

## Inquiry into the operation and management of the Department of Parliamentary Services (DPS): Observations

### Introduction

These observations are based on my experience as a senior executive in the former Department of the Parliamentary Reporting Staff (DPRS, 1991-2004) and the Department of Parliamentary Services (DPS, 2004-2007) and in particular my doctoral research into parliamentary administration in the UK and Australian national parliaments (2015-2020). I also worked as a senior manager in the secretariat for the ACT Legislative Assembly (2007-2014). These are my personal views and not those of the Australian National University where I am currently a visiting fellow.

### Context—establishment of DPS

Administrative changes within Parliament have been subject to long-standing hostility and the 2004 amalgamation of three former service departments, the Department of the Parliamentary Reporting Staff (DPRS), the Department of the Parliamentary Library (DPL) and the Joint House Department (JHD), occurred only after at least 20 attempts over the previous century to change the way Parliament was administered (Adams 2002).<sup>1</sup> Resistance to change was based on arguments which posited the specialised nature of each department and perceived potential threats to their power, status and resources (Reid and Forrest 1989).<sup>2</sup>

The 2002 Review of Aspects of the Administration of the Parliament which precipitated the amalgamation—the Podger Review<sup>3</sup>—was initially intended to focus on the efficiency of the security, management and corporate functions of the three joint departments and was not intended to revive the amalgamation issue. Any potential savings identified by Podger were intended to be directed to improved services for Members and Senators, although the Senate Committee on Appropriations and Staffing in its 2003<sup>4</sup> assessment of the Podger review was sceptical about the extent of proposed savings and noted that:

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<sup>1</sup> Adams, J 2002, *Parliament: master of its own household?* Australian Public Service Commission, Canberra.

<sup>2</sup> Reid, G S & Forrest, M 1989, *Australia's Commonwealth Parliament: 1901-1988 ten perspectives*, Melbourne University, Melbourne.

<sup>3</sup> Podger, A 2002, *Review by the Parliamentary Service Commissioner of aspects of the administration of the Parliament: final report*, Canberra.

<sup>4</sup> Senate Appropriations and Staffing Committee 2003, *Review of aspects of parliamentary administration, 39<sup>th</sup> report*, Canberra.

... the manner in which any amalgamation was managed would determine the extent of savings and ensure that the quality of services provided to the Parliament is maintained. The management of these issues would be in the hands of the Presiding Officers and their departmental heads.

After the amalgamation DPS was left without any high level strategic direction, guidance or monitoring by the two houses, which led to confusion within the new department about what was the principal purpose of the new structure: was it simply to save money or was it to provide to the Parliament the best services possible funded by a level of resources which the Parliament required the government to provide?

Evidence from interviews with former practitioners suggests that early management of the amalgamation, including insufficient attention to the challenges involved in amalgamating disparate functions and the absence of a strong cultural identity in DPS, was the harbinger of performance problems since its creation. Another factor was the 2003-04 decision to impose on DPS a pre-emptive budget cut of \$6 million in anticipation of the predicted savings.

### Services to the Parliament

DPS's annual reports since 2004 provide ongoing evidence from successive Secretaries of the challenges of sustaining existing services to Members and Senators and responding to a rapidly changing external environment with a shrinking budget. It is not clear whether DPS's services actually diminished; reviews by the ANAO (2006)<sup>5</sup> and the then Parliamentary Service Commissioner (2008)<sup>6</sup> were ambiguous about the success of the amalgamation. The ANAO report into managing assets and contracts in Parliament House (2015)<sup>7</sup> concluded that a survey of Members and Senators (albeit with a small response rate) indicated that they were generally satisfied with the operation of Parliament House.

The practical consequences of ongoing squeezing of resources are that staff who feel continually under pressure to achieve high quality outcomes, such as 100 per cent accurate Hansards, 100 per cent available and secure IT systems and 100 per cent reliable and effective building security, often feel threatened and undervalued. This pressure is particularly felt by managers and senior executives

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<sup>5</sup> Australian National Audit Office 2006, *Implementation of the parliamentary resolutions arising from the review by the Parliamentary Service Commissioner of aspects of the administration of Parliament: Department of Parliamentary Services*, Audit Report No. 51 2005-06, Commonwealth of Australia, Canberra.

<sup>6</sup> Parliamentary Service Commissioner 2008, *Annual report 2007-08*, Canberra.

<sup>7</sup> Australian National Audit Office 2015, *Managing assets and contracts at Parliament House: Department of Parliamentary Services*, ANAO Report No. 24 2014-15: Performance Audit, Commonwealth of Australia, Canberra.

who experience constant demands to manage shrinking budgets and to provide services more frugally, both of which are likely to involve unwelcome changes, including to work practices.

An abundance of scrutiny versus critical support: recommendations from previous inquiries

President Ryan's statement to the SFPALC Estimates hearing on 19 October 2020<sup>8</sup> exemplifies some of the challenges that DPS faces:

I wouldn't work in management in this building for a lot of danger money because, can I honestly say, it is hard to manage because of the unique nature of this building ... everyone has to understand the role of parliamentary privilege and even people being seen going into and out of offices can be a matter of confidentiality. It cannot be subject to the same sort of gossip or information or, indeed, transparency as other places to protect the privacy of senators.

But I will also say that I have seen on multiple occasions a different standard applied to the management of this building when it comes to staff exercising grievances via an estimates process, which makes it harder to manage than it should be. Sometimes those cases come to naught. We have had a number of senior managers basically, in my view, drummed out of the building, with a significant impact on their health, over my time in this job. I don't think that we understand how difficult it is to manage a building whereby any employee with a grievance, whether legitimate or not, can run to a senator and have it aired in the public domain. I think we need to keep that in mind.

I suggest that a major improvement could be made to the effectiveness and efficiency of DPS if there were either

1. a joint parliamentary committee with responsibility for overseeing *and assisting* the management of DPS, meeting regularly in both private and public sessions to receive and review reports on strategic and operational outcomes, priorities and planning and, if necessary, raise issues relating to internal management, particularly staffing issues (which should preferably be considered initially in private) ; or
2. a mixed internal/external oversight and assistance body, chaired by the Presiding Officers with representatives of both chambers and with external members selected for their leadership experience, management expertise and demonstrated good judgment.

These proposals are not novel, but with the amalgamation now nearly 17 years old and the same issues of internal management frequently recurring, DPS and the Parliament would benefit from a clear and structured process which supported the department and provided an avenue for staff concerns to be considered in an objective and ordered way which allowed for all relevant

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<sup>8</sup> Senate Finance and Public Administration Committee 2020, *Estimates*, 19 October 2020.

information to be made available, if necessary confidentially if it involved personnel issues which could not appropriately be discussed publicly.

In 2008 the Joint Committee of Public Accounts and Audit<sup>9</sup> recommended a ‘parliamentary commission’ co-chaired by the presiding officers and comprising elected representatives to recommend funding levels for the parliamentary departments. The body envisaged by the JCPAA could readily be expanded to perform the wider role outlined above.

The 2012 SFPALC inquiry into the performance of DPS called for DPS’s ‘funding and administration to be overseen by the Senate Appropriations and Staffing Committee and the House Appropriations and Administration Committee meeting jointly for that purpose, and that the Standing Orders be amended as necessary’ (SFPALC 2012).<sup>10</sup> This recommendation was reiterated in the Committee’s 2015 inquiry.<sup>11</sup> The Standing Orders were amended, but the committees do not seem to meet jointly to discuss DPS funding and administration, nor does the Joint House Committee meet regularly.

The 2015 Baxter report<sup>12</sup> commissioned by the then Presiding Officers pointed to the need for well-planned and consistent communications across the parliament and between Members and Senators and DPS. It recommended, consistent with similar practice in other parliaments, a small advisory board consisting of the Presiding Officers, the two clerks and head of DPS and two external directors. This recommendation was not taken up.

## Summary

DPS suffers from a lack of support through formal, parliament-wide governance mechanisms, exacerbated by a rapid turnover of senior staff and lack of institutional continuity. Strengthening the Parliament’s governance arrangements, as recommended by previous inquiries, could help to rebuild relationships between Members and Senators and DPS; strengthen management capacity; improve DPS’s reputation and standing, internally and externally; and restore or enhance the trust

- i. within the department;
- ii. between DPS and the chamber departments;

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<sup>9</sup> Joint Committee of Public Accounts and Audit 2008, Report 413, *The efficiency dividend: size does matter*, December 2008.

<sup>10</sup> Senate Finance and public Administration Legislation Committee 2012, *The performance of the Department of Parliamentary Services: final report*, 28 November 2012, Commonwealth of Australia, Canberra.

<sup>11</sup> Senate Finance and public Administration Legislation Committee 2015, *Department of Parliamentary Services: final report*, 17 September 2015, Commonwealth of Australia, Canberra.

<sup>12</sup> Baxter, K 2015, *Review of the Department of Parliamentary Services*, Senate Finance and Public Administration Legislation Committee, Additional Estimates 2016-17 (February and March 2017), ‘Answers to Questions on Notice’, no. 111, 13 April 2017.

- iii. between DPS and Members and Senators; and
- iv. between DPS and the wider community

which is necessary for it to operate effectively.

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