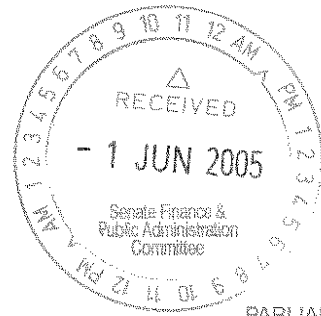




PRESIDENT OF THE SENATE



PARLIAMENT HOUSE
CANBERRA

Mr Alistair Sands
Secretary
Finance and Public Administration Committee
The Senate
Parliament House
CANBERRA ACT 2600

30 MAY 2005

Dear Alistair

During the examination of the estimates for the parliamentary departments by the Finance and Public Administration Legislation Committee on 23 May 2005, Senator Allison asked the President whether it would be possible for the committee to be provided with a copy of the draft terms of reference for a proposed 'Joint Standing Committee on the Parliamentary Library', which were discussed by the joint Library Committee at its last meeting.

A copy of a discussion paper which is still under consideration by the joint Library Committee is attached. This discussion paper includes the draft terms of reference.

Yours sincerely

(Don Morris)
Private Secretary



SENATOR THE HON. PAUL CALVERT
PRESIDENT OF THE SENATE

THE HON. DAVID HAWKER, MP
SPEAKER OF THE HOUSE OF REPRESENTATIVES

DISCUSSION PAPER

PROPOSED JOINT STANDING COMMITTEE ON THE PARLIAMENTARY LIBRARY

TO: Members of the Library committees of the Senate and the House of Representatives

This is a paper prepared by the Presiding Officers for consideration by members of the Library committees. It presumes passage by the House of Representatives of the Parliamentary Service Amendment Bill 2005 as amended in the Senate.

Background

Committee members will be aware that in August 2003 the Senate and the House of Representatives passed a resolution abolishing the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff. In place of these three departments, a new Department of Parliamentary Services was created.

In the same resolution, the Houses also supported the Presiding Officers in various endeavours, including amendments to the Parliamentary Service Act, to provide for a statutory position of Parliamentary Librarian, and for related measures to preserve the role of the Library as a principle source of independent research, information and advice to Senators and Members.

The resolution said, in part:

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

Current ad hoc arrangement

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 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).

In keeping with the wishes of the two Houses, the Presiding Officers propose that a resolution be passed by the House, for transmission to the Senate, which would have the effect of creating a new Joint Standing Committee on the Parliamentary Library. This would replace the current ad hoc arrangement of the two committees meeting 'in conference'.

Role - now

The Library committees currently provide (a) a sounding board for the Presiding Officers in relation to the Library; (b) advice as 'client representatives' and (c) an avenue for other Senators and Members to raise matters relating to the Library.

Role – the future

We see that a new Joint Standing Committee would still fulfil all the above functions, but would also carry out its new responsibilities as provided for under the amended Act, namely

- Provide advice to the Presiding Officers about the annual resource agreement made between the Secretary of the Department of Parliamentary Services and the Parliamentary Librarian;
- To receive advice and reports, including an annual report, directly from the Parliamentary Librarian.

We emphasise that we value the role that the Library committees have played in the past as a useful forum for users of the Parliamentary Library. We do not see that as changing, and the new responsibilities of the Joint Standing Committee would add to that.

We also emphasise that, consistent with the Parliamentary Service Act, the new Joint Standing Committee would retain an advisory, not a decision-making, role. The Committee will continue to provide advice to the Presiding Officers on Library matters.

A possible resolution

A possible resolution is attached.

Next steps

In expectation of the amendments to the Parliamentary Service Act receiving the Royal Assent, the Presiding Officers would welcome comments from Library committee members on this proposal.

Possible resolution establishing a Joint Standing Committee on the Parliamentary Library

- (1) That a Joint Standing Committee on the Parliamentary Library be appointed to consider and report on matters relating to the Parliamentary Library referred to it by either House of Parliament or a Presiding Officer, and specifically:
 - (a) to provide advice to the Presiding Officers on behalf of Senators and Members on matters related to the provision of services by the Parliamentary Library;
 - (b) to provide advice to the Presiding Officers on the annual resource agreement between the Parliamentary Librarian and the Secretary, Department of Parliamentary Services; and
 - (c) to receive advice and reports, including an annual report, directly from the Parliamentary Librarian on the provision of services by the Parliamentary Library.
- (2) That the committee consist of 14 members, the President and the Speaker and, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 3 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 3 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Presiding Officer as its chair.
- (6) That the Presiding Officer not elected as chair of the committee shall act as chair of the committee at any time when the chair is not present at a meeting of the committee.
- (6) That, in the event of an equality of voting, the chair or the acting chair shall have a casting vote.
- (7) That 3 members of the committee (of whom one is the President or the Speaker) constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 member of either House of the Government parties and 1 member of either House of the non-Government parties.
- (8) That the committee have power to send for persons, papers and records.
- (9) That the committee have power to move from place to place.
- (10) That the committee have leave to report from time to time.
- (11) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

March 2005