater agility than was available with earlier information resources.

Also new for the 45th Parliament will be a redeveloped and interactive *Notice Paper*, the official agenda of the Senate, and enhanced versions of the pioneering *Dynamic Red* and *Senate Daily Summary*. The latter will provide improved access to a variety of parliamentary information including notices of motion, bills, committee reports and tabled documents. Changed production arrangements will also increase the exposure of more departmental staff to procedural information at a professional level. The substantial work on all of these developments was able to be achieved during the break between the 44th and 45th Parliaments.

In the same vein, the consolidation of new intranet sites for senators (Senate Connect) and departmental staff (SenNET) launched last year will allow further efficiencies and reduce reliance on hard copy information resources.

## Collaboration

Much of our work relies on effective collaboration with parliamentary colleagues. During 2015–16 improved relationships were evident in the many examples of fruitful partnerships.

ParlWork has been mentioned as one such example. The virtual tours of Parliament House, accessible from the aph website, are another example of a project with a long gestation reaching a successful conclusion during the year. Biennial Inter-Parliamentary Study Programs also involve all of the parliamentary departments contributing content to an intensive two week program for parliamentary officers from a range of countries, but particularly those in our region. The program held in February 2016 included delegates from New Zealand, Japan, Nigeria, Indonesia, Fiji, the European Union, France, the Solomon Islands, Vietnam and the People's Republic of China.

Also held biennially, Parliament House Open Day is coordinated in turn by each of the three larger parliamentary departments. The Senate department coordinated the latest Open Day, held at the end of September 2015, which saw more than 5,000 visitors take the opportunity to look behind the scenes at the inner workings of the national Parliament.

After years of juggling high demand for educational programs provided by the Parliamentary Education Office with limited space in sitting weeks, another successful collaboration between the department and DPS involved the identification and rapid preparation of a second venue for the program, allowing simultaneous classes to be conducted with a much greater degree of certainty than was previously possible. The flexibility of the new space means that it is also readily adaptable for other purposes after hours.

Collaboration with our colleagues in state and territory parliaments and in New Zealand is also an increasingly important element of our work. All of those jurisdictions share membership in the Australia and New Zealand Association of Clerks-at-the-Table (ANZACATT), under whose auspices a tertiary-level course in parliamentary law, practice and procedure, and an annual professional development seminar, are conducted. That organisation has links in turn with similar professional bodies in the United Kingdom, Canada, the United States of America and South Africa, delegates of which often attend the annual professional development seminar in Australia. These initiatives have broadened professional development opportunities for parliamentary officers, resulting in regular interjurisdictional contact and recruitment of staff. As one of the larger jurisdictions, the Senate Department has also been able to offer temporary placements to staff from other parliaments, often during their election breaks or longer recesses. Over the past two years, we have hosted parliamentary staff from Victoria, NSW, the UK and the Northern Territory and will host staff from Western Australia in 2017. Such staff are usually placed with committees where they provide valuable supplementation of existing resources in exchange for the opportunity to apply and broaden their own skills in another environment.

## Election “breaks”

Although the primary focus of our work is on supporting the Senate and its committees, we experienced an unusual sabbatical on the dissolution of the Senate on 9 May 2016 and the consequent cessation of committee business.

Advice continued to be provided on a range of matters, including on parliamentary privilege and senators’ communications, and on the various implications of simultaneous dissolutions and any potential joint sitting of the Houses under section 57 of the Constitution. We undertook the usual end-of-parliament finalisation of records and preparations for a new parliament, including for orientation for new senators and for the opening of the 45th Parliament.

Unusually, however, the simultaneous dissolutions provided a once-in-a-generation opportunity to regroup and address longer term projects of institutional significance. As well as the ICT initiatives already referred to, committee tools such as the report-builder and document templates were tested; electronic record-keeping policies were finalised; many historical records, including photographs, were assessed and conserved; procedural, corporate and administrative guidance was updated and rationalised; research papers and other materials were written; systems were refreshed and modernised; additional training was arranged and new training materials developed; preparatory research for expected new or revived inquiries was done and a new edition of *Odgers’ Australian Senate Practice* was substantially completed for publication early in 2017.

## Conclusion

I thank all my colleagues in the Department of the Senate for their hard work during 2015–16 and their maintenance of consistently high standards of performance and service delivery. I thank them for their good spirits and stamina during periods of outlandish workload and particularly during a very long sitting day on 17–18 March 2016 when the Senate smashed previous records for sitting without breaks. I also thank them for their patience as we continue to navigate towards a new enterprise agreement.

I am grateful to my parliamentary colleagues, the Clerk of the House of Representatives, the Parliamentary Budget Officer and the Secretary of DPS, and their staff, for their cooperation and collegiality in pursuit of our common goal of supporting the Australian Parliament and its component parts. In particular, it has been a pleasure to welcome new DPS Secretary, Rob Stefanic, who has made great progress in restoring confidence in parliamentary administration.

Finally, to the President of the Senate, Senator the Hon. Stephen Parry, and all senators, thank you for your ongoing support.

Rosemary Laing  
Clerk of the Senate