

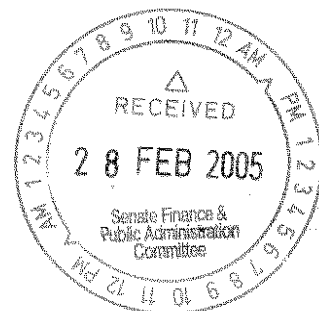


PRESIDENT OF THE SENATE

PARLIAMENT HOUSE
CANBERRA

Senator Brett Mason
Chairman
Finance and Public Administration Committee
The Senate
Parliament House
CANBERRA ACT 2600

25 FEB 2005



Dear Senator Mason

During the estimates hearings for the Department of Parliamentary Services (DPS) on 14 February 2005 Senator Faulkner asked me about draft terms of reference for the proposed Joint Library Committee.

At the hearing, I made clear that I have not seen any draft terms of reference but was aware that there was a rough working document, prepared in the Speaker's office last year in anticipation of the passage of the amendments to the *Parliamentary Service Act 1999* then before the Parliament. That bill lapsed at the end of the 40th Parliament.

The document has no status other than the basis for something which our advisers thought the Speaker and I might have put before the Library Committee for their consideration, once the legislation was through. I attach a copy of the rough working document referred to during the hearings. You will note that this draft document suggests it was to be considered at a Library Committee meeting, but in the event it was not put on the agenda for that meeting.

I also take this opportunity to detail some of the chronology of steps taken in relation to the Parliamentary Library following the report by the then Parliamentary Service Commissioner, Mr Podger, of September 2002 (tabled in the Senate on 23 October 2002).

It is important to note that, whilst the resolutions passed by the two Houses (in the House of Representatives on 14 August 2003 and in the Senate on 18 August 2003) drew substantially on Mr Podger's Report, they were also informed by deliberations of the Library Committee, the Senate Standing Committee on Appropriations and Staffing and by discussions between Senators and Members and the Presiding Officers. Accordingly, the resolutions are in parts different from what Mr Podger recommended.

Following receipt of that Report, the Presiding Officers undertook extensive consultation with party leaders and minor party and Independent Senators and Members. The Report was also circulated widely in the Parliament House community and the Presiding Officers sought responses from all affected individuals.

The Senate Standing Committee on Appropriations and Staffing decided to consider the Report and, with the permission of the Presiding Officers, were given access to all responses the President or the Speaker had received in response to their earlier invitation to all occupants of Parliament House.

The Appropriations and Staffing Committee held seven meetings on the Report from the period 13 November 2002 to 18 June 2003.

At the 18 June 2003 meeting, the President submitted, for the Committee's consideration, a resolution to be put before the Senate. The resolution did not bind any committee member but proposed the abolition of the three joint parliamentary departments then in existence and their replacement with a single 'Department of Parliamentary Services'.

The resolution also went on to support the Presiding Officers in certain endeavours. To assist your Committee I will list each relevant clause, together with a comment about progress to date.

That the independence of the Parliamentary Library be reinforced by strengthening the current terms of reference of the Library committees of both Houses of Parliament

The current Senate Library Committee has only one broad term of reference, provided for in Senate Standing Order 20(2):

The committee may consider any matter relating to the provision of library services to senators.

Similarly, the current House of Representatives Library Committee has one term of reference, provided for in House Standing Order 217(a):

A library committee shall be appointed to consider any matter about the provision of library services to Members referred to it by the House or the Speaker.

The then Speaker and I felt it appropriate to strengthen the Library Committee in two ways. First, by explicitly providing for the Committee in the Parliamentary Service Act and, secondly, once the amendments to the Act are law, setting the committee on a more appropriate footing by establishing it as a Joint Library Committee, rather than the *ad hoc* arrangement now existing where the Senate and House Library committees meet together in informal session.

The new Bill explicitly refers to the Library Committee (Item 3) and provides that the new statutory Parliamentary Librarian shall report to the Library Committee as required but at least once every financial year (Item 8).

That amendments be introduced to the *Parliamentary Service Act 1999* to provide for a statutory position of Parliamentary Librarian within the new joint service department and conferring on the Parliamentary Librarian direct reporting responsibilities to the Presiding Officers and to the Library committees of both Houses of Parliament

The Bill was introduced on 21 June 2004. It provides for the statutory position of Parliamentary Librarian and for that person to have direct reporting responsibilities to the Presiding Officers and to the Library Committee. The Bill goes further to provide that the Parliamentary Librarian must formally report each year, and that report is to be included in the Annual Report of the Department of Parliamentary Services.

That resources and services to be provided to the Parliamentary Library in the new joint service department be specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the Library Committee of both Houses of Parliament

The Bill provides for an annual agreement between the Departmental Secretary and the Parliamentary Librarian on the resources to be provided, and that that agreement must be approved by the Presiding Officers after receiving advice from the Library Committee about the contents of the agreement.

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On 22 March 2004 the Library Committee considered drafting instructions relating to the proposed Parliamentary Librarian.

On 24 March 2004 I made a detailed statement in the Senate on the Parliamentary Library and related matters.

On 3 June 2004 I wrote to all Senate party leaders and minor party and Independent Senators setting out the proposed bill.

On 26 August 2004 I again wrote to Senate party leaders, minor party and Independent Senators reporting on discussions in the Library Committee and the Appropriations and Staffing Committee on the Bill and advising of certain amendments which had been agreed would be moved in the Committee stage to provide that the Parliamentary Librarian and the staff supporting the Librarian may be known as the 'Parliamentary Library' (within DPS) and slightly broadening the mandatory qualifications for a person appointed Parliamentary Librarian.

On 15 February 2005 I wrote to Senate party leaders, minor party and Independent Senators advising my intention to re-introduce the Bill.

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As President, I have neglected neither the letter nor the spirit of the resolution passed by the Senate on 18 August 2003 insofar as the Library is concerned. I have not only acted consistently with that resolution, but indeed have taken additional steps to strengthen the Parliamentary Librarian's position.

I plan to re-introduce the Bill in the same form as it was in the 40th Parliament. If passed, this will cement the role of the Parliamentary Librarian (and the Library) in a way which has not existed since the Library was established in 1901. In particular, the Parliamentary Librarian will have functions and obligations spelt out in legislation, viz:

To provide high quality information, analysis and advice to Senators and Members in support of their parliamentary and representational roles;...

and it will be explicitly provided that the Librarian and his or her supporting staff must perform this function:

- In a timely, impartial and confidential manner;
- Maintaining the highest standards of scholarship and integrity;
- On the basis of equality of access for all Senators, Members, parliamentary committees and staff acting on their behalf; and
- Having regard to the independence of Parliament from the executive government of the Commonwealth.

These principles have developed over the last 104 years to be the guiding credo of the Parliamentary Library, and it is my intention that they now be enshrined in legislation.

I hope that this letter is of assistance to your Committee.

Yours sincerely



(Paul Calvert)