

REVIEW OF THE COMMITTEE SUPPORT FUNCTION

REPORT TO THE STANDING COMMITTEE ON ADMINISTRATION AND
PROCEDURE

AUGUST 2021

LETTER OF TRANSMITTAL

Ms Joy Burch
Speaker
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Madam Speaker

Thank you for the opportunity to undertake a review of committee support arrangements for the ACT Legislative Assembly.

My completed report is attached for the attention of the Standing Committee on Administration and Procedure.

Yours sincerely



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Specialist Adviser

17 August 2021

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ABBREVIATIONS AND ACRONYMS

ACT	Australian Capital Territory
ANZACATT	Australian and New Zealand Association of Clerks At The Table
ASO	Administrative Service Officer
ASPG	Australasian Study of Parliament Group
CPA	Commonwealth Parliamentary Association
EMC	Executive Management Committee
FTE	Full Time Equivalent
IT	information technology
Legislative Assembly	Assembly
<i>Minutes</i>	ACT Legislative Assembly, <i>Minutes of Proceedings</i>
MLA	Member of the ACT Legislative Assembly
OLA	Office of the Legislative Assembly
OLA Act	<i>Legislative Assembly (Office of the Legislative Assembly) Act 2012</i>
OLARIS	Office of the Legislative Assembly Records & Information System
PLPP	Parliamentary Law, Practice and Procedure
SES	Senior Executive Service
SO	Standing order
SOG A	Senior Officer Grade A
SOG B	Senior Officer Grade B
SOG C	Senior Officer Grade C

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EXECUTIVE SUMMARY

This review was commissioned by the Standing Committee on Administration and Procedure to examine committee support arrangements in the Office of the Legislative Assembly. The review addressed terms of reference that are reproduced in paragraph 1.22.

The Reviewer sought submissions from and conducted interviews with MLAs, former MLAs, committee staff, former committee staff, other OLA staff and officers of other parliaments. Submissions and written comments were received from, and interviews conducted with, more than 60 people (see Table 1.1). The Reviewer also wrote to ministers and their offices, and to over 50 government and non-government entities. The return rate from this group was minimal, possibly indicating that any concerns with committee support arrangements are essentially internal to the Assembly.

As well as describing the approach to the review and the committee context, chapter 1 includes information about concurrent and previous reviews affecting the OLA, and concludes with data about OLA management structures, committee staff numbers and committee workloads since 2010-11.

Chapter 2 summarises primary evidence received from MLAs and former MLAs in Part 1, and OLA staff, former staff and others in Part 2. A rather grim picture is painted of the state of committee support arrangements.

Chapter 3 examines the recent estimates reports and finds wide variations in secretariat practice.

Chapter 4 looks forward and suggests ways in which committee support performance can improve. It examines data from all Australasian jurisdictions and finds that ACT committee staffing levels are comparatively low. It suggests that the Assembly has outgrown the existing staffing model which effectively consists of one person allocated to support each committee. Suggestions are included for new committee support models and the division of labour to provide more effective support. Suggestions are also made to improve committee practices and invest in training.

Chapter 5 contains the Reviewer's conclusions and suggestions for change. A list of the suggestions follows.

Suggestions

1. Additional resources need to be found from:
 - organisational realignment within the Committee Support office
 - creative use of shadowing arrangements across the OLA

- use of temporary employment registers
 - any unspent appropriations for one-off expenditure
 - seeking additional appropriations for the purpose.
2. It is also suggested that the Clerk consider the possibility of reciprocal shadowing between the Committee Support and Chamber Support offices and also explore the possibility of exchange programs with Commonwealth counterparts.
 3. The Clerk, in consultation with MLAs as necessary, should consider changing the structure within the Committee Support office to create multi-member secretariat teams supporting groups of committees, with staff performing the functions of secretary, assistant secretary or senior researcher, and administrative officer. If this is agreed, then duty statements and selection criteria for those positions need to be re-written and recruitment action taken when resources allow.
 4. In recruiting researchers, either permanently or temporarily, attention needs to be paid to appointing people with subject knowledge and skills in planning, audit, public finance and legislative analysis to support committee work.
 5. Secretariat groupings could be based on committees as follows:
 - Planning and Environment Group (comprising Planning Transport and City Services and Environment, Climate Change and Biodiversity)
 - Finance and Economics Group (comprising Public Accounts Committee and Economy and Gender and Economic Equity)
 - Legal and Community Services Group (comprising Justice and Community Safety, Education and Community Inclusion, and Health and Community Wellbeing).
 6. The Clerk should consider changes to office accommodation that enhance the goal of keeping secretariat teams together and making greater use of open plan space to facilitate better collaboration.
 7. The Senior Director, Committee Support should report directly to the Clerk and should also be a member of EMC where strategic and governance decisions affecting the OLA are taken.
 8. The Planning, Transport and City Services Committee should consider its requirement for technical assistance and, if it agrees that a specialist adviser is the answer, develop a brief for negotiation with the Speaker for a possible appointment on a trial basis.
 9. It is suggested that the Assembly and the OLA adopt the concept of a statement of expectations, whether it is focused on what is expected of OLA staff or whether it is based on mutual expectations, as the current *Guide for Members of Assembly Committees* implies. If the concept of a statement of expectations is adopted, the Chairs Committee might oversee the development of such an instrument, with the OLA providing a draft for its consideration.
 10. When the Administration and Procedure Committee is reviewing the standing referral of bills, it may wish to consider the observation about the usual non-availability of legislative scrutiny comments to committees considering whether to undertake policy inquiries into bills and consider possible mechanisms to overcome this.

11. It is suggested that the Clerk advise each committee at the beginning of each financial year on the notional administrative budget assigned to it and provide briefing on the purposes to which it can be applied.
12. With support from the Administration and Procedure Committee or the Chairs Committee, the OLA could explore the feasibility of compiling self-service training resources for committee members and chairs, along the lines described in paragraph 2.16. The Clerk should also draw MLAs' attention to the new CPA Training Academy and offer briefing on how participation in such programs might be funded. For privilege issues arising in committees, the Clerk should consider how advice on such matters can best be provided to MLAs.
13. As a matter of urgency, steps should be taken to finalise the committee support manual and to mandate a style guide. Steps should also be taken to develop and mandate templates for as many identified purposes as possible, and to develop guidance for administrative officers in their new support roles (if agreed to). There must be a focus on providing committee members with the papers they need for any meeting or hearing by the most efficient means and in a structure that facilitates fast and consistent access to individual items.
14. In light of these developments and the potential adoption of a statement of expectations, the Guide for *Members of Assembly Committees* should be updated, and promulgated in useable formats, and resources for MLAs' staff should also be considered. Annotated checklists for chairs, including procedural scripts, should also be considered. Finally, even though it has been recently updated, the guide for witnesses and making submissions should be rechecked for procedural consistency and plain English. Practice manuals should also recognise the role of public affairs staff in effective promotion of committee activities.
15. Record keeping should be considered a priority for the office and should become a key focus of the new administrative officer positions, with appropriate training and policy guidance from OLA records management staff.
16. With a differently structured committee office, the OLA should consider developing more home-grown parliamentary training and on-the-job support in the form of workshops on various aspects of committee support. It is also suggested that the Clerk discuss with Commonwealth counterparts the possible participation of OLA staff in their respective training programs where it would be of relevance. In return, the Clerk or other senior staff could reciprocate by providing a view from a unicameral parliament and ACT committee case studies.
17. Induction programs for new starters should be checked to ensure they included ongoing support for a period of time, possibly including a buddy system, pairing up new starters with OLA staff from other areas.
18. Performance agreements should be updated at least annually, and appraisals should happen more than once a year. Better performance management must be accompanied by effective training in teambuilding and good communications. Performance appraisal should be underpinned by better individual and team-based work reporting practices. Senior managers must foster an inclusive approach to all staff, using both formal and informal means.

Moreover, the performance framework should recognise the Clerk as the pre-eminent source of procedural advice.

ACKNOWLEDGEMENTS

The Reviewer thanks everyone who provided submissions or written comments, or who agreed to be interviewed. The candour and frankness of input to the review was refreshing and provided the Reviewer with a great deal of information and opinion about the state of committee support in the Assembly. Any errors or misunderstandings in interpreting this and other secondary material are the Reviewer's alone.

1 INTRODUCTION

OVERVIEW AND CONTEXT

- 1.2 The citizens of the Australian Capital Territory elect a Legislative Assembly to make laws for the peace, order and good government of the territory in accordance with the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth). The current Assembly is the tenth such Assembly, elected in October 2020. Since its establishment in 1989, the size of the Assembly has grown and now comprises 25 members representing five constituencies.
- 1.3 The Assembly has the power to make its own operating rules, known as standing orders and resolutions addressing specified matters. The staff of the Assembly is led by the Clerk, a statutory officer engaged under the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*. The Clerk employs support staff. None of them is subject to the direction of the executive government, although the employment framework for staff is otherwise provided by the *Public Sector Management Act 1994*, as with all ACT government employees.
- 1.4 The Assembly elects a Chief Minister who has appointed eight ministerial colleagues, responsible for the range of executive functions carried out on behalf of the territory. Of the remaining members, most participate in committees, either as committee members, appointed to specific committees by the Assembly, or otherwise permitted by the standing orders to attend hearings and question witnesses (with the unanimous consent of members).
- 1.5 As with any legislative body, committees are a vital part of the Assembly's operations. In its first three decades, the Assembly tried several different arrangements for the number, type, composition and focus of its committees. The early history of these is described in Chapter 16 of the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory* (2009), while the latest history is incorporated into a report of the Standing Committee on Administration and Procedure, entitled *Inquiry into Possible Structures of the Committee System for the 10th Legislative Assembly for the Australian Capital Territory*, tabled on 20 August 2020 (hereinafter referred to as the *Committees for the 10th Assembly Report* of the Administration and Procedure Committee). Because of that committee's pivotal and fundamental roles, it is the only investigative committee established by the standing orders (SO 16). Otherwise, the Assembly may establish either standing or select committees.

TYPES AND FUNCTIONS OF COMMITTEES

- 1.6 Standing committees are established for the life of an Assembly. They “stand ready” to inquire into matters referred to them by the Assembly, or on their own initiative, and to report their findings to the Assembly from time to time. Each standing committee covers general subject areas which define its scope of reference. These subject areas are determined by resolutions of the Assembly.
- 1.7 Select committees are established for a particular purpose, also by resolution of the Assembly which must set a date for the committee to report. Once a select committee inquiry is complete, indicated by the presentation of a report to the Assembly (or, in unusual cases, by the presentation of a statement that the committee is unable to report for whatever reason), the committee ceases to exist. Standing orders enjoin standing committees not to inquire into any matters that have been referred to select committees. Any disputes are adjudicated by the Assembly, reflecting the fact that committees are subordinate bodies of the plenary Assembly.
- 1.8 Some functions of Assembly committees are determined by ACT statutes:
- The *Human Rights Act 2004* (s.38(1)) requires the relevant committee to assess human rights issues raised in bills and report to the Assembly.
 - The *Planning and Development Act 2017* (s.73(2)) requires the Minister, within a specified timeframe, to refer draft Territory Plan variations to an appropriate committee with a request for the committee to decide whether it will prepare a report on the draft variation.
 - The *Auditor-General Act 1996* gives the Public Accounts Committee certain duties under Part V, relating to strategic reviews of the Auditor-General (the committee’s duty to examine all tabled Auditor-General’s reports having been established by its resolution of appointment).
 - The *Integrity Commission Act 2018* requires the relevant committee to be consulted on the appointment or suspension of the Integrity Commissioner or Integrity Inspector, and to receive confidential reports from the Commission.
 - The *Legislation Act 2001* (s.228) requires all ministers to consult with committees about proposed appointments to statutory positions on certain boards and advisory bodies. Deadlines affect when appointments may be made.

Other functions are determined in the resolutions of appointment or additional resolutions of the Assembly.

COMMITTEES OF THE 10TH ASSEMBLY

- 1.9 The number and types of committees established in the current Assembly was informed by the *Committees for the 10th Assembly Report*, referred to above. That report drew on recommendations made in a previous report of the Administration and Procedure Committee, reviewing the application of Latimer House Principles, including to the operation of the Assembly and its committees, a review incorporating external expertise: *Inquiry into the Review of the Performance of the Three Branches of Government in the Australian Capital Territory against Latimer House Principles – 9th Assembly*, tabled on 20 February 2020.
- 1.10 The *Committees for the 10th Assembly Report* drew on Latimer House principles to inform its recommendations. They included:
- proposed standing committees covering:
 - health
 - education
 - legal affairs (incorporating scrutiny of bills and delegated legislation)
 - planning and environment
 - public accounts
 - community services and economic development
 - the Integrity Commission
 - referral of all bills to the relevant standing committee with a mechanism for the committee to decline the task (plus a requirement for a research officer to assist each committee assigned bills)
 - proposed parameters, notably members serving on a maximum of two committees, no more than 8 standing committees (including Administration and Procedure), a presumption favouring standing over select committees, and a general rule of only one select committee at a time
 - referral of the 2020-21 Budget to standing committees as a trial (rather than to a select committee)
 - circumscription of the role of the Public Accounts Committee to reporting on reports of the Auditor-General and, if the Budget is referred to standing committees, to providing an analysis of the overall budget position of the territory as part of the estimates process, together with facilitating a more systematic approach to highlighting outstanding Audit recommendations
 - non-pursuit of subcommittees as part of the practices of the Assembly committee system.
- 1.11 There were also observations on the number of members appointed to committees and the allocation of chairs. Standing orders provide that the maximum number of members of standing committees is five and that membership must reflect the composition of the Assembly as nearly as practicable (SOs 220 and 221). Committee chairs and deputy chairs are

elected by their committees, although convention determines that these offices also reflect the range of political parties represented in the Assembly (SO 225).

1.12 The following standing committees were established on 2 December 2020 at the beginning of the 10th Assembly, in addition to the Administration and Procedure Committee (*Minutes*, pp. 17-22):

- Planning, Transport and City Services (incorporating duties under the *Planning and Development Act 2017*)
- Environment, Climate Change and Biodiversity
- Economy and Gender and Economic Equality
- Education and Community Inclusion
- Justice and Community Safety (incorporating legislative scrutiny pursuant to the establishing resolution and under the *Human Rights Act 2004*, and duties under the *Integrity Commission Act 2018*)
- Public Accounts (incorporating functions pursuant to the establishing resolution and duties under the *Auditor-General Act 1996*)
- Health and Community Wellbeing.

1.13 The establishing resolution also provided for the referral to each standing committee of annual reports, the main appropriation bills and revenue estimates, and all bills presented to the Assembly. In respect of analysis of the budget, the resolution directed that the Assembly provide funds to the Public Accounts Committee to engage external expertise for that purpose. The Speaker (as Chair) and the Government, Opposition and ACT Greens whips comprised the Administration and Procedure Committee while membership of the other standing committees was set at three, one member to be nominated by each of the whips, and the chairs agreed by committee members.

1.14 Debate on the resolution referred to negotiations that had led to its final form, particularly to the suite of standing committees that were established. Except for the number, names and coverage of the committees, the resolution largely followed the form recommended by the *Committees for the 10th Assembly Report*, although the provision referring all bills to standing committees applied a shorter reporting timeframe of two rather than six months. This was the only real point of contention and was the subject of an unsuccessful amendment. Importantly, there was no reference in the resolution to the recommendation in the *Committees for the 10th Assembly Report* for a research officer to assist each committee assigned bills, only to the standard formula in paragraph (13) for provision to committees of “necessary staff, facilities and resources.”

1.15 The resolution was subsequently amended. On 11 February 2021, the global reporting date in paragraph (2) for reports on annual and financial reports was amended from “31 March” to “9 April,” presumably to facilitate a post-election timing coincidence and allow reports on annual and financial reports and examination of estimates to be covered in the same inquiry process

should committees decide to do so (*Minutes*, p. 72). On 30 March, paragraph (5) of the resolution providing for the referral of bills was replaced with a more nuanced version, but still maintaining the shorter timeframe (*Minutes*, p. 89). Later, on 22 April 2021, the responsibilities of two committees were adjusted (*Minutes*, p. 136).

- 1.16 With the addition of a select committee, established on 11 February 2021 (the Select Committee on the Drugs of Dependence (Personal Use) Amendment Bill 2021), the committees listed above are the committees being supported by the Office of the Legislative Assembly in the 10th Assembly. Their support arrangements are the subject of this review.
- 1.17 The full terms of the establishing resolution, as amended, are included as Appendix A.

ESTABLISHMENT OF THIS REVIEW

- 1.18 Committee arrangements have been the subject of regular reviews by the Administration and Procedure Committee, the latest review contained in the *Committees for the 10th Assembly Report*. The current coalition government of the territory between the Australian Labor Party and the ACT Greens is based on a coalition agreement that refers, in part, to an agreed administrative reform to:

Review secretariat support for Assembly Committees to ensure that each committee has the support necessary to conduct its work, especially for complex inquiries. (*The Parliamentary and Governing Agreement for the 10th Legislative Assembly for the ACT*, Legislative, Executive and Administrative Reforms, Appendix 2, #7)

- 1.19 Moreover, the tri-partisan Public Accounts Committee made recommendations in its report, *Annual and Financial Reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*, for additional staffing and support for Assembly committees (Recommendations 24 and 25). In her response, Madam Speaker noted both the recommendations (and the apparent absence of evidence for them in the committee's report) and indicated that the Administration and Procedure Committee had recently considered the need for a review of committee support arrangements, resolving to conduct such a review. The Reviewer was engaged by Madam Speaker as a specialist adviser on 20 April 2021, to undertake the review and prepare a report for the Administration and Procedure Committee by the end of August 2021.
- 1.20 Consequently, Madam Speaker made a statement to the Assembly on 22 April 2021, pursuant to SO 246A, informing it of the Administration and Procedure Committee's new inquiry and the appointment of the Reviewer as a specialist adviser. She noted that the committee "considers that an effective committee support function requires consistency, collaboration, flexibility, and the capacity to meet the needs of the Assembly under various circumstances."

- 1.21 Madam Speaker also acknowledged “the statutory independence and authority of the Clerk of the Legislative Assembly in relation to the management of, and staffing decisions relating to, the Office of the Legislative Assembly,” observing that the Clerk is the pre-eminent source of procedural advice and support for all Assembly committees. It is only by implied delegation of the Clerk’s statutory and parliamentary authority that committee secretaries can carry out their functions. There is no other source of authority. Finally, Madam Speaker acknowledged existing processes to assess work value within the OLA and reassured the Assembly that the review would not “prevent the Clerk from exercising his management powers in connection with such processes.”
- 1.22 The full text of Madam Speaker’s statement is at Appendix B.

TERMS OF REFERENCE

- 1.23 Against a preamble noting the matters referred to in paragraph 1.21 above, the terms of reference for the review are to assess and report on:
1. the adequacy of the Office’s current arrangements for supporting Assembly committees to undertake committee inquiries (including complex inquiries) and perform their core legislative, representative, scrutiny and community participation functions;
 2. options or proposals relating to any additional steps that might be taken, training or resources applied, to optimise the Office’s capacity to provide a committee support function that meets the need of Assembly committees and their members flexibly and collaboratively over the short and longer terms and under a variety of circumstances; and
 3. any other matter that the Reviewer considers is relevant.
- 1.24 The Administration and Procedure Committee envisaged that the Reviewer would invite submissions from current and former MLAs, managers and staff of the OLA, former committee staff and users of the Assembly committee system.

METHODOLOGY AND STAKEHOLDER ENGAGEMENT

- 1.25 As an inquiry being undertaken by the Administration and Procedure Committee, the review was publicised using the usual publicity mechanisms for inquiries seeking submissions, including on the Assembly’s website and through the OLA’s social media channels. The Clerk circulated the terms of reference to all building occupants, as well as to former MLAs and former committee staff members. The Clerk sought permission to pass contact details to the Reviewer should any individuals from these two latter groups be interested in contributing to the review. Several agreed to be contacted.
- 1.26 All submissions were received on a confidential basis with undertakings given that they would not be made available to any other person. Written comments were received on the same basis and all interviews were similarly conducted on the basis of confidentiality. Submissions

addressed the terms of reference. Persons interviewed were asked a series of questions addressing aspects of the terms of reference, according to the group they were representative of. Participants were informed that the report to the Administration and Procedure Committee may contain generalised references to information provided, including attributions to categories of participants, such as committee members, committee staff, former staff and the like.

- 1.27 The Reviewer wrote to all MLAs and followed up with telephone calls to all non-executive MLAs to seek personal interviews. Interviews were sought with all committee secretaries and, subsequently, with all other committee support staff. Other OLA staff, including managers and staff from all areas of the Office also agreed to be interviewed. Parliamentary staff from other jurisdictions were also interviewed.
- 1.28 In seeking input from those on the other side of the witness table, the Reviewer wrote to ministers and their offices, and to over 50 government and non-government entities, including the ACT Head of Service, professional and industry bodies, consumer groups, social and community services and unions. **The return rate from this group was minimal, possibly indicating that any concerns with committee support arrangements are essentially internal to the Assembly.** One minister who did respond suggested that the range of stakeholders being consulted by the Reviewer would provide a clear insight into the issues that should be addressed. This proved to be the case.
- 1.29 From these approaches, input was received as follows:
 - seven individuals or organisations provided submissions
 - seven individuals provided written comments, mostly in addition to interviews
 - the Reviewer interviewed 56 people, mostly in person but a few by telephone, and some on more than one occasion.

Table 1.1: Input to the review - sources

Category	Number
MLA	18
Former MLA	4
OLA staff - committees	12
OLA staff - other	14
Former OLA staff - committees	9
Others*	5
Total	62

* “Others” includes any participant not included in the five listed categories but essentially includes officers from other parliaments and one staff representative body.

1.30 Interviews and written submissions and comments comprised the primary data on which this report was based, together with examples of recent Assembly committee reports.

1.31 Secondary sources included:

- other relevant committee reports and evidence, Assembly Hansards
- procedural resources for the Assembly, including chamber proformas, *A Guide for Members of Assembly Committees*, the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*
- previous organisational reviews of the OLA
- various OLA policies and practices, and other HR documentation
- annual reports of the OLA and other parliamentary jurisdictions,
- information on the Assembly website
- ACT statutes
- procedural resources from other parliamentary jurisdictions, including databases of parliamentary information
- parliamentary studies journals and collections.

- 1.32 The Reviewer did not apply any preconceived theoretical framework to the review. With some reference to relevant secondary sources, the findings of the review are based on primary data, interpreted against the Reviewer's knowledge and experience as a parliamentary officer.

CONCURRENT REVIEWS

- 1.33 Early in the process, the Reviewer became aware that a major cause of concern amongst committee staff was a proposal to reclassify two committee secretary positions from the Senior Officer Grade B level to the lower Senior Officer Grade C level, the classification level of most of the committee secretary positions. The proposal emanated from the OLA's Executive Management Committee which had concluded that the higher-level positions were no longer warranted in view of the normalising of a standard model of committee support involving one secretary supporting one committee. Differentiating additional duties that once separated senior secretaries from secretaries were no longer being carried out. Under the Senior Officer Grade A Senior Director (also referred to as the committee manager), all support staff other than secretaries served the office in common. Following this conclusion by ECM, consultations were initiated in accordance with the OLA Enterprise Agreement. In due course, Mercer, a firm of human resource specialists, was engaged to conduct a work value review. The report was provided to the OLA in winter 2021.
- 1.34 As indicated in Madam Speaker's statement to the Assembly pursuant to SO 246A, this was the "existing process" to assess work value within the OLA and was therefore not a matter for the Reviewer to engage with. While the Reviewer is generally aware of the outcome of the work value assessment, it did not contribute significantly to the observations about committee support arrangements which are the subject of this report. The Reviewer acknowledges the disruptive impact of the classification review on committee staff but notes that its implementation is a matter for the Clerk.

PREVIOUS ORGANISATIONAL REVIEWS OF THE OLA

- 1.35 Two organisational reviews were conducted for the Clerk by HBA Consulting with reports being presented in October 2012 and June 2015.
- 1.36 The 2012 Review was undertaken following the passage of *the Legislative Assembly (Office of the Legislative Assembly) Act 2012* which, among other things, codified in s. 6 the functions to be performed by the OLA in support of the Assembly. These included:
- advising MLAs on parliamentary procedure and practice and the functions of the Assembly and its committees
 - reporting proceedings of the Assembly and its committees
 - maintaining an official record of the Assembly

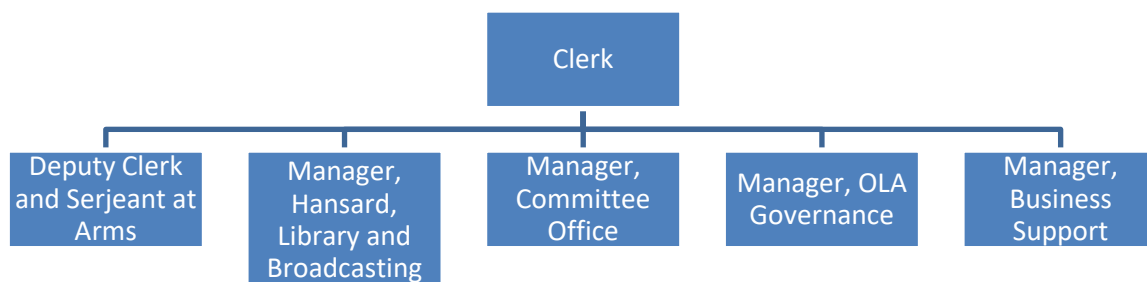
- providing library and information facilities and services for members
- supporting Assembly committees
- providing business support functions
- maintaining the Assembly precincts
- providing public education about the Assembly and its committees
- any other relevant service or function.

- 1.37 The objective of the review was to provide at least two options for a suitable organisational structure, together with rationales justifying the options, plus associated costings. HBA analysis focused on how the OLA was meeting its obligations under the Act, including in regard to delivering high standards of service and advice, staff satisfaction, attraction and retention, reasonable and efficient allocation of workloads and various measures relating to internal governance. The two options HBA proposed were for a two-core function model (option 1: Assembly Services and Assembly Business Services) and a three-core function model (option 2: Assembly Business, OLA Governance, Business Support). The latter was recommended but a resource-neutral version of it was adopted. This involved the retention of five positions directly reporting to the Clerk but with a stronger functional realignment within business units, reflecting some of the suggestions in the three-function model.
- 1.38 Key issues affecting the Committee Office, identified in HBA's Current State Assessment (Review Element 4, pp. 37-39), appear not to have been effectively addressed 9 years later and will be referred to again in this report.
- 1.39 In 2015, HBA conducted another organisational review in view of the projected growth in membership of the Assembly from 17 to 25 members from the October 2016 election. With a 47% increase in membership overall and an unknown number of additional ministers (affecting the number of additional non-executive MLAs), the additional pressure on OLA services was expected to be significant. In this review, HBA recommended reducing the number of positions reporting directly to the Clerk, using its earlier two and three core function models. A primary reason for this was to reduce the appearance of departmental "silos." HBA did not consider it practicable to provide a cost neutral model without cutting services or reducing service levels below current levels, and the report therefore proposed a least cost model.
- 1.40 In its assessment of proposed impacts of the larger Assembly on different work areas, HBA was unable to assess whether more members would increase committee workload because there were too many unknowns. It suggested reviewing resourcing needs early in 2017 after the committee structure for the 9th Assembly was determined. The most direct impact of this HBA report was on the number of positions directly reporting to the Clerk, which was reduced from five to three. The Committee Office, along with Chamber Support, Hansard and the Library, was placed under the Deputy Clerk and lost direct representation in the Senior Management Group. At the time, this involved two positions at the same level (SOG A), one reporting to the

other. Subsequently, the Deputy Clerk's and Executive Manager's positions were upgraded to Senior Executive Service level positions.

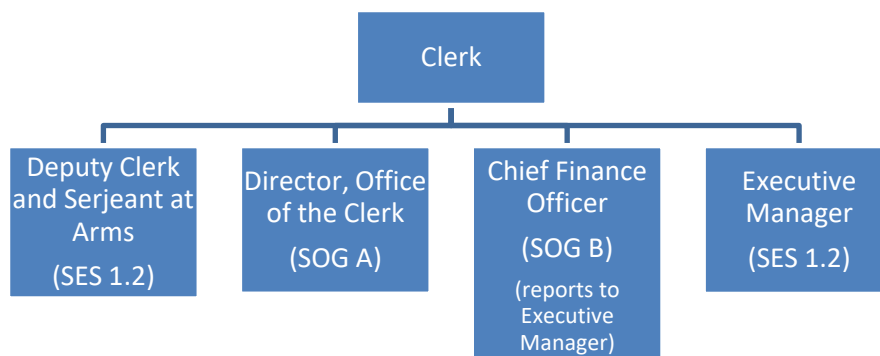
- 1.41 Changes in management structure are demonstrated by the following two charts, the first preceding the 2015 HBA report, the second implemented after the increase in size of the Assembly.

Chart 1.1 Senior Management Group at 30 June 2016



(Source: 2015-16 Annual Report)

Chart 1.2: Executive Management Committee



(Source: 2018-19 Annual Report)

CHANGES IN THE SIZE AND COMPOSITION OF THE COMMITTEE SUPPORT OFFICE

- 1.42 The Committee Support office has undergone some changes over time, but these changes have not altered the nature of the support model of one person-one committee. Largely, other positions have not been integrated into directly supporting committees.

Chart 1.3: 2009-10

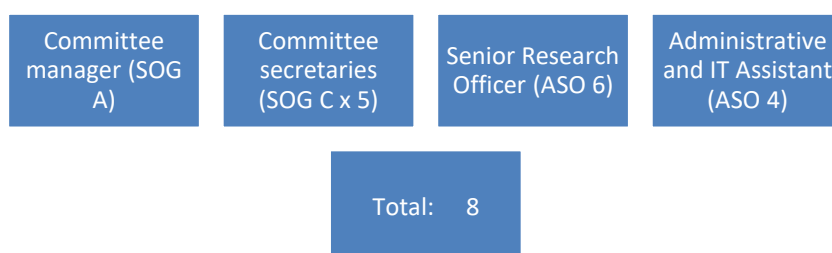


Chart 1.4: 2012-13

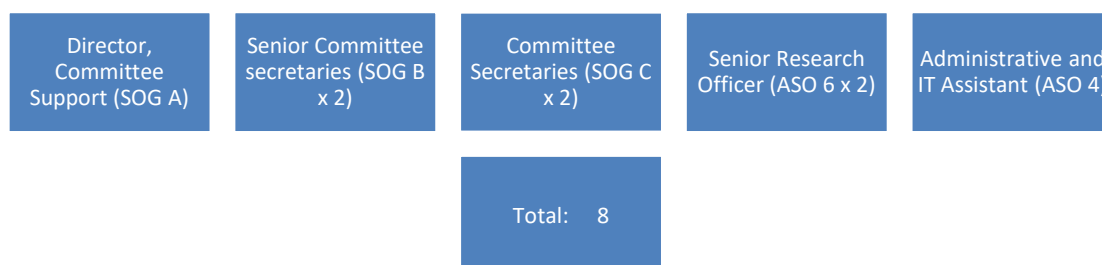
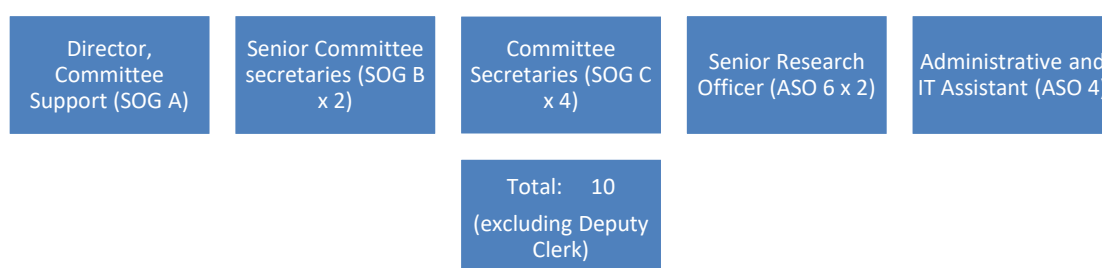
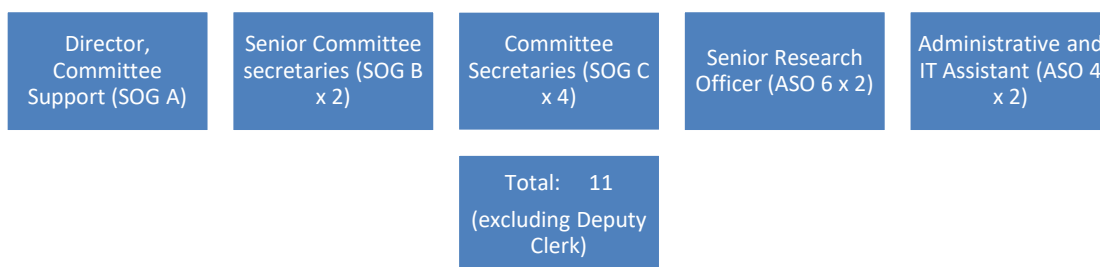


Chart 1.5: 2016-17



NB: Deputy Clerk heads the Committee Support Office (and other line areas as well) (SOG A at this time, later an SES position)

Chart 1.6: 2019-20



NB: Deputy Clerk heads the Committee Support Office (and other line areas as well) (SES 1.2)

Snapshots of Committee Support Office composition are taken from OLA annual reports for the financial year indicated.

COMMITTEE WORKLOAD – BASIC STATISTICS FROM 2010-11 TO 2019-20

Chart 1.7: Meetings – all committees

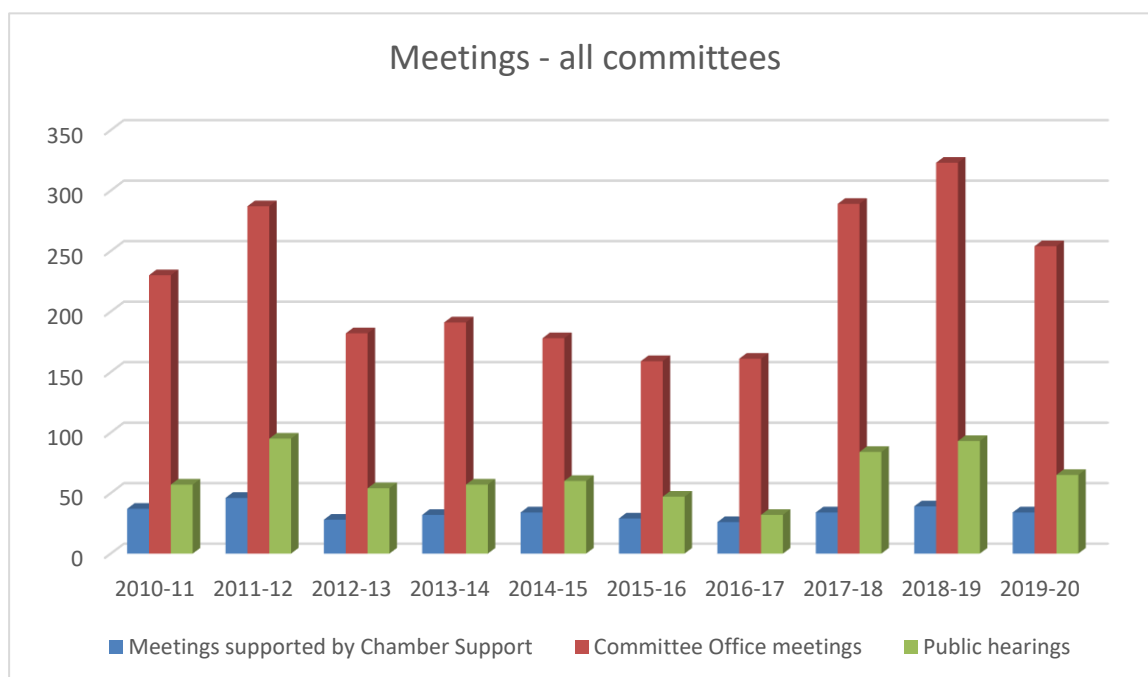
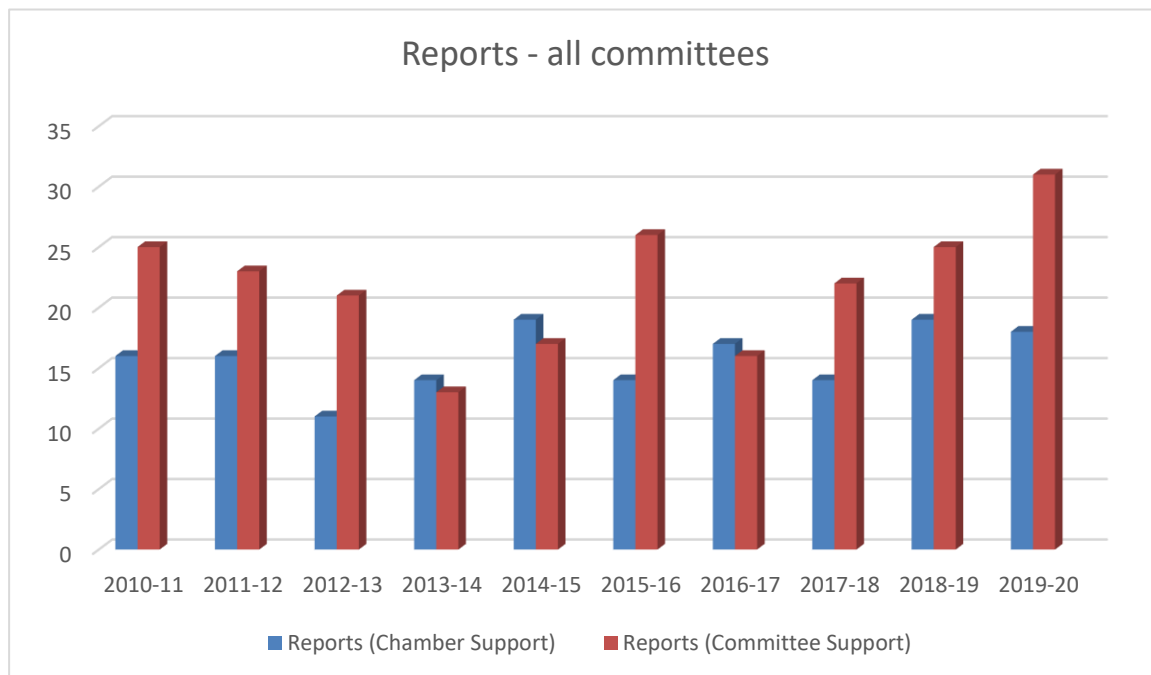


Chart 1.8: Reports – all committees from 2010-11 till 2019-20



- 1.43 Committee workload statistics are taken from Appendix 7 of the *2019-20 Annual Report*. Overall, they show a more sustained increase in committee workload since the increase in the size of the Assembly from the 2016 election.

2 SUMMARY OF PRIMARY EVIDENCE

OVERVIEW

- 2.1 This chapter summarises evidence from contributors to the review who provided submissions, written comments or participated in interviews, usually on a one-on-one basis. It is organised according to the terms of reference, subdivided by the topics raised in interviews. These generally followed a similar format although participants were also encouraged to address their own concerns. The chapter is divided into two parts with evidence from MLAs and former MLAs contained in Part 1, and evidence from OLA staff, former staff and “others” contained in Part 2.

PART 1: MLAS AND FORMER MLAS

TERM OF REFERENCE 1: ADEQUACY OF CURRENT ARRANGEMENTS FOR SUPPORTING ASSEMBLY COMMITTEES TO UNDERTAKE INQUIRIES AND PERFORM THEIR CORE LEGISLATIVE, REPRESENTATIVE, SCRUTINY AND COMMUNITY PARTICIPATION FUNCTIONS

LEVEL OF SATISFACTION WITH COMMITTEE OPERATIONS

- 2.2 Most MLAs and former MLAs were broadly satisfied with the support they received from the Committee Support office, but they had many comments about the range in quality of service. Some noted that, in a unicameral parliament, committees provided the equivalent of a review function normally supplied by a second chamber and should therefore be well and competently resourced. Others did not rank committee work as highly as some of their other functions, preferring to devote more time and attention to their representative, community participation, shadow ministerial and party functions.
- 2.3 Some concerns were personal, based on perceptions of different strengths and weaknesses of secretaries, some secretaries being highly regarded by some MLAs and former MLAs, others not as highly regarded or lacking in experience. As with any subjective assessment, such characterisations were rarely unanimous. Other concerns were structural, related to whether the mix of staff provided the right balance between inquiry management, administration and research, whether there were enough staff and whether teamwork and collegiality were less apparent amongst staff, with concomitant disadvantages, than in former Assemblies. Some perceived the Committee Support office was still geared to a 17-member Assembly.

- 2.4 Concerningly, most MLAs were aware of tensions within the office (both historic and current), the impact on morale of the classification review, and the relatively high turnover of both committee managers and researchers. Some perceived an “in” group and an “out” group and appeared to be personally invested in the fate of staff. Others perceived that a standard negative response was emerging as the default response to requests from MLAs, fearing this could have a chilling impact on attempts to broaden the footprint of committees embarking on new work such as bills inquiries and the distributed estimates process. Still others were tired of the internally focused discussions as a brake on committees achieving their full potential.

INQUIRY MANAGEMENT, MEETING PREPARATIONS AND REPORT DRAFTING

- 2.5 Overwhelmingly, MLAs called for consistency at all levels of inquiry management, meeting preparations and report drafting. This also included consistency in staffing arrangements and communication channels. For MLAs, it was critical to be able to find papers quickly, especially during public hearings, but also for private meetings. Ideally, this should mean standardised ways of transmitting meeting papers, preferably saved to the common work group in easily navigable formats, linked to the relevant agenda item or subitem and using common filing conventions. Material should be ordered and saved in the same way across committees, and it should also be readily printable (or transferable to mobile devices) should MLAs prefer to access papers that way. The ideal appeared to be a distant goal for most committees. Having to wade through a single PDF to find papers was not considered acceptable in any circumstances. Agreed timeframes that were adhered to were also considered essential, as was peer review of draft reports to avoid MLAs and their staff being burdened with proofreading and correction.
- 2.6 MLAs also wanted to know what standard expectations were:
- how many inquiries should a committee run simultaneously?
 - what should committees expect from their secretariats in terms of documentation supporting their work at all stages from inquiry planning, hearing management and report tabling? (This was particularly important for new chairs who could be left feeling hung out to dry – in public.)
- 2.7 Several MLAs and former MLAs commented on lack of access to specialist advice. This was particularly so in relation to committees with statutory obligations where technical advice provided by specialist advisers was not currently available, as it was for scrutiny of bills and delegated legislation. This was a special concern for planning matters and public finance.

PERCEPTIONS OF WORKLOAD

- 2.8 Noting that all committees were different, respondents in these groups observed the absorption of functions formerly performed by select committees into standing committee workloads, and the concomitant opportunity costs for deeper policy inquiries. Many observed

long hours being put in by secretaries, the preponderance of administrative work they were responsible for and the low reliance on temporary employment to augment the workforce. As a result, reports were often overdue and of variable quality.

REFERRAL OF BILLS TO COMMITTEES

- 2.9 While welcomed as a new development and as a sign of the increasing maturity of the Assembly committee system, the routine referral of bills to committees was also of concern because of the strict timeframes involved and the absence of additional resources to support additional inquiries. It was acknowledged that the impact of the process would not be felt evenly across the committee system and that it was still too early to gauge its effectiveness.

DISTRIBUTED ESTIMATES HEARINGS

- 2.10 There was much comment on the new process and unfavourable comparisons were made in some quarters with the previous select committee inquiry. Others welcomed it as a way of sharing workload evenly across committees and an opportunity to increase knowledge of the portfolio areas for which a standing committee was responsible. If it was used for annual reports, why should a distributed approach to estimates be approached any differently? While the distributed process will clearly be the subject of review by the Administration and Procedure Committee, the recent reports by all other standing committees provide an illustration of different secretariat approaches and are analysed in the next chapter to highlight some of the potential areas for greater consistency.

OTHER SUPPORT SERVICES: HANSARD, BROADCASTING, INFORMATION TECHNOLOGY AND LIBRARY SERVICES

- 2.11 Hansard and Library services were broadly appreciated for their professionalism. It is notable that Hansard has published standards for the production of Assembly and committee transcripts which provide a basis for performance measurement. Responding to the Covid pandemic has wrought some changes in practice, encouraging greater reliance on electronic access to documents, for example, but there is a continuing call for:
- better database technology to manage questions and answers across the Assembly and its committees
 - better OCR technology for estimates answers (for example) to enable more accurate searching
 - OLA-generated social media publicity to be made more easily shareable by members.

The promised committee portal may address some of these issues.

- 2.12 Changes to the website have been welcomed but some consider that information is still “too many clicks” away. Finally, there were some observations about the sound quality of broadcasting to and from the committee rooms, necessitating some requests to witnesses to repeat testimony.

TERM OF REFERENCE 2: ADDITIONAL STEPS THAT MIGHT BE TAKEN, TRAINING OR RESOURCES APPLIED, TO OPTIMISE THE OFFICE’S CAPACITY TO PROVIDE A COMMITTEE SUPPORT FUNCTION THAT MEETS COMMITTEES’ AND MLAS’ NEEDS FLEXIBLY AND COLLABORATIVELY OVER SHORT AND LONGER TERMS AND UNDER A VARIETY OF CIRCUMSTANCES

PROCEDURAL AND ADMINISTRATIVE CONSISTENCY

- 2.13 MLAs and former MLAs highly valued greater consistency and welcomed the idea of the OLA standardising its practices, both administrative and procedural, through the adoption of procedural and administrative manuals and checklists, and a wider use of templates for standard documents, including agendas, briefing papers, minutes, standard correspondence, and guidance for witnesses. Also important, as noted earlier, was the adoption of standard file naming conventions for the distribution of papers, and the adoption of a common style guide.

TRAINING

- 2.14 Thinking of their own training, MLAs valued peer to peer learning from colleagues (from all parties). They also indicated that they (and their staff) would value more than a 40-minute induction session at the commencement of their first Assembly when they were perhaps too new to appreciate it. They welcomed the idea of “refresher” sessions during the term of an Assembly, or resources online, such as a series of “Committee Briefs”.
- 2.15 Some were unaware of the *Guide for Members of Assembly Committees*, particularly those who had filled casual vacancies. Others expressed an interest in greater support for new chairs, possibly in the form of annotated checklists for running meetings and chairing hearings. Some chairs received such information from their secretaries in the form of Chair’s Notes, but this did not appear to be universal.
- 2.16 Another suggestion was that “old” chairs could conduct seminars for “new” chairs, particularly if they could be recorded for publication on the intranet (and therefore done once by the providers and available at the convenience of the participants). This could be managed by a moderator conducting filmed interviews with chairs, individually or in groups, and the content being edited according to an appropriate framework – such as the standing orders. Actual examples could also be included from archived footage of committee hearings and, for future examples, identified by committee staff and Hansard editors, potentially as they occur.

- 2.17 Some MLAs had gleaned much from attending CPA courses provided by McGill University in Montreal.
- 2.18 Some MLAs agreed that privilege issues arising in committees would also be another source of continuing education, possibly via bulletins prepared by senior OLA staff.

ATTRIBUTES OF COMMITTEE STAFF

- 2.19 What attributes make a good committee officer? MLAs offered the following suggestions (not listed in any order of priority).
- An excellent knowledge of standing orders, procedures and historical precedents
 - A professional approach, indicated by staying out of a committee's deliberations except if asked for a view, bearing in mind that a chair conducts a meeting, not a secretary
 - An ability to construct a reasoned case for and against in a draft report, referring to evidence (without merely copying and pasting it from Hansard)
 - A capacity to present a committee with all the options to attain an objective
 - Expertise in managing inquiries on behalf of a committee, leaving it to the committee to interpret the assembled evidence for itself (although policy familiarity with the subject under inquiry was also desirable)
 - Ability to work with a committee to achieve its objectives, providing wise counsel, options for consideration and advice on risks
 - Integrity
 - Non-partisan and respectful
 - Pro-active in giving advice on any risks or pitfalls
 - An ability to analyse quickly, write well, produce work in a timely manner and keep track of different matters under consideration
 - A smooth administrator.

WHAT COULD BE DONE BETTER?

- 2.20 This section comprises a "wish list" of things MLAs would like to see more of, although there was no necessary unanimity on any of the points except for the first two.
- More resources for complex inquiries, particularly in the form of specialised research capability in planning and public finance
 - Better, accessible and consistent information management, including naming conventions and management of documents
 - An annual budget for each committee, or at least a notional allocation that allows committees to plan to attend relevant conferences or request the appointment of specialist advisers

- A better uniform standard for reports
- Better use of temporary employment or secondments to engage subject expert staff
- More flexible roles and team-based work, allowing committees to take on more than one inquiry at a time
- Consultation with chairs before rotation of staff
- Return of the community day for estimates, and holding of more hearings on all matters in the community
- Enlarge the size of the Public Accounts Committee.

TERM OF REFERENCE 3: ANY OTHER RELEVANT MATTERS

CHAIRS COMMITTEE

- 2.21 Several MLAs made comments about the relatively new Committee of Chairs, established under SO 228A (inserted 29 November 2018). The committee's role is to advise the Speaker on matters relating to the operation of Assembly committees. At present, the committee meets twice a year, with OLA staff to support it. Comments went to the frequency of meetings and the presence of OLA staff which some saw as a deterrent to frank discussion. As a committee established under standing orders, the Committee of Chairs is required to keep minutes, recorded by a secretary. Just as the committee determines the frequency of its meetings, it is open to it to determine whether it requires staff other than the secretary in attendance to advise it. Should chairs wish to meet in confidence, without a secretary, there is nothing to prevent informal gatherings from time to time, although such gatherings would not be meetings under the standing orders and their status as "proceedings in Parliament" for the purposes of parliamentary privilege protection would be dubious.

PART 2: OLA STAFF, FORMER OLA STAFF AND OTHERS

TERM OF REFERENCE 1: ADEQUACY OF CURRENT ARRANGEMENTS FOR SUPPORTING ASSEMBLY COMMITTEES TO UNDERTAKE INQUIRIES AND PERFORM THEIR CORE LEGISLATIVE, REPRESENTATIVE, SCRUTINY AND COMMUNITY PARTICIPATION FUNCTIONS

WORKING FOR ASSEMBLY COMMITTEES – AN OVERVIEW

- 2.22 Most staff were attracted to working for committees because of the inherent interest of the work, their close relationship to the parliamentary process, their ability to cultivate productive working relationships with MLAs, the relative autonomy of the work, and the benefit to the

community of committee inquiries and reports. For those staff who stayed, these factors tended to outweigh the many concerns they had with their working environment, their relationships with managers, their concerns about equitable distribution of workloads and development opportunities, their feelings of alienation from other areas of the OLA, and their need for safety in the workplace. Testimony of those within the office and those who formerly worked there paints a rather grim picture of a workplace that is often dysfunctional.

- 2.23 Turnover of staff in the Committee Support office has been relatively high in recent times with staff coming and going. For those who left, some could not wait to return to what they perceived was a less personally toxic working environment. While there was no one source of toxicity, they were perceived as both internal to the office and in the relationships between the office and other parts of the OLA. Dysfunction could be attributed to both personalities and structures, and some relationships had become entrenched in mutual disrespect. Most who left the office were happy to leave it behind, although many of their experiences there were positive and many derived great personal satisfaction from the work.
- 2.24 Within the Committee Support office, the level of identification by staff as officers of the OLA was poor, some seeing their work as so different in kind from work carried out in other parts of the OLA that they could hardly be regarded as being part of the same organisation. Some regarded themselves as special, and remained largely aloof, because of a perception they enjoyed a unique relationship of confidentiality, principally with their chairs in the first instance, but with other committee members as well. The outlook of some staff was focused inwards, on their own issues and concerns, and without much sense of their status as professional members of the OLA at large.
- 2.25 This situation had been left to fester over time, with a high turnover of committee managers and insufficient attention paid to proper performance assessment and management. Staff saw their senior managers as disengaged, but prone to accusations of favouritism in their treatment of them and their colleagues. On the other hand, managers had effectively learned to work around problematic personalities. Feelings of alienation amongst staff had only been exacerbated by the recent classification review, and perceptions of the manner in which the whole process was conducted.

SECRETARIAT OPERATIONS – CURRENT SITUATION

- 2.26 Under a SOG A Senior Director, secretaries at different classifications (SOG B and SOG C) are assigned individually to different standing committees, the senior director also having responsibility for a select committee. The two senior research officers and the two administrative and IT assistants (one part-time) are not assigned to specific committees but act as pooled resources for the office, with rather loosely defined responsibilities. Tasking of them is overseen by the director and they work with different secretaries according to whatever projects they have on hand.

- 2.27 Surprisingly from an outsider's perspective, secretaries do most of the administration associated with the work of their committees, such as processing submissions and answers to questions taken (or placed) on notice, compiling agendas and associated papers for meetings, drafting correspondence (including in relation to statutory appointments), minutes, SO 246A statements, media releases and reports, liaising with members and witnesses, and organising support services such as Hansard and Broadcasting. Some also mentioned summarising submissions and highlighting possible areas of questioning for forthcoming hearings. Few mentioned engaging with the public affairs team about forthcoming committee events so as to bring them to public notice using the most efficient means.
- 2.28 Secretaries also undertake research, including by scoping future terms of reference or preparing discussion papers, and are first port of call for procedural advice to committees. They may escalate such questions to others including their peers, the senior director, the Deputy Clerk or Clerk. It appears to be a matter of personal choice whence advice is sought. Concerningly, some secretaries perceive the seeking of advice from senior officers as a breach of the privacy of the committee's deliberations, rather than as a valid attempt to place before their committee the best possible advice and options that the OLA can muster.
- 2.29 Administrative assistants help by loading submissions and other inquiry information to the Assembly's web pages, and finalised reports after tabling. They also assist with redacting submissions on occasion, some proofreading and format checking, printing labels, filing, and organising catering for public hearings. As noted, researchers carry out tasks for secretaries, triaged through the committee manager. Some support staff expressed *gratitude* at being taken along to committee meetings! Equally, some secretaries acknowledged the benefit of support staff having access to committee meetings to appreciate the context for their work.
- 2.30 Most secretaries operate as one-person bands, appearing to prefer the "busyness" of this state as a prophylactic against the need to engage with corporate matters affecting the office or the OLA as a whole. Others saw this phenomenon as fraught with the inherent risk of a secretary improperly driving a committee's agenda or influencing it in respect of specific matters, including for personal vanity, or third-party advantage, or generally using the committee mantle other than to provide impartial advice. Some also noted that concentration of support in one individual exacerbates resort to negative responses. "It just can't be done!" usually means, "I don't have time to do it." Another risk of the one-person approach is the temptation for secretaries to take upon themselves the responsibility for initiating matters, often of a logistical character, that the committee should have decided for itself (and could easily have done so if important foundational structures and conventions were in place). On the other hand, having control of all aspects of inquiry management provided reassurance to some that any mistakes by others would not reflect on their own performance as secretaries. They did not trust the competence of other team members. This is one reason why teamwork is so poor.

REFERRAL OF BILLS TO COMMITTEES

- 2.31 A key issue raised in respect of the referral of bills was the adequacy of the timeframe provided and the need for committees to make initial decisions at least, within the first two weeks. Whether bills had been referred to the right committee in the first place had also caused some early concerns, although this may have been addressed by the amendment of this part of the establishment resolution.
- 2.32 An underlying issue, however, was the adequacy of resources to support bills inquiries and the need either for additional researchers **or other kinds of research support**. Some referred to the availability to Commonwealth parliamentary committees of Bills Digests, which are prepared by the Parliamentary Research Service as an introduction to most bills, highlighting matters addressed by the bills and potential issues with their implementation. If produced early enough, these can provide committees with assistance in identifying issues of concern that can lead to a decision to institute an inquiry and can later be followed up with witnesses.
- 2.33 There is no such product available to MLAs and committees of the Assembly, only guidance produced by the Executive in the form of explanatory statements and ministers' second reading speeches. Because of timing issues with the sitting pattern, it is also unlikely that Assembly committees will have access to comments from the legislative scrutiny arm of the Justice and Community Safety Committee within the first 14 days available to decide whether to inquire into a bill or not. Scrutiny comments will sometimes alert committees to policy issues that would be valuable to explore on behalf of the community.

DISTRIBUTED ESTIMATES HEARINGS

- 2.34 Some comments by staff and former staff on the new estimates process reflected MLAs' concerns about the loss of the community day but, from an organisational point of view, there were calls for a more centralised system of organising the estimates hearings to provide better coordination and greater efficiency, as had been done in the past with scheduling hearings on annual reports. Otherwise, individual secretaries are at risk of unnecessarily overlapping with one another and of wasting time duplicating efforts.

TERM OF REFERENCE 2: ADDITIONAL STEPS THAT MIGHT BE TAKEN, TRAINING OR RESOURCES APPLIED, TO OPTIMISE THE OFFICE'S CAPACITY TO PROVIDE A COMMITTEE SUPPORT FUNCTION THAT MEETS COMMITTEES' AND MLAs' NEEDS FLEXIBLY AND COLLABORATIVELY OVER SHORT AND LONGER TERMS AND UNDER A VARIETY OF CIRCUMSTANCES

PROCEDURAL AND ADMINISTRATIVE CONSISTENCY

- 2.35 Although there have been procedural manuals in the past, the committee manual is out of date and requires significant revision and reformatting as an online product before it can be mandated for general use. The *Guide for Members of Assembly Committees* could also bear with significant revision and enhancement so that it operates as a comprehensive and practical guide for MLAs and their staff.
- 2.36 In the meantime, the practice has emerged (and has been consolidated by usage) of secretaries following their own paths, however idiosyncratic they may be. For guidance, some newer secretaries may follow examples used by others. Extraordinarily, in some quarters, this is regarded as plagiarism rather than on-the-job training by provision of useful examples and precedents!
- 2.37 Usefully, the coincidence of the Covid pandemic and technological change has altered ways of working and provided the impetus for such new practices as self-service of meeting papers by MLAs (and authorised staff in some cases) from a common workgroup (known as the "L:drive"). There is also scope here for additional security practices such as password protection or time-limited access, mentioned by some.
- 2.38 There is report-builder software designed to produce reports for tabling and subsequent publication but, as the following chapter demonstrates, there are significant discrepancies in its use. Given the time spent on basic administrative processes, it is surprising that so little use has been made to date of across-the-office templates and form letters – which can always be customised for individual circumstances if required. It appears that some secretaries, in the absence of a functional manual, prefer to follow their own practices for drafting and circulating agendas, minutes and routine correspondence and other papers for committee meetings, constantly reinventing the wheel. There is also very little quality assurance of draft reports in terms of peer review, even proofreading being rare (and often having to be done by MLA's staff).
- 2.39 In this situation, greater degrees of standardisation and consistency would not only serve the convenience of MLAs but would also result in greater procedural conformity and consistency. As a minor example, emails notifying committee members that meeting papers are accessible from the L:drive (preferably using a link to a group of uniformly named files that are also linked to an agenda for that meeting and, above all, are easy to identify by item or subitem and to

access in a hurry), should also carry a standard parliamentary privilege reminder about the confidentiality of such papers and the potential consequences of unauthorised disclosure. Some secretaries followed this practice; others did not. The standardisation of such communications is well demonstrated elsewhere in the OLA through such tools as tabling request forms, or requests for Hansard and broadcasting services. They are routinely used because they are both effective and efficient.

2.40 These matters are further considered in chapter 4.

PERFORMANCE MANAGEMENT

2.41 All OLA staff have a performance and development agreement with their manager that sets out performance targets and learning and development goals. Formal feedback sessions occur annually (formerly twice a year) but can be requested to occur more frequently and may do so more informally with staff new to positions.

2.42 While the scheme has been in effect for several years, few staff spoke positively of its operation, most regarding it as a “tick a box” exercise in which difficulties were never confronted and agreements were rarely updated. It has not addressed perceptions of conflict of interest, failure to meet performance standards, or lack of adherence to standards of personal conduct. The performance management scheme has done nothing to break down the silos in the Committee Support office, caused by some secretaries grimly guarding their patch against all those whom they perceive to be “outsiders,” including senior OLA staff who are specifically excepted by SO 241(b) from the prohibition on disclosure of committee proceedings, making this reasoning groundless.

2.43 Rotation of secretaries was one attempt to break down such silos, but evidence is that it has not worked in the OLA so far, possibly contributed to by the different classification levels of secretaries. There are circumstances, however, where rotation is not only effective but is regarded as job enriching. It involves:

- exchanging of positions by staff at the same classification
- at known intervals
- after consultation with those staff on their preferences
- if applicable, after consultation with incoming chairs.

A disadvantage is that secretaries take with them the subject knowledge they have accumulated but, since their primary expertise is in managing parliamentary inquiries, institutional loss is minimised, provided there are other sources of subject expertise. In parliamentary administrations of any size and maturity, rotation of senior staff, including committee secretaries, is the norm.

TEAMWORK AND COLLEGIALLY, INTERNAL COMMUNICATIONS

- 2.44 All evidence showed that teamwork and collegiality in the Committee Support office, like morale, were at very low levels, for all the reasons adverted to above. Silos prevail, sharing of information and knowledge is rudimentary and while one staff member will occasionally pair up with another for mutual benefit or shared work objectives, such conduct is rare. A notable exception was a temporary partnership between two secretaries which allowed them to cover each other's committees while each took a brief period of leave. The committee confidentiality argument was raised as an objection to the practice by others, but common sense prevailed. There is no barrier in the Assembly standing orders to OLA staff acting in teams to support committees, but staff should not have to go to such lengths to overcome such "barriers of the mind" and access their employee entitlements.
- 2.45 That said, internal communications are seen as poor. Managers are seen as distant and unengaged in committee matters (despite all the senior managers being committee secretaries themselves). There appears to be no system of internal work reporting for the committee office that gives senior managers any visibility of what is happening. Indeed, such a simple request for employee accountability is seen as an unwarranted intrusion by "Management" merely to exercise its own authority! Some secretaries appear to disregard their employment framework in order to see themselves as answerable only to their chairs, in particular, and their committees in general, an unsustainable position, unsupported by any law or standing order. On the other hand, there were also complaints of micromanagement, partiality, inconsistency, and use of a "command and control" model of people management by some managers.

TRAINING AND PROFESSIONAL DEVELOPMENT (CAREER PROGRESSION)

- 2.46 A learning and development component is included in each staff member's performance agreement. For budget control, learning and development requests are centrally coordinated through the Human Resources and Entitlements section, and participants book themselves into the relevant courses. Some courses are offered through the ACT public service, including some offered by private providers on such topics as "having difficult conversations" (targeted at managers and supervisors who provide feedback), or "respect in the workplace" (on bullying and harassment policies). "Plain English writing and editing" has also been on offer. However, broadscale teambuilding across the OLA has not been offered for some time. Such training is often of variable value and is an easy target for criticism, but these are not reasons for leaving the issue unaddressed.
- 2.47 Specific parliamentary training is available under the auspices of trans-Tasman umbrella groups like the Australasian Study of Parliament Group which runs an annual conference, and the Australian and New Zealand Association of Clerks At The Table which runs an annual professional development seminar and supports the provision of an annual short tertiary course, currently provided by the University of Tasmania, on Parliamentary Law, Practice and

Procedure. PLPP includes seminars with academics in law and political science, and senior parliamentary practitioners. Participants write a long essay which may be awarded a prize sponsored by the participating national parliaments. The best essays are published in the peer reviewed ASPG journal, *Australasian Parliamentary Review*.

- 2.48 While the Covid pandemic has affected the ASPG and ANZACATT events, PLPP has continued to be offered online. Numerous staff and former staff had been able to participate in these opportunities over time. Most staff were pleased they had been chosen to do so, and appreciative of the content, including the chance to meet other people working in their field. Individual staff had also sought out training with other parliamentary organisations. All such development should be regarded as of benefit to the OLA.
- 2.49 In a small organisation like the OLA, on the job training is an essential part of the training suite. The ability to shadow officers working in other parts of the OLA is also considered valuable, as is the opportunity for more senior staff to work as clerks at the table in the Assembly chamber. The shadowing arrangements operate principally to ensure that there is sitting day back up for the key chamber operational staff such as the Clerk Assistant and the Notice Paper and Minutes officers. Back up is generally provided by Committee Support officers and is seen as an opportunity to broaden their procedural exposure. Not all secretaries participate as clerks at the table, but those who do also appreciate the procedural exposure to the chamber. Another chance for some staff to hone committee knowledge and skills is provided by opportunities to participate in training for new MLAs and staff, or in training for ACT government employees, yet this has also been a cause of resentment amongst staff.
- 2.50 Training helps staff to prepare for promotion to higher level positions. Development opportunities can also offer staff the chance to develop their skills by acting in a higher position to cover absences at higher levels. Recent practice at the OLA in relation to higher duties has caused resentment. The turnover in the senior director's position and the longer-term absence of one of the senior secretaries left gaps to be filled, in theory, but only limited acting opportunities were granted. Some of these absences coincided with the advent of the classification review and it may have been thought by managers that any decisions on higher duties would pre-empt outcomes of the review. While understandable, such decisions did leave the office without a senior manager for some weeks earlier in 2021. There may well have been no alternative options.
- 2.51 There is a real question of what career structure is appropriate within a business unit of an organisation as small as the OLA. This is a question for the Clerk to ponder in considering the outcomes of the classification review. Suggestions are offered in the chapter 4.
- 2.52 The size of the organisation can mitigate against the adoption of more localised initiatives to enhance practical skills through team-based workshops but there are potential opportunities close at hand. These matters are also further considered in the chapter 4.

ACCOMMODATION

- 2.53 Many respondents attributed poor culture in the Committee Support office to the accommodation and the series of small offices which discouraged collaborative work. Many called for the walls to be knocked down and the space devoted to more open plan accommodation with some break out spaces for uninterrupted report drafting. In the post-Covid era, flexible arrangements allowing staff to work from home might also suit those needing peace and quiet for drafting from time to time. Provided certain workplace norms were in place to discourage persistently loud colleagues, there could be much value in creating workspaces that encouraged collaboration. Sharing of office space is certainly not unusual in committee offices in other jurisdictions, but the ability of staff to do so in the Committee Support office may depend on a realignment of functions to be performed.
- 2.54 Any physical change will of course depend on the OLA having access to funds for renovations.

ENHANCING MLAS' SATISFACTION WITH COMMITTEE SUPPORT

- 2.55 Turning from the largely inwardly focused testimony of staff and former staff on many matters, there were some ideas to enhance MLAs' experience of committee operations. These included:
- greater consistency in, and more procedurally sound, practices
 - a more agile and responsive workforce
 - more researchers to enhance research capacity
 - taking committees out to the community
 - stop saying it can't be done – be more accommodating of committee aspirations
 - provide more procedural fact sheets for MLAs and staff highlighting options.

TERM OF REFERENCE 3: ANY OTHER RELEVANT MATTERS

- 2.56 A curious argument was offered in some submissions that because Assembly SO 275 applies the practices of the House of Representatives to the Assembly where its own standing orders or practices do not provide an answer, this principle should somehow be used to apply the statutory term limit on clerks of Commonwealth Houses to the ACT Clerk. The Assembly Clerk's employment is provided for in the OLA Act. It is a statutory appointment on the one hand, and purely a question of administration on the other. It is not a matter of procedure and practice to which the standing order refers and cannot possibly come within its remit under any interpretation. For clarification of the principles concerned, *R v Chaytor* [2010] UKSC 52; [2011] 1 AC 684 is helpful.

3 ILLUSTRATING A NEED – ESTIMATES REPORTS

OVERVIEW

- 3.1 This chapter examines how the Committee Support office approached a common task earlier in 2021 and how it was executed. It is not an examination of the reports as expressions of committee deliberations and conclusions, but of secretariat practices. At the very least, these practices show the need for greater consistency.

OBSERVATIONS

REPORT TITLES

- 3.2 In 2021, all committees decided to combine their estimates reports with their reports on annual and financial reports. The first such report was tabled on 30 March 2021 (*Minutes*, p. 87) and a second followed the next day (*Minutes*, 31 March 2021, p. 103). Both reports bore the same title, reflecting the combination of the two references:

Annual and Financial Reports 2019-2020; Appropriation Bill 2020-21 and Appropriation (Office of the Legislative Assembly) Bill 2020-21

- 3.3 Both committees had cause to examine programs under both appropriation bills. All other reports were presented out of sitting and finally tabled on 20 April 2021 (*Minutes*, pp. 116-7). All five of these report titles were different, one of them following the precedent set by the reports already tabled (although it actually had no business under one of the bills). In short, seven reports on the same sets of references had five different titles when, at most, there was justification for two different titles (depending in which bills the appropriations under consideration were located). One report lacked a report number on the title page.
- 3.4 The reports ranged in length from 48 to 109 pages (including the title page), although most were in the mid to high 70s. Variations in length may not be indicative of anything other than the number of portfolio output groups for which a committee is responsible, but varying degrees of repetition and marginal background material added to the length of some reports.

RESOLUTION OF APPOINTMENT AND TERMS OF REFERENCE

- 3.5 Different approaches were taken to citing the resolution of appointment of the standing committees, some reports including long quotes, others shorter quotes, and others including succinct summaries of the pertinent information: when the committee was established and how its responsibilities were defined. Most reports included specific terms of reference quoted

(or quoted) from the resolution, and some referred to the date change for tabling reports on annual and financial reports, some in a rather laboured way and others obliquely, by inclusion of a link, requiring the reader to follow the link to find out what the amendment to the resolution was about.

LIST OF ACRONYMS

- 3.6 Some reports included a consolidated list of acronyms; others did not. It would have been useful to include abbreviations here as well to minimise the heavy visual presence of footnotes, many of which repeated the same information again, again and again. This may, however, be a feature of the word processing or report building software that is difficult to modify.

RECOMMENDATIONS

- 3.7 All reports listed recommendations in a separate section at the front, a useful aid to the reader.

SPECIFIC MATTERS COVERED

- 3.8 Different approaches were taken to listing the specific matters covered by each report, from succinct lists of reports (using hyperlinks to the documents) and budget output classes, to very complex and impenetrable tables, past history, or, in some cases, nothing at all.

CONDUCT OF INQUIRY

- 3.9 In sections describing the conduct of hearings there is always standard information to be conveyed about hearing dates, links to transcript and broadcast databases, access to questions on notice and questions taken on notice (and answers thereto, including dates answered), lists of witnesses, and any decisions made by individual committees about their approaches to the inquiries. Most reports conveyed most of this information at least once, some repetitively, but there was no standard approach or set of words. All reports did include an appendix listing the witnesses who appeared.

ACKNOWLEDGEMENTS

- 3.10 Most (but not all) reports included acknowledgements, some reiterated, some in general terms and some omitting key individuals or groups. There was no standard approach.

STRUCTURE OF REPORTS

- 3.11 Reports were structured by policy area, directorate or agency, portfolio, or by minister. There was no standard approach.

OVERVIEWS

- 3.12 Some reports were tightly focused, citing the relevant legislative background. Some also cited other framework documents such as annual report requirements. Others included rather vague references to guiding principles and extraterritorial contexts. Others included no contextual information.

COMMITTEE COMMENTS

- 3.13 Some reports were deliberate in isolating committee observations or comment from other material, sometimes as a prelude to a recommendation. Other reports contained little that was identified as committee comment, even as a prelude to recommendations. In many reports, a great deal of evidence was quoted, sometimes without any contextual guidance. The standard of writing varied.

AIDS TO READING

- 3.14 Some reports used additional aids to highlight text, such as boxing recommendations.

REFERENCING PRACTICES

- 3.15 How many different ways can the committee establishment resolution be referred to? Footnotes disclosed the following variations:
- ACT Legislative Assembly, Minutes of Proceedings, No. 2, 2 December 2020, pp. 17-22
 - ACT Legislative Assembly, [Minutes of Proceedings, No. 2](#), 2 December 2020, pp. 17-22
 - ACT Legislative Assembly, *Minutes of Proceedings*, No. .
 - Resolution of establishment for the committee, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/resolution-for-committees/resolution-establishing-committees-of-the-tenth-assembly> Accessed 4 March 2021
 - *Minutes of Proceedings*, No. 2, 2 December 2020, pp. 17-21
 - Legislative Assembly for the Australian Capital Territory (the Assembly), *Minutes of Proceedings*, No. 2, 2 December 2020, available at: https://www.parliament.act.gov.au/data/assets/pdf_file/0007/1669030/MoP002F.pdf
 - Legislative Assembly for the ACT, *Minutes of Proceedings*, No. 2, 2 December 2020, available at: https://www.parliament.act.gov.au/data/assets/pdf_file/0007/1669030/MoP002F.pdf

In seven reports, there were seven variations.

- 3.16 Likewise, reference to committee Hansards included the following variations:

- [date], *Proof Hansard*, [page or page range]
- *Proof Transcript of Evidence*, [date], [page or page range]
- *Proof Committee Transcript*, [date], [page or page range]
- Transcript of Evidence, [date], [page or page range]

These examples are indicative of wide-ranging variations in referencing practices.

CONCLUSIONS

- 3.17 Faced with a common task, the Committee Support office and their managers did not appear to have devoted much thought to co-ordinating the approaches and standards of the reports that were drafted for committees, even though all staff would clearly have devoted much effort to organising and supporting the hearings. Consequently, the reports demonstrate disunity of purpose and lack of institutional identity. Most significantly, they demonstrate individual choices prevailing over the corporate interest in producing high quality reports that record two of the most important and regular accountability processes that parliamentary committees can conduct on behalf of the community to hold governments accountable.
- 3.18 Much can be done to address these shortcomings. The next chapter sets out ideas for how committee support practices can change to support better outcomes for committees.

4 LOOKING FORWARD – BEST PRACTICE IN COMMITTEE SUPPORT

OVERVIEW

- 4.1 This chapter examines ways in which the OLA can lift performance to provide better committee support. It includes suggestions for:
- targeting what MLAs want and measuring performance accordingly
 - the size of the office and appropriate organisational structures
 - improvements in practice
 - achieving efficiencies
 - investing in staff, and
 - supplementing resources.

INTRODUCTION

- 4.2 More than 30 years after self-government and five years after an increase in the size of the Assembly, it is time that the committee support function reached a new level of maturity to support an increasingly mature committee system undertaking inquiries of deep importance to the ACT community.
- 4.3 The current support system, while broadly appreciated, is still geared to the Assembly in its early days, when secretaries did everything for the simple reason that there were no support staff. With potentially higher workloads from the new referral of bills process, the distribution of estimates hearings to all standing committees, and an appetite for committees to have a greater impact, there is much more potential for differentiation of roles in the Committee Support office, leading to greater efficiencies, reliable backup, and a career path for staff.
- 4.4 The suggestions made in this and the concluding chapter are aimed at achieving excellence in committee service through collaboration, procedural soundness and good practice for members and staff, increasing confidence in the committee system of the ACT Legislative Assembly for the ACT community.
- 4.5 **In essence, the Reviewer is suggesting that the Committee Support office needs to be rebuilt on a more systematic basis.** It needs to move from the one person-one committee model (or “one size fits none”) to harness the benefits of greater flexibility, teamwork and responsiveness. There is no need to break the current nexus between committees and the

staff they know (however rapidly those staff are currently turning over), but the roles of staff will change if these suggestions are adopted.

WHAT DO MLAS WANT FROM COMMITTEES?

- 4.6 MLAs and former MLAs made it quite clear in their evidence to the review that – for the most part – committee support needs to step up a level to overcome the negativity that can emanate from one person trying to do too much, however admirably motivated they are. MLAs also wanted greater consistency in procedure and practice, particularly in procedural advice and information management. Access to specialised research was also a priority. There was also some bewilderment about standard expectations. More details are contained in paragraphs 2.5 to 2.7.
- 4.7 One possible answer is the development of a statement of expectations. There is already some useful content in chapter 7 (Support services) of the *Guide for Members of Assembly Committees* under the heading, “What can I expect from the committee support area?”
- 7.5 The Office employs secretaries and administrative staff to support committees of the Assembly.
- 7.6 You can expect your committee secretary and other members of the Committee Support area to be professional, courteous and non-partisan. Advice and research will be balanced, accurate and thorough, and reports will reflect evidence and research gathered by the committee during the course of an inquiry.
- 7.7 The committee secretary will assist the committee in the discharge of its responsibilities to the fullest extent possible; however responsibility for the ‘output’ of the committee (for example the content of reports, the conduct of public hearings, and speeches in the Assembly and media) rests with members.
- 7.8 Committee staff are not employed by, nor are they responsible to, individual members and as such cannot undertake work to serve the political or electoral interests of individual members.
- 7.9 If you are unhappy with the standards of service provided you should speak to the relevant committee secretary in the first instance, followed by the Manager, Committee Support.
- 4.8 The other side of the equation, “What can the committee support area expect from me?” covers how members and their offices can work efficiently with committees, and these paragraphs also contain some useful information.

- 4.9 The purpose of the statement of expectations would be to specify services to be provided and, if considered appropriate, timeframes. Like the *Guide* referred to above, it could include statements of what secretariats do (and don't do), and how members' offices respond, within a framework of ethical standards based on the code of conduct applicable to OLA staff. It could well be adapted from the *Guide*, including reference to expected values to be observed. These are enumerated as a matter of course in all OLA careers advice. They include independence, honesty and integrity, interparliamentary relationships, parliamentary service, respect, and transparency and accountability.
- 4.10 An example is provided by the House of Representatives *Committee support standards*, a document which is included in full at Appendix C. Of particular relevance are the following items (although all are relevant to the Assembly's revised functions under the OLA Act):
- provide advice, information and services that are timely, accurate, clear and as complete as possible;
 - provide briefing papers for private meetings and for information gathering activities of committees (for example, public hearings, inspections or seminars) in a time frame that is acceptable to each committee;
 - provide report drafting services that result in clearly expressed, well structured, well informed and well-argued draft reports that, in the first instance, express the views of the committee chair.
- 4.11 The standards could be even more specific and granular if that were thought appropriate, for example, by providing more detail about the organisation of meeting papers on the L: drive, a subject about which some MLAs had very clear views. Time frames could also be included.
- 4.12 The benefit of such an approach is that it lets both parties (members and staff) know where they stand and what to expect.
- 4.13 Development of a statement of expectations is a project that could usefully be overseen by the Chairs Committee, with OLA staff collaborating on an initial draft for consideration. Aside from the example from the Department of the House of Representatives, there may well be other examples from other secretariat organisations.
- 4.14 Any such instrument could then be used for measuring performance of services and individuals. It could also operate as a point of reference for training and induction.

IS THE COMMITTEE SUPPORT OFFICE BIG ENOUGH TO SUPPORT THE ASSEMBLY AT ITS CURRENT POINT OF EVOLUTION?

- 4.15 Given the significance of committees in working at a detailed level:

- to hold the executive government to account
- to conduct inquiries on behalf of the community, and
- to provide quality assurance to the community on the standards of their governance arrangements,

it is important that there are enough resources, of the right kind, to provide the support for committees to operate to best effect.

4.16 The *Committees for the 10th Assembly Report* included benchmarking information about the number of committees supported in each Australasian jurisdiction. Likewise, an information sharing service operated by ANZACATT collected data in February 2021 on the number of staff serving committees. The following table is compiled from these two sources, plus parliamentary websites and direct inquiry, showing the number of committees per House and the number of committee staff for 2019-20 (counted as Full Time Equivalent staff), the latest year available from the ANZACATT responses.

Table 4.1 Committee data from Australasian jurisdictions

Jurisdiction	Number of members (ministers)	Number of committees supported (not including domestic)	Number of committee staff (FTE)	Ratio of staff per committee
Commonwealth - Senate	76 (11)	8 pairs of legislation and references standing committees, several select committees, 9 joint committees	64	3.76 (or 2.56 if pairs of committees are counted as 2)
Commonwealth – House of Representatives	151 (31)	11 standing committees, several select committees, 10 joint committees	65.8	3.13
ACT Legislative Assembly	25 (9)	7	11	1.57

Northern Territory Legislative Assembly	25 (9)	3	6	2
NSW Legislative Council	42 (3)	20	23	1.15
NSW Legislative Assembly	93 (23)	17 (9 of them joint)	23.5	1.38
Victorian Legislative Council and Legislative Assembly combined	40 (5) (LC) 88 (17) (LA)	3 for each House, 4 joint	46.9 in total	4.69
Queensland Parliament	93 (18)	10	36.6	3.66
South Australian Legislative Council* and House of Assembly	22(4) (LC) 47 (12) (HA)	11 statutory committees, 5 administered by HA, 6 administered by LC, 2 sessional estimates committees	11 (HA) (*LC not provided)	2.2 (LA)
Western Australian Legislative Council	36 (7)	7	23.3	3.38
Western Australian Legislative Assembly	59 (21)	6	15	2.5
Tasmanian Legislative Council and House of Assembly	15 (1) 25 (8)	4 joint committees, select estimates twice a year (HA)	All committee support is provided by staff who also perform other roles	N/A

New Zealand Parliament	120 (28)	13	30.25	2.33
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- 4.17 The ratios of staff to committees in the final column of Table 4.1 are very rough approximations based on available information. They do not take into account the number of sessional or select committees, for example, which are often absorbed by existing committee staff because of the efficiency of support structures that already exist. Currently, the Senate, for example, is absorbing another seven select committees which, if counted, would change the ratio either from 3.76 to 2.67 or, using the lower figure, from 2.56 to 2. (Also not included are a small number of joint select committees and two legislative scrutiny committees because the latter are not staffed from the quoted FTE figure.)
- 4.18 As an average, only NSW has a lower figure than the ACT for staff per committee, but NSW has a Parliamentary Research Service, providing services to committees among other things, which the ACT does not. On this basis, the ACT scores above only Tasmania where committees have no dedicated staff.
- 4.19 Therefore, the answer to the question posed in this section is **no, the Assembly Committee Support office is not big enough to support the range of functions envisaged by the *Committees for the 10th Assembly Report* and adopted in the resolution of 2 December 2020, as amended.** To meet that level of maturity, we now need to look at some possible structures to provide the requisite versatility and adaptiveness.

POSSIBLE ORGANISATIONAL STRUCTURES

- 4.20 The Committee Support office is currently headed by a SOG A level Senior Director and has the following staff:
- 2 senior committee secretaries (SOG B)
 - 4 committee secretaries (SOG C)
 - 2 Senior Research Officers (ASO 6)
 - 2 Administrative Support positions (ASO 4, one part time)

(Source: Office of the Legislative Assembly, *Annual Report 2019-20*, p. 16)

The secretaries' positions have been the subject of a separate classification review.

STATUS OF THE SENIOR DIRECTOR

- 4.21 The Senior Director, Committee Support, leads the largest group of permanent staff in the OLA which, as a group, performs a function of vital importance to the Assembly, but the Committee Support office is not directly represented on the OLA's EMC. It is represented via the Deputy Clerk, a Senior Executive Service officer who also represents Chamber Support, Hansard and the Library. The Office of the Clerk, which is also led by a SOG A level Senior Director, is represented on EMC, along with the Business Support Branch, led by the OLA's other Senior Executive Service officer, and the Chief Finance Officer (SOG B level).
- 4.22 Recommendations of the 2015 HBA review were designed to prepare the OLA to support a 25-member Assembly. It suggested certain structures to reduce the number of positions reporting directly to the Clerk (see chapter 1). HBA did not address the impact of the larger Assembly membership on committee operations because of the unknowns involved. We now know what some of those unknowns are. They are reflected in the *Committees for the 10th Assembly Report* and its adoption in the form of the establishment resolution for standing committees and their functions (reproduced in Appendix A). Expanded functions, at the very least, even if adopted on a trial basis, call for strong leadership to implement the transitional arrangements. Responsibility for that leadership resides with the Senior Director who supervises the committee team.
- 4.23 **The Reviewer is of the opinion** that the representation of the committee function at second hand on the EMC is now inappropriate, and that the Senior Director, Committee Support should have a seat at the table to participate in all strategic and governance decisions affecting the OLA in its primary function of supporting the Assembly **and its committees**. Whether this changes internal supervisory arrangements at the senior level is a matter for the Clerk. It is suggested on the basis that changing those arrangements would allow the OLA's two SOG A level positions to be treated equally. It would also reflect the significance of committees to the organisation.

COMMITTEE SUPPORT – INTERNAL ORGANISATION

- 4.24 In the Reviewer's opinion, the Committee Support office is top-heavy, and secretaries spend too much of their time on administration. There are not enough researchers to fill enunciated needs, and it seems that a good proportion of the administrative officers' current functions will be overtaken by the promised committee online portal. On the positive side, there is already a program of committee meeting times for private meetings in non-sitting weeks, although hearings and other ad hoc meetings remain to be organised as required.
- 4.25 The one person-one committee model is fraught with risk for reasons alluded to in chapter 2 (see paragraphs 2.19 and 2.30). The ethical issues of a secretary exploiting his or her role are profound and raise serious questions of conflict of interest. The model also fails to deal with fluctuations or ongoing differences in workload. It does not easily accommodate absences,

either on scheduled or unscheduled leave. It provides no backup arrangements. It does not provide equitable access to research resources. Likewise, access to administrative assistance varies, with some secretaries preferring to do everything for themselves, sacrificing administrative efficiency. In any case, access to research and administrative support is task driven rather than functionally driven (in which allocation of work would rely more on definition of roles and responsibilities). There is an uneven practice of secretaries taking support staff to committee meetings, some thereby failing to mentor more junior staff and provide them with learning opportunities. Committee members are conscious that secretaries seem to be doing too much, and either fail to ask for additional work by trimming their expectations, or they ask and receive negative responses.

- 4.26 Many of these problems were identified in the 2012 HBA review following the passage of the OLA Act. One observation that was acted on was the decision to rotate secretaries, but whether this has become a formal policy or remains an ad hoc reaction to manage personality issues is moot.
- 4.27 An obvious solution is to move to a cluster model where groups of staff with different functions support multiple committees, as is the practice in other Australasian parliaments. There, it is common for secretaries to support more than one committee, and issues of exclusive service do not arise. The world has moved on.
- 4.28 Taking core legislative responsibilities as a starting point, three committees currently have statutory functions:
- Planning Transport and City Services has duties under the *Planning and Development Act 2017*
 - Justice and Community Safety has legislative scrutiny functions under the *Human Rights Act 2004* and duties under the *Integrity Commission Act 2018*
 - Public Accounts has duties under the *Auditor-General Act 1996*.
- 4.29 Support for these three committees could form the core of three secretariat clusters which would provide support for two or three committees each. The names of each cluster could reflect policy groupings, for example:
- Planning and Environment Group (comprising Planning Transport and City Services and Environment, Climate Change and Biodiversity)
 - Finance and Economics Group (comprising Public Accounts Committee and Economy and Gender and Economic Equity)
 - Legal and Community Services Group (comprising Justice and Community Safety, Education and Community Inclusion, and Health and Community Wellbeing).
- 4.30 Other groupings may be preferable to the OLA and Assembly and be based on other factors of which the Reviewer is unaware. On the current distribution of responsibilities between standing committees, one secretariat group will have three committees to manage, noting that

part of the support for the Justice and Community Safety Committee is already provided from elsewhere in the OLA.

- 4.31 Select committees could be added to groups with lesser workloads, or supported by the Senior Director as at present.
- 4.32 The key change is for the realignment of functions between team members who, as a group, would support either two or three committees. Researchers and administrative officers would be integrated into the support structure, rather than being kept at large and under the Senior Director's supervision, as at present. Each cluster could comprise one or two secretaries, one or two assistant secretaries or senior researchers, and an administrative officer. Only secretaries would be directly supervised by the Senior Director. Functions are described in the following paragraphs.

SECRETARY

- 4.33 Secretaries would work co-operatively and together if required, supporting the Senior Director in managing office resources and supervising staff in the cluster. They would:
- ensure duties under the standing orders (SOs 219, 219A, 225B, 226, 227 etc) were carried out in respect of each committee supported by the cluster
 - provide procedural advice to those committees, in consultation with the Senior Director and, if appropriate, the Clerk (whose authority they exercise on delegation)
 - coordinate support for all committees within the cluster, including by directly supporting one or more inquiries, and maintaining equitable workloads between staff
 - oversee the preparation of, and provide quality assurance for, all draft discussion papers and reports prepared in the cluster
 - ensure effective management and security of committee record keeping across the cluster.

ASSISTANT SECRETARY/SENIOR RESEARCHER

- 4.34 These positions would:
- deputise for the secretary as an inquiry secretary to one or more inquiries, providing procedural advice in consultation with the secretary
 - undertake research and analysis, report drafting and preparation of background and other briefing material – including issues papers on selected bills – for committees in their cluster
 - provide administrative support, including preparation of material for meetings and hearings
 - prepare correspondence and respond to inquiries from the public about committee business

- contribute to the management and security of committee records.

ADMINISTRATIVE OFFICERS

4.35 Administrative officers perform key administrative and support tasks to assist the secretariat. They are often the main point of contact for matters relating to the committee secretariat's work and are responsible for disseminating information relating to committee inquiries. They also:

- co-ordinate meeting and hearing arrangements, and perform associated tasks (including venue bookings, arranging Hansard and Broadcasting, managing diaries, advising witnesses about their appearance and preparing nameplates, hearing programs, witness forms and opening statements)
- process submissions and correspondence
- assist in preparing briefing papers for meetings and hearings
- prepare reports for online and hard copy tabling and publication
- prepare information for publishing online and keep registers of submissions, correspondence and other information for statistical purposes
- contribute to draft reports, particularly reports on estimates and annual reports, and by creating content for other reports such as contents pages, appendices, witness lists
- create and maintain records in accordance with organisational policies.

4.36 Distributing appropriate work to researchers and administrative officers is the key to freeing up secretaries to undertake the level of thinking, advising, writing and product assurance that is commensurate with their role. By the same token, secretaries must formally assume supervisory and mentoring responsibilities for the staff they manage.

SENIOR DIRECTOR

4.37 As manager of the office, the Senior Director would supervise secretaries and members of the Director's work team, coordinate resources between clusters to ensure workloads remained relatively evenly divided, provide procedural advice, mentor, manage and develop secretaries, implement the OLA's policies and procedures, oversee the management and security of committee records, and provide clear direction on priorities for the office. The Senior Director would also have a role in ensuring that office-wide endeavours, such as supporting estimates or annual report hearings, were centrally co-ordinated and would maintain a central register of statutory appointments. Above all, the director would ensure that procedural and administrative support mechanisms were kept up to date. For this purpose, the Senior Director would be directly assisted by an administrative officer, plus a senior research officer to work on getting the necessary support materials and manuals in place.

SPECIALIST EXPERTISE

- 4.38 The Speaker has the capacity to engage specialist advisers to assist committees. For example, if the planning committee agreed that it needed someone with planning expertise to help scope the papers for its meetings, it would need to decide how that advice might be incorporated into its proceedings. Would such an adviser be there as a general source of advice for the purpose of any inquiry? Or, would they operate as the legal advisers do in respect of the legislative scrutiny function, by providing a report to each meeting on issues raised in the instruments before the committee that week? Specifications for the expertise required and the purposes for which it was needed would have to be agreed by the committee and a request submitted to Madam Speaker for consideration. And there would need to be an appropriation to cover such expenditure.
- 4.39 Similarly, if the Public Accounts Committee needed assistance to analyse Auditor-General's reports to ensure that it reported appropriately to the Assembly, would a specialist adviser be of greater value to it than a generalist researcher with a suitable background who also functioned as part of the secretariat team by undertaking other tasks?
- 4.40 For the most part, robust generalist teams are the norm for provision of committee support in most parliaments, although standing orders provide for the engagement of specialist advisers if required expertise is otherwise unavailable. Principally, expertise will come through testimony to a committee. The function of the secretariat is to explore sources for such testimony and draw a committee's terms of reference to the attention of potential submitters. Rarely is it the practice for secretariats to supply expertise themselves in anything other than parliamentary procedure and practice. One reason for this is that it can distort the function of a committee which is to assess evidence placed before it and draw conclusions. The committee should not be swayed by any particular expertise – and associated views – that its staff may have. The place for such expertise is in the provision of policy or political advice.
- 4.41 Creating three clusters would involve additional resources. The maximum staffing profile would involve the following:
- a Senior Director (SOG A)
 - approximately 4 secretaries (at a classification to be determined by the Clerk)
 - up to 6 assistant secretaries/senior researchers (ASO 6)
 - 4 administrative officers (ASO 4).

The minimum size of the office under this model would be 15, a significant increase in resources, even though the ratio of staff to committees of 2.14 would still keep the ACT at the lower end of the jurisdictions represented in Table 4.1. Internal savings from changing the current model could be redeployed to partially funding additional ASO 6 and 4 positions.

- 4.42 Clusters may have more than one secretary each, but those secretaries must be able to work collaboratively and must be capable of supervising other staff. Otherwise, the current patterns of individualism would be replicated to the detriment of the team overall.
- 4.43 Accommodation would be an issue, with the most important goal being to keep secretariat groups together. More use of open-plan space would encourage team collaboration. The model does provide a career path, however, and makes Assembly roles more interchangeable with equivalent roles in the Commonwealth parliamentary departments.

ALTERNATIVE MODELS

- 4.44 Two alternative models suggest themselves.

A PARLIAMENTARY RESEARCH TEAM

- 4.45 The first model is to reduce the proposed secretariat size by three senior researchers and deploy those researchers to a new parliamentary research team attached to the Library. This team would focus on producing issues papers on selected bills (“bills digests”) and discussion or briefing papers commissioned by secretariats to support committee inquiries, in addition to the resources that the Library currently provides. This proposal would transfer work from the Committee Support office to the Library and would therefore be reliant on secretariats being willing to commission work from the Library research team, a practice that has not been evident in the one person-one committee approach to date. A research team attached to the Library would also need to be available to respond to MLA requests, and the resources available for committees may therefore be diminished over time. It is not suggested at this stage.

MUTUAL SHADOWING

- 4.46 Committee staff currently shadow chamber support staff in sitting weeks to provide backup, and redundancy to cover unexpected absences. Senior committee staff also undertake chamber duties.
- 4.47 Is there potential for chamber support staff to reciprocate in non-sitting weeks by supplementing resources for committees on a more systematic basis? This practice occurs already in respect of the legislative scrutiny arm of the Justice and Community Safety Committee where chamber support officers provide secretariat services. Given the shape of the sitting pattern and the proportion of sitting days to non-sitting days, there may be potential for the small number of other chamber support positions to assist more regularly with committee work at an appropriate level, particularly during peak times for committees such as estimates hearings and annual report season.
- 4.48 This proposal has the advantage of fostering more common ground between the two workgroups and, potentially, a greater sense of identification by committee staff as OLA

officers than is currently apparent. It would also encourage staff to be flexible and, for that reason alone, is an idea for the Clerk to contemplate.

IMPROVEMENTS IN PRACTICE

- 4.49 Chapter 2 demonstrates the need for a style guide for producing professional reports. If the OLA does not have one already, then one should be borrowed from a nearby jurisdiction and adapted as necessary. If there is one, it should be reviewed to ensure it meets the needs of committee staff, and it should be mandated for all staff.
- 4.50 Chapter 2 also demonstrates what happens when staff engaged on supporting the same function do not collaborate with one another. Instead of following a common approach, different directions were pursued, for no apparent reason. Some may have pleaded committee confidentiality to explain the absence of intra-office consultation, but this fails as an excuse. Like any inquiry, the estimates hearings involved a public process of MLAs questioning public officials about expenditure and agency performance. All that the reports were required to do was to reflect that process and specify the recommendations arising from the committees' deliberations. A degree of consistency would have demonstrated a more professional approach by the Committee Support office to its overall role.
- 4.51 The Reviewer is aware that work is continuing to update the committee manual. Standardised procedural and administrative guidance is essential to ensure conformity with standing orders and efficiency in administrative practice. Handbooks or manuals are also usefully supplemented by a suite of templates and standardised correspondence (which can always be customised for individual circumstances if required).
- 4.52 There should be templates at least for the following documents:
- Meeting agenda
 - Meeting minutes
 - Meeting papers – cover sheet with capacity to link to individual items and supporting documentation – including standard parliamentary privilege disclaimer about unauthorised disclosure
 - Correspondence from Chair for presentation of reports out of sitting (and any associated notifications)
 - Acknowledgement of submission, including parliamentary privilege disclaimer (in other words, what people can and cannot do with their submission, including until the committee authorises publication and afterwards)
 - Invitation to witnesses to appear at public hearings, including information on rights and responsibilities
 - Framework and introductory material for estimates reports

- Framework and introductory material for reports on annual and financial reports
- Framework and introductory material for reports on bills.

4.53 The committee guide to procedure and practice should include material on the following:

- Assembly committees – legal and constitutional basis
- Parliamentary privilege as it applies to committee proceedings
- Appointment and membership of committees
- Appointment of chairs and deputy chairs
- Role of the secretariat
- Committee meetings
- Stages of an inquiry
- Public hearings
- In camera hearings
- Witnesses
- Evidence
- Submissions and other documents
- Preparation and approval of draft reports
- Methods of tabling reports
- Follow-up of committee reports including monitoring inquiry recommendations
- Committee records.

4.54 If considered appropriate, a quick reference guide, summarising the main points, can act as a preface to the full guide which should be published on the Assembly intranet in the most appropriate location. The guide can also be supplemented with checklists covering the conduct of hearings and management of witnesses (which at present would also include Covid-safe practices to be implemented), as well as procedural scripts for the Chair. There may also be reason to include standard material on common issues that arise including:

- procedures for managing adverse evidence, and
- steps to be followed by witnesses making public interest immunity claims.

4.55 The nature of these will depend on the Assembly's standing orders and resolutions covering these matters. Any guide needs to be regularly reviewed and a commitment to do so within a specified timeframe should be included in the statement of expectations. The commitment should apply to all manuals mentioned in this section.

4.56 The expansion of the role of administrative officers also calls for supporting guidance. A separate guide for administrative officers might cover some or all of the following matters:

- information for new starters
- approaches to new inquiries

- public hearing checklist
- preparation, tabling and publication of committee reports
- preparation of committee minutes
- instructions for redacting PDF files
- electronic filing
- estimates checklist
- drafting reports on annual reports
- using the report template.

4.57 Much of the material prepared for purposes already listed can be used to update the *Guide for Members of Assembly Committees*, and to prepare guidance for staff of MLAs on working with Assembly committees. Comprehensive advice is always desirable, but Quick Reference Guides are often of more immediate use, particularly if they contain contact points for further information or are hyperlinked to the comprehensive version.

4.58 At the same time, steps should be taken to check *A Guide for Making a Submission or Appearing Before a Committee of the Legislative Assembly for the ACT* to ensure it is procedurally consistent and written in plain English.

ACHIEVING EFFICIENCIES

4.59 Efficiencies will flow from allowing staff to get on with their own responsibilities as part of a team, and from taking more standardised approaches to many tasks done by committee staff. There will be no need to keep starting every task from scratch or from a previous, and potentially flawed, precedent.

4.60 Efficiencies can also flow from committee staff looking outside their office to understand how other areas of the OLA can help them do their jobs. One example is greater use of the Library for reference searches and location of relevant items in the publications to which the Library subscribes. Another example is better use of the public affairs team to publicise committee activities on social media.

4.61 Moreover, there are potential efficiencies to be gained from uniform application of policies. Record keeping, for example, is a vital part of an inquiry process and preserves public history for future generations.¹ In the period around the last Territory election in October 2020, committee secretariats created an astonishingly large number of records in OLARIS (approximately 10,500 records, up from around 2,500 in the previous six months) indicating

¹ The Reviewer declares an interest in record keeping for future generations as a member of the National Archives of Australia Advisory Council (reappointed June 2021).

that there was significant catching up to do. There is a comprehensive file management plan for committees and plenty of policy guidance and advice from records management, and this is one function that could be better handled by administrative officers making efficient use of OLARIS to capture records at initiation or receipt.

INVESTING IN STAFF

- 4.62 Many staff commented that they had participated in external training opportunities provided by ASPG and ANZACATT, including the tertiary level unit currently hosted by the University of Tasmania (PLPP). All staff commented on the importance of on-the-job training in the workplace.
- 4.63 A larger Committee Support office would enhance opportunities for the OLA to provide more systematic on-the-job support for its staff at no direct cost, other than time and preparation. This could occur through a series of office workshops on various aspects of committee support. Examples include:
- sources of committee powers
 - minute taking
 - record keeping policies
 - the inquiry process
 - inquiry case studies
 - applied technology – using templates, OLARIS, report-builder etc
 - procedural challenges – unauthorised disclosure – case studies
 - electronic meetings.
- 4.64 Staff from outside the office may also benefit from attending some of these sessions. The Senior Director would have carriage of the program and would also engage other staff in making presentations. Over time, these can be developed into self-service modules on the intranet, but the ability to interact and exchange ideas contemporaneously is always an important feature of such workshops.
- 4.65 For existing and new committee staff, it is very important that attention be paid to meaningful performance agreements with measurable goals, as well as to learning and development plans that can be implemented over the shorter and longer term. Such tools can be invaluable for identifying skills gaps and strategies to address them. While the office is being rebuilt, the Reviewer is of the opinion that formal appraisal and mutual feedback sessions should occur more frequently than once a year in order to gauge progress against goals. The objective is to have trained and experienced staff who are ready to step up to the next level if required.
- 4.66 There should also be a focus on participation in training in broader skills for the workplace, such as practising OLA values, teambuilding, respect, managing conflicts of interest, having

difficult conversations. There should also be a comprehensive induction process for new staff that extends for a period well beyond their appointment. It might include instituting a buddy system between new starters and an OLA colleague from another area to foster greater identification with the OLA. The practice of the Clerk catching up with new starters after their first month is commended.

- 4.67 The Assembly is not the only possible source of on-the-job learning. Departments supporting both Commonwealth Houses run comprehensive internal training programs for their staff, many of which are targeted at committee staff. During the review, the Reviewer had discussions with senior committee staff in both departments to flag potential participation of OLA staff in appropriate sessions of those programs. The Reviewer suggests that the Clerk contacts his Commonwealth counterparts to follow this up, offering in return to provide a view from a unicameral parliament as part of their programs.
- 4.68 A unique feature of parliamentary service is the provision of frank and fearless advice by clerks. Committee secretaries need to appreciate that their own duty to give advice is subject to the Clerk's overarching authority as the pre-eminent source of such advice, as acknowledged by Madam Speaker in her SO 246A statement on 22 April 2021, announcing this review (see Appendix B). It is only by delegation of the Clerk's statutory and parliamentary authority that OLA staff can function. The updated committee manual will have the imprimatur of the Clerk and if it is necessary to include in performance agreements a commitment to abide by the manual and seek the Clerk's advice in any unprovided-for circumstances, then it should happen. There should be no shopping around for advice.

SUPPLEMENTING RESOURCES

- 4.69 In addition, the Clerk might discuss a program of staff exchanges with his Commonwealth counterparts for the exchange of committee staff for short periods (perhaps two months). It may be possible to reach agreement on a program in which the home agency maintains responsibility for the salary, terms and conditions of its staff while they work on exchange in the other agency, as used to be the case with some of the old Commonwealth professional development programs such as EDS (the Executive Development Scheme) and SWIM (Senior Women in Management). The potential skills transfer and learning opportunities in such a scheme would be of long-term benefit to both jurisdictions.
- 4.70 In the meantime, the Assembly currently operates a temporary employment register through which it attracts staff to fill temporary vacancies or for casual positions in Hansard or with the Attendants. Applications remain current for 12 months and positions may be filled for up to 12 months. Should suggestions be accepted for a larger Committee Support office and if funds are available in the short term, a small number of additional researchers and administrative assistants could be sourced from the temporary employment register, pending successful trials of the new arrangements and a successful budget bid. If this is the case, details of the new

positions should be included on the website and details circulated throughout the ACT public service and to nearby parliaments.

- 4.71 Moreover, there is scope for setting up another casual register of committee secretaries to be on call to service short term surges.
- 4.72 Mutual shadowing has also been referred to in this chapter as a means of stretching existing resources.

5 CONCLUSION – “MORE AND BETTER”²

- 5.1 This chapter summarises findings and suggestions for improving committee support in the OLA. More detail on many matters is provided in chapter 4.

TERM OF REFERENCE 1

THE ADEQUACY OF THE OFFICE’S CURRENT ARRANGEMENTS FOR SUPPORTING ASSEMBLY COMMITTEES TO UNDERTAKE COMMITTEE INQUIRIES (INCLUDING COMPLEX INQUIRIES) AND PERFORM THEIR CORE LEGISLATIVE, REPRESENTATIVE, SCRUTINY AND COMMUNITY PARTICIPATION FUNCTIONS

SIZE OF THE COMMITTEE SUPPORT OFFICE

- 5.2 The Committee Support office is too small to support the demands of Assembly committees, as articulated in the *Committees for the 10th Assembly Report* and the resolution of 2 December 2020, as amended, establishing committees for the 10th Assembly. Compared with other Australasian parliaments, the ACT has a ratio of 1.57 staff per committee, one of the lowest in the jurisdictions measured (see Table 4.1).

Suggestions

- 5.3 **Additional resources need to be found from:**
- **organisational realignment within the Committee Support office**
 - **creative use of shadowing arrangements across the OLA**
 - **use of temporary employment registers**
 - **any unspent appropriations for one-off expenditure**
 - **seeking additional appropriations for the purpose.**
- 5.4 **It is also suggested that the Clerk consider the possibility of reciprocal shadowing between the Committee Support and Chamber Support offices and also explore the possibility of exchange programs with Commonwealth counterparts.**

² An MLA to the Reviewer (May-June 2021).

STRUCTURE OF THE COMMITTEE SUPPORT OFFICE

- 5.5 The Committee Support office is top-heavy and does not have the right mix of skills to support the range of functions performed, particularly in respect of research and administrative support. The one person-one committee secretariat model is inadequate to service a larger and maturing Assembly and a committee system expanding its functions. The toll on secretaries is too much: they are finding it increasingly difficult to meet all requirements in a timely manner.

Suggestions

- 5.6 **The Clerk, in consultation with MLAs as necessary, should consider changing the structure within the Committee Support office to create multi-member secretariat teams supporting groups of committees, with staff performing the functions of secretary, assistant secretary or senior researcher, and administrative officer. If this is agreed, then duty statements and selection criteria for those positions need to be re-written and recruitment action taken when resources allow.**
- 5.7 **In recruiting researchers, either permanently or temporarily, attention needs to be paid to appointing people with subject knowledge and skills in planning, audit, public finance and legislative analysis to support committee work.**
- 5.8 Three of the current committees have ongoing statutory duties and could therefore form the core structure for three secretariat groups within the Committee Support office, under the management of the Senior Director. Select committees could be included where appropriate.

Suggestion

- 5.9 **Secretariat groupings could be based on committees as follows:**
- **Planning and Environment Group (comprising Planning Transport and City Services and Environment, Climate Change and Biodiversity)**
 - **Finance and Economics Group (comprising Public Accounts Committee and Economy and Gender and Economic Equity)**
 - **Legal and Community Services Group (comprising Justice and Community Safety, Education and Community Inclusion, and Health and Community Wellbeing).**
- 5.10 It is recognised that other groupings may be preferable to the Assembly and the OLA and be based on other factors of which the Reviewer is unaware.

OFFICE ACCOMMODATION

- 5.11 A larger Committee Support office will have different accommodation requirements.

Suggestion

- 5.12 The Clerk should consider changes to office accommodation that enhance the goal of keeping secretariat teams together and making greater use of open plan space to facilitate better collaboration.**

ROLE OF THE SENIOR DIRECTOR, COMMITTEE SUPPORT

- 5.13 The role of the Senior Director, Committee Support is pivotal in implementing the changes required to modernise the office.**

Suggestion

- 5.14 The Senior Director, Committee Support should report directly to the Clerk and should also be a member of EMC where strategic and governance decisions affecting the OLA are taken.**

CURRENT ADVICE AVAILABLE TO THE PLANNING COMMITTEE

- 5.15 Members of the Planning, Transport and City Services Committee have identified a need for technical assistance in scoping planning proposals they are required by law to consider.**

Suggestion

- 5.16 The Planning, Transport and City Services Committee should consider its requirement for technical assistance and, if it agrees that a specialist adviser is the answer, develop a brief for negotiation with the Speaker for a possible appointment on a trial basis.**

TERM OF REFERENCE 2

OPTIONS OR PROPOSALS RELATING TO ANY ADDITIONAL STEPS THAT MIGHT BE TAKEN, TRAINING OR RESOURCES APPLIED, TO OPTIMISE THE OFFICE'S CAPACITY TO PROVIDE A COMMITTEE SUPPORT FUNCTION THAT MEETS THE NEEDS OF ASSEMBLY COMMITTEES AND THEIR MEMBERS FLEXIBLY AND COLLABORATIVELY OVER THE SHORT AND LONGER TERMS AND UNDER A VARIETY OF CIRCUMSTANCES

A SERVICE CHARTER FOR COMMITTEE SUPPORT?

- 5.17 MLAs are often confused about what to expect from committee secretariats. In turn, some secretaries have an unrealistic understanding of their relationship with committees, and with the committee chair, in particular.

Suggestions

- 5.18 **It is suggested that the Assembly and the OLA adopt the concept of a statement of expectations, whether it is focused on what is expected of OLA staff or whether it is based on mutual expectations, as the current *Guide for Members of Assembly Committees* implies. If the concept of a statement of expectations is adopted, the Chairs Committee might oversee the development of such an instrument, with the OLA providing a draft for its consideration.**

REFERRAL OF BILLS

- 5.19 There were complaints from all sources about the tight time frames for the referral of bills, especially the two weeks allowed for initial consideration.

Suggestion

- 5.20 **When the Administration and Procedure Committee is reviewing the standing referral of bills, it may wish to consider the observation about the usual non-availability of legislative scrutiny comments to committees considering whether to undertake policy inquiries into bills and consider possible mechanisms to overcome this.**

COMMITTEE BUDGETS

- 5.21 Committees had little idea what sums were available to them for administrative expenditure and felt unable to plan for future events.

Suggestion

- 5.22 It is suggested that the Clerk advise each committee at the beginning of each financial year on the notional administrative budget assigned to it and provide briefing on the purposes to which it can be applied.**

TRAINING FOR MLAS

- 5.23 MLAs valued training for their roles, especially from peers, although they would also value refresher seminars from officers later in the term. MLAs also valued CPA training offered through McGill University, Montreal.**

Suggestions

- 5.24 With support from the Administration and Procedure Committee or the Chairs Committee, the OLA could explore the feasibility of compiling self-service training resources for committee members and chairs, along the lines described in paragraph 2.16. The Clerk should also draw MLAs' attention to the new CPA Training Academy and offer briefing on how participation in such programs might be funded. For privilege issues arising in committees, the Clerk should consider how advice on such matters can best be provided to MLAs.**

PROCEDURAL AND ADMINISTRATIVE CONSISTENCY

- 5.25 There is an overwhelming need for procedural and administrative consistency in committee support.**

Suggestions

- 5.26 As a matter of urgency, steps should be taken to finalise the committee support manual and to mandate a style guide. Steps should also be taken to develop and mandate templates for as many identified purposes as possible, and to develop guidance for administrative officers in their new support roles (if agreed to). There must be a focus on providing committee members with the papers they need for any meeting or hearing by the most efficient means and in a structure that facilitates fast and consistent access to individual items.**
- 5.27 In light of these developments and the potential adoption of a statement of expectations, the Guide for *Members of Assembly Committees* should be updated, and promulgated in useable formats, and resources for MLAs' staff should also be considered. Annotated checklists for chairs, including procedural scripts, should also be considered. Finally, even though it has been recently updated, the guide for witnesses and making submissions should be rechecked for procedural consistency and plain English. Practice manuals should also recognise the role of public affairs staff in effective promotion of committee activities.**

- 5.28 Record keeping should be considered a priority for the office and should become a key focus of the new administrative officer positions, with appropriate training and policy guidance from OLA records management staff.**

TRAINING FOR STAFF

- 5.29 Rebuilding an office involves commitment to the training and development of staff. For parliamentary staff, access to training in parliamentary skills is important, but so is participation in training in broader skills for the workplace, such as practising OLA values, teambuilding, respect, managing conflicts of interest, having difficult conversations.

Suggestions

- 5.30 With a differently structured committee office, the OLA should consider developing more home-grown parliamentary training and on-the-job support in the form of workshops on various aspects of committee support. It is also suggested that the Clerk discuss with Commonwealth counterparts the possible participation of OLA staff in their respective training programs where it would be of relevance. In return, the Clerk or other senior staff could reciprocate by providing a view from a unicameral parliament and ACT committee case studies.**
- 5.31 Induction programs for new starters should be checked to ensure they included ongoing support for a period of time, possibly including a buddy system, pairing up new starters with OLA staff from other areas.**

PERFORMANCE MANAGEMENT

- 5.32 Performance and development agreements are out of date for many committee staff and performance has not been effectively managed. Performance reporting has been less than optimal.

Suggestions

- 5.33 Performance agreements should be updated at least annually, and appraisals should happen more than once a year. Better performance management must be accompanied by effective training in teambuilding and good communications. Performance appraisal should be underpinned by better individual and team-based work reporting practices. Senior managers must foster an inclusive approach to all staff, using both formal and informal means. Moreover, the performance framework should recognise the Clerk as the pre-eminent source of procedural advice.**

TERM OF REFERENCE 3

ANY OTHER MATTER THAT THE REVIEWER CONSIDERS IS RELEVANT

- 5.34 The Reviewer has no comment on any other matter but wishes the committee well in overseeing the further growth and development of the Assembly committee system.

Dr Rosemary Laing

Specialist adviser

17 August 2021

APPENDIX A – RESOLUTION ESTABLISHING STANDING COMMITTEES

(Agreed to on 2 December 2020, as amended on 11 February, 30 March and 22 April 2021.)

That:

- (1) the following general-purpose standing committees be established as set out in the table below. The purpose of such committees is to enhance the scrutiny of the Executive, to examine and suggest improvements to any bills referred to it, to enable the citizens of the Territory to engage and to participate in law-making and policy review, to enable financial scrutiny of the Executive's budget proposals and to review annual reports of taxpayer funded agencies;
- (2) the committees so established may inquire and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community and within the nominated areas of responsibility;
- (3) calendar and financial year annual and financial reports stand referred to the relevant standing committee for inquiry and report by 9 April of the year after the presentation of the report to the Assembly pursuant to the Annual Reports (Government Agencies) Act 2004;
- (4) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar and financial year annual and financial reports at any given time;
- (5) all bills presented to the Assembly stand referred to the relevant standing committee for inquiry and report within two months from the presentation of the bill, except for those bills introduced in the last sitting week of the calendar year where the committee shall report in three months. Within 14 days of the presentation of the bill in the Assembly, the committee must decide whether or not to undertake an inquiry, and shall inform the Speaker of its decision, the Speaker must then arrange for all members to be notified. In the event that the subject matter of the bill makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee;
- (6) all reports of the ACT Auditor-General tabled in the Assembly stand referred to the Standing Committee on Public Accounts for inquiry and report;
- (7) the committees so established are required to examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the

Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills;

(8) funds be provided by the Assembly to permit the engagement of external expertise to work with the Standing Committee on Public Accounts to facilitate the analysis of the budget;

(9) the Standing Committee on Justice and Community Safety shall:

(a) examine matters related to corruption and integrity in public administration;

(b) inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community;

(c) perform all functions required of it pursuant to the Integrity Commission Act 2018; and

(d) monitor, review and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports made by the Commission; nothing in this resolution authorises the Committee to investigate a matter relating to particular conduct or to reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint;

(10) the Standing Committee on Justice and Community Safety is also to perform a legislative scrutiny role of bills and subordinate legislation by:

(a) considering whether the clauses of bills (and amendments proposed by the Government to its own bills) introduced into the Assembly:

(i) unduly trespass on personal rights and liberties;

(ii) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;

(iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;

(iv) inappropriately delegate legislative powers; or

(v) insufficiently subject the exercise of legislative power to parliamentary scrutiny; and

- (vi) consider whether any explanatory statement associated with legislation meets the technical or stylistic standards expected by the Assembly;
- (b) reporting to the Legislative Assembly about human rights issues raised by bills presented to the Assembly pursuant to section 38 of the Human Rights Act 2004;
- (c) considering whether any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law):
 - (i) is in accord with the general objects of the Act under which it is made;
 - (ii) unduly trespasses on rights previously established by law;
 - (iii) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
 - (iv) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly; and
- (d) consider whether any explanatory statement or explanatory memorandum associated with legislation and any regulatory impact statement meets the technical or stylistic standards expected by the Assembly;
- (11) in addition, the membership of the Standing Committee on Administration and Procedure, established under standing order 16, be composed of the:
 - (a) Speaker, as Chair;
 - (b) Government whip;
 - (c) Opposition whip; and
 - (d) ACT Greens whip;
- (12) each committee shall have power to consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly;
- (13) each committee be provided with necessary staff, facilities and resources;
- (14) 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;
- (15) each general-purpose committee shall consist of three members, nominated by each of the three whips, with the chair of each such committee agreed by the members of that committee; and

(16) nominations for membership of these committees be notified in writing to the Speaker within two hours following conclusion of the debate on the matter.

Committee	Primary Wellbeing Indicator/s	Areas of responsibility
Administration and Procedure	Governance and institutions	As outlined in standing order 16
1. Planning, Transport and City Services	Access and Connectivity, Housing and Home	<ul style="list-style-type: none"> • City Renewal Authority • Suburban Land Agency • Planning and land management • Transport and city services including waste and recycling • Housing (excluding service provision) • Building and construction
2. Environment, Climate Change and Biodiversity	Environment and Climate Change	<ul style="list-style-type: none"> • Climate Change • Climate Action • Environment • Heritage Committee • Water and energy policy and programs • Emissions reductions • Environment and ecological sustainability • Commissioner for the Environment • Environment Protection Agency
3. Economy and Gender and Economic Equality	Economy, Living Standards and Time	<ul style="list-style-type: none"> • Chief Minister's responsibilities • Economic development and diversification

Committee	Primary Wellbeing Indicator/s	Areas of responsibility
		<ul style="list-style-type: none"> • Tourism • Industrial relations and workplaces safety • Social impacts and outcomes of economic policies including gender considerations (excluding Office for Women) • Minister of State responsibilities (excluding Justice and Community Safety Directorate reporting areas) • Business and better regulation • Arts
4. Education and Community Inclusion	Education and Lifelong Learning and Identity and Belonging	<ul style="list-style-type: none"> • Early childhood development • Education • Youth affairs • Skills • Aboriginal and Torres Strait Islander affairs • Multicultural affairs • Disability • Women (including the Office for Women) • Seniors • Veterans • LGBTIQ+ • Sport and recreation

Committee	Primary Wellbeing Indicator/s	Areas of responsibility
5. Justice and Community Safety	Safety and Governance and Institutions	<ul style="list-style-type: none"> • ACT Electoral Commission • ACT Integrity Commission • Gaming • Minister of State (Justice and Community Safety reporting areas) • Emergency management and the Emergency Services Agency • Policing and ACT Policing • Corrective services • Attorney-General • Consumer affairs • Human rights • Victims of crime • Access to justice and restorative practice • Public Trustee and Guardian • Scrutiny of bills and subordinate legislation
6. Public Accounts	Governance and Institutions	<ul style="list-style-type: none"> • ACT Auditor-General • ACT Ombudsman • Office of the Legislative Assembly • Accounts of the receipts and expenditure of the ACT and its authorities • All reports of the Auditor-General which have been presented to the Assembly • Treasury including taxation and revenue

Committee	Primary Wellbeing Indicator/s	Areas of responsibility
7. Health and Community Wellbeing	Health and Social Connection	<ul style="list-style-type: none">• Health and health system• Justice health• Mental health• Homelessness and housing services• Prevention of domestic and family violence• Families• Community services

APPENDIX B – STATEMENT BY MADAM SPEAKER

ESTABLISHING THE REVIEW OF COMMITTEE SUPPORT

Administration and Procedure—Standing Committee—Statement by chair

MS BURCH (Brindabella) (10.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. On Thursday, 8 April 2021, the Standing Committee on Administration and Procedure resolved to undertake a review of the committee support function within the Office of the Legislative Assembly. The committee considers that an effective committee support function requires consistency, collaboration, flexibility, and the capacity to meet the needs of the Assembly under various circumstances.

The committee noted recommendations 24 and 25 of the Standing Committee on Public Accounts report, *Annual and financial reports 2019-2020; Appropriation Bill 2020-2021 and Appropriation (Office of the Legislative Assembly) Bill 2020-2021*, relating to additional staffing and support for Assembly committees.

The review will be conducted by Dr Rosemary Laing, a former Clerk of the Australian Senate, one of Australia's leading experts on parliamentary practice, procedure and administration. Dr Laing will assess and report on:

1. the adequacy of the Office's current arrangements for supporting Assembly committees to undertake committee inquiries (including complex inquiries) and perform their core legislative, representative, scrutiny and community participation functions;
2. options or proposals relating to any additional steps that might be taken, training or resources applied, to optimise the Office's capacity to provide a committee support function that meets the needs of Assembly committees and their members flexibly and collaboratively over the short and longer terms and under a variety of circumstances; and
3. any other matter that Dr Laing considers is relevant.

Dr Laing will invite submissions from MLAs, current and former; management and staff of the office; former committee staff; and users of the Assembly committee system. She will report to the committee by the end of August 2021.

The committee acknowledged and supported the statutory independence and authority of the Clerk of the Legislative Assembly in relation to the management of, and staffing decisions relating to, the

Office of the Legislative Assembly. The committee also observed that the Clerk is the pre-eminent source of procedural advice and support for all Assembly committees and that committee secretaries exercise their functions by virtue of the Clerk's statutory and parliamentary authority.

The committee wished to emphasise that any of the processes that are underway to assess the work value or other matters within the committee support function will continue under the direction of the Clerk and that nothing in the review being undertaken by Dr Laing will prevent the Clerk from exercising his management powers in connection with such processes.

(Source: Legislative Assembly for the ACT, *Debates*, 22 April 2021, pp. 1034-5)

APPENDIX C – HOUSE OF REPRESENTATIVES

COMMITTEE SUPPORT STANDARDS

To Senators* and Members of Parliament

These standards represent a commitment by staff in the Department of the House of Representatives to provide high quality support services to the investigatory and scrutiny committees supported by the Department.

They also represent a means by which you can assess our services.

The committee support standards are a starting point for us as we strive continuously to improve our service.

We regularly review our performance, occasionally by way of survey, and we would welcome any comments you have on either our performance or our standards.

These standards complement the Department of the House of Representatives Service Charter which appears in full in the Members' Handbook.

What we do

We provide advice, and research, analytical, report drafting and administrative services to help parliamentary committees fulfil their role in the scrutiny of government activities and the consideration of legislation.

The advice and services we provide are non-partisan, focusing on the needs of the committees appointed by the House rather than the political or electorate interests of Members.

Our commitment

We are committed to providing you with the best level of service possible, within the limit of available resources.

We will do this in a manner consistent with the Parliamentary Service Values and the Parliamentary Service Code of Conduct. In particular, we will show:

- integrity and impartiality - by demonstrating high ethical standards and being unbiased and non-partisan;
- professionalism - by providing high quality advice and services, promptly, effectively and efficiently;
- commitment to service - by striving to meet as best as we can the needs of the House, the Speaker, Members, the public and others, and always seeking to improve; and

- mutual respect - by treating all people with fairness, respect and courtesy.

We can be contacted during normal business hours or after hours by arrangement with committee secretaries.

Our service standards

We will:

- provide advice, information and services that are timely, accurate, clear and as complete as possible;
- if we are unable to respond immediately to requests for advice, information or services, we will let you know what steps we are taking to provide a response and agree a timeframe with you, or direct you to someone who may be able to help; and
- ensure that information on our website is up to date.

We will also:

- support the information and evidence gathering activities of committees by providing well informed and balanced research and analytical services and effective administrative support;
- develop and implement strategies to promote public awareness of and participation in committee inquiries;
- provide briefing papers for private meetings and for information gathering activities of committees (for example, public hearings, inspections or seminars) in a time frame that is acceptable to each committee;
- provide report drafting services that result in clearly expressed, well structured, well informed and well argued draft reports that, in the first instance, express the views of the committee chair;
- provide publication services that result in the timely presentation and distribution of committee reports;
- ensure timely placement on the House of Representatives website of submissions to committee inquiries, transcripts of evidence, committee reports and government responses to committee reports; and
- develop and implement strategies to ensure the effective promotion of the results of committee inquiries.

Feedback

If you have any comments or suggestions for improvements please let us know.

If you have any concerns with any aspect of the information, advice or services we have provided to you, you may care to raise your concerns with the secretary of your committee in the first instance. If this is not successful, contact the Clerk Assistant (Committees) on: ...

(Source: Committee support standards – Parliament of Australia (aph.gov.au) Accessed 10 August 2021. *Note that senators are included because they can be members of joint committees supported by the Department of the House of Representatives.)