

*Strategic Management Review of the
Parliament of Victoria*

February 1991



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VICTORIA

**STRATEGIC MANAGEMENT
REVIEW
of the
PARLIAMENT OF VICTORIA**

February 1991

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Political institutions (however the proposition might at times be ignored) are the work of men, owe their origin and their whole existence to human will. Men did not wake up on a summer morning and find them sprung up. Neither do they resemble trees, which once planted, are 'aye growing' while men are sleeping. In every stage of their existence they are made what they are by human voluntary agency...

John Stuart Mill
Representative Government (1865)

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Preface

Parliamentary democracy, though seldom discussed, and more seldom defined, is one of the central and most important concepts in modern society. Like other forms of parliamentary democracy, the “Westminster model” which guided the development of responsible government in Victoria, has in its form, and in the language that describes its features and operations, undergone little change over the years. Over many decades during which there has been extraordinary and rapid social change, the Westminster model has shown on the one hand a remarkable resilience and on the other an extraordinary adaptability and flexibility.

In Victoria, the Parliament also seems to have undergone little change since 1856. But these changes belie a transformation in the nature and character of responsible government. Those 134 years have seen the emergence, indeed dominance, of disciplined political parties, changes in representation (adult suffrage, payment of Members, votes for women), the emergence of a powerful executive government and professional bureaucracy, and altered relationships between the Legislative Assembly and the Legislative Council.

Inexorably, these changes have caused, contributed to or facilitated a change in the role and status of Parliament, and an increase in the authority of executive government. It is a testament to the accommodating nature of the Westminster model that these changes could occur without any significant analysis of their effect on the system of government. To be more accurate, there has not to this time been a systematic examination of the Parliament or much overt recognition of Parliament in the many studies over the years of the machinery of government.

As we point out elsewhere, this study is essentially about how best to manage the functions of Parliament, particularly the service functions. It is not, as we are quick to point out, a study designed to correct the imbalance between executive government and the Parliament, but it does have that imbalance as a backdrop. As we show, it is not possible to make judgments about organisational structure and management arrangements without an adequate understanding of the existing balance of authority between Parliament and executive government *and* a basis for determining where that balance should lie.

Again, as we point out later, it is Members of Parliament who, in light of the views and expectations of the wider community, must make that determination, and put it into effect. In the absence of a considered and broadly based expression of opinion from Members we have sought to offer guidance on the proper role of Parliament, and the appropriate balance of power between executive government and Parliament.

Perhaps unsurprisingly, given the slow and often subtle nature of the transfer of power from Parliament to executive government in Victoria, when a comparison is made between the current pattern of authority and that implied by the structure of the Victorian constitution, one is forced to conclude that either the constitution should be altered to reflect current reality, or Parliament should set out to reclaim lost territory.

This study, while focussed for the most part on mission, objectives, strategy, structure and management, recognises the primacy of effectiveness over efficiency, and in doing so rejects the notion of "returning Parliament to its nineteenth century authority".

We have accepted the considerable challenge posed by the terms of reference of this study for the intellectual challenge, but more especially out of a deep and abiding interest in parliamentary democracy and a profound respect for the institution of Parliament. Further incentive is drawn from the opportunity to contribute early to a necessary debate on what form parliamentary democracy in Victoria should take in the 90's and beyond.

Kevin J Foley

Bill Russell

Acknowledgements

We are deeply indebted to the Presiding Officers of the Parliament of Victoria, Mr President, The Hon Alan Hunt MLC and Mr Speaker, The Hon Dr Ken Coghill MLA, for first allowing us to share their thoughts on the need for a strategic management review, and for later inviting us to conduct that study.

So many people have helped us in the collection and interpretation of data and the generation of ideas that it is impossible to record them all here by name. However, having said that and recorded our very special debt to the Presiding Officers, we must make explicit our thanks to the Heads of the Departments of Parliament, Messrs R Boyes, A Bray, B Davidson, L Johns and W McKelvie, who gave freely of their time and thoughts. We also wish to thank those Members of Parliament who contributed, including those who provided written submissions to the earlier corporate planning process.

We also extend our grateful thanks to The Hon David Evans, MLC, Chairman, Legal and Constitutional Committee, Mrs Margaret Ray, MP, Chairperson, Social Development Committee, Mr E M Tanner, MP, Chairman, Natural Resources and Environment Committee, and The Hon Theo Theophanous MLC, Chairman, Economic and Budget Review Committee. Those discussions, which were both informative and frank were complemented by our meetings with Ms J Breukel (Senior Reference Librarian), Mr M Bromley (Executive Officer, Legal and Constitutional Committee), Ms T Brown (Government Publications Librarian), Mr W Ivlenkov (Manager, Information Technology), Mr G S Jackson (Clerk of the Papers and Assistant Clerk of Committees), Ms M McAllister (Deputy Librarian), Mr S Moore (Resources Manager), Mr R Purdy (Serjeant at Arms), Mr M Roberts (Executive Officer, Economic and Budget Review Committee), Mr M Tricarico (Usher of the Black Rod), Mr W Tunnecliffe (Clerk Assistant and Clerk of Committees), Ms V Velickovic (Executive Officer, Natural Resources and Environment Committee) Mr G H Westcott (Executive Officer, Social Development Committee) and Mr R Wright (Research Officer).

Although the authors happily accept responsibility for the ideas and recommendations contained in this report, it is true to say that the authors have benefited greatly from the discussions held with Members and Officers of Parliament during the review process.

Special thanks are due also to our Research Assistant, Lisa Parkinson, to Mary Rossely and Barbara Cramer for assistance in typing and formatting material, and to Carol Harry for final production.

PART ONE:

Objectives and Methodology

Political institutions (however the proposition might at times be ignored) are the work of men, owe their origin and their whole existence to human will. Men did not wake up on a summer morning and find them sprung up. Neither do they resemble trees, which once planted, are 'aye growing' while men are sleeping. In every stage of their existence they are made what they are by human voluntary agency...

John Stuart Mill
Representative Government (1865)

This study, like Parliament itself, pursues a number of objectives. Although sharp focus is given to the task of proposing structural and management arrangements appropriate to the proper functioning of the Victorian Parliament in the 1990s and beyond, the study places very great emphasis on identifying the environment in which Parliament must operate and to which it must respond. Similarly, the study is systemic rather than partial, gives effectiveness primacy over efficiency and treats organisation and structure as means to the end of effective government. Consistent with those objectives there is considerable emphasis on the need for a mission statement for the Victorian Parliament. As a study guide and a prompt for others it is suggested that a mission statement for the Parliament could be:

To serve as the supreme law making body for the community of Victoria: to uphold and further the democratic constitution of Victoria; and to monitor and scrutinise the activities of executive government to ensure that they effectively serve the constitution and laws of Victoria.

Although limited time has made consultation difficult, a central component of the method used to gain and interpret information has been consultation with Members and officers of the Parliament. Not surprisingly, it has been that source which has provided many of the ideas contained in the study.

Part One concludes on the note that even on the most flexible of interpretations of the Victorian constitution and its associated conventions, it is evident that the Victorian Parliament is not now and has not for some time operated as it should. Existing attitudes, particularly of Members, present structures, resources and funding procedures would indicate that the Victorian Parliament is unable to meet its obligations under the constitution.

1. Introduction

The last two decades of the twentieth century are emerging as a period of profound significance for Australia and Victoria. As the pace of social and technological change in competitor economies continues to bite into traditional Australian economic certainties, unusual vision and leadership is necessary if we are to take political charge of the economic and social challenges before us.

In this process, the roles of State and federal governments, and their Parliaments, are central, for the economic and social adjustments necessary to adapt to far reaching economic and social change will include debate, law making, and social inquiry, three areas in which Parliament is pre-eminent among our social institutions. The economic imperatives facing Australia at the moment mean that inquiries conducted by parliamentary committees into the effectiveness of particular public provision are especially critical.

There are already many examples of these far reaching changes impacting the public sector. At the most fundamental level, the review of Commonwealth and state functions initiated by the Prime Minister in July 1990 means that the patterns of commonwealth state division of powers and responsibilities which have prevailed for the last fifty years may be changed; certainly they are to be questioned. At another level, many familiar public sector functions at all levels of government are being privatised, corporatised, or done away with, while at the level of the individual work unit, technological change and work practice changes under the structural efficiency principle mean fewer but more versatile staff undertaking many roles within the public sector.

In this context, it is essential that the institution of Parliament should equip itself, organise itself, and above all, be sufficiently forward looking and outwardly directed to play a central rather than a peripheral role in meeting the challenges facing Victoria.

The Victorian community deserves a Parliament that is forward looking, and either incorporates the values and principles which can be identified as the key components of the modern management model or an organisation that recognises the need to work towards those values and does not have impediments to the pursuit and achievement of those ideals. If such an organisation does not emerge, and soon, the constituency of Parliament of Victoria and its stakeholders will demand that change.

An organisation will fail if it does not display unprecedented adaptability, is not designed around the needs and expectations of its constituency, is not coherent, does not have very high levels of management and technical skill and is not shaped, led and directed by leadership that has a vision and is focussed well into the future and on the interests of the organisation as a whole rather than its parts. The model presented by the present Victorian Parliament shows no evidence of meeting these ideals.

Without an *explicit* recognition that organisations comprise a collection of human beings arranged in order to serve one another, and most often much larger collections of human beings, any conclusions about organisational structure must suffer the accusation of being mechanistic, inhuman, simplistic or static, and based on principles more relevant to the 50's than the 90's. Similarly, a management model is markedly flawed if it does not *clearly* indicate that it is designed to achieve excellence, where excellence is defined in terms of the broadly defined social value of effectiveness rather than the narrower managerial values of efficiency or technology, or the immediate pressures of day to day politics. As this study unfolds it will become clear that when set against such a standard the Victorian Parliament is found wanting.

This task, of establishing a forward and outward direction for Parliament, distinguishes the purpose and orientation of this review from a number of worthwhile though inward looking reviews which have preceded it.

This study of the Parliament of Victoria specifically addresses the question of whether the perspective, organisational structure and management arrangements presently in place are appropriate to the effective operation of the Parliament in the 1990's and beyond. Such a question, which can be summarised even further as a strategic examination of the efficacy of present management arrangements in the Victorian Parliament, is at once timely, of very great social significance, and complex.

Not least of the problems presented by such a study, which was conducted over a three month period that included the most intensive period of parliamentary activity and also the Christmas/New Year hiatus, was that of determining the scope of the study and determining which of the many possible frames of reference we should adopt, within which, with logic and objectivity, to determine what are the best management and organisational arrangements.

While the Victorian constitution and Westminster parliamentary traditions have had a profound effect on the organisation and management arrangements of the Victorian Parliament, it has been political rather than parliamentary needs which have determined the nature of parliamentary practice, funding (as to both processes and quantum of funds), and the status role and functions of the Presiding Officers. Because of this dominance of political concerns, Members of the Victorian Parliament have not been encouraged to see Parliament as a distinct entity with its own history, culture and value system, and with its own rules of conduct that support and guide, but sometimes question, both the processes and nature of political decisions. Parliament has generally been regarded as a "place of business" which variously frustrates and facilitates the wishes of Members.

Although no formal or exhaustive poll has been conducted, it is clear that Members of the Victorian Parliament have generally given little attention to the role of Parliament and as a consequence most have not extended their interest beyond the service functions with which they have direct contact. This lack of interest in the Parliament as an institution with objectives and needs distinct from those of executive government is best reflected by the fact that neither major political party in Victoria has a platform statement nor a policy on Parliament *per se*.

Other evidence of the secondary and relatively unimportant role that Parliament now assumes can be found in the authority and resources (and the process for providing resources) accorded to parliamentary committees. Committees of the Victorian Parliament lack independence, authority and status and are under resourced.

Perhaps a more obvious measure of the extent to which Parliament takes a secondary and subservient role to executive government is to be found in the failure of the Legislative Council to develop a fully comprehensive review function. Although useful amendments to legislation are sometimes made in the Council, debate there too often mirrors debate in the Legislative Assembly; the Council has no Standing Committee of review, and only on a limited number of occasions in its 134 year history has the Council resolved itself into a Select Committee.

In contradistinction to other reviews of the Parliament, which have usually been *ad hoc*, dealt with a component rather than the whole organisation, and concentrated on efficiency and usually taken structure and organisation arrangements as given, this study takes the broader and more systemic view, considers structure and organisation as means to an end, and concentrates on the question of *effectiveness*.

Appropriately, we believe our approach to this exciting, challenging and important task should begin with reference to the Victorian constitution and an examination of the role, responsibilities and obligations it places on Parliament, its Members and officers. Any examination of the constitution and of the present operations of the Victorian Parliament, the process adopted for its funding, and the facilities provided to Members and officers, must raise a number of important concerns. In particular, such an examination suggests that the Victorian Parliament is not now operating and has not for some years operated as it should. Indeed, with existing attitudes, structure, resources and funding processes it appears that the Victorian Parliament *cannot* fully meet its obligations within the Victorian constitutional framework.

To reach that conclusion is not to say that we believe there should be a return to the nineteenth century role of Parliament as a body which chose the government, maintained it, could reject it arbitrarily, and operated as an intermediary between government and the electorate. Such a role, if it ever existed, is long since gone; society has changed and so too have the major functions of Parliament. What we have argued is that if the Victorian constitution is to have any meaning at all, Parliament must not be reduced to a mere place of business and agency of executive government. The essence of our argument is that the Victorian constitution demands a wider role than this for Parliament, and does not envisage Parliament being reduced to a mere agency of executive government or being on the other hand an impediment to executive government.

When it is argued that, because the pendulum has swung to the point where the Victorian Parliament is under the control of executive government, nothing can or should be done to alter the situation, the effect is to deny the capacities of Members of Parliament to remedy defects in their own institution. In fact, the major restriction on Members of the Victorian Parliament in this respect is imposed by their own and the community's view of what is proper and desirable, and if Members become convinced that changes are needed there is no reason to believe those changes cannot be effected. As John P Mackintosh has written of the British Parliament:¹

1. John P Mackintosh,
*The Government and
Politics of Britain,*
p. 138-9

Nothing stops a British government removing or reducing the opposition's freedom to attack the government for roughly a third of the session except the belief that this would be undesirable and would hamper both parties in the long run. Similarly, no party today would, without some adequate or agreed substitute, abolish the Public Accounts Committee and the right of the opposition to nominate its Chairman. If there was a widespread desire to alter the degree of influence exercised by Parliament or to make the life of the backbench MP an attractive prospect in its own right...and if this could only be done by the acceptance of some new countervailing powers, this would be no harder for successive governments than accepting the limitations involved in joining the Common Market. But it could only be done if there was general agreement about the direction in which democracy in Britain should develop and about the role which Parliament should play.

This study and the conclusions it reaches are intended as a stimulus, indeed a catalyst, for debate about the direction, form and substance of democracy in Victoria, and a set of proposals for a direction which is in opposition to the direction of changes which have occurred over recent years.

2. Parliamentary Democracy

2.1 Parliamentary Democracy and Parliamentary Strategy

Any strategic plan for the Parliament must be founded on a clear understanding of the nature of parliamentary democracy in Victoria, for the most fundamental objective that the management and operation of the Parliament must surely be to uphold and further the democratic constitution of the State. In discussing objectives for Parliament later in this report, we have identified this as the prime objective of the Parliament.

In this context, an appreciation of Victoria's constitution and the place of Parliament in it is a starting point. Unfortunately, there is a relatively low level of popular understanding of the "architecture" of the State's constitution. A key point here is that although we have statutes which provide parts of a written constitution (the Constitution Act, the Constitution Act Amendment Act, and of course the Commonwealth Constitution Act insofar as it defines the respective roles and powers of the Commonwealth and the States) many of the distinctive principles of our constitution are contained in conventions.

These conventions include such principles as:

- ministerial responsibility
- Cabinet government
- government by the party with a majority in the lower house and
- the allocation of powers between legislative, executive and judicial arms.

2.2 Allocation of Powers

Of these principles, the one we consider particularly relevant to this review is the principle that power should be allocated to three interdependent, healthy but substantially separate arms of government.

It is essential to appreciate that for our version of parliamentary democracy to function, each of the three arms of government - legislative, executive and judicial, must be reasonably independent of one another and capable of functioning in an effective manner.

Although the rules for the functioning of these arms are not as rigorously laid down in Westminster constitutions as they are in the French or the U.S. constitution,² the basic principle does apply and it takes little reflection to grasp that this principle is fundamental to parliamentary democracy itself. The reason for this is that a system of government in which the executive branch was not subject to the requirement to operate within the rule of law (legislated by an independent Parliament and interpreted by an independent judiciary) would not be a parliamentary democracy at all, but at best a form of executive government disciplined only by elections if these were held.

2. On this point see
E C S Wade and
A W Bradley,
*Constitutional and
Administrative Law*
(10th edition),
Longman's London
1985, p.52

These arms of government are not static in relation to one another, and commentators on constitutional development frequently discuss the relative movement of one arm with relation to another. The three arms are in fact in a dynamic tension with one another, and the working of the system can be seriously jeopardised if one arm achieves total dominance over the others.

In Australia, there has been a serious tendency toward untrammelled executive dominance. There has been a readiness on the part of politicians and commentators to see government from the point of view of control of the executive branch, with the roles of the other branches being perceived as ancillary if not irrelevant. For example, Donald Horne wrote of our Parliaments in his book *The Lucky Country* as follows:³

3. Horne, Donald,
The Lucky Country,
Penguin, 1964

It is hard to escape the conclusion that in Australia Parliaments are now mainly of ritualistic significance and that the significance of the peculiarly parliamentary part of Australian democracy is quite slight...Except in the sense that the rival party machines have to submit themselves to regular parliamentary elections, the idea that Parliament represents the people is simply one of the fictions of Australian public life - as is the idea that Parliaments have any particular relation beyond a ceremonial one to the administration of the Commonwealth and the States.

While in our view Horne overstates the case, or rather the threat to our system of parliamentary democracy posed by executive dominance, the tendency he refers to is undoubtedly a serious issue. In Australia, there is a tendency for the legislative arm to become debased and subservient, and there are severe dangers of malfunction if this continues. The resulting malfunction could be manifested as corruption (as occurred in Queensland and New South Wales) or alternatively as mismanagement (as occurred elsewhere) due to lack of the accountability and scrutiny functions of Parliament being permitted to discipline executive government in the way they are designed to do.

The early 1980's saw a degree of revitalisation of the legislative arm in the Commonwealth Parliament, expressed in a variety of ways ranging from a stronger and more virile system of parliamentary committees to the construction of the new Parliament House in which facilities for Parliament to exercise its duties adequately are provided.

Generally, however, the State governments have not paid much attention to the importance of this issue, and in fact in the aftermath of the fall of the former Queensland government it was demonstrated that at least one former Queensland Premier had not heard of the concept of separation of powers at all. In Queensland, the dominance of the executive branch of government was com-

plete, key issues being that electoral boundaries, the judiciary and the Parliament were all clearly under executive control. Thus neither elections, nor court challenge, nor review by Parliament posed any real threat to executive actions, and the possibility of what might be termed "subversion of the constitution" was brought about.

2.3 The Position in Victoria

While we do not believe the position in Victoria has produced corruption in the way it did interstate, we do consider that the underlying principle of executive dominance and the weakening of the other arms of government is a problem in this state, and we also consider that improvements need be made to better allocate powers and responsibilities among the arms of government in a number of areas in Victoria.

In this regard we are not making a political point. Both parties have neglected this issue at times, and both parties have some measures to their credit in recent years. The former Liberal Government, when led by Premier Bolte, had little regard for the functioning and facilities of Parliament, and Bolte was said to have preferred Members of Parliament to work in cramped conditions and in shared offices to prevent them from hatching conspiracies. However, under Premier Hamer, the Liberal party reformed the Parliamentary Committee system with a strengthened public accounts committee and particularly by the creation of the Public Bodies Review Committee with strong legislation and good access to resources. Again, the Labor Government commenced its regime by an across the board reform of the parliamentary committee system through the Parliamentary Committees (Joint Investigative Committees) Act. As well, the Labor Government in its earlier years re-activated plans to extend Parliament house, and thus the prospect of a revitalised Parliament was present. Regrettably, the latter years have not seen this prospect realised.

A number of factors place Parliament in a very weak position with regard to the executive. The following five issues in our view illustrate this:

- Despite a decade of financial management reforms in the public sector generally, Parliament's budget has been left within the departmental budgetary framework, and Parliament must go cap in hand to Treasury public servants to obtain allocations. This procedure is absolutely wrong in principle and must be reformed;
- Despite the initial positive move in strengthening the committee system through the passage of the Joint Investigative Committees Act, parliamentary committees are compromised by being required to obtain funding and approval from government agencies before an inquiry proceeds. A particularly retrograde step in this regard is the requirement

for government approval of an inquiry before it can proceed - a procedure no doubt desirable from the point of view of executive government but a serious constraint from the point of view of Parliament;

- Despite early intentions to proceed with extensions to the Parliament building, these plans appear to have been shelved, and parliamentary accommodation requirements are handled in a less than competent manner by a government department, which has also sought to apply government accommodation standards to Parliament - further highlighting the subservience of the legislative to the executive branch;
- No action has been taken to provide for the independence of the Presiding Officers; and
- A sense of denigration of Parliament has been promoted at certain senior levels in politics.

Executive Government closely controls the work of Parliamentary Committees.

ALL MINISTERS

Guidelines for costing of references to Parliamentary Committees

Introduction

1. These guidelines have been issued by the Premier for the purpose of ensuring that budgets for Parliamentary Committee references are thoroughly considered prior to the reference being considered by Cabinet.

Guidelines

2. Cabinet submissions proposing references to Parliamentary Committees should include details of the costs of the proposed reference.
3. These costs should be discussed and agreed either between the proposing Minister and the Chairperson of the relevant committee or, when appropriate, negotiated and agreed at officer level with the committee's Director of Research or Secretary.
4. A proposed budget should consider the following items:

Advertising	Office Supplies
Consultants	Telephone
Sitting Fees	Printing
Travel	

Budgets need not consider the costs of committee staff unless the reference will require additional staff.

5. The budget should indicate total expenditure on the reference and how this will be spent on a yearly basis from the date of the reference being made until the expected completion of the inquiry.
6. After the proposed budget has been settled with the committee, the budget should be considered by D.M.B. before it is lodged for Cabinet consideration. Any comments by D.M.B. should be taken into account in preparing the Cabinet submission.
7. Queries regarding this procedure should be directed to Mr. Garry Robinson, Assistant Director of the Parliamentary Branch, Department of Premier and Cabinet (651-5145).

2.4 Overview

Following the Fitzgerald inquiry in 1989, the Queensland Government was criticised, in our view correctly, for a lack of appreciation of the implications of the doctrine of separation of powers for relations between the branches of government; the same criticism can regrettably be levelled at successive Victorian Governments regardless of political hue.

To protect the functioning of the legislative branch and the judicial branch, the role of each must be appreciated and supported. Particularly in relation to legitimate funding requirements, the executive must exercise a light rather than a heavy handed restraint over the budgets of the other branches.

We believe the status of each branch under our constitution to be important. The Presiding Officers (in the case of the legislative branch) and the Chief Justice (in the case of the judicial branch) - each are conceptually of equal status to the Premier

Unless the implications of this need to balance the arms of government are fully understood and acted upon, there is a real danger that the executive branch will make the other branches subservient, and the checks and balances required in the constitution will be lost.

This fundamental perspective of parliamentary democracy in Victoria underlies our report and is the foundation for many recommendations, from those concerning objectives and strategy to those concerning budgets and organisation structure.

3. The Parliament of Victoria

3.1 Beginnings

Self-government came to Victoria with separation from New South Wales and the establishment of the Colony of Victoria and the Legislative Council in 1851. The 1850 Imperial Act which created the colony empowered the Council to draft a permanent Constitution for Victoria, and after this was done and enacted by the Victorian and Imperial Parliaments, responsible government with a bicameral Parliament followed in 1855.

When Parliament opened in 1856, no one could doubt its pre-eminent status in the political system.

"A pretty general holiday indeed was observed in Melbourne, and several large firms followed the example furnished by the Banks and closed their places of business. The business of the smaller establishments must also have been to a great degree, brought to a standstill...

"The traffic into Bourke street and the streets leading into it was stopped from noon till three o'clock during the ceremonial; and from a considerable number of the houses in the route pursued by His Excellency and suite in their progress from the Government offices to the New House of Parliament depended flags and streamers, which lent quite a holiday and gay appearance to the proceedings...

"Shortly before twelve o'clock, bodies of mounted and foot police were drawn up in front of the Parliament Houses and along the line of Spring street, and from this time the public commenced to arrive in considerable numbers...

"At half past twelve, a detachment of the 40th Regiment arrived, preceded by the band and under command of Captain Hare, and were followed by a party of the Williamstown detachment of the Victorian Volunteer Artillery Regiment...

"At one o'clock the Victoria Volunteer Rifle Brigade under the command of Captain Holland, arrived on the ground, and took up places inside the enclosure in front of the lines formed by the police...

"A guard of honor was drawn up in front of the Houses of Parliament facing Bourke street, and outside the enclosure two parties of the 40th Regiment took up places on each side of the street, also in front of the populace...

"The city police under the command of Inspectors Nicholas and Hile then took up the line, which was continued at intervals of about twenty yards to the Government offices...

"The City Council headed by the Mayor arrived in a body shortly after one o'clock, and about this time the members of both Houses commenced to arrive in considerable numbers...

"At a quarter to two o'clock, a trumpet sounded and a salute of nineteen guns announced that His Excellency and suite had left the Government offices...

"At this time the number of the public assembled inside and outside the enclosure along the lines of Bourke and Spring streets reached many thousands and the tops of the houses accessible within view of the Houses of Parliament were occupied by numbers of well dressed ladies and gentlemen...

"Precisely at two o'clock His Excellency and suite reached the Parliament Houses preceded by a party of the mounted 40th Regiment (Hotham Blues) and a party of the Victorian Volunteer Yeomanry Regiment. His Excellency arrived in his private carriage and a second party of the Yeomanry Regiment brought up the rear...

"When His Excellency reached the door of the building the band played God Save the Queen. His Excellency, who was cheered as he passed then entered the Legislative Council chamber...

"The interior of the Council Hall presented a rather striking appearance, being crowded with ladies and gentlemen anxious to witness the ceremony. The varied colors of the costumes of the former had a pleasing effect, and showed to great advantage the simple and classical architecture of the building. The effect produced was altogether rather imposing, not withstanding that the arrangements were but temporary...

"Below the bar of the House were seated a considerable number of the members of the Assembly, who seemed not a whit less interested in what was going on than members of the general public...

"Throughout the entire Hall and its galleries we did not observe a seat unoccupied, and we understand that as many more persons would have been present had it been possible to provide accommodation..."

After the formalities of the opening were performed, and the Vice-regal speech was delivered, His Excellency and suite left the Parliament House, and, says the Victorian Hansard..."A salute of nineteen guns was fired on His Excellency's departure..." Hansard continued..."Notwithstanding the dust-laden and oppressive condition of the atmosphere, the footpaths were ...with spectators, all eagerly pressing forward to obtain a view of the proceedings attendant upon the opening of the New Parliament of Victoria..."

4. C G Duffy, *My Life in Two Hemispheres*, quoted in Grant and Searle, *The Melbourne Scene*, (M U P, 1957), p.109.

After elections were held, the first meeting of the Victorian Parliament took place on 21 November 1856, and the occasion being marked by "whatever ceremony and state the colony could furnish".⁴

For successive decades and certainly until Federation, Parliament formed the focus of public policy debate in Victoria, and not until the advent of the Commonwealth Parliament on the one hand and the relatively recent rise to dominance of executive government on the other did it recede from pre-eminence in this role.

3.2 Structure and Organisation

The Parliament today is composed of the Crown (represented by the Governor), the Legislative Council and the Legislative Assembly which collectively form the Legislature. Its functions may be broadly described as legislative, financial and representational. It authorises expenditure, debates Government policy and scrutinises Government administration.

The Legislative Council comprises 44 Members, representing 22 provinces. At present 18 are ALP, 19 are Members of the Liberal Party, 6 are from the National Party and 1 is an Independent. The Council deals with proposed laws presented to it in the form of Bills and conducts debates on the issues of the day. The Legislative Assembly comprises 88 Members, each representing one of the Electoral Districts of the State. The Legislative Assembly initiates legislation, provides a forum for debate and scrutiny of proposed law and has primary responsibility for authorising Government expenditure.

To assist in its functioning Parliament has five departments which constitute the Administrative arm. These are the Department of Legislative Assembly, Department of Legislative Council, Department of the House Committee, Department of the Parliamentary Library and the Department of the Parliamentary Debates.

The role of the Department of the Legislative Council is to provide support services, including advice, to the President and Members of the Council and to service a number of Parliamentary Committees which it administers. Such services include the provision of information and documents relating to the proceedings of the Council and Parliamentary Committees. Of the five Joint Investigatory Committees which were established in 1982, the Council is responsible for the administration of the Natural Resources and Environment Committee, the Public Bodies Review Committee and Social Development Committee. Administrative support is provided by a Secretary and word processing operators. Research support is provided through the appointment by each Committee of a Director of Research and other research staff who are usually engaged for shorter periods on an ad hoc basis.

The Department also provides secretarial support for the Printing and Standing Orders Committees, and for any Select Committees established by the Council. This Department employs 28 staff.

The two Presiding Officers, the Speaker and the President have responsibility for the Legislative Assembly and the Legislative Council respectively. The President has primary responsibility for the Library and Hansard and the Speaker for the House Committee.

The role of the Department of the Legislative Assembly is again to provide advisory, procedural and administrative support services to ensure the conduct of business for the House, Committees and Members. These services include the preparation, recording and retention of documents and provision of research, and advice concerning the practices and procedures of the House. Transport and travel arrangements, office accommodation and ancillary services, responsibility for the payment of Members' salaries and allowances, and security and attendant duties. The branches of this department are the Office of the Serjeant-at-Arms, Table Office, Papers Office, Committee Office, Resource Management Office and the Secretarial Services Office. The two Joint Investigative Committees administered by the Assembly are the Economic and Budget Review Committee and the Legal and Constitutional Committee. These Committees are provided with secretarial support by permanent officers of the Assembly. Members of staff provide administrative support, advice on procedure and practice and limited research.

The Joint Investigative Committees have recently been re-located on a single floor of Nauru House in the centre of Melbourne, a new location which will permit some sharing of facilities but which does not provide facilities for public hearings of parliamentary standard.

The primary role of the Department of the Parliamentary Library is to prepare and disseminate information and research services for parliamentary needs, particularly the needs of Members, the Committees and staff of the Parliament of Victoria. This involves the development and management of appropriate collections and sources such as a newspaper clipping service, periodicals indexing, in-house databases, information on CD-ROM and other on-line databases. The Library also provides a research service preparing items such as specialised statistical analysis of electorates, information papers, briefing papers and oral briefings as well as Information Kits for public consumption. The Library holds about 150,000 books and subscribes to 3,000 periodicals. Services include on-line data bases, as well as data bases established and maintained by the Library staff as well as a newspaper clipping service. In a year some 4,000 information inquiries are answered. The Library has four subprograms: administration, reference and current information, technical services, government publications and a research service. The Department employs 22 staff and Library policy is developed and defined by the Library Committee of which the President of the Legislative Council is Chairman.

The Department of the House Committee, of which the Speaker is Chairman, is responsible for the maintenance of the gardens, the repair, alteration and renovation of the parliamentary building, the operation of the Electorate Office System ie. leasing and maintaining Electorate Offices for Members of Parliament, the Parliamentary Refreshment Rooms and provision for the central administration of accounting and payroll functions for Members of Parliament, Electorate Officers and the Parliamentary Departments. It is responsible to the House Committee. The Department has a staff of 43, excluding electorate officers.

The Department of Parliamentary Debates (Hansard) is responsible for the reporting and publishing of the Parliamentary Debates and reporting minutes of evidence taken by Parliamentary Committees. The Department is responsible to the Library Committee. It is staffed by 24 permanent officers, 10 sessional employees and casual employees as required.

Not all Parliaments maintain five separate Departments. Whilst the Commonwealth does, Queensland has only one and Tasmania has three.

Parliament House was designed in 1856, but the original plans prepared by Knight and Kerr, which were described as "a magnificent classic design for a building of colossal proportions" have never been completed. One hundred and thirty four years after building commenced, the bluestone foundations, which have long been in place for the north wing, remain as they were. No foundations have ever been put down for the south wing. The last major works took place in 1930. Over the years additional accommodation has been provided from make-shift partitioning of passage ways, refurbishment of basement storage areas and as well as temporary portable accommodation. Two Reports have been prepared by the former Public Works Department on Parliament House - one in 1981 and the second in 1985. Both Reports strongly recommended the provision of the extension of the parliamentary building.

The House Committee completed an architectural brief in 1989 and sought funding to proceed. Funding was not allocated, and the works have not proceeded.

4. The Current Study

In recent years, there have been several studies looking at the efficiency of aspects of Parliament's operations, and a corporate planning process was initiated within Parliamentary Departments late in 1989.

In December 1987, the Auditor-General's Office undertook an "Assessment of the Administration of the Departments which support the Activities of Parliament", which among a number of very detailed points of an audit nature, recommended at Recommendation 3.9 that:

5. Victoria: Auditor General's Office, *Assessment of the Administration of the Departments which Support the Activities of Parliament*, (Melbourne, December 1987), p.3.

Consideration be given to seeking external advice on development of a corporate plan, to co-ordinate operational objectives, policies, strategies and procedures for all parliamentary support functions, and having the Joint House Committee assume responsibility for overall co-ordination for planning functions and program evaluation within Parliamentary Departments.⁵

The Auditor-General also made a further recommendation at 4.1.9 of his report virtually repeating the above, in these terms:

An overall corporate plan for Parliamentary Administration be established. Such a plan would co-ordinate the broad and detailed operational objectives, policies, strategies and procedures for each parliamentary department. It is acknowledged that this action would involve a considerable time factor and existing staff may not have the necessary levels of expertise required. Consideration could be given to:

6. Auditor-General, op. cit., p. 10.

- (1) Seeking external advice on corporate planning and departmental management systems.
- (2) Have the Joint House Committee assume responsibility for overall co-ordination of all planning functions and program evaluation within parliamentary departments.⁶

During 1990, a draft Corporate Plan was prepared by the Heads of Parliamentary Departments and in July 1990 this plan was circulated for comment to Members and selected parliamentary staff. The draft plan proposed a Corporate Mission and Objectives for the Departments, provided a brief assessment of the Environment affecting Parliament and its Departments, listed five areas affecting the Parliament as a whole in which joint or corporate strategies were seen as necessary, and incorporated the individual plans of each of the Parliamentary Departments.

The five "key result areas" in which corporate strategies were identified were:

1. Corporate decision making through a Standing Committee of Permanent Heads
2. Improved information, education and public relations
3. Implementation of improved information technology
4. Co-ordinated common services including finance and personnel services, while leaving separate departmental personnel sections in place
5. A staff development strategy.

The draft document incorporating these five initiatives and the departmental plans with their respective initiatives, was circulated for comment, but drew a disappointingly small response from Members and staff.

Subsequently, the Presiding Officers determined that, notwithstanding the merits of the work which had been done in preparing this document, it was nevertheless primarily operational and short-term in nature, and that there needed to be in addition to it a further strategic study going beyond it, and focussing forwards and outwards on steps that needed to be taken to ensure the Parliament is well placed to respond to the demands which will be placed on it in the coming decade.

The Presiding Officers therefore commissioned the current study in December 1990, requesting the consultants to review the work that had been completed to date and add a heightened strategic and external direction. The Presiding Officers believed that this additional work would complement what had been done to date.

The present consultants have undertaken this assignment out of respect for the institution of the Parliament of Victoria, and wish to acknowledge the value of the work completed by parliamentary staff in the draft corporate plan document. The consultants do however believe the Presiding Officers' judgment to be correct that some further work should be done complementary to what has already been completed. In this vein the consultants made themselves available in November and December 1990 to meet with senior parliamentary staff and a number of Members.

The ensuing report does not aim to repeat what has been usefully put in the previous corporate plan. Nor have we sought to write an extended and of necessity repetitive study of parliamentary administration. Rather, our aim has been to underline the strategic issues and actions we consider critical to the effective functioning of Parliament as we see it in the coming decade.

PART TWO:

Analysis

"Would you tell me please which way I ought to go from here?" asked Alice.

"That depends a good deal on where you want to get to", said the Cat.

Lewis Carroll
(Alice in Wonderland)

This, the core of the study, commences with a discussion of the environment of Parliament and a description of existing organisational and management arrangements in the Parliament of Victoria. Armed with that information, the study takes the admirable advice of Lewis Carroll's cat. To answer that question extensive use is made of corporate plans and related studies conducted by each of the present five departments of the Parliament, and material provided to that process by Members. Central to reaching conclusions and posing recommendations for change is the need to identify changes which have occurred in the Parliamentary environment since Parliament was established. We have analysed and listed these conditions in this Part.

Some of these changes in the parliamentary environment have caused, facilitated or made possible a deterioration in the position of Parliament vis-a-vis executive government. Some of these changes are manifestations of a debasement of the institution of Parliament over recent years. For example:

- the independence of Parliament has been compromised by requiring detailed approval of its budget by public servants;
- the requirement for government approval of parliamentary committee inquiries and their proposed budgets significantly compromises Parliament's ability to independently scrutinise the executive;
- successive governments have repeatedly shelved plans to provide reasonable accommodation for Parliament, and by forcing parliamentarians to work in shared cramped makeshift temporary and dispersed accommodation in the Parliament precinct without the rudimentary facilities of any modern office, has made the work of parliamentarians difficult and close to untenable;
- a parliamentary committee which incurred executive displeasure was starved of references, while in choosing other references for parliamentary committees governments have sometimes chosen issues unlikely to reflect adversely on government;
- important functions that support the role of the Parliament, including the Offices of the Ombudsman, the Auditor-General and the Parliamentary Counsel, have been separated from Parliament organisationally;
- the status and pay of staff serving the executive arm of government have been progressively raised to levels considerably above those applying to comparable levels in the parliamentary service.

In this Part we outline a series of positive changes which should in our view be made to reconstruct and reinvigorate the institution of Parliament.

5. Environment

5.1 Significance of Environmental Assessment

No captain can chart a course, nor organisation determine its strategic direction, without an acute sense of the likely environment - the surrounding storms, winds and seas which must be traversed to progress swiftly and reach his or her destination safely.

Parliament is no exception from this rule, despite the extent to which its heavy architecture and symbolism of ancient procedures and traditional roles and clothes may be designed to emphasise continuity and stability. In fact, the Victorian Parliament's main building, with its heavy emphasis on stability and conservatism from its stone steps to its rich interiors, was designed during the gold rush years, when social change and turmoil was constant, and revolution itself not too remote a possibility.

Large and small organisations alike nowadays pay considerable attention to assessing the environment in which they operate, recognising how important it is not just to be efficient, but to be effective in responding to the contemporary and emerging challenges.

5.2 A Backlog of Environmental Changes

It would be trite to list *all* the respects in which the parliamentary environment of today differs from that for which the designers of Parliament House planned, but a few of these changes include:-

- payment of Members, so that Parliamentarians are now career politicians rather than dilettante Members of an exclusive club;
- federation, since when the Victorian Parliament is no longer the sovereign Parliament of a self-governing colony but a regional assembly with severely constrained powers and finances;
- the emergence of a strong executive supported by a career bureaucracy as an alternative power centre to the Parliament; the associated absence of facilities as in Canberra which would permit Ministers to run their Departments from Parliament House;
- the emergence of innumerable competitors for media and public interest, so that parliamentary reporting, especially at State level, is frequently restricted to crises and minutiae;
- the emergence of a stable system of political parties, with commensurate needs for space and facilities in Parliament House;
- a transport and communications revolution, giving Members and parliamentary committees instant access to all parts of the state;

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- the emergence of the Committee system as an extremely active and important new branch of parliamentary life, with corresponding needs for all aspects of support, from funds to hearing spaces, none especially well provided for in Parliament's traditional scheme of things;
 - the increasing complexity of government;
 - the rate of change in government and in society;
 - the emergence of a society in which express security provisions are needed to protect the lives of public figures.

While all of the above changes in the parliamentary environment may seem obvious, they are all changes to which the support fabric of Parliament has adapted with difficulty, and in some cases, awkwardly. They represent a backlog of issues which in some cases still need to be addressed.

5.3 Environmental Issues Identified in the 1990 Corporate Plan document

7. Victoria,
Parliament: *Corporate
Plan of the
Departments of
Parliament, Draft for
Comment,*
11 July 1990, pp.2-3.

A second group of environmental issues is that identified by the parliamentary officers in their July 1990 draft corporate plan document. These issues included:⁷

1. The need to service Members of Parliament and protect the parliamentary institution in a volatile environment
2. Resource management pressures including,
 - funds constraints
 - difficult and dispersed accommodation
 - need for a satisfying working environment
3. Community needs, especially information needs and
4. Technology; the need to adopt and train for computerisation

Each of these is an important issue, however, each essentially relates to the better management of an existing input resource. In endeavouring to establish the strategic directions of any organisation however, we need to look also at the external environment to which the organisation is responding.

5.4 Issues in the External Environment

The choice of those issues in the external environment which are of most importance is necessarily subjective, and its accuracy will reflect the experience and judgment of the observer. We however would like to underline a range of issues in this category which we believe to be most important, recognising that Members and officers in reviewing our document may wish to disagree with some of these matters and highlight others.

These however are the issues we would like to highlight as critical to the Victorian Parliament's strategic direction in the coming decade:

1. *Watchdog on the Executive* There is currently a high level of distrust and dissatisfaction with major political parties. In Victoria, the Auditor-General has assumed the role of chief watchdog of the public interest. Parliament has the facility and constitutional obligation to ensure that it is seen in this role.
2. *Focus and Forum for Victorian Interests* Many aspects of national economic and social policy operate to the detriment of particular regions, and at the present time, the federal Treasury's economic policies in relation to manufacturing industry have from time to time been disadvantageous for Victoria. Likewise, federal Arts funding policies (irrespective of the political party in office) have discriminated against Victoria. The Victorian Parliament has the opportunity to become a forum where informed and public attention is given to these issues.
3. *A Better Understood Component of the System of Government* Survey data indicates that there is limited public understanding of the role of state governments and Parliaments, and under conditions of a review of federalism and hostility to government extravagance and to spending by or on politicians, it is especially important that Parliament succeeds in conveying its role clearly and convincingly to the public.
4. *A Bipartisan Forum for Exploring the Most Difficult Issues of Social Policy* Particularly through the work of the Social Development Committee and its predecessor road safety committee, the Victorian Parliament has shown how it can contribute to consensus and knowledge of the most difficult issues of social policy, ranging from road safety policy to the question of "dying with dignity". There are few institutions as well equipped as the Parliament to undertake this role, and if there is a single best area of opportunity for Parliament to establish a positive reputation in the community, this may be it.
5. *A Well Managed Community Asset* Current community perceptions of Parliament are not highly respectful, emphasising abuse slinging, Members absent from debates, poorly managed sessions continuing into the small hours of the morning, overcrowding etc. The solution of a range of housekeeping problems in the Parliament is critical - but not enough in itself to ensure Parliament's place in public esteem or its continuance. If Parliament permits itself to be perceived as a privileged club of opportunists, it may find it has no future. Parliament must put itself into a position whereby the image it projects is one of quiet and economical management, and the effective pursuit of the public interest.

6. *Mission and Objectives*

6.1 Purpose of a Mission Statement

The purpose of a mission statement is to provide a succinct reference statement which epitomises what the organisation exists to do, and with respect to which the relevance of various subordinate objectives may be tested.

In the 1990 Draft Corporate Plan document, the following mission statement for the support activities of Parliamentary Departments was proposed:

8. *ibid.* to provide a functional and effective infrastructure to support the Parliament in its constitutional role and responsibilities under the system of Parliamentary government in Victoria⁸

This is a reasonable statement as to the purpose of the Parliamentary Departments, but it is essentially a statement of *functions* to be performed rather than any *mission* to be achieved.

Again, we find this to be reasonable, since the task of establishing a *mission* for the Parliament must rest with the Parliamentarians: it is their task to define, and add content to what Parliament's role in the system of government might be, and what mission therefore is to be achieved.

6.2 A Mission Statement for the Victorian Parliament ?

It might be argued that it is presumptuous to speak of establishing a mission for Parliament itself; after all, isn't the role of Parliament self-evident and permanent within our constitutional system ?

We argue that the answer to this question is no: there is no institution, least of all one as dynamic as Parliament, which can regard its mission as permanent and changeless. Public expectations and requirements do change over time, and we have already listed under Section 5.1 above a variety of issues which have materially changed the context of Parliament and hence what its mission and objectives must be.

A central instance of this is in the relations between Parliament and executive government. At the onset of responsible government, the supremacy of Parliament was very clear; no executive action could proceed without parliamentary sanction; Ministers were heads of departments, and close parliamentary government was possible in most domains of public administration.

The pendulum now is very much at the other end, for while parliamentary sanction of the budget, of supply, and of the annual legislative program is necessary, the executive can proceed for long periods without Parliament sitting; the budget can be put through largely unchanged by a government in office, and far from the executive being dependent upon Parliament, Parliament is in very many ways dependent on the executive. It determines the legislative program, determines the topics and funding for Parliament's investigative

committees, and determines the budget of the Parliament itself and all its departments. In a real sense, responsibility for the long standing financial and resource crisis facing Parliament, its accommodation inadequacies and the emptiness of some of its procedures must be laid at the feet of executive governments of all political persuasions, who like divine right monarchs of old, have seen Parliaments as an inconvenience or irritation to their plans rather than as the centrepiece of democracy.

With this background, and in view of the urgent need to appraise and revitalise Parliament's role in the democratic process outlined in Chapter 2 above, we do believe it is proper and necessary for a mission statement to be proposed for the Parliament itself. We believe, furthermore, that the adoption of such a statement is the prerogative and responsibility of Parliament and would best proceed in a bipartisan climate such as a joint sitting.

Moreover, we believe that major political parties should encompass in their platforms their policies and beliefs as to the place they will accord to Parliament if elected to office, just as political parties in the past decade have come to incorporate public sector management policies in their platforms and election manifestos

A statement of mission for the Parliament needs to rest closely on an understanding of Parliament's place in our system of parliamentary democracy as it is intended to function. Thus, a mission statement for Parliament could be:

To serve as the supreme law making body for the community of Victoria; to uphold and further the democratic constitution of Victoria; and to monitor the activities of executive government to ensure that they effectively serve the Constitution, laws and people of Victoria...

Such a mission statement has obvious implications as to parliamentary practice.

If the first aspect of the mission statement is to serve as the primary law making body, Parliament may wish to more closely tie those policy and legislation review processes which lead to legislative change to itself, rather than leave them to ministers and departments of state. Parliament may wish to establish frameworks and approaches for involving the community in the development of new legislative packages in many areas. With the current dominance of executive government, it is too readily assumed that all processes of legislative development and review are the prerogative of the executive, but the activities of Parliament's own committees in recent years have shown that this need not be the case. While executive government must form a budget, and give resources to initiatives, it need not have a monopoly of policy development, especially in fields where a bipartisan approach rather than decisions on party lines are called for.

Similarly, if the monitoring of executive government is central to Parliament's role, implications include that Parliament should not be dependent on the executive for references or funding of inquiries. Nor will Parliament be content for a public servant such as the Auditor-General to be the principal or sole source of judgments on executive performance in a domain where Parliament has a special prerogative. If monitoring of the executive is of central importance, Parliament will want to provide priorities in procedures and facilities to its monitoring arms, the economic and budget review committee and the public bodies review committee, and will certainly want to see these bodies resourced on a comparable basis to the Auditor-General.

6.3 Objectives for the Parliament

Once a sense of an organisation's mission has been established, the logical first step in any strategic planning process is to define and state the objectives the organisation is there to achieve. Objectives are not functions. Functions state, in a static and retrospective sense, what an organisation does. Objectives, by contrast, are dynamic and directional, in that they seek to specify what it is the organisation wishes to achieve.

We have already noted, in our proposed mission statement, in our assessment of environmental issues both inherited and prospective, and in the 1990 draft corporate plan's list of objectives, a range of issues with respect to which objectives need to be set.

The following is a list of those areas:

- to serve as supreme law making body for the people of Victoria;
- to uphold and further the democratic constitution of Victoria, and to ensure that the constitution's allocation of powers is retrieved by regaining a greater measure of independence of the legislative arm from undue dependence on the executive arm of government;
- to be primarily responsible for monitoring the activities of executive government to ensure they effectively serve the public interest and are within the constitution and law of Victoria;
- to provide a focus and forum for Victorian interests;
- to provide a bipartisan focus for exploring difficult issues of public policy;
- to contribute to a better public understanding of the roles and functions of the respective levels and components of our system of government;
- to exemplify a well managed community asset and infrastructure system serving the needs of Parliamentarians and the public.

Formulating objectives in each of these areas, we might come up with a set of parliamentary objectives such as the following:-

- to be the supreme law making body for Victoria, and to achieve oversight of most major processes of legislative development in Victoria;
- to promote understanding of the democratic constitution of Victoria through public education and information programs to the point where the majority of the public are capable of distinguishing between levels of government and of understanding the basic principles upon which the democratic constitution of Victoria is based;
- to become the major body monitoring the actions of executive government of Victoria as to their legality, propriety, efficiency and effectiveness, in the Parliament itself, through the work of the relevant joint investigative committees, the Ombudsman, the Auditor-General's office and through other appropriate strategies;
- to become accepted as a primary focus for launching programs and policies designed to assert or focus on Victoria's interests;
- to become accepted as a primary forum for exploring and developing difficult issues of public policy, particularly those capable of bipartisan resolution, and building on foundations laid by the natural resources and environment committee and the social development committee particularly;
- to finally and definitively overcome resource management and infrastructure difficulties, so that Parliament is viewed in one sense as a well managed community asset, accessible and adequate, not overcrowded, chaotic, expensive or self-indulgent.

7. Strategy and Structure

7.1 The Meaning of Strategy

Strategy is the process by which objectives are achieved. In the case of the objectives for the Parliament which we have discussed above, it will be clear that a range of strategic measures will be needed if ever the objectives suggested are to be realised. Critically important at the outset will be a process by which Members of Parliament and the staff of Parliament discuss and develop a consensus on these objectives - this will entail, among other things, discussions of the nature of our constitution and system of parliamentary government and of the steps necessary to reassert and re-establish the place of Parliament within that system.

It will also be important for the major political parties to consider their views of the system of government and the policies toward the institution of Parliament which accord with their philosophies. In the past, political parties generally had no policy with regard to the management of the public sector - that is, the executive branch of government, but during the last decade, at federal and state levels the major parties have adopted public administration platforms. These platforms of course differ, and reflect the philosophies of the parties; on the other hand, there are aspects of the need for change and reform concerning which they are at one. In the same way, we consider the major parties need to regard the question of the role and requirements of Parliament as an issue properly addressed in their platforms. We hope this report may play a part in those discussions.

Beyond this, there is a need for improved public discussion, education and appreciation of the role of Parliament. The federal Parliament has recently established a parliamentary education function, which has the role of assisting the public, schoolchildren, the business community and tourists and visitors to understand the democratic process and the place of Parliament within it. The development of such a function in our view must form an important part of the process of parliamentary reform in Victoria.

7.2 Our Key Strategy Recommendations

Our key strategy recommendations involve selecting and pursuing just three of the many recommendations and suggestions contained in this report. Just as a General pursuing an objective has many alternatives to consider but in the end must be highly selective about the strategy he or she does adopt, we believe success will result from the following three point strategy:

7.2.1 An Intensive Process to Raise Understanding of the Constitution, the Parliamentary System, and the Current Position of the Victorian Parliament

Unless Parliamentarians, Members of political parties, and ultimately the press and the public come to fully appreciate the significance of Parliament in our constitutional system, and the extent to which it has become subservient to the executive arm of government at great cost to the community in terms of monitoring foregone and a consequent excessive free rein for the executive branch, we do not believe there is prospect for radical change. Accountability has never been more important to the community; Parliament as prime guardian of public accountability has therefore never had a better opportunity to display its relevance.

Such a program must involve seminars, publications, discussions and must draw out how malfunctioning of the executive branch of government (be it that of Queensland or that of Victoria) is an inevitable consequence of weakening Parliament and rendering it unable to adequately perform its roles on behalf of the community.

We suggest that 1991 be devoted to this task, and that a centrepiece of it be the creation of a parliamentary education function. The task the strategy requires can be helped by that function, but the essential task belongs to the Parliamentarians, and their commitment to it will determine its success or failure.

7.2.2 Regroup the Parliament's Support Functions, and draw into the Parliamentary Sphere those organisations which exist primarily to serve the Parliament.

The activities of the parliamentary staff in maintaining the basic functioning of Parliament over the years, and in adapting to new major developments, such as the emergence during the 1980's of a new style of joint investigative committee cannot be commended too highly. If Parliament has been short of resources over recent decades, it is not due to any negligence by parliamentary staff but rather to the wishes and priorities of successive Premiers more concerned with their opportunities to exercise power through the executive branch than with the responsibilities of Parliament.

Despite this, the existing parliamentary service is a small group of people for so large a task, and there are inevitably limits as to the range of the experience and qualifications they can bring to bear. They have not the resources or the back up available to managers in public service departments even of modest size.

Moreover, the parliamentary objectives we advocate, which lay stress on Parliament's roles in making and renovating laws and in monitoring the executive, call for strong resourcing to support Members in carrying out these functions.

We recommend that as a means of providing this support and asserting Parliament's control over public resources already earmarked to serve it, those units in the public service which primarily have the servicing of Parliament as their aim, should become part of the parliamentary, rather than the executive arm of government.

Specifically, we believe that the Ombudsman, the Auditor-General and his or her staff, the Parliamentary Counsel and his or her staff, and the Parliamentary printing function from the Government Printer's office should become part of the organisation structure of Parliament.

7.2.2.1 The Ombudsman

The creation of the position of Ombudsman - known in some jurisdictions as "Parliamentary Commissioner" - represented an important additional means of scrutiny of executive actions, and involved reporting to Parliament, but did not necessarily enhance public regard for Parliament's role in scrutiny of the executive. Indeed, Professor Cheryl Saunders has said that its introduction "was a response to the inadequacies of normal parliamentary channels for the redress of grievances".⁹

9. Professor Cheryl Sanders, "The New Scrutineers," in *Politicization and the Career Service*, ed. G R Curnow and B Page, (Canberra, CCAE and RAIPA, 1989), p. 201.

We consider that the logical location for the position of Ombudsman is as part of the parliamentary establishment, so that it may complement and be complemented by Parliament's pre-eminent position in the field of scrutiny of executive action.

7.2.2.2 The Auditor-General and the Audit Office

The Auditor-General has repeatedly stated that he exists to serve and to report to Parliament, and that he needs to be independent of direction from Cabinet or Treasury. Yet we have a system of government which has three, not four arms. If the Auditor-General is not to be part of the executive branch, that office must be made part of the legislative branch of government, and we believe this should be done. The inclusion of the Auditor-General's staff would result in an infusion of officers skilled in scrutiny work into the Parliament, including many with accountancy qualifications. This could have significant benefits. As well, the Auditor-General's personnel section will contribute further personnel expertise into the parliamentary organisation.

In our view, relatively simple amendments to the Audit Act, the Public Service Act and the Parliamentary Officers Act would achieve what is required; new appointees to the Audit staff would be appointed pursuant to the Parliamentary Officers Act and provisions would be made enabling transfer between the Public and Parliamentary services without loss of entitlements.

Acquisition of the Auditor-General and his staff will mean a transfer to the parliamentary service of 133 officers, without change to the net numbers on the public payroll.

7.2.2.3 Parliamentary Counsel

Parliamentary Counsel also exist primarily to facilitate the working of Parliament, and in our view this office should also form part of the parliamentary organisation. We also consider it inappropriate that the Parliamentary Counsel's office should be within the attorney-general's department, part of the executive arm of government, and located at the opposite end of the city from Parliament House. The fact that there are strong links between the cabinet office and government departments and the Parliamentary Counsel's office does not detract from this.

The transfer of these resources to the parliamentary organisation would furnish Parliament with a strong group of staff skilled in matters related to Parliament's primary function of making and renovating legislation.

We consider the Chief Parliamentary Counsel ought to report directly to the Presiding Officers.

As with the Auditor-General's staff, staff appointed in future to the Parliamentary Counsel's Office should be appointed under the Parliamentary Officers' Act, with appropriate provisions to preserve entitlements and allow cross-movement between the Public Service and the parliamentary service.

Acquisition of the Chief Parliamentary Counsel and her staff will mean an transfer of 22 officers to the Parliamentary Service.

7.2.2.4 Parliamentary Printing

We also consider that those officers and equipment in the Victorian Government Printing Office responsible for parliamentary printing should be transferred to the parliamentary organisation. The Government Printing Office began last century as the printing unit for Parliament, and parliamentary printing remains a top priority for the VGPO.

However it is uncertain whether there may not be such changes in communications technology in coming years as would render a separate in house printing unit unnecessary. In the meantime however, these officers should form part of the parliamentary establishment.

7.2.2.5 Regrouping of Parliamentary Resources

In association with these changes, we recommend a regrouping of parliamentary resources to increase management focus. Our proposition is that there could ultimately be a simple structure comprising eight divisions as follows:

- Legislative Assembly, headed by the Clerk of the Legislative Assembly
- Legislative Council, headed by the Clerk of the Legislative Council
- Corporate Services, headed by a Director
- Parliamentary Information, headed by a Director
- Parliamentary Investigations, headed by a Director
- Ombudsman's Office, headed by the Ombudsman
- Auditor-General's Office, headed by the Auditor-General
- Parliamentary Counsel's Office, headed by Chief Parliamentary Counsel

To draw these activities together and exercise an accountable top management focus, we recommend the eventual appointment of a Director General of Parliamentary Services, accountable to the Presiding Officers for the efficient management and leadership of the parliamentary service as a whole. This position would be accorded a status and salary determined on a similar basis to comparable positions in the Victorian Public Service, and which properly reflects the importance of the role.

An attached chart sets out the proposed structure, and it will be noted that we recommend the preservation of direct reporting links between the Clerks of the Houses and the Parliamentary Counsel with the Presiding Officers. More information on the proposed structure is provided in Section 7.3 below.

The full implementation of these changes would result in a significant transfer to the parliamentary service of around 173 to around 328 staff, with a commensurate reduction in public service positions. Associated measures will be the centralisation of the personnel and finance functions in a corporate services division; the improvement of career structures for many officers, and a significant infusion of new skills and people into the parliamentary service.

7.2.3 Reform the Budget Process through a Primary and Secondary Budget

The third step we consider essential to the strategic direction Parliament should take is a reform of the budgetary process. It is quite unacceptable that the budget for Parliament as a whole, and also the project budgets for specific parliamentary inquiries, should be determined by Treasury officers.

If the parliamentary budget continues to be controlled as it is now, successive governments will continue to clip the wings of Parliaments, successive administrations will bring to reality a premature conclusion made by Donald Horne in 1964 as follows:

It is hard to escape the conclusion that in Australia Parliaments are now mainly of ritualistic significance and that the significance of the peculiarly parliamentary part of Australian democracy is quite slight....

We consider few issues as critical to re-asserting the constitutional position, role and independence of Parliament as this issue.

In our view, Parliament should take control of its own appropriations, through its own Appropriation Act. This should be prepared by the Presiding Officers, in consultation with the Parliamentary Service Committee and the Government.

7.3 Structure

The current structural arrangements for the administrative support of Parliament, which are described in Section 3.1 above, involve five separate departments with no single point of managerial direction, corporate services functions of personnel and financial management being largely dispersed among the departments. Even the security function is dispersed with several separate security arrangements. Such a structure was common among Westminster Parliaments, but in recent years the tendency has been to lay greater emphasis on cohesion by merging departments, and by separating out common corporate services functions.

There are certainly constitutional reasons for retaining separate and independent channels of support for the Speaker and the President of the Legislative Council, since in constitutional terms the two houses of Parliament are separate entities; they are capable of being at odds with one another if there is a "hostile" upper house, and it is therefore necessary to avoid a situation where the

independence of either house can be compromised or made subservient by reasons of administrative arrangements, budget cuts or similar measures. For example, there would be a strong temptation for a government having its majority in the lower house to refrain from providing adequate funding for upper house investigative committees if the upper house were controlled by the opposition and these committees were capable of unearthing material for embarrassing the government.

Leaving aside this issue, however, and assuming means for addressing it can be found, we believe that the Parliament itself is the entity which should be managed, and that it is no longer in the best interests of the Parliament as a whole for its management support arrangements to be dispersed and fragmented. We believe that in general the ideal structure is a unified managerial entity, for which a single Permanent Head is managerially responsible, and in which there are functional divisions responsible for the main areas of work and a centralised single corporate services division looking after personnel, finance and other services needed in common by all parts of the organisation.

The following are the components of the new organisational structure we propose:

7.3.1 Director General of Parliamentary Services

This will be a new position, with a status and salary commensurate with its responsibilities. The position will report to the Presiding Officers, and subject to them, is to provide leadership and managerial cohesion to Parliament's support services. There will be eight positions reporting to the Director-General on managerial issues, namely:

- The Clerk of the Legislative Assembly
- The Clerk of the Legislative Council
- The Director of Parliamentary Information
- The Director of Parliamentary Investigations
- The Director of Corporate Services
- The Ombudsman
- The Chief Parliamentary Counsel
- The Auditor-General

The Clerks and the Chief Parliamentary Counsel will report directly to the Presiding Officers on any matter of advice sought by the Presiding Officers or on any matter of constitutional principle or substantial importance they wish to raise with them. The Auditor-General shall be free of direction as to the topics of his investigations, and the professional standards to prevail within them.

7.3.2 The Clerk of the Legislative Assembly

The function of this position will be:

To manage support services required by the Legislative Assembly; to provide advice on practice and procedure to the Speaker; and to lead and manage the support staff of the Legislative Assembly Division of the Parliament.

7.3.3 The Clerk of the Legislative Council

The function of this position will be:

To manage support services required by the Legislative Council; to provide advice on practice and procedure to the President; and to lead and manage the support staff of the Legislative Council Division of the Parliament.

7.3.4 The Director of Parliamentary Information

Recognising the critical nature of information handling to the role and effectiveness of Parliament, and the technological convergence of many of the information modes involved, as outlined in Section 10 below, the function of this position will be:

To manage and co-ordinate all aspects of information handling and marketing needed to support the function of Parliament, including Hansard, Library, Archives, Computer Services and Public Education functions.

7.3.5 The Director of Parliamentary Investigations

In light of the emerging significance of the Committee system within the Parliament, the purpose of this position will be:

To lead and manage the support services required by the committee system of the Parliament of Victoria; to identify and develop necessary common services and facilities such as research, public hearing and publicity facilities; to assist in the selection training and development of research and other staff needed by the committees, to co-ordinate the preparation of committee investigations budgets, and to plan, in conjunction with committee chairpersons, the effective development of the committee system for the Parliament.

7.3.6 The Director of Corporate Services

To implement the proposed provision of effective and economical corporate services on a centralised, specialised and professional level, the function of this position, subject to the overall direction of the Director General, will be:

To lead and manage central personnel, finance, accommodation, security and office services functions for the Parliament; to manage the system for the provision of electorate offices to Parliamentarians, and to plan and budget these services.

7.3.7 The Ombudsman

This office will continue with essentially unchanged functions, but will now form part of the Parliament.

7.3.8 The Chief Parliamentary Counsel

This office will continue with essentially unchanged functions, however it will now report to the presiding officers of the Parliament instead of to executive government through the Attorney-General's Department.

7.3.9 The Auditor-General

This office will continue with essentially unchanged functions, but the anomaly of its former placement within the executive branch of government will have been removed.

7.3.10 A Parliamentary Service Committee

An important aspect of structural change and organisation development within the parliamentary service will be the adoption of an appropriate body to determine appointments, promote staff mobility within the Parliament and between the Parliament and other parts of the public sector, to hear appeals and grievances, and to be the guardian of the merit principle and ensure that the Parliament itself is a fair employer. It would be unacceptable if Parliament, which legislates for fair employment practices in the outside community, were not to provide for these practices in its own service.

To this end, and noting that the UK House of Commons through its House of Commons Commission provides an example, we recommend the establishment of a Parliamentary Service Committee, to perform the functions set out above.

7.3.11 Transitional Arrangements

We do not believe that all the changes and developments suggested for Parliament's structure need be carried out immediately. We recommend that the Presiding Officers adopt a pace of change appropriate to the circumstances. A possible initial set of interim organisational changes is depicted at Chart 2.

The interim changes we suggest are the creation of the Parliamentary Service Committee, the creation of new positions to oversight Corporate Services and Parliamentary Information, and the incorporation into the Parliamentary Service of the Office of the Ombudsman.

CHART 1:

Existing Organisation Structure - Parliament of Victoria

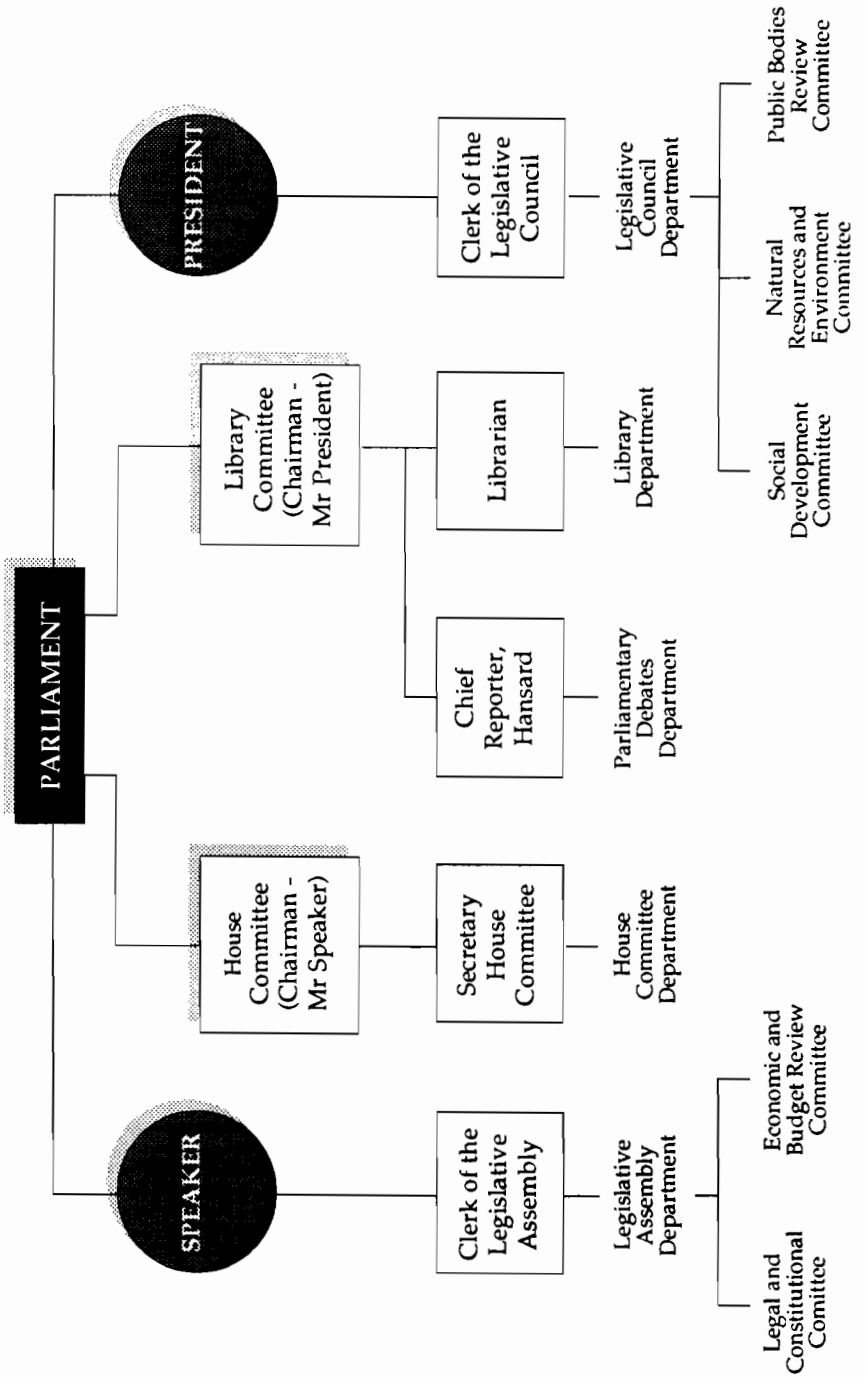


CHART 2:

Proposed Interim Organisation Structure - Parliament of Victoria

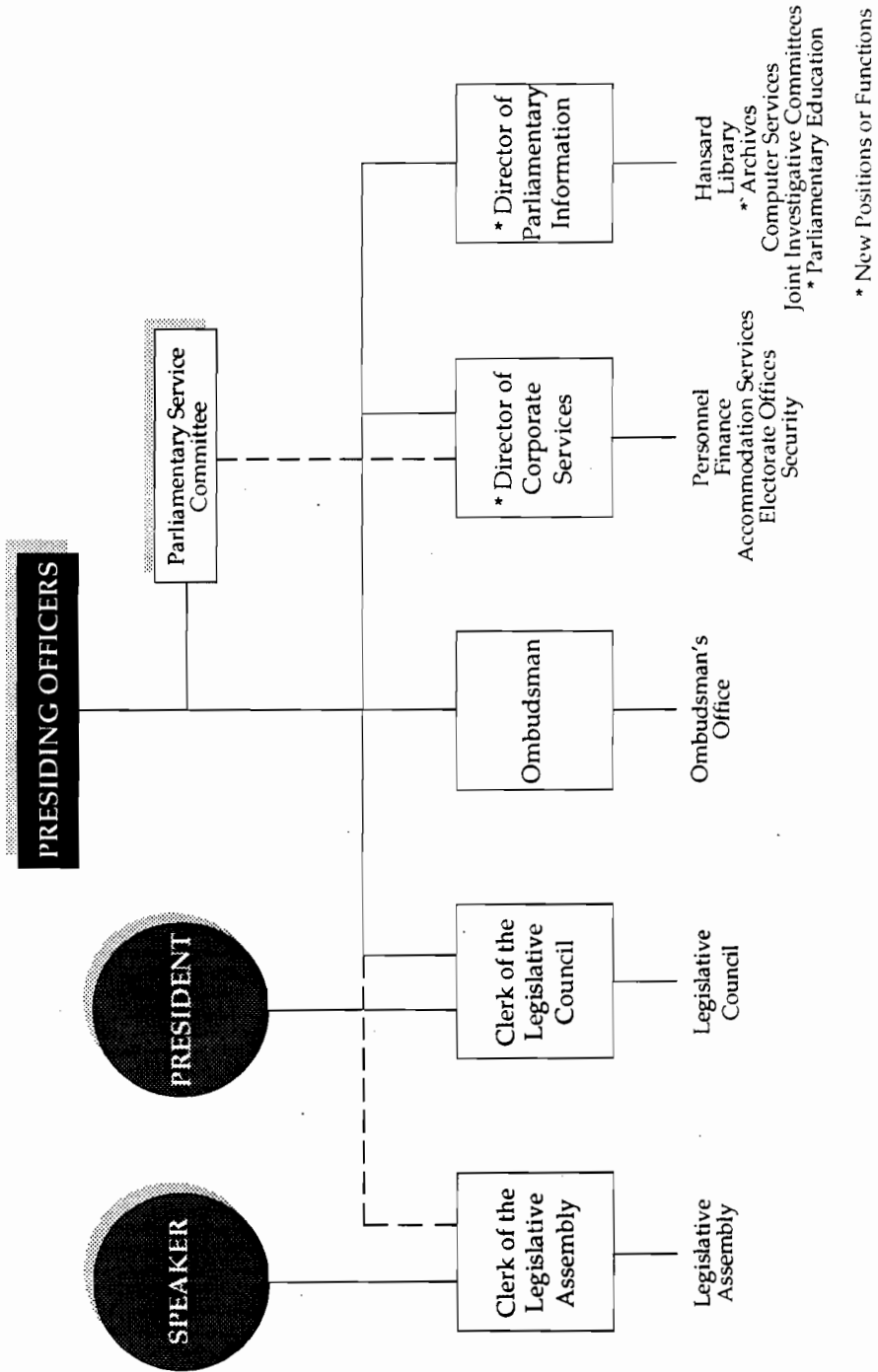
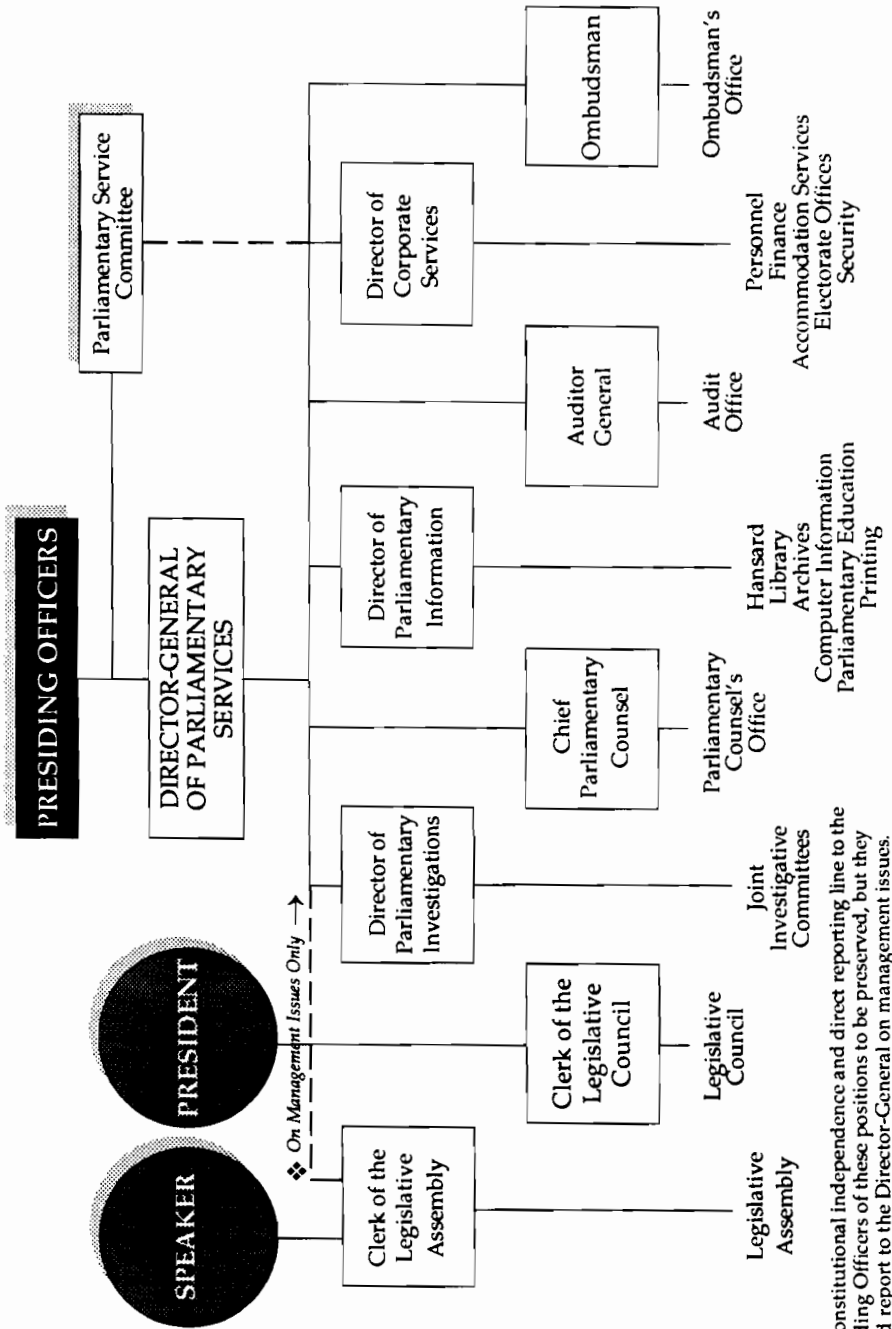


CHART 3:

Proposed Ultimate Organisation Structure - Parliament of Victoria



❖ The constitutional independence and direct reporting line to the Presiding Officers of these positions to be preserved, but they would report to the Director-General on management issues.

8. Financial Management

8.1 Importance of Financial Management

During the past decade, there have been extensive initiatives in the public sector as a whole directed at improved financial management. In the Commonwealth sphere, a Financial Management Improvement Program was established by the Commonwealth Government in 1987; in Victoria, a range of financial management reforms was introduced by the present government early in the 1980's, while the New Zealand Government has a comprehensive program of financial management reforms well under way. Of the three approaches, the New Zealand system is the most comprehensive and far reaching, but all the contemporary reforms in all jurisdictions have certain points in common. These are:

- a reform of the budgeting and appropriation process
- provision for enhanced accountability to Parliament
- greater devolution and independence to managers
- a move in the direction of accrual accounting
- more explicit expression of management controls
- heightened attention to asset management
- balanced attention to outputs as well as inputs.

In summary terms, the movement described is a movement from financial administration to financial management; and is a central consequence of a new realisation of the central importance of accountability to the working of our system of government.

8.2 Applicability of Financial Management Reforms to Parliament Itself

As with other aspects of public sector reform in recent years, there has been a tendency for movement to proceed inwards from the periphery of the public sector, with statutory authorities being an early subject of attention (through the Rae Committee in Canberra and the Public Bodies Review Committee in Victoria), attention then passing to the inner budget sector during the eighties, and the time now emerging when the applicability of these reforms to the central agencies of government and to Parliament needs to be considered.

There is no doubt in our view that a package of financial management reforms similar to that mentioned above should be developed for the Victorian Parliament. We note that in the *Draft Corporate Plan* a recommendation was:¹⁰

10. op. cit., p. 10.

Strengthen the role of the current Finance unit within the Department of the House Committee, to enable it to provide more reliable and timely financial management information to all the Departments. This would include budget co-ordination, expenditure recording and reporting, payment of accounts, salaries, etc and would involve the acquisition of an upgraded computerised accounting package.

While we have no quarrel with this recommendation and consider it an appropriate step within the current structure, our recommendation is for the adoption of the centralised Corporate Services function referred to in Chapter 8 above. Our view is that an early step associated with the creation of the new Corporate Services function should be the adoption of a package of financial management reforms. Reform of the parliamentary budgeting system, as described elsewhere in this report, and of the way in which parliamentary committees are financed, so as to remove any suggestion of their dependence on government departments, should be important parts of this package.

8.3 Reform of the Parliamentary Budget

A centrepiece of the reform of financial management arrangements affecting Parliament should in our view be new arrangements as between Parliament and executive government as respects Parliament's own appropriations. Section 7.2.3 of this Report sets out our suggested approach.

8.4 Reform of the Financing of Committee Inquiries

A succession of Committee secretaries described to us the extent to which government departments had adopted an inappropriate role in determining whether committee inquiries could proceed, and setting the cost parameters of such inquiries. There is no doubt that the requirement, referred to in Section 2.3 above, must have encouraged government departments to operate in this way.

While this requirement may well have served the needs of executive government at the time, we do not consider that the question of whether a parliamentary committee inquiry proceeds should be in the domain of executive government, whether in the form of a cabinet decision that an inquiry is permitted, or a departmental decision that funds should be provided for such an inquiry. And we certainly question the process described in the adjacent figure whereby a government agency saw fit to criticise the engagement of a consultant by a committee in circumstances where that same government agency had itself employed the same consultant in the recent past.

Committees' Selection of Consultants

The task of a Joint Investigatory Committee is to provide an extensive analysis and report of the terms of reference before them. In fulfilling these tasks, the Director of Research and Committee members often secure the expertise of people skilled in the relevant area of inquiry.

During a recent inquiry conducted by the Natural Resources and Environment Committee into waste disposal, the members decided to employ a Professor from Sydney University whose expertise in this area was considerable. Part of his brief was to conduct an extensive analysis of data considered to be a necessary step to a comprehensive exploration of the issues associated with the terms of reference. For these services the Professor required a fee of \$105 per hour: a fee that was deemed to be within the accepted range of \$80-130 per hour charged by consultants.

However, the EPA, from whom the Waste Inquiry reference was first initiated, protested, stating that such fees were inappropriate for a Committee to pay in pursuing its terms of reference, and stated that the Committee should find another person at less expense. This protest was made despite the fact that the EPA had employed the services of the same person for their own purposes in the recent past.

It is Parliament itself which must in our view be the body which decides which committee inquiries should proceed, and how they should be funded and resourced.

In our view, committees should be financed from within Parliament's own appropriations, and the Presiding Officers should be responsible for determining allocations which enable them to operate effectively yet economically.

8.5 Overview

Financial management reform for Parliament is timely; indeed essential. Such reform should be used to reinforce the independence of Parliament from executive government, both in respect to overall budgets and the specific issue of the funding of committee inquiries. A comprehensive financial management reform package should be adopted, and a centralised Corporate Services Function should be the means of implementing it.

9. Personnel Management

9.1 Current Arrangements

The personnel function is currently administered by each of the Departments separately. Few officers assigned this role have had formal training in the area of human resource management and must perform this role in conjunction with numerous duties. As well as issues such as recruitment and job specification these officers must deal with the often time consuming activities such as calculating leave and holiday pay. Such duties are clerical in nature and detract from the energy and time to perform the tasks for which they were appointed. In addition there has been concern expressed by the Officers performing these duties that they are unable to perform such roles as counselling staff - which they have sometimes been called upon to do.

Because there is no central body that co-ordinates the human resources function there is no overall staff profile providing a breakdown on staff. The frequency and range of staff training varies with each department.

Training and skills development is essential so that officers can increase the availability of information and expertise which will allow Members to meet the demands placed upon them. Study leave is granted in order to pursue various courses. Visits and secondments are also undertaken.

Because there is no centralised personnel function, recruitment is conducted by each department, and there is no centralised staff training unit. The House Committee performs the salaries function, other personnel or human resource functions are performed independently by each department. For example functions such as the development and co-ordination of human resource activities and the development and interpretation of personnel practices are left to each department to handle depending on their time and knowledge of such areas.

It appears that the House Department does provide assistance and representation for Members of Parliament, the Department and other Parliamentary Departments on matters relating to Industrial Relations, Occupational Health and Safety, Workcare and Personnel practices generally. Recently the Personnel Services Unit of the House Committee was able to implement the Electorate Officers Award. This Award means that Electorate Officers now have a reference to base any claims they have on conditions of employment as an electorate officer.

9.2 A Centralised Human Resources Function

A centralised service would have to accommodate the differences and autonomy and specific needs of each department. For example not all Departments are under the same award. Hansard has been involved in negotiations with both Unions and the Department of Labour on an agreement specifically related to Hansard Reporters.

Such fragmentation and ad hoc administration of human resource practices and policies does little to develop a positive and cohesive organisational culture. Parliamentary Officers identify more with their respective departments rather than the Parliament as a whole.

We believe there is a need to balance continuity, tradition and experience with new blood. Recruitment and promotion needs to reflect a preservation of traditional skills and knowledge as well as being open to contemporary management skills.

There is a need for a centralised human resource function (as part of the Corporate Services Division we have recommended in Section 7 above) to perform the administrative activities that are currently being handled by the Personnel Officers in each Department. It is expected that a personnel representative would still be required from each Department to oversee each Department's recruitment and promotional needs. This centralised function would provide a degree of continuity in the interpretation of personnel practices and policies and possibly establish a comprehensive personnel database.

This would also ensure a systematic approach to training and development, performance appraisal and counselling, grievances and disputes procedures and classifications.

9.3 Some Practical Suggestions

The key suggestion we have to make in this area is the establishment of a Parliamentary Service Committee, and this proposal is outlined above at 7.3.10.

We also consider a review of recruitment, promotion and reclassification procedures is to be necessary. Selection and promotion for positions should be strictly on merit, and Parliamentary Officers should be more representative of the wider community in terms of gender, education, management expertise. Therefore a degree of openness to external recruitment is necessary at all levels.

Methods of providing "well rounded" staff should also be pursued. At present staff tend not to move out of the Department for which they were first recruited. Each Department has very different tasks and services it must perform. A knowledge of these processes would be valuable for all Officers in all Departments. This could be facilitated by an induction training for new recruits and through planned staff rotations.

10. Information Management

10.1 Parliament and Information

Parliament is in the information business insofar as all its activities are built around information items. Parliament could be viewed as using information as its raw materials, and as producing information as its chief immediate outputs. Those involved with the daily administration of Parliament perform the function of providing information to the Members as well as the community. To service the various categories of clients, Parliament, as an institution, must continually aim to employ the most efficient and effective methods of information acquisition, processing, storage and distribution possible.

The issues that need to be addressed roughly fall into two groups. Firstly there is the collection and dissemination of current information and secondly there is the maintenance and accessibility to past information.

The development and implementation of the computerisation of Parliament appears to have been a somewhat arduous task. After the Dillon Report of 1986, a steering Committee was established to look at the computerisation of the five Departments, and subsequently a working Committee was established.

The current position is that a computer strategy is in place. The Library has computers which are used for word-processing and desk top publishing as well as accessing a number of on-line data-bases. The Library staff have expressed reservations over the idea of a computerised catalogue, as the costs of transferring records to machine readable form would outweigh the benefits.

The Legislative Assembly introduced its own pilot project for computerisation in late 1987. Stage One of this project was to include the computerisation of the word processing operations. In 1988-89 word processing operations were computerised, as well as the production of the House documents to camera-ready copy stage for the Government Printer. The documents and House material now produced to camera-ready copy include: Notice Paper, Daily Votes and Proceedings, Weekly Bill List and Daily and Full Question Papers.

The 1989-90 Annual Report for the Legislative Assembly states that Stage Two of its computerisation project will concentrate firstly on repetitive and time-consuming activities such as mailing and circulation lists and secondly, on information retrieval. The intention is to design packages that will facilitate the retrieval of information such as data bases, papers presented, proceedings on bills, and Members' travel.

The Legislative Council has also committed itself to a computerisation program, successfully producing a number of its documents such as Notice Papers, Joint Sitting Minutes in camera-ready copy form for the Government Printer. However, despite the facilities, the Council computers are not networked nor is there discussion of networking with the Assembly.

10.2 Publication and Distribution of Hansard

Currently Hansard can take up to three days to be printed and distributed. However, computerisation is imminent. The Department will prepare camera-ready copy for transmission to the Law Printer for the publication of the daily and weekly editions of Hansard. This process should effect cost savings in that all keying will be undertaken on computers in this department, thus obviating the need for rekeying of copy of the Law Printer.

It is expected that the computers will be in operation for the production of Hansard as from the commencement of the Autumn session in 1991.

The advantages of using modern technology for the production and distribution of Hansard are obvious. The library has access to an on-line full text retrieval of Hansard in the form of disks from the Government Printer. Apart from the benefits to Members of Parliament and their electorate offices, such a service would be of considerable use to many institutions, apart from electorate offices, and could possibly be available on a user-pay basis.

One issue that has been raised concerning access to Hansard is that it currently takes Hansard up to two years to produce an index. Hansard reporters compile two comprehensive indices to the final edition for each House: an index of all subjects debated and an index of Members' names followed by the subjects on which they spoke. A much faster indexing system is vital if the full benefits of it are to be available to Members.

The on-going success of these programs requires an appropriation of sufficient funds - not necessarily on a departmental basis, as well as a commitment from the five Departments to co-operate.

The provision of information is currently inhibited by the existence of the five separate departments, each of which produces a separate Annual Report. This emphasises the separateness of the five departments rather than one institution of Parliament. We consider a single annual report covering the activities of Parliament as an entity should be produced.

The provision of information concerning Parliament and its activities is an enormous and costly task. For these reasons it is desirable that the information in the form of reports and papers be distributed to those individuals and organisations who have most use for it and in a form that can be easily accessed.

In an attempt to address these issues the Printing Committees from both Houses established a joint inquiry to determine a set of guidelines concerning the issue of documents, aimed at ensuring the provision of documents to Members and the public whilst at the same time ensuring wastage and unnecessary cost are minimised.

The Printing Committees from both Houses formalised and rationalised policy in relation to free distribution and binding of parliamentary documents, as a result of which not all reports will be printed and readily available to outside libraries. This issue needs to be satisfactorily resolved to ensure that there are no difficulties with public access to important material.

10.3 The Parliamentary Library

The Parliamentary Library's role is one of information broker, however there are concerns that its ability to perform this role may be less than adequate. For example, the Library attempts to provide a Research facility, but there are currently two research officers employed at the Library. Whilst both people are highly qualified they have insufficient capacity and resources to meet the demands for their services. Originally, the Research team did attempt to meet the specific information requirements of individual Members - often in the form of individually tailored papers. However, they have had to reorientate their services to that of provision of information of a more general rather than specific nature, such as assembling statistics for the compilation of electorate profiles.

In addition to the provision of information to Members, the Library performs an important role in the provision of information to the public. For example, it produces an Information Kit which is distributed to Victorian Schools. The Library would like to continue and expand this role but to do so requires dedicated resources.

10.4 The Need for Archives Management

Concerns have been raised about the storage and preservation of material. At present the Library does not employ a professional archivist and any preservation or restoration can only be performed on an ad hoc basis. As has already been documented, storage is a problem that is expected to expand in the future. From the information perspective storage of documents in basements or off-site presents considerable retrieval problems.

A possible solution to this problem would be to build a basement repository in the grounds of the Parliament to house the Library collection.

The management of the archival heritage of Parliament is a pressing problem. The State's *Public Records Act* has provision for the appointment of places of deposit where public records may be held, and we consider this avenue should be taken. As well a Parliamentary Archivist with appropriate experience and qualifications needs to be appointed to manage a Parliamentary archives facility

within the building extensions. This officer should develop plans for the provision of appropriate professional staff; public access facilities; and appropriate storage, conservation and records management practices. The Parliamentary Archivist should report to the proposed new position of Director of Corporate Services.

10.5 Overview and Practical Suggestions

Information technology currently available could dramatically improve the recording and distribution of Hansard by reducing both the cost and time needed for Hansard information to reach its users. Communications with electorate offices could be enhanced through the provision of daily information via an electronic mailing or fax system. Generally the opportunity for Parliamentary Officers to increase their expertise via ready access to data bases would have significant benefits for the functioning of Parliament.

Consideration should be given to the appointment of an Information Officer to liaise with community groups. This officer could provide educational material covering aspects such as history, tradition and procedures in the form of kits, brochures, and audio visual material and could conduct seminars for interested groups.

The issues we have identified concerning archives management are of pressing importance and should be accorded high priority.

11. Public Relations and Education

11.1 Importance of Public Relations

Public Relations and public education have not traditionally been a central aspect of the functioning of the Victorian Parliament, but already activities in this field are becoming more significant. For example, an Open Day which was held on 11 March 1990 as part of the 1990 Moomba Festival resulted in both Chambers, Queen's Hall and the Library, as well as the Parliament Gardens being opened to the public and in excess of 3,000 visitors attended. These activities, the traditional visits by constituents to Parliament House, visits by groups of tourists, and the provision of brochures and exhibitions are all important means of explaining Parliament's role to the community. In the Commonwealth Parliament, substantial attention is paid to this aspect of public relations, and a parliamentary education section exists to interpret and explain Parliament's functions.

While all of the above activities are of considerable importance and deserve to be developed in the Victorian Parliament, there are three further avenues which we regard as critical to Parliament maintaining its role in the community in the fullest sense. These are the process of developing an understanding of our constitution among Parliamentarians, government officials and the public; the development of improved means for the public to comprehend and follow debate and law making in Parliament; and the provision of improved facilities for public involvement in committee work.

11.2 Furthering Knowledge of the Constitution and of Parliament's Role

We have already referred, in Section 7.2.1 above, to our belief that the *first* point in a strategy to revitalise Parliament should be a program to raise understanding of the constitution, of the parliamentary system, and of the place of the Victorian Parliament within that system.

We are not confident that Members of Parliament and members of political parties, let alone public sector officers and employees and members of the general public, have a sufficient grasp of our constitution and of the place of Parliament within it. Indeed, surveys have shown that the public have a scant grasp of the role of the Victorian Parliament and the functions of state government, and it is likely that present public perceptions are limited and negative. With respect to Members of Parliament, we consider an induction program covering our constitutional framework, the parliamentary system and its traditions, should be introduced before the next intake of new Members.

We believe that this issue needs to be addressed, but not through half-baked or unconvincing television commercials, or brochures and publications which do not reach the desired audience. In our view, the process needs to begin with Parliamentarians, members of political parties and public sector employees, that is, those whose commitment to the system is essential for it to work. We consider that the requirement in the first instance is for a sustained, intelligent and interactive process of seminars, publications and discussions. The key output aimed for must be heightened appreciation by Parliamentarians of these issues, and in particular of the need to revitalise the position of Parliament and of its place in our constitutional framework.

Only after those who are personally involved in and committed to the functioning of Parliament have had the opportunity to discuss and revitalise their own thinking on these issues is it reasonable to suppose that a message capable of communication to a critical public and business community can be developed.

11.3 Improved Access to the Law Making Process

The second area we believe is of considerable concern lies in the difficulty faced by the business sector and other community groups in meaningfully following processes of law making and law reform through our Parliament.

When measures are brought before Parliament at present, they are handled in a very fragmented process as the bill is introduced, and passes through a succession of stages at unpredictable times on its path to enactment. Many of the measures passed by Parliament are of great moment to the business community, but it is rare to find the public galleries occupied by substantial numbers of those affected by a measure.

For parliamentary processes to receive the acknowledgment and understanding from the community we believe they deserve, attention needs to be paid to means of making debates more accessible to those who wish to follow them.

We appreciate the traditional procedures which divide consideration of a measure into stages, and we also understand why the order of business in each chamber must quite often be altered at short notice. We do however consider that improvements should be found.

Of those we have considered in this vein there are two suggestions we would like to put forward in this report.

The first is that the advertised times of major business on the notice paper should be varied as little as possible, and that means of making the notice paper available on an on-line computer basis be developed. Linked with this, we consider arrangements should be negotiated with newspapers to improve the information provided concerning the subjects and times of coming debates.

The second proposal we have in this area is that, with respect to particularly significant measures, fixed times be set and publicised in advance for the second reading debates of these measures. We would hope that this would result in increased attendance in the public galleries, greater and more senior media coverage, and improved debate in response. All of these issues would enhance the respect in which Parliament is held in the community, and provide a more genuine opportunity for the public to witness debate.

An associated requirement would be an upgrading and extension of seating facilities in the public galleries, and the possible introduction of a seat booking system. We consider these possibilities worthy of consideration.

11.4 Improved Access to Committee Proceedings

Over recent years, it has been increasingly accepted that the committee system is one of the most important means by which the function of parliamentary scrutiny of the executive is carried out. As well, it is acknowledged that the committee system represents an important means for bipartisan discussion of difficult issues of social policy.

Both of these functions require the most thorough going degree of public involvement, and in this regard, work done by committees in developing appropriate procedures, advertising hearings, taking hearings to regional centres and publicising draft reports and evidence, is most important.

However, despite the relocation of the Committees in Nauru House, we do not consider that the main facilities provided for the conduct of public hearings by Committees reflect adequately the status and authority of Parliament. At present the space used for these hearings at Nauru House, is office space, with office chairs, and the hearing facility, being in the working areas of the committees themselves, could be described as makeshift.

Most other Parliaments have considerably better facilities for these meetings - the Commonwealth and New South Wales particularly. Apart from the need to adequately design public hearing rooms into the new wings of Parliament House, we consider immediate attention should be paid to this issue.

11.5 Structural Arrangements for Public Relations

As already indicated in Section 7.3.4, we consider a Public Relations and Public Education section should be created under the supervision of the new post of Director of Parliamentary Information. This function should, under the direction of the Presiding Officers and senior staff, develop and promote the public relations and public education programs referred to in this chapter.

12. Accommodation

12.1 The Current Position

Parliament's imposing appearance and prominent location at the top of the city in Spring Street is deceptive. Behind the facade is an unfinished building. It lacks the dome, the south wing and most of the north wing. Again, when entering Parliament House, one enters an ornate and impressive vestibule which opens on to Queens Hall. However, many Members and Officers of the Parliament that occupy the Building experience cramped conditions and often makeshift facilities. There is also a number of people housed in temporary accommodation in a portable office building on the grounds of the Parliament as well as Joint Committees and additional storage facilities located off-site.

Whilst the building is of considerable historic importance and has many grand areas, it is not adequate to meet the demands and functioning of a modern Parliament. Many deficiencies have been documented which include instances where up to five Members occupy a single office, difficulties in conducting a telephone conversation in private, inability to gain access to personal computers and a lack of secretarial staff to assist Members in clerical work.

Security appears to be inadequate due to the public's use of the main entrance on a daily basis. It is not unusual for a large group of school children to arrive and deposit their school bags around the walls of the vestibule. The door men (security officers) have an alcove at the side of the main entrance thus inhibiting their ability to meet people as they enter and enquire about their business. These current practices give an appearance of a Parliament unaccustomed to receiving the public. This problem is due to the absence of a central point of contact and reception for tourists and a lack of parking facilities to accommodate tourist buses which at present simply drive up to the front of Parliament House.

These issues are not trivial from the point of view of security. The present state of affairs precludes the enforcement of a satisfactory procedure to ensure the ongoing safety of the Members and staff who occupy the building. It is questionable whether an increase in security officers alone would be sufficient to greatly improve this situation. \$40,000 has been made available in capital works for the improvement of security in the vestibule, and a new security desk has recently been installed, but considerably more than this needs to be done.

The other issue here is one of public perception. At present the community's contact and knowledge of Parliament and its procedures is minimal. There is a strong argument for the provision of adequate services to facilitate community education. At present there is no public lecture theatre, or cafeteria facilities for visitors who are not accompanied by a Member or Parliamentary Officer.

12.2 Committee Accommodation

Due to the lack of space at Parliament House, many of the activities of Parliament cannot take place in the parliamentary building. For example the five Joint Investigative Committees are located off site at Nauru House. This provides difficulties in terms of daily communication with Parliament and less than satisfactory facilities when public hearings are being conducted. Indeed there is a strong argument for the Joint Committees to hold public hearings in Parliament House as this is often the only contact that the public has with parliamentary proceedings.

This present location is a recent initiative and the culmination of a prolonged activity. As the Annual Report for the Department of the Legislative Assembly suggests, the committees were initially to be "located at 35 Spring Street and in fact two committees were moved there only to find out later that the Department of Property and Services had not secured the lease of the floor and the area was not available for the committees. In addition unrealistic time frames were proposed for the re-location." The role of the then Department of Property and Services in this episode has done little to facilitate an efficient environment for the staff of these committees to operate and raises questions as to the autonomy of the Parliament and its Departments to administer such issues.

Committee Accommodation

In 1988, the Department of Property and Services informed the Legislative Council that the Treasury Gate accommodation, occupied by the Public Bodies Review Committee and the Social Development Committee, would cease to be available to the Parliament due to the expiration of the lease in 1989 and the Committees were therefore to be relocated. The DPS then advised that the fifth floor of 35 Spring Street was currently available for immediate relocation.

After inspection, Mr. President advised the DPS that this was sufficient for the relocation of the two committees, as well as providing sufficient accommodation for the Natural Resources and Environment Committee, currently at Nauru House. This relocation would centralise the three committees under the administration of the Council.

Based on the Government accommodation standards, the DPS issued an office planning brief providing for the allocation of 703.1 sq. metres. This allocation was for the three committees in addition to the Government's Social Justice Strategy Unit.

A number of concerns about these arrangements were raised by Mr. President, who considered that the operations of the Committees would be hampered by insufficient meeting areas to enable all Committees to meet at the same time and a lack of enclosed office space for all staff. However, the DPS subsequently advised that the Cabinet's Government Accommodation Committee had approved the relocation of all five of the Joint Investigative Committees as well as the Joint Estimates Committee.

This decision was made despite suggestions from Parliamentary staff and Committee chairpersons that this proposal would result in the provision of a less than adequate environment for the Committees to function efficiently and effectively due to an insufficient number of meeting areas and cramped conditions which precluded confidentiality and privacy.

According to the DPS completion of the proposed accommodation at Spring Street was to be in July. However, the accommodation at Treasury Gate terminated at the end of March. Hence, two committees were relocated at Spring Street in April while construction work proceeded. However, this inconvenience was extended when the DPS revised its timetable, informing the Committees that construction would commence in July and be completed in mid September. It is now accepted that this delay was due to the DPS's inability to secure the lease on Spring Street.

It apparently had not considered this detail when it proposed the move to Spring Street in August 1988. On 2nd December 1989 both the PBRC and the SDC were relocated to Nauru House, thus establishing all Joint Committees on the one floor. However, again no relocation works had commenced at this time, so that again staff of these Committees were forced to work in unsatisfactory conditions.

The estimated cost of the works was \$139,730, of which \$51,230 was for consultants' fees and telephone works for the aborted project at Spring Street.

With regard to accommodation and services, Committees need to be properly resourced so as to attract a sufficient number of interested and enthusiastic Members and staff and the provision of ad hoc facilities may place a strain on the credibility of the activities performed by the Committees.

12.3 Accommodation for Ancillary Functions

Dining room facilities are limited and crowded presenting problems for privacy and limitations for Members to entertain guests.

Storage within the Parliament is a considerable problem. Whilst lack of space is the overriding factor, the problem is exacerbated by the procedure in which each department separately undertakes the responsibility for ordering and maintaining levels of stores necessary for departmental operations.

This presents problems of duplication and spoilage as equipment can be damaged due to long time periods because of difficulty of access to many storage facilities and often water damage. This has been exacerbated since basement storage space was lost for an extension of Members' accommodation. In addition this presents problems for stocktaking and maintaining inventories. The present use for storage of such areas as closets under staircases where dampness is a problem is most undesirable.

All departments have expressed concern over the lack of storage space for stationery and original documents. It is felt that with the increasing volume of reports the demand for adequate and safe storage space cannot be met from the areas presently available within the building. This is a further consideration which supports our recommendation for the provision of a Parliamentary archives facility.

The Annual Report of the Legislative Assembly stated that "an examination of the problem has shown that an acute storage problem will exist within two years" However it has been suggested that such a problem already exists. For example, at present material from the Library is deposited in the basement and off-site facilities. This arrangement presents difficulties in terms of retrieving information once it has been stored away.

12.4 Our Views and Suggestions

It is essential that over the next decade the inertia surrounding the extensions to Parliament House be overcome and a plan be initiated for this development. Accommodation is currently inadequate and the present and patently inadequate situation will only deteriorate. This will impact upon the morale of the Members and staff who occupy the building and thus affect the performance of their duties as well as convey a less than positive image to the community at large. If these issues are not resolved, the Victorian Parliament will be severely hampered in asserting and carrying out its proper role in society.

Policies regarding the retention and storage of documents must be developed, and a Parliamentary archives facility will assist substantially in this regard.

PART THREE:

Overview and Recommendations

"There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain of success than to take a lead in the introduction of a new order of things, because the innovation has for enemies all those who have done well under the old conditions and lukewarm defenders in those who may do well under the new."

Niccolò Machiavelli
(The Prince)

In the 1990s and beyond, unexpected and unprecedentedly rapid change will be the norm. Organisations, and those who work in them, will need to be particularly flexible and adaptable. In light of this, the study reaches two inextricably related and unescapable conclusions.

First, given current perceptions of the Parliament by Members and the public, and accepting no change to present activities, there are a number of ways in which both the efficiency and effectiveness of the Victorian Parliament can be improved. Principally those changes relate to the development of a corporate philosophy, staff development, education and security. The recommendations necessary to effect those changes are micro in nature, and are in accord with many recommendations for change contained in the corporate plans of the five departments of Parliament.

Second, and here the study treads much less certain ground, if the Victorian Parliament is to meet the challenges of the 1990s and fulfil those obligations and responsibilities either implied or specifically referred to in or under the Victorian Constitution, then making the marginal, micrometer adjustments referred to above will prove inadequate. To meet those challenges and obligations and to bring a balance to relations between Parliament and executive government that will meet community expectations about parliamentary democracy, significant, even radical changes must be considered. In essence, the study recommends a change in the basis of resourcing of Parliament, a transfer to the Parliament of the functions of the Ombudsman, Auditor-General, Parliamentary Counsel and the Government Printer and development of new management arrangements which will greatly enhance the authority, responsibility and independence of the Parliament and its Presiding Officers, committees and staff.

Finally, Part Three suggests an implementation process that recognises a logical and practical relationship between recommendations. That implementation program also recognises that success will depend very heavily on a close involvement by those affected by change.

13. Overview and Conclusions

The need to ensure the effective functioning of the respective arms of government is of fundamental importance to the effective functioning of democracy. One of the most telling outcomes of the 1989 Fitzgerald inquiry in Queensland was the obvious conclusion that the entire political and administrative system in that state had lost its constitutional direction; the Premier was shown to have no concept of the doctrine of separation of powers, and the will of the Premier and executive government held sway without checks or balances. Commissioner Fitzgerald's first words under the heading "The Political Context" in his report are these:

11. Queensland:
*Report of a Commission
of Inquiry Pursuant to
Orders in Council,
(The Fitzgerald
Report)*, (Brisbane,
1989), p. 358.

Good government is more likely to result if opposition, criticism and rational debate are allowed to take place, appropriate checks and balances are placed on the use of power and the administration is open to new ideas, opposing points of view and public scrutiny¹¹

If the institution of Parliament is weakened, and placed in a situation where it is unduly dependent, moribund, and a vehicle for public disdain, one of the two main checks and balances inserted into the Victorian constitutional framework by its designers will have been lost.

Commissioner Fitzgerald was quite clear about this key aspect of Parliament's role:

Parliament is traditionally the forum for rational debate by those with opposing views and for scrutiny of government administration. The Opposition is dependent for information on the Government's own reporting to the House. The Auditor-General reports to Parliament, but self-imposed limitations have limited the effectiveness of that office¹²

12. *op. cit.*

In Victoria, there are many signs that our arms of government are seriously out of balance, and that a weakening of the institution of Parliament has occurred, which permits a more unfettered application of executive power. Regrettably, this trend has occurred under successive governments, regardless of their political hue. The following are in our view manifestations of the trend which has led to the weakening of the institution of Parliament over recent years:

- the independence of Parliament has been compromised by requiring detailed approval of its budget by public servants;
- the requirement for government approval of parliamentary committee inquiries and their proposed budgets significantly compromises Parliament's ability to independently scrutinise the executive; indeed one might well argue that such practices make a mockery of the notion of independent parliamentary scrutiny;

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- successive governments have repeatedly shelved plans to provide reasonable accommodation for Parliament, and by forcing Parliamentarians to work in shared cramped makeshift temporary and dispersed accommodation in the parliamentary precinct, without the rudimentary facilities of any modern office, have made the work of Parliamentarians difficult and close to untenable. Provision of modern, appropriate accommodation and staffing in electorate offices, while laudable, has served to contrast electorate and parliamentary precinct facilities, and increases the incentive for Members to work in electorate offices rather than in the Parliament precinct. Few who examine electorate offices and facilities would dispute their adequacy; few would regard facilities available within the parliamentary precinct as anything other than untenable.
 - important support functions of the Parliament, including the Auditor-General's office and the Parliamentary Counsel's office have remained separate from Parliament organisationally;
 - the status and pay of bureaucrats serving the executive arm of government have been progressively raised to levels considerably above those applying to comparable levels in the parliamentary service.

This has been a strategic review and overview of the management of the Victorian Parliament. Unlike other examinations of the Parliament (usually some element of its operations), which have concentrated on efficiency and taken existing structure and organisational arrangements as given, this study has taken a much broader view of the Parliament, and concentrated attention on the question of *effectiveness*.

As mentioned earlier, our approach to this task began with an examination of the Victorian constitutional framework and the role, responsibilities and obligations it places on Parliament, its Members and Officers. As we conclude our study it is appropriate to return again to our earlier remarks and in doing so, to underscore our belief that the present operations of the Parliament of Victoria, the process adopted for its funding, and the facilities provided for its Members evidence a marked and growing imbalance between the position of Parliament and the executive. As the study has progressed it has become clear that the system of government in Victoria has not for some time operated as it should. And with existing attitudes, structures, resources and funding procedures the Victorian Parliament *cannot* fully discharge the role required of it in the Victorian constitutional framework.

Again it should be said that such a conclusion does not mean we believe there should be a return to some nineteenth century version of Parliament. What we argue is that if the Victorian constitution is to be meaningful, Parliament cannot

be allowed to become a mere place of business and agency of executive government. The Victorian constitution provides a framework whereby Parliament should be neither a mere agency of government, nor just a hindrance to it, but rather an essential part of the entire system of government, with specialised and indispensable roles to perform.

We thus urge that Parliament be understood as part of the overall system of government, which, to cope with the pace of change, must function as a learning system, where, as Donald A Schon has put it, it can learn to solve new public problems, and:

...learn to create the systems for doing so and to discard the structures and mechanisms grown up around old problems. The need is not merely to cope with a particular set of new problems, or to discard the organisational vestiges of a particular form of government activity which happens at present to be particularly cumbersome. It is to design and bring into being the institutional processes through which new problems can continually be confronted and old structures continually discarded...¹³

13. Schon, D A,
Beyond the Stable State,
(London, Temple
Smith, 1971). p.116.

While recommendations which would cause the government of Victoria to be of such character and capacity would be well beyond our capability or brief, the study does nonetheless address that issue and suggests that a first and vital step could be the recognition that our government is a system in which there must be a balance between three inextricably related arms, each of which must be healthy and effective. Our association with this issue leads inexorably to the conclusion that the current imbalance in Victoria is not the product of perverse intent so much as a lack of understanding of the extent to which effective government relies on all arms functioning well. Unfortunately, there is a general lack of appreciation that there is a system at all.

In short, there is little point in studying Parliament, especially in a strategic context, unless the study is grounded in an appreciation of the system of government. Moreover, recommendations for change in strategies and structures need a similar grounding, so that they are directed not just to a better Parliament, but toward more effective government in the widest sense. While the focus of this study may have been Parliament, its context has been effective government, and we offer our recommendations from this perspective.

14. Recommendations

The following are our recommendations:

1. Parliament should re-assert the importance of its role as a substantially separate arm of government, which must function effectively if the constitutional framework is to work.
2. In keeping with its role, and as envisaged by the Constitution, Parliament should have its own separate Appropriation Bill. This should be prepared by the Presiding Officers, in consultation with the proposed Parliamentary Service Committee and the government.
3. Parliament should acknowledge the following primary roles - the passing and renovation of legislation; monitoring and where deemed appropriate, scrutinising, the activities of executive government; and the provision of a forum for exploring public policy issues of prime importance to the Victorian community; and adopt statements of mission and objectives commensurate with these roles.
4. Parliament should adopt a revised mission statement, statement of objectives, corporate strategy and organisation structure; these should be adopted after discussion by Parliamentarians meeting in a bipartisan context; and the possibilities outlined in this report are commended for consideration at that time.
5. Procedures, organisation, staffing, resource allocation and physical facilities within Parliament should reflect these priorities in a balanced way.
6. The parliamentary staff should be re-organised, with the ultimate replacement of the existing five departments by a single unit headed by a Director General, and comprising eight divisions, viz., Legislative Assembly, Legislative Council, Parliamentary Information, Parliamentary Investigations, Corporate Services, Ombudsman, Parliamentary Counsel and Auditor-General. However these changes must protect the right of each House to function autonomously.
(Please refer to Chart 3)
7. An interim re-organisation should be effected in the immediate future, involving the creation of a Parliamentary Service Committee, a unified Corporate Services function headed by a Director, a unified Information function headed by a Director, and the incorporation into the Parliamentary Service of the Ombudsman and his office.
Please refer to Chart 2)

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8. A Parliamentary Service Committee should be formed to oversight the merit principle in parliamentary employment, including recruitment and promotion, to hear grievances and appeals, and to ensure that Parliament is a fair employer.
 9. To uphold the constitution, Parliament should create a parliamentary education function designed to explain the constitution and the role of Parliament to the public, schools, business and visitors; this function should be adequately resourced and provided with appropriate accommodation.
 10. To properly support the role of the passing and renovation of legislation, the office of Parliamentary Counsel should be transferred from the Attorney General's Department to Parliament.
 11. To properly support the function of the monitoring and scrutiny of executive activity, the Office of Ombudsman should become part of the staff of Parliament.
 12. To properly support the function of the monitoring and scrutiny of executive activity, the Office of Auditor-General should become part of the staff of Parliament.
 13. Political parties should adopt explicit policies on their attitude to the Victorian constitution and the respective roles of the legislative, executive and judicial arms within it.
 14. Parliament should proceed forthwith to design studies for the completion of Parliament House to provide adequate office staff for parliamentarians, the staffs of the existing parliamentary services together with some components of the staffs of the Offices of the Ombudsman, the Auditor-General and the Parliamentary Counsel. These buildings should contain augmented library information and dissemination facilities, hearing rooms, reception facilities and an appropriate bus and car reception opening off Gisborne Street and subject to modern security criteria.
 15. A Parliamentary Archivist should be appointed and planning commenced for a parliamentary archives repository within the new Parliament building; the parliamentary archives should become a place of deposit pursuant to the *Public Records Act* for the custody for parliamentary archives, and plans should include provision for appropriate professional staff; public access provisions, and appropriate conservation, storage and records management practices; the Parliamentary Archivist should report to the proposed Director of Corporate Services.
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15. Implementation

As Macchiavelli is supposed to have said, "this is the hard part". The efficacy of recommendations in a report such as this is determined not so much by their innate correctness or logic, but by the ease and extent to which they can be implemented. Fundamental to this is the need for those affected by proposed changes to have "ownership" of those changes; for those affected to play a significant role in determining the process of change, and to have an active and prominent role in implementing change.

We consider that extensive discussion and debate should accompany any program to implement our recommendations, because an improved understanding among the political community of the role of Parliament is in our view an essential precondition of the changes needed. Our suggested strategy, outlined in Chapter 7 above, therefore highlights as the first issue to be addressed:-

an intensive process to raise understanding of the constitution, the Parliamentary system, and the position of the Victorian Parliament...

Other recommendations about structure, management arrangements, accommodation and other issues will be most readily accepted after this process of discussion has proceeded some distance.

The second area highlighted by our suggested strategy is organisational, and at 7.2.2 we suggest the next step be to:-

regroup the Parliament's support functions, and draw into the Parliamentary sphere those organisations which exist primarily to serve the Parliament...

A number of the recommendations we make (Recommendations 7-12) are in support of this aspect, and here we have taken the view that implementation will need to be a gradual process. We have therefore outlined a short term and a long term view of desirable organisational changes, and these are depicted respectively at Charts 2 and 3.

And finally, we consider reform of the budgetary process as it affects Parliament to be fundamental, and have recommended that the third element in the strategy should be to:-

reform the budget process through a primary and secondary budget...

We have outlined in this report at 7.2.3 an alternative view of the way Parliament's activities could be funded. We have no doubt that there will be divergences of view as to the means by which reform of the financing of Parliament should be implemented. While we have given a suggested approach, we consider that there is considerable scope for discussion as to means of implementation, and that the promotion of a wide discussion on this issue would have positive merit.

This implementation approach illustrates our commitment to the view that the strength of our recommendations should lie in their broad direction. Questions as to timing and mode of implementation in detail rest best in the hands of those who must implement change, above all, in the hands of Parliament itself, its Members and officers. We look forward to that process, which will be critical in determining the extent to which Parliament can re-assert its position in the Victorian constitutional framework and community as, in our view, it should.

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