



AUSTRALIAN SENATE

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1 February 2011

Senator the Hon John Faulkner
Chair
Joint Select Committee on the Parliamentary Budget Office
Parliament House
Canberra ACT 2600

Dear Senator Faulkner

At the committee hearing this morning, Mr Pyne asked me about "undoing" the amalgamation of the joint parliamentary departments in respect of the Parliamentary Library. I gave the committee a general response and undertook to come back with the detail. Section 54 of the *Parliamentary Service Act 1999* establishes the Department of the Senate and the Department of the House of Representatives and subsection (2) provides that such other departments as are required may be established by resolutions passed by each House of the Parliament. Subsection (4) provides that a department so established may be abolished by resolution.

The Department of Parliamentary Services was established in by resolution in 2003. A copy of the Senate resolution, agreed to on 18 August 2003, is attached.

It would therefore be theoretically possible to abolish the existing joint department and create new departments by resolutions of both Houses. If the Parliamentary Library were recreated as an independent department, amendments to the *Parliamentary Service Act 1999* would also be required to deal with some consequential matters, including the resource agreement between the Librarian and the Secretary of DPS. A Parliamentary Budget Office could also be established as a separate parliamentary department, or in connection with a Parliamentary Library.

Yours sincerely

(Rosemary Laing)

16 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June and 26 June 2003:

- Departmental and agency contracts for 2002-03—Letters of advice—
 - Agriculture, Fisheries and Forestry portfolio—
 - Dairy Adjustment Authority.
 - Department of Agriculture, Fisheries and Forestry.
 - Department of Defence.
 - Prime Minister and Cabinet portfolio—
 - Australian National Audit Office.
 - Australian Public Service Commission.
 - Department of the Prime Minister and Cabinet.
 - Office of National Assessments.
 - Office of the Commonwealth Ombudsman.
 - Office of the Official Secretary to the Governor-General.

17 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

- 14 August 2003—Message No. 28—*Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003* (Act No. 79, 2003).

18 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003

Pursuant to order, Senator Ferguson, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

- Legal and Constitutional Legislation Committee—Australian Protective Service Amendment Bill 2003—Report, dated August 2003, *Hansard* record of proceedings and submissions [5].

Report ordered to be printed on the motion of Senator Ferguson.

Senator Ludwig, by leave, moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator Ludwig in continuation.

19 PARLIAMENTARY DEPARTMENTS—AMALGAMATION

The President, pursuant to notice, moved general business notice of motion no. 525—That—

- (1) In accordance with section 54 of the *Parliamentary Service Act 1999*, the Senate resolves that:
 - (a) the Joint House Department, Department of the Parliamentary Library and Department of the Parliamentary Reporting Staff are abolished with effect from 31 January 2004; and
 - (b) a new joint service department, to be called the 'Department of Parliamentary Services' be established from 1 February 2004 to fulfil all the functions of the former joint departments.
- (2) The Senate supports the Presiding Officers in the following endeavours:

- (a) to reinforce the independence of the Parliamentary Library by strengthening the current role of the Library committees of both Houses of Parliament;
- (b) to bring forward amendments 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;
- (c) to ensure that the resources and services to be provided to the Parliamentary Library in the new joint service department are specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the Library committees of both Houses of Parliament; and
- (d) to consider, after the establishment of the joint service department, that department providing human resources and financial transaction-processing activities for all the Parliamentary departments, subject to such an arrangement being proven to be both cost-effective and efficient.

(3) This resolution be transmitted to the House of Representatives.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

After paragraph (1), insert:

- (1A) Any savings achieved by the amalgamation may be used to offset increases in costs of security measures approved by the Presiding Officers for Parliament House, but if those increases in costs exceed those savings, the appropriations for the Parliamentary departments are to be supplemented for the excess.

Debate ensued.

Senator Brown moved the following amendments to Senator Faulkner's proposed amendment together by leave:

Omit "Any savings achieved by the amalgamation may be used".

Omit ", but if those increases in costs exceed those savings,".

Omit "for the excess".

Debate ensued.

Question—That Senator Brown's amendments to Senator Faulkner's proposed amendment be agreed to—put.

The Senate divided—

AYES, 12

Senators—

Allison (Teller)	Cherry	Lees	Nettle
Bartlett	Greig	Murphy	Ridgeway
Brown	Harradine	Murray	Stott Despoja

NOES, 46

Senators—			
Barnett	Cook	Hogg	McGauran
Bishop	Coonan	Humphries	Moore
Boswell	Crossin	Hutchins	Ray
Brandis	Denman	Johnston	Scullion
Buckland (Teller)	Eggleston	Kemp	Sherry
Calvert	Evans	Kirk	Stephens
Campbell, George	Faulkner	Knowles	Tchen
Carr	Ferguson	Ludwig	Tierney
Chapman	Ferris	Lundy	Webber
Colbeck	Forshaw	Mackay	Wong
Collins	Harris	Marshall	
Conroy	Hill	Mason	

Question negatived.

Question—That the amendment be agreed to—put and passed.

Senator Brown moved the following amendment:

After paragraph (1A), insert:

- (1B) Any redundancies arising from the amalgamation must be of a voluntary nature and that no staff will be forced to take involuntary redundancies as a result of the amalgamation.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 38

Senators—			
Allison	Conroy	Hutchins	Nettle
Bartlett	Cook	Kirk	Ray
Bishop	Crossin	Lees	Ridgeway
Bolkus	Denman	Ludwig	Sherry
Brown	Evans	Lundy	Stephens
Buckland (Teller)	Faulkner	Mackay	Stott Despoja
Campbell, George	Forshaw	Marshall	Webber
Carr	Greig	Moore	Wong
Cherry	Harradine	Murphy	
Collins	Hogg	Murray	

NOES, 23

Senators—			
Barnett	Coonan	Humphries	McGauran
Boswell	Eggleston	Johnston	Santoro
Brandis	Ferguson	Kemp	Scullion
Calvert	Ferris (Teller)	Knowles	Tchen
Chapman	Heffernan	Macdonald, Sandy	Tierney
Colbeck	Hill	Mason	

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 53

Senators—

Barnett	Coonan	Kemp	Ray
Bishop	Crossin	Kirk	Santoro
Bolkus	Denman	Knowles	Scullion
Boswell	Eggleston	Lightfoot	Sherry
Brandis	Evans	Ludwig	Stephens
Buckland	Faulkner	Lundy	Tchen
Calvert	Ferguson	Macdonald, Sandy	Tierney
Campbell, George	Ferris (Teller)	Mackay	Troeth
Carr	Forshaw	Marshall	Watson
Chapman	Hill	Mason	Webber
Colbeck	Hogg	McGauran	Wong
Collins	Humphries	Moore	
Conroy	Hutchins	Patterson	
Cook	Johnston	Payne	

NOES, 11

Senators—

Allison (Teller)	Cherry	Murphy	Ridgeway
Bartlett	Greig	Murray	Stott Despoja
Brown	Lees	Nettle	

Question agreed to.

Statement by leave: Senator Faulkner, by leave, made a statement relating to the divisions.

20 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

Order of the day read for the further consideration of the bills in committee of the whole.

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In the committee

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002—

Consideration resumed of the bill, as amended—*and of the amendments moved by Senator Allison (see entry no. 2).*

Debate resumed.

Question—That the amendments be agreed to—put and negatived.

Senator Lees moved the following amendments together by leave:

No. 1—Schedule 1, item 18, page 17 (line 30), omit “place.”, substitute “place; or”.

No. 2—Schedule 1, item 18, page 17 (after line 30), at the end of section 137A, add:

- (c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.

No. 3—Schedule 1, item 31, page 22 (line 26), after “and”, insert “may”.