Digest of Bill

Purpose

To amend the Public Service Act 1922 (the Principal Act) to replace the Departments of the Parliamentary Library, Parliamentary Reporting Staff, and the Joint House Department, with a new Department of Parliamentary Services. The Bill will also create a new office of Secretary to the Department of Parliamentary Services, and make consequential amendments to the Archives Act 1983, Audit Act 1901, and Long Service Leave (Commonwealth Employees) Act 1976.

Background

There are currently five Departments providing services to the Parliament, the Departments of the Senate (with estimated recurrent expenditure of $15.53 million in 1987–88); House of Representatives ($14.77 million); Joint House Department ($22.49 million); Parliamentary Library ($9.13); and Parliamentary Reporting Staff ($7.7 million).¹ The combined expenditure of the Parliamentary Departments is less than that of the smallest executive department.

The existence of separate Departments for the Parliament is based on the principle of the separation of powers between the executive and parliamentary branches of government. By giving parliament sole control of the support services, the chances of the executive attempting to influence those services are greatly reduced. The separate appropriation for each department is also seen by many to be a protection of the services provided.
While the five departments have evolved in the same environment, there are many areas in which procedures differ. Each department has its own support areas, such as finance and personnel areas, and the procedures followed in each differ to some degree. For example, there are no common terms and conditions of employment amongst the departments, with each department employing staff on conditions that differ from each other and the executive departments.

The multiplication of service areas that, relative to the executive departments, serve a very small number of people, has lead to claims that the efficiency of the Parliament could be improved by amalgamating these and possibly other areas. In May 1987, the Presiding Officers announced that they intended to develop the concept of common service areas. Accordingly, a review team was established to examine how resources could be rationalised over the five departments to increase efficiency. In brief, the review concluded that the management service areas of the five departments should be combined. The report was released in November 1987 and no action was taken to implement the recommendations prior to the introduction of this Bill.

While the review team and this legislation are concerned with the same broad subject, i.e. the structure of the Parliamentary service departments, there are fundamental differences between the areas covered. For example, while the review examined the proposed amalgamation of service areas across all departments, this Bill seeks to amalgamate all areas of the three non-chamber departments. While this Bill was introduced in May, the Speaker made it clear in her second reading speech that she would seek 'speedy passage of the Bill early in the Budget sittings'.

Main Provisions

Clause 3 amends section 9 of the Principal Act to replace references to the Departments of the Parliamentary Library, Reporting Staff, and Joint House Department, with references to the new Department of Parliamentary Services. References to the Parliamentary Librarian, Principal Parliamentary Reporter, and Secretary to the Joint House Department, are replaced with references to the office of Secretary to the Department of Parliamentary Services.

Clause 4 amends section 9A of the Principal Act to provide that the President and the Speaker may, after obtaining a report from the Secretary of the Parliamentary Services Department, the Parliamentary Librarian, the Principal Parliamentary Reporter, or the Secretary to the Joint House Department, create or abolish offices in the Department of Parliamentary Services, or raise or lower the classification or designation of an office other than those offices (proposed sub-sections 9A(4) & 9A(6)).
The provisions of section 97 of the Principal Act allow the Governor-General to make regulations under the Principal Act. Clause 9 amends the Principal Act to provide that regulations made under sub-section 97(1) cease to apply to employees of the Parliament on commencement of regulations made under proposed sub-section (86) that are inconsistent with, or make provision for, matters dealt with in the first mentioned regulation (proposed sub-section 97(2)).

Clauses 10 & 11 amend Schedules 2 & 3 of the Principal Act to omit references to former Parliamentary Departments and former offices, and substitutes references to the Department of Parliamentary Services and to the new office.

Clause 12 provides that persons currently holding the positions of Parliamentary Librarian and Principal Parliamentary Reporter continue in those positions. Clause 12 also provides for the transfer of offices from existing Parliamentary Departments to the Department of Parliamentary Services, and for the transfer of present occupants to those offices.

Clause 13 makes consequential amendments to the Acts specified in the Schedule.

Clause 14 is a saving provision providing that a reference in any instrument made under an Act or in any award or other industrial determination to a former Parliamentary Department, former office or any officer or employee of a former Department, shall be read as a reference to the Department of Parliamentary Services, the Secretary to that Department, or an officer or employee of that Department.

References


For further information, if required, contact the Law and Government Group.

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.