



Australian Parliamentary Service Commissioner

Senator Cory Bernadi
Chair
Senate Standing Committee on Finance and Public Administration
Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator

INQUIRY INTO THE PERFORMANCE OF THE DEPARTMENT OF PARLIAMENTARY SERVICES

I am writing in response to the Committee's invitation to make a submission to its inquiry into the performance of the Department of Parliamentary Services (the Department). I appreciate the extra time to make this submission.

My submission focusses on the following matters in the terms of reference:

- Progress in implementing the recommendations of the Committee's 2012 reports into the performance of the Department, with particular reference to workplace culture (part (a)(i))
- The senior management structure of DPS and arrangements to maintain the independence of the Parliamentary Librarian (Part (b))
- Consideration of whether the distinction between the operations of the parliamentary institution and its direct support services, and the operations and maintenance of the parliamentary estate, is a more effective and useful foundation for future administrative support arrangements, taking into account the need for the Houses to be independent of another and of the executive government (Part (h)).

Role of the Parliamentary Service Commissioner

The Parliamentary Service Commissioner is a statutory office established under section 39 of the *Parliamentary Service Act 1999*. The functions of the office include advising the Presiding Officers on the management policies and practices of the Parliamentary Service and, if requested by the Presiding Officers, to inquire into and report on matters relating to the Parliamentary Service.

The role of the Parliamentary Service Commissioner has, since the passage of the 1999 Act, been undertaken by the same person who holds the office of the Public Service Commissioner under the *Public Service Act 1999*. There are no specific appropriations for the office of the Parliamentary Service Commissioner.

Formation of the Department of Parliamentary Services and the establishment of the office of Parliamentary Librarian

Apart from the limited inquiry I was asked to conduct by the Presiding Officers last year into the case for shared services arrangements in the Parliamentary Service, I have not been approached to inquire into the management of the Department at a systems level, including specifically whether the amalgamation of the former three joint service departments into one department has resulted in more (or less) effective service delivery.

I note that Mr Andrew Podger AO, as then Parliamentary Service Commissioner, in conducting his 2002 inquiry based his recommendations on amalgamation on two fundamental principles:

- *The need to maintain the constitutional and institutional independence of the Senate and the House of Representatives would seem to require that any proposal to rationalise parliamentary departments would leave intact two chamber departments, each reporting independently and exclusively to the relevant Presiding Officer; and*
- *The principle of separation of the powers between the Parliament and the Executive, which finds particular expression in sensitivities about independence of the parliamentary library.*

Mr Podger noted that there was no constitutional reason why parliamentary departments could not be structured in any chosen configuration. He went on to say that the amalgamation of the then three service provision departments need not conflict with either of the principles above and that, in his view, the benefits of doing so far outweighed the risks. He predicted substantial costs savings arising from amalgamation estimated at between \$5 million and \$10 million a year which could be redirected to improve the quality of services to Senators and Members.

Mr Podger recommended that the independence of the Parliamentary Library would be adequately protected by, among other things, the creation of a position of Parliamentary Librarian at a senior level within the new department (amendments to the Parliamentary Service Act in 2005 resulted in the statutory office of Parliamentary Librarian); and the resources of the Librarian to be specified in an annual agreement between the Secretary of the Department and the Parliamentary Librarian approved by the Presiding Officers, following consideration by the Library Committee (also now in legislation).

A follow-up review by Mr Podger's successor as Parliamentary Service Commissioner, Ms Lynelle Briggs, conducted in 2008, found that it was difficult to isolate and measure change that had occurred as a direct result of amalgamation and change that had occurred as a result of management intervention following amalgamation, but that the two together had delivered significant financial savings. The review noted a 2006 Australian National Audit Office finding that the Department had absorbed reductions of \$6 million a year in departmental appropriations with only minor changes to services. In relation to service-delivery, Ms Briggs's review found that a new Project Assessment Committee which included members at senior executive level from the Chamber Departments would assist in meeting the concerns of the Chamber Departments and that improvement in organisational culture and the relationship between the departments would provide a better basis for resolving difficulties over service delivery levels between what were relatively small departments rather than more costly formal models or agreements.

Ms Briggs's review also found that there was no evidence of the independence of the Parliamentary Library having been diminished or that it did not have the resources to undertake its role.

The Department has been in existence for only ten years following decades of numerous reviews of the administration of the Parliament and several proposals for amalgamation of the

parliamentary departments in various ways. It may be sensible to allow the Department more time to embed the changed arrangements and improve service delivery.

Workplace culture

I note that the Department's Annual Report for 2012-13 reports several measures that were put in place to address bullying and harassment in response to an audit conducted by Comcare. In my role as Australian Public Service Commissioner I am aware that workplace bullying and harassment is often better able to be managed in larger work units rather than several smaller ones with entrenched local cultures.

Having said that, I have received no complaints of bullying or harassment in the Department of Parliamentary Services in my role as Australian Parliamentary Service Commissioner and the incidence of calls to the Ethics Advisory Service from employees within the Department is also very low. I have consulted the Parliamentary Service Merit Protection Commissioner who advises that there have been no requests to her office for review of incidences of alleged bullying and harassment in the Department of Parliamentary Services.

Ms Briggs's review called for regular training on the Parliamentary Service Values to staff from all the departments together and targeted at staff at different levels with a view to staff looking beyond their own departmental interest, having a better understanding of respective roles and responsibilities and improving a sense of belonging to a single service with common objectives. This is a sound approach and it would be useful to know how far Ms Briggs's recommendations have been implemented in this respect.

The Department participated in the Australian Public Service (APS) Employee Census for the first time in 2014. This will enable the Department to benchmark its results against the broader APS on a wide range of issues including bullying and harassment, recruitment and retention, values and ethics, performance management and leadership.

Other matters

I have consulted the Parliamentary Service Merit Protection Commissioner who has advised that consistent with Recommendation 9 of the Committee's 2012 inquiry into the performance of the Department, she was asked to establish an Independent Selection Advisory Committee (ISAC) for a Parliamentary Security Service bulk recruitment intake in April 2013. The ISAC completed its work in July 2013.

Yours sincerely

Stephen Sedgwick AO, FIPAA

16 September 2014