

# 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 Committee, the Committee of Privileges and the Committee of Senators' Interests.  
 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 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.	Recruitment practices, learning and development activities and processes for updating and disseminating procedural resources continued to underpin the department's capacity to provide advice and support.
Governance structures advance the department's accountability and the achievement of its outcome.	Governance forums achieved all significant targets for the year, including managing staffing levels to meet 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.
<i>Odgers' Australian Senate Practice</i> is updated to reflect significant changes in the Senate. The <i>Procedural Information Bulletin</i> is produced after each sitting period and other procedural resources are updated and augmented as required.	An update to the 13th edition of <i>Odgers'</i> was produced in January 2015, and consolidated into a revised online version, 13.4. The <i>Procedural Information Bulletin</i> was produced on time after sitting periods and estimates hearings.

## 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, 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 Committee and the Program Managers' Group.

The cost of the office for 2015–16 was \$2.2 million, including \$1.1 million for SPIO.

## Advice and information

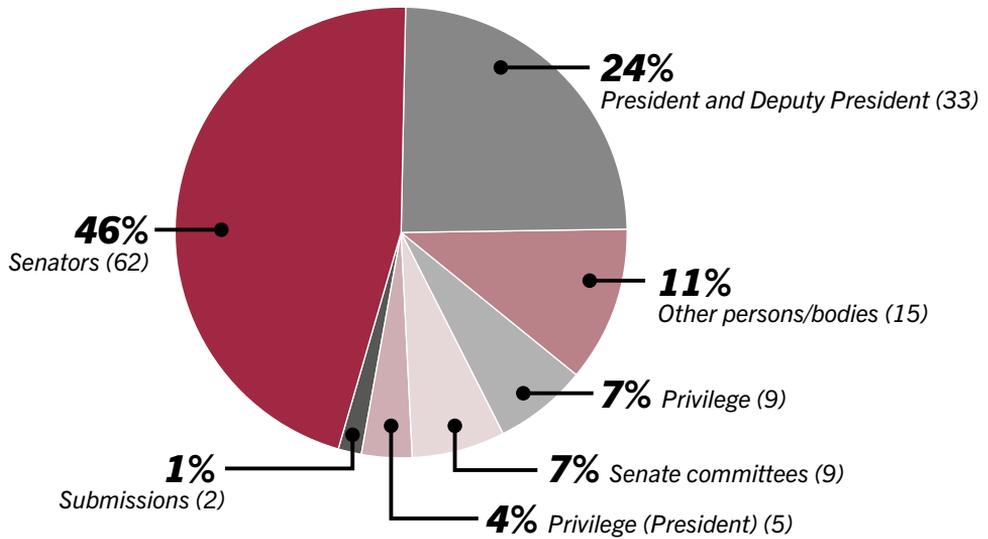
The provision of advice, particularly to the President, senators and parliamentary committees, is a core function of the department and a priority for the Clerk's Office. Much advice is provided orally and instantaneously, particularly in the Senate chamber and to senators who seek advice in person. 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

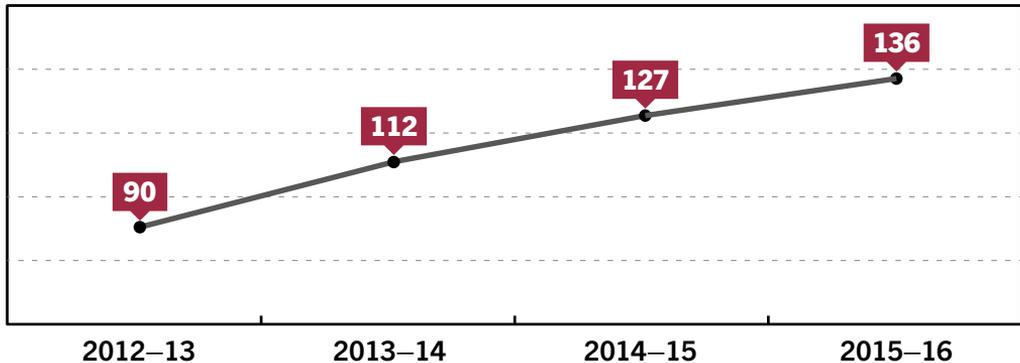
The provision of written advice has been very much to the fore this year, with sections 5 and 57 of the Constitution respectively invoked to divide the 44th Parliament into two sessions – a practice which has lain dormant for four decades – and to dissolve the Senate for the first time since 1987. A spike in requests for advice was evident between March and May of 2016, as those events transpired. Advice here required a literal dusting off of precedents, and their adaptation to the far more prescriptive contemporary Senate standing orders.

Quite apart from these topics, requests for advice throughout the year again reflected elevated levels of committee activity and the impact of the Senate's numerous and politically diverse cross-bench, noted as significant influences on demand last year. A number of committees and individual senators sought advice on privilege matters. The Clerk also provided a submission to a NSW Legislative Council Select Committee about the Council's committee system. Figure 3 shows the number and kinds of written advices provided, and each kind as a proportion of the total, while figure 4 shows the rise in demand over recent years.

**Figure 4 – Types of written advices provided by the Clerk, 2015–16**



**Figure 5 – Number of advices provided by the Clerk’s Office, 2012–13 to 2015–16**



Performance indicators for provision of advice focus on timeliness and accuracy. Senators and other recipients of advice on powers, privileges and proceedings continued to acknowledge its 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. 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. None was found to be wanting, 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, including editions covering the prorogation of the parliament for a new session in April 2016 and the dissolutions of the Houses in May 2016. Updates on procedural and administrative matters affecting senators were also published to the intranet site for senators and their staff, Senate Connect.

The Clerk also brought the 13th edition of *Odgers' Australian Senate Practice* up to date to 31 December 2015, by way of a volume of supplementary material and a consolidated online version, 13.4. At the end of the year preparation of a 14th edition was well-advanced.

The Clerk and Deputy Clerk prepared and presented sessions in the department's learning and development activities. Introductory briefings were also offered to four senators selected to fill vacancies in the representation of states arising during the year. The Clerk also made presentations on parliamentary privilege at external seminars, while the Deputy Clerk presented sessions on privilege and procedure to staff in the other parliamentary departments.

## **Committees**

The office provides secretariat support to three Senate standing committees. During the year, advice and support was acknowledged as meeting the needs and timeframes of the committees and their members.

### **Procedure Committee**

The Clerk 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 third of 2015, endorsing principles about the presentation of ministerial statements to the Senate, and recommending a temporary order to allow their debate, without leave. These recommendations were supported by a background paper prepared by the Clerk and published by the committee. The report also proposed updating standing order 22, establishing the Senate's publications committee, to emphasise the publication of parliamentary documents in digital formats, rather than their printing. These recommendations were adopted by the Senate on 11 November 2015.

## **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 arise from 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, although there were no such requests received during the year.

The committee met six times in 2015–16 (13 in 2014–15), and presented two reports, both dealing with matters involving possible contempts. The committee also assisted the President by investigating the alleged unauthorised disclosure of proceedings of a former joint select committee, concluding that the matter did not warrant further consideration under the relevant Senate resolutions.

## **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.

The secretariat publishes statements of senators' interests online and prepares 6-monthly volumes of statements and alterations for tabling in the Senate. One such volume was presented, in December 2015; the usual June volume could not be presented because of the dissolution of the Senate, but will be tabled in the new Parliament.

## **Governance**

The Deputy Clerk chaired the Program Managers' Group, provided liaison between that group and the Senate Management Advisory Group, and chaired the Audit Committee, which was revitalised during the year by the adoption of a new charter and the addition of additional independent members. More information on these forums is in the chapter 'Management and accountability'. The Deputy Clerk also drafted a new performance reporting framework, reflected in the department's portfolio budget statements tabled in May 2016, as part of the department's transition to new requirements under the PGPA Act and changes in relevant Commonwealth policy.

The Deputy 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 liaised with her counterparts in the other parliamentary departments on matters connected to parliamentary administration, including through quarterly meetings of the four departmental heads and more frequent informal meetings between the two Clerks and the Secretary, DPS.

## Managing public information resources

SPIO has a brief to coordinate the department's information resources and improve our approaches to publishing and sharing information. The office has two broad streams of work. The first involves developing and publishing information resources, which in 2015–16 has included:

- 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 accessible, online versions of the large number of committee reports presented to the Senate
- creation of additional online resources regarding unusual parliamentary proceedings, including the prorogation of Parliament for a second session, and the simultaneous dissolution of the Houses
- producing video, print and web resources for the Parliamentary Education Office, and continuing development of the *Senate Discovery* series.

The second stream of work involves management of, and liaison on, projects affecting information resources. This has continued to focus on strategic projects undertaken with DPS and DHR to redevelop core parliamentary business systems, including the Shared Committee Information Database (SCID), a system developed by the Senate department to manage committee submissions and publish committee reports and web pages. To this end, SCID was transferred to DPS with effect 1 July 2016; part of the continuing move to centralise ICT and integrate core business systems under the auspices of the Parliament's ICT strategic plan.

SPIO has also worked with DPS this year on projects to publish Senate and parliamentary information in accessible and innovative ways. A large focus has been developing and testing ParlWork, a web app that organises the mass of online information about parliamentary proceedings around the question: what is the business before each House today? ParlWork will be available early in the new parliament.

The election period provided an opportunity for committee staff to be more involved in project activities, training and user testing of new processes and tools to streamline the compilation and publication of committee reports in multiple, device-friendly formats. These changes will significantly increase productivity, replacing a labour-intensive publishing process and shortening the turnaround for reports to be available online following their tabling.

## Performance outlook

The next reporting period will cover the opening and first year of the 45th Parliament, and the department is preparing for another period of sustained committee and legislative activity. The Clerk, Deputy Clerk and other officers will present an orientation program for new senators elected on 2 July 2016. Demand for advice and secretariat support will be influenced by the composition of the new Senate, its legislative workload and priorities, and decisions of senators about the workload and priorities for parliamentary committees.

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. Further enhancements to SCID and development of an online database for browsing and searching Senate estimates questions on notice and their answers will progress in 2016–17.

A revamp of some traditional procedural publications – particularly the Senate *Notice Paper* – will occur early in the new parliament, improving the online versions and permitting the cessation of an external distribution of physical copies to departments and agencies. The rollout of ParlWork will assist those seeking to follow the work of the Senate and provide a vehicle to enhance the range of material available.

Over the next two years, with the support of the Senate’s Publications Committee, the department intends to develop a system to receive and publish digital copies of tabled documents. This project is contingent on the support and cooperation of relevant government agencies.