

Opening Statement
Carol Mills, Secretary, Department of Parliamentary Services
Senate Estimates 23 February 2015

Thank you for the opportunity to make an opening statement.

In May last year I placed on record my gratitude for the Government's allocation of an additional \$60 million over forward estimates, plus one-off funds, to enable us to actively pursue our program of reform; to invest in the future instead of being forced to cut services and service quality.

The funds are being used strategically: to improve our planning, services, corporate systems, and people skills.

The Building Condition Audit – the first of its kind in the building's life - is giving us a clear picture of the investment needed to maintain Parliament House for the next decade.

The Conservation Management Plan and Design Principles currently underway will ensure the right balance is achieved between change and heritage conservation.

We have restored vital funding to areas such as the Library.

We are updating all of our corporate systems to improve our efficiency and effectiveness.

Already our financial, recruitment, payroll and HR systems have been upgraded and new policies and procedures are supporting that change. Modules for workforce management, training, project management, procurement and asset management are also being introduced.

New financial delegations and Accountable Authority Instructions came into effect on 1 January and updated procurement guidelines are in preparation.

To make sure we have the right people skills, an active program of training and recruitment is targeting our capability gaps, especially in finance, procurement and contract management.

This body of work will equip the department to be forward-looking and deliver on its five-year reform program.

It goes hand in hand with *cultural* change, including taking a zero-tolerance approach to bullying and harassment.

It was just such a matter that has regrettably had personal and professional reputational consequences for a number of DPS staff over the past nine months, culminating in the *160th Report of the Privileges Committee*, tabled at twenty minutes past midnight on the final sitting day of the 2014 Parliamentary year.

It is appropriate that I reference that report here today, for it was before this committee, last May, that the issue of a possible breach of privilege by DPS was first raised and because a finding in that report has been referred to this committee.

I note the Privileges Committee made no finding of contempt in this matter. However, it found fault with the department in other ways.

In this context, DPS has a number of significant concerns with the report which I would like to put on record.

Firstly, DPS' application of the CCTV Code of Practice. With respect, the report emphasises the Committee's dissatisfaction with the current CCTV policy and in doing so pays insufficient regard to the fact that the department did use the existing policy appropriately as part of a disciplinary matter and that there was no improper interference, or intention to cause improper interference, with a senator or the business of parliament.

Secondly, insufficient consideration of the independent, expert advice of the Australian Government Solicitor. The 160th report rejects key legal

advice from the AGS - the Commonwealth's principal advisor and specialist in constitutional matters, which includes privilege - in favour of advice from the Clerk of the Senate.

Expert further advice from the AGS makes clear, however, that advice from the Clerk of the Senate on which the Privileges Committee relied is mistaken in a large number of areas. Yet the Clerk's advice has had a significant impact on the final report.

Thirdly, a lack of due process and natural justice. The Privileges Committee did not follow its own resolutions in making adverse findings against me. As a result I was denied natural justice. Had their procedures been applied I believe the adverse findings contained in the report would not and could not have been made.

I would like to briefly expand on these concerns.

[break in statement]

Since May last year there has been a perception that the department used CCTV to discipline a staff member for contact with a senator. With respect, this is incorrect and contrary to the evidence.

The actual facts of the case have been well articulated by the AGS based on its analysis. I quote:

- a. No disciplinary action was taken against the employee in question 'on the basis of' CCTV information. The basis of the disciplinary action taken against the employee was that she exercised after-hours access to Parliament House for an improper purpose (to harass a colleague). In our view, whether an employee exercises after-hours access to Parliament for proper purposes has self-evident security implications (within the meaning of the Code of Practice published by the Presiding Officers as part of their control and management of Parliament House)

- b. the CCTV footage was never inspected (let alone 'monitored' as suggested by the Clerk) in order to 'identify persons providing information to senators or members'
- c. the CCTV footage was initially inspected only for the purpose of confirming the employee's entry into, exit from, and movements within Parliament House on the evening in question. At the time of the first inspection, **no issue had arisen as to the employee's attendance at the Senator's office, and CCTV footage recording that attendance was not proposed to be used in the investigation.**
- d. the CCTV footage was inspected on the second occasion following the employee herself having raised, for the first time, the matter of her attendance upon a Senator 'on personal business' on the evening in question....
- e. significantly, in considering the employee's explanation, **DPS staff who carried out the investigation did so on the basis that there was nothing improper in the employee's attendance at the Senator's office** (in accordance with specific advice to that effect from the Secretary).

The facts show that DPS staff involved in this matter behaved in accordance with relevant policies.

The department was cognisant of privilege and officers appropriately applied the CCTV Code of Practice which had been approved by the Parliament House Security Management Board (whose members include executives of the Departments of the Senate and House of Representatives) and the Presiding Officers in mid-2011.

[end of statement]