Parliamentary administration: what does it mean to manage a parliament effectively?

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Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university. To the best of the author's knowledge, it contains no material previously published or written by another person, except where due reference is made in the text.

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Abstract

Through the centuries scholars and practitioners have studied parliament and its reform from an institutional perspective but few have addressed the internal relationships among parliamentary administrators, their competing beliefs and their influence on parliament's effectiveness. Within the broad topic of parliamentary administration, this thesis explores what it means to actors in the national parliaments of the UK and Australia to manage those parliaments effectively.[1] It was precipitated by evidence of a dissensus in administrative priorities amongst officials and members, and a purported decline in public confidence in democracy and engagement with parliament. Using a qualitative, interpretive and exploratory methodology to compare the two parliaments, I examined a wide range of literature and interviewed more than 90 parliamentary officials, members of parliament and other parliamentary actors, exploring dilemmas relating to governance, management, and procedural and cultural change. Addressing four underlying research questions, I found that competing beliefs about the relative value of procedural and management roles have militated against the accretion of effective management skills and expertise; most (but not all) members of parliament are indifferent to parliamentary administration and/or do not engage constructively in management issues; and structural and other differences between the two parliaments have had a limited effect on management and governance outcomes.

The thesis drew four main conclusions which have implications for the future management of parliaments. Firstly, parliament is overwhelmingly an agonistic institution and competition between parliamentary actors for status, resources, influence and control has pervaded its administration and impeded reform. Secondly, in the context of parliament's role as a deliberative forum and broker of ideas, managing public expectations remains a principal challenge for its administrators. Thirdly, parliament's claims to be 'unique' and a consequent emphasis on differences over similarities with other public organisations have reduced the potential for learning from outside. Fourthly, a lack of constructive engagement with administrative issues from members of parliament has contributed to a vacuum of leadership in an institution where no one has overall authority.

The last research question asked whether public management approaches could be usefully applied in parliament. My final argument is that adapting the management approaches discussed through the thesis—public value, collaboration and co-production—would provide an appropriate pathway from

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[1] Inclusion of the UK's devolved parliaments and Australia's state and territory parliaments was beyond the scope of the thesis.

insularity towards collaborative relationships that cross organisational boundaries, and towards a greater appreciation by members and officials of their roles as public managers.

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Preface

This research was inspired by the author's interest in public management theory and practice during a long career serving the Parliament of Australia and the Legislative Assembly for the Australian Capital Territory. As a senior administrator I faced constant choices between the individual and collective interests of members of parliament, the institutional interests of parliamentary officials and the public interest. Was I a guardian of parliamentary traditions and services or an agent of change in the interests of efficiency and public value? If the answer was both, how would I navigate a path between these different goals? And was this dilemma any different for an Australian Parliamentary Service official than for any public administrator? Why is parliament considered to be unique and why do parliaments appear to resist or even defy attempts to manage them more effectively? Business as usual, an emphasis on efficiency and routine and a low appetite for risk often seemed like the least controversial choices.

My attempt at answering these questions followed the award of a Senior Executive Fellowship by the Australian Public Service Commission in 1999 to study the impact of public management reforms on parliaments in the UK, Australia, Canada and Singapore. In this thesis, some 20 years later, I have explored new questions and analysed evidence from an array of sources to provide a greater understanding of what it means to manage a parliament effectively and how the beliefs and practices of a parliament's many actors can work against each other to diminish its reputation and lessen the public's trust. By viewing this evidence in the light of public management approaches, rather than through traditional lenses of parliamentary reform, I have sought to present new perspectives on parliamentary management to academic researchers and parliamentary practitioners in the interests of advancing this essential institution.

Chapter 1 — Managing parliaments effectively—an unresolved problem

Introduction

> … there is a serious problem to address in the management in the House [of Commons]. The House is a loveable shambles. Waste is everywhere. There is an absence of clear chains of command for many of the functions that are provided. The security arrangements are quite extraordinary … the House is vulnerable to criticism once it has a budget of several hundred million, which is one of the reasons why the legislature needs to pay attention to the problem. It works despite, not because of, its organisational and management structure. It works because people are so deeply committed to making it work and to ensuring that the legislature functions (House of Commons Governance Committee (HOCGC) 2014, p.62).

> Over recent years…I have raised concerns about the senior management of the Department of Parliamentary Services. I have said in the past I consider DPS to be the worst run government [*sic*] department in the Commonwealth of Australia. Unfortunately, nothing has changed … This raises very serious questions about the probity and transparency of decision making in the Department of Parliamentary Services. I can assure the Senate that its Finance and Public Administration Committee will not let these serious questions go unanswered (Australian Senate 2014, p. 8785).

This thesis researches management effectiveness in the national parliaments of the UK and Australia. I have introduced it with two quotations from long-serving and vocal members of each parliament, both condemning what they saw as a paucity of effective parliamentary administration. The first came from Andrew Tyrie who, until his retirement in 2017, was a Conservative member of the UK House of Commons and chair of several influential committees. The second came from Labor senator John Faulkner who, until his retirement in 2015, was among the Australian Senate's better known critics of both public and parliamentary administration. He was scathing about the performance of the Department of Parliamentary Services (DPS), tasked with providing support services to members of parliament and those occupying and visiting Australia's Parliament House.

Both members were speaking from years of parliamentary experience and providing evidence for important inquiries into the effectiveness of each parliament's administration. They were not alone in their observations: through the decades there have been many criticisms of the procedures and services which support the functioning of parliament and these are explicated throughout the thesis.[2]

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[2] These are contained in early literature, parliamentary committees of inquiry, management reviews, audit reports and newspaper articles.

These criticisms from members who are the recipients of parliamentary services as well as members, custodians and overseers of the parliamentary institution give early insights into the difficulties parliamentary administrators face in supporting parliamentarians and the institution itself—essentially, issues of power and politics (Geddes & Mulley 2018; Geddes 2019a).

The study explores underlying management tensions within the two parliaments which recent controversial events have highlighted. It examines competing beliefs held by members of parliament, parliamentary officials, academics and other commentators as to what constitutes effective parliamentary management and the priorities placed on particular functions and processes. It aims to provide a more nuanced understanding of the complexities of managing a Westminster parliament and the relationships which exist among key groups of parliamentary actors and between those actors and the public. Importantly, it takes a new approach by applying a public management rather than an institutional perspective to analysing parliamentary administration and reform. It suggests that adopting contemporary public management approaches, particularly those favouring public value, collaboration and co-production, could improve a parliament's effectiveness in an era of public disengagement with governments, politicians and politics in general.

A generalised perception is that the UK and Australian parliaments are not well managed on a number of fronts, including accountability and transparency, efficiency and the effective use of resources.[3] They also appear to be failing to secure the trust, support and engagement of citizens, thereby reducing their effectiveness (Evans *et al*. 2017; Hansard Society 2019). Less publicly visible but also relevant are calls for procedural and other reforms to enhance parliamentary effectiveness both in holding the executive to account and facilitating effective law making (for instance, Kelso 2007b 2009; Winetrobe 2013, 2014; Hansard Society 2014). Successive internal and external reviews over decades have done little to belie the impression that parliamentary administration has been insular and internally focussed, concerned with preserving the *status quo*, self-serving and resisting the changes confronting all public institutions.[4]

Despite continuing calls for reform, it is not clear what effective parliamentary management looks like and who should be held responsible and accountable. Indeed, the very concept of 'management' appears to have been viewed with suspicion by conservative 'elites' and some parliamentary officials. Administrative change has often followed a crisis or critical juncture rather than taking a planned and

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[3] See, for instance, House of Commons Governance Committee (HOCGC 2014); Senate Finance and Public Administration Legislation Committee (SFAPLC 2012a, 2012b; 2015a, 2015b).
[4] See chapters 3 and 4 for a full account.

strategic approach (Russell 2011b; Flinders *et al.* 2018a; Petit & Yong 2018). Little regard has been paid to the proposition that the public management requirements of a parliament, as a key public institution, should be taken as seriously as its political management. Instead, political and procedural outcomes have been accorded priority over management outcomes and parliamentary actors have failed to take sufficient account of the inter-relationships between them. I argue that this phenomenon has contributed to a declining confidence in parliamentary democracy in the United Kingdom and Australia. Using the two national parliaments as case studies I seek firstly to unravel the complexities of parliamentary administration and the history of its reform; secondly, to identify administrative dilemmas within parliaments and challenge conflicting views on what constitutes effective management; and, thirdly, to explore the potential utility of public management approaches to deliver future reforms.

The problems of managing parliament

Rogers and Walters (2015), former clerks in the House of Commons and House of Lords, argue that the more effective a parliament is the better it will serve its real 'owners'—the people. Yet few informed observers are likely to agree that parliaments operate effectively (Uhr & Wanna 2000; Evans *et al.* 2013, 2017; Lowy Institute 2014; Hansard Society 2015, 2017). Even fewer will have considered how parliaments could be managed more effectively, and fewer still will appear to care. It is only when something goes wrong: when the media reports on the misuse of members' entitlements; when a security project runs into trouble; when the Speaker makes a seemingly partisan statement about a head of state or selects a controversial amendment; when Big Ben stops chiming; or when members of parliament or officials are forced to resign due to a process failure or shortfall in behaviour that we sit up and take notice.[5] Even then we blame the self-interest, incompetence and venality of political elites (Fox 2009; Allen 2011; Negrine & Bull 2014; Snow & Robertson 2015). Little constructive thought goes into how parliament as an institution could be better managed to achieve its democratic purposes.

The problem is exacerbated when there appears to be no clear line of authority or responsibility for the effective performance of parliament, and differing views on how effectiveness can be achieved. When things go wrong who do we blame? Who is responsible for running the institution, enhancing its reputation, and making sure it can carry out its functions effectively? How does parliament operate? What role should a parliament's members play? Should a parliament be managed like any other public

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[5] See for instance Winnett and Rayner (2009); Bagshaw (2019); Independent (2017); Swinburn (2017); Meakin (2017a); Perkins (2019) and later chapters.

institution? Perhaps more problematic is the lack of agreement *within* parliaments as to what parliamentary management even means. To some it is a subsidiary function—the mere provision of facilities and catering services, IT support, keeping the lights on and providing comfort to the parliamentary building's occupants.[6] This view of 'management' as the provision of administrative support services relegates the concept to a subordinate function which can oversee service provision and perform necessary tasks and routines, enabling the real parliamentary support role—providing procedural advice to the government and its opponents—to proceed untrammelled by lesser concerns. Others take a more holistic view of parliament and see their roles as part of a larger engagement with members and the public to ensure that members can operate effectively, to maintain and preserve the parliamentary building and to promote the institution of parliament as the pinnacle of democracy. From this perspective, a critical task is to acquire and effectively manage political backing and resources (Commonwealth Parliamentary Association [CPA] 2005; Inter-Parliamentary Union [IPU] 2017). Members of parliament regard themselves as individual office-holders which can obscure a wider institutional responsibility to act (House of Commons Governance Committee [HOCGC] 2014).[7] These competing views do not always reconcile, and competition between them does not assist effective parliamentary management.

Many scholars (for example, Crick 1968; Reid & Forrest 1989; Norton 1993; Uhr & Wanna 2000; Kelso 2009) have provided historical and contemporary insights into the purpose and relevance of parliamentary institutions and their capacity for reform. They focus predominantly on parliament's relations with the executive; the capacity of parliamentary scrutiny to hold government to account and, increasingly, on the need for greater public engagement. Until recently, fewer writers have addressed parliament's internal administration and governance and little scholarly attention has been devoted to understanding and characterising the people, processes and relationships that support the functioning of a Westminster parliament and influence its effectiveness (although see CPA 2005; IPU 2017).

Acknowledging a lack of research is not to ignore the texts devoted to the historical evolution of parliaments, often produced by institutional 'insiders' (for example, Ilbert 1912; Williams 1954; Marsden 1979; Griffith & Ryle 1989; Wright & Fowler 2012, Rogers & Walters 2015; Laing 2016b)**.** These have traditionally dwelt on longstanding procedural functions including interpretation of the

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[6] See evidence in HOCGC 2014 (Chapter 4) and in Chapter 6.

[7] Note also Lord Lisvane (2015, pers. comm., 16 March). Note: former Clerk of the House of Commons, Robert Rogers, was elevated to the House of Lords in 2015. References to personal communications with the author are attributed to Lord Lisvane, his subsequent title.

rules that govern how and what the House debates and how it reconciles disagreements and reaches decisions (Evans 2014, 2017). The procedural roles performed by clerks and elected officials are addressed in chapters 3 and 7; they are obviously critical to parliament's fulfilling its constitutional role effectively;[8] to many, they are of paramount consideration (HOCGC 2014). However, the cited works have much less to say about the management roles and responsibilities of parliamentary office holders, their beliefs, actions and practices; their relationships with each other; or the challenges they face.

It is unlikely that the public gives much thought to the people who work in their parliaments or to what they do to support members of parliament and to sustain the institution itself. The public view tends to conflate parliament with adversarial politics and it is widely held that a lack of awareness and understanding about how politics and parliament work can feed into public disaffection (Lusoli *et al.* 2006; Stoker 2006a; Fox 2009; Leston-Bandeira 2014; Jennings *et al.* 2016). An alternative argument is that the more we know about politics (and by extension, parliament) the more disaffected we become (Segal, in Crick 1968; Winnett & Rayner 2009; Fox 2012a). Uhr and Wanna (2000, p. 23) took the middle ground in their contention that 'people are ignorant of what [parliament] does but are nevertheless glad that it is there', as did the Hansard Society (2017) in finding that most people believe that parliament is essential to democracy.[9] Flinders and Kelso (2011) claimed that the 'parliamentary decline thesis' is exacerbated by political scientists who reinforce the perception of an 'eviscerated and sidelined parliament', thus perpetuating and fuelling public disengagement and disillusionment (p. 249). More recently, the IPU and the United Nations Development Programme (2017), acknowledged that parliamentary oversight capacity is closely linked to how well resourced parliaments are and urged MPs from all political parties to create co-operative relationships with those outside legislatures to facilitate effective oversight. If, as parliamentary scholars and practitioners, we hold to the view that the more effective parliament is, the better it will serve the constituencies it represents (Rogers & Walters 2015), it would seem necessary, at the very least, for scholars and practitioners to engender a greater understanding and appreciation of the challenges of delivering a 'thriving parliamentary democracy'[10] to an increasingly sceptical public, even if the outcomes are difficult to quantify.

In 2018, almost three years after this study commenced, new literature emerged in the UK which corroborated the foregoing justification for the importance of this study. First, Leston-Bandeira and

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[8] A Podger 2015, pers. comm., 4 August.
[9] Although later audits challenge this finding (Hansard Society 2019).
[10] A key aspiration in the *Strategy for the House of Commons Service 2016-2021* (House of Commons Commission 2016)

Thompson (2018) in their book *Exploring Parliament*, presented perspectives from parliamentary scholars and practitioners on many aspects of parliamentary activity. Their central purpose was 'to bring the study of Parliament as a constitutional entity together with the study of Parliament as a multi-layered and complex actor which shapes, and is shaped by the life of the nation' (p. 10). The second work (Geddes & Meakin 2018) presented parliament as the ultimate representative institution on which parliamentary democracies rest and acknowledged that exploration of the administrative and managerial organisation of the UK parliament was largely missing. Drawing on Bevir and Rhodes (2003, 2006) Geddes and Meakin used an interpretive approach to demonstrate how the concept of dilemma, in concert with a focus on the beliefs and everyday practice of parliamentary actors, can explain how change occurs. This approach was further developed in Geddes's work on the influence of power relations on practice (2019a). My thesis has complemented these works, firstly by offering a comparison between management effectiveness in the UK and Australian national parliaments, united by a particular 'dilemma',[11] and, secondly, by using public management theory to argue for a strategic, pragmatic and collaborative agenda for parliamentary administration rather than the path-dependent institutional approach traditionally associated with parliamentary reform. It has taken a broad view of 'management' to include procedural and cultural management and reform and the influences of power, authority and relationships. It has also drawn on Bevir and Rhodes (2003, 2006) whose work provided an ideal interpretive framework for examining the influence of traditional beliefs on the role of parliamentary actors as situated agents and the dilemmas they face. Consequently, the discussion in chapters 5 to 7 is structured in terms of specific dilemmas arising from three key elements of managing a parliament—governance, management, and procedural and cultural reform. These dilemmas emerged from my wide-ranging interviews with parliamentary actors, academic literature and parliamentary and media reports.

Why choose the UK and Australian national parliaments?

The national parliaments of Australia and the United Kingdom share a longstanding relationship. They both have a common heritage in the Westminster family of parliamentary democracies. The UK parliament is often regarded as the 'mother of parliaments'[12] while many of the Australian parliament's practices and procedures, particularly in the House of Representatives, are modelled on

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[11]The 'Mills affair', recounted by both Leston-Bandeira & Thompson (2018) and Geddes & Meakin (2018) is explained in later chapters in the thesis.

[12] Although Chris Bryant, former Shadow Leader of the House, has pointed out that the term 'mother of parliaments' was coined by John Bright in the nineteenth century in order to criticise not to praise it (Bryant 2015; note also C Bryant 2016, pers. comm., 23 May).

the United Kingdom's Westminster system. Each parliament closely monitors and sometimes adopts each other's procedural and managerial reforms;[13] information is shared regularly through meetings of members, clerks, officials and academics.[14] Both institutions are bound by tradition and, as Kelso notes, parliamentary reform in the Westminster system is slow to materialise (Kelso 2009).

When viewed through a historical institutionalist lens, the change process within the two institutions is seen to be gradual and incremental, often endogenous, but also characterised by 'drift' due to shifts in the environment, and operating within a context that favours certain strategies over others (Hay & Wincott 1998; Streeck & Thelen 2005; Mahoney & Thelen 2010). The patterns are broadly similar: they have experienced repeated reviews of structure and organisation and they provide a large source of comparable data (Bottomley 1975; Ibbs 1990; Braithwaite 1999; Adams 2002; House of Lords 2002; Podger 2002; Tebbit 2007; HOCGC 2014 and departmental annual reports). Yet while they come from the same 'Westminster family' they are nevertheless different in their structural, financial and constitutional arrangements and this provides the potential for differences in observable outcomes (Anckar 2008; Keman 2011). It would have been logical to study the four national Westminster parliaments in the UK, Australia, Canada and New Zealand which are commonly studied in concert (see Uhr & Wanna 2000; Verrier, 2007; Rhodes *et al*. 2009). However, an in-depth study of all four parliaments to the extent undertaken in this thesis would not fit within resource or time constraints. Therefore, assuming that the UK parliament is the foundation of any study of Westminster parliaments, it was important to consider which of the three others should be compared. The choice was governed by structural variables. Choosing New Zealand's unicameral parliament would not have allowed a consideration of the complex relationships which exist between two chambers. Of the two remaining bicameral parliaments the Australian parliament offered a more interesting and productive analysis owing to the fact that the Australian Senate is an elected body which does not usually return a government majority. As the thesis will show, this factor has had a considerable influence on administrative outcomes. The difference in governance arrangements was also an important consideration. The UK and Canadian parliaments, have governing bodies for each of their Houses,

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[13]Examples include the introduction in the UK House of Commons in 1999 of Westminster Hall debates, an opportunity for backbench MPs to discuss non-controversial matters of local or national interest in a 'second chamber'. This followed an earlier reform by the Australian House of Representatives which introduced the Main Committee (since renamed the Federation Chamber) to provide more debating time for backbench members (Parliament of Australia 2017a; TheyWorkForYou 2017; UK Parliament 2017).

[14] Examples include the CPA, the Society of Clerks-at-the-Table in Commonwealth parliaments, conferences of presiding officers and clerks, the Study of Parliament Groups.

unlike the Australian parliament, as well as greater financial autonomy (Breukel *et al*. 2017). These factors will also be shown to be significant.

Notably, however, the two parliaments have also been affected by a series of events and scandals which publicly highlighted management failures in both institutions.[15] These 'critical junctures' were characterised by their capacity to change the structural influences on each parliament and expand the choices open to political actors.[16] For those inside the two parliaments the episodes and their consequences have served to highlight pre-existing underlying tensions between the relative importance and status of the management function and of the procedural skills which over the centuries have come to be so highly regarded, and also among the relationships between parliamentary officials, the members of parliament they support and the public. For those outside, each event provided yet another example of a parliamentary brouhaha increasing public cynicism. From an academic perspective they have provided a catalyst for engendering a greater interest in the administration and management of parliaments, an observation borne out by the emergence of relevant literature during this study.

Research questions

I have pointed to a lack of scholarly research on parliamentary administration and the presence of differing perceptions about what it means to manage a parliament effectively. A strong motivation for the study was also provided by reports in both the UK and Australia calling into question the effective management of their national parliaments (Senate Finance and Public Administration Legislation Committee [SFPALC] 2012a, 2012b, 2015a, 2015b, 2015c; Winetrobe 2013, 2014; Hansard Society 2014; HOCGC 2014; Mulgan 2014; Senate Committee of Privileges 2014; Australian National Audit Office [ANAO] 2015). These reports highlighted difficulties in managing parliaments which may not be encountered within mainstream public sector organisations and, consequently, may require a particular set of skills and characteristics. The reported difficulties included:

- *ad hoc*, piecemeal and often reactive approaches to procedural reform (Winetrobe 2013)

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[15] These events are illuminated in Chapter 4.
[16] See Capoccia and Kelemen (2007) for a comprehensive explanation of critical junctures in historical institutionalism.

- lack of high level managerial expertise at senior levels and complexity of governance arrangements particularly at the 'interface' between parliamentary actors and the institution (Winetrobe 2014)

- a governance structure inadequate to deal with a mammoth workload, split between constitutional and strategic management roles (Hansard Society 2014)

- inherent conflict between clerks and managers (Mulgan 2014)

- combining effective decision making with transparent accountability; matching best practice governance in the public sector; developing skills, and preparing for future challenges (HOCGC 2014)

- misleading a Senate committee (SFPALC 2012a, 2012b)

- possible improper interference with the performance of a senator during a disciplinary investigation (Senate Committee of Privileges 2014; SFPALC 2015a)

- managing assets and contracts in Parliament House (ANAO 2015)

These related examples have raised important issues about the management and administrative functions within the two parliaments and prompted the following underlying research questions:

1. How do competing beliefs about the relative value of procedural and management skills influence effective management in the UK and Australian parliaments?
2. Do members of parliament engage constructively in managing their parliaments?
3. How do structural and other differences between the two parliaments inhibit or facilitate effective management and governance?
4. Is managing parliaments similar to managing other complex organisations, and can contemporary public management approaches be usefully applied?

Research design, methodological and theoretical approach—exploratory, qualitative and interpretive

As foreshadowed, the study adds to the limited understanding of the diverse roles played by those responsible for managing parliaments by examining different perspectives of what it means to manage a parliament effectively in two Westminster parliaments that have drawn public attention to their

perceived management failures. It offers a more nuanced understanding of the complexities of managing parliaments by highlighting differences and similarities with other public institutions when viewed through a public management perspective. It provides evidence to answer research questions which have significance for all parliaments.

This research is ideally suited to a qualitative and interpretive epistemology using an exploratory case study method in that it allows the researcher to 'take a question…based on a practical issue, and to pursue the relationships that underlie it'. It takes an illustrative approach, giving examples and suggesting conclusions 'without having to nail one's colours to the mast' (Stewart 2012, p. 75). It provides an account of the beliefs, actions and practices—an interpretation of interpretations (Bevir & Rhodes, 2005)—that constitute the administration, or management, of parliament. Hay (2011), in common with Bevir and Rhodes, expresses confidence in the interpretivist approach and suggests that:

> ...for interpretivists, understanding is the key to explanation of social and political meanings and, no less significantly, understanding entails establishing the beliefs and meanings which guide and inform actions (and the practices to which they give rise) …

> As this suggests, interpretivists are committed to a form of explanation that is in fact very close to the lay understanding of the term. To explain an outcome is to understand (or at least to make a claim to understand) how things came to be the way they were and not some other way (Hay 2011, p. 172).

A narrative style has also set out the storylines that describe and explain the structures and practices within the institution of parliament (Ospina & Dodge 2005) and the 'habits of thinking, ways of seeing and the shared meanings submerged therein which knit together members of a group who have been interacting over time' (Yanow & Schwartz-Shea 2014, p. 14)—revealing the intersubjective character of a parliament and its management actors. To some this might be seen as an excuse for inviting aggrandisement and even forms of self-promotion and, to some extent, this is inevitable when interviewing elites (Berry 2002).[17] I took the view that to fully understand the underlying tensions between key actors in parliamentary administration and to challenge competing beliefs it would be necessary (although not sufficient) to allow interviewees to tell their stories. Indeed, a pre-supposition of this research, based on the accumulated evidence surrounding the public events I have noted and a historical evaluation of parliamentary administration, was that the occupants of particular positions within the two parliaments would have sometimes widely different views on effective parliamentary management. The research questions were based on such an expectation. It was useful to heed advice

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[17] I have noted also views expressed by John Wanna (J Wanna 2018, pers. comm., 10 January).

that while interviewees are not obliged to be objective personal bias is not a chronic problem and it can be ameliorated by using multiple sources and drawing the interviewee towards other points of view (Berry 2002).

It is important for an interpretive researcher to be exposed to the range of differing viewpoints and the possibility of multiple interpretations of events (Schwartz-Shea & Yanow 2012). I was careful to gain access to key actors from different backgrounds, performing different roles, as well as disinterested observers of parliamentary processes. Using different sources of evidence, particularly relevant parliamentary inquiries, has contributed to the quality and explanatory coherence of the research by achieving triangulation—normally associated with positivist qualitative research. In some cases, documentation of evidence given by important actors has compensated for their unavailability for a face to face interview (Schwartz-Shea & Yanow 2012). And, in further support for the interpretive methodology:

> … interpretive researchers are not captives of what they see, hear, or read—they are not trapped by what people tell them any more than they are by their prejudices. They are alert to the possibility of partial knowledge and multiple perspectives. Neither of these can be avoided or controlled for. But they *can* be acknowledged, engaged and analyzed. Reflexivity aids in this process as researchers ask not only about their own meaning-making but also about what they are *not* hearing, about the silences in their interviews, readings, and observations. Inquiring into the meanings of such silences, whether chosen or imposed, is a major maker of quality in interpretive research. (Schwartz-Shea & Yanow, 2012, p.112).

Justification of the methodological approach in any thesis is important, particularly in terms of placing the researcher within the research context, and at this point I acknowledge my long career as a senior official in two parliamentary administrations. I have noted the 'hermeneutic effect' of interpretation which requires a decentring of expertise, as well as the call for transparency of methods (Yanow 2003; Dodge *et al*. 2005). As noted, I have sought to avoid perceptions of bias or pre-judgment by interviewing a wide range of officials and observers, including those not actively engaged (although interested) in parliamentary administration, and by analysing empirical data as well as perceptions of interviewees and other commentators. I have maintained awareness of the likely impact of my own experience on my interpretations of interviews with others (Yanow 2007; see also Schön 1983). I found that my experience, rather than being a limiting factor in the quality of the research, played a useful part in gaining access to people and data and enabling an understanding of which issues could be usefully explored. Indeed, Yanow (2007) extolls the benefits of 'an appreciation for the ambiguities that may, and often do … arise from multiple interpretations of the same artefacts—especially as the reasons for such interpretational differences are rarely made explicit …' (p. 408). This applies to at least

two of the research questions—competing beliefs about the relative value of procedural and management skills and the level of engagement by members of parliament. That the reasons for different interpretations are 'rarely made explicit' provides further support for the significance of the research.[18]

The theoretical approach of the thesis is to view parliamentary administration from a public management perspective, in contrast to parliamentary scholarship which has adopted a historical institutional approach. Kelso (2009) reinforces March and Olsen's (1989) emphasis on institutions as collections of standard operating procedures and structures which shape their values and norms. She defends the capacity of a path dependent approach to explain institutional continuity without necessarily precluding institutional change (see also Pierson 2000; Streeck & Thelen 2005; Mahoney & Thelen 2010; Peters 2011). Others (Hall & Taylor 1996; Peters *et al*. 2005) argue that the historical institutionalist approach cannot provide an adequate explanation for change without including a greater role for agency and political conflict. Streeck and Thelen (2005) also reject the either/or nature of the punctuated equilibrium model which equates incremental adaptive change with minor change and major change with exogenous disruption. There is an important historical and comparative component in the early chapters of the thesis. This is inevitable: as Pollitt (2008) argues, every management and policy problem has a temporal dimension and the influences of the past must be explicit in analyses of public administration. Riccucci (2010) includes history, culture and experiences in the knowledge built by interpretivists; and Sowa and Lu (2017) suggest that taking a single approach to studying public administration may be unachievable. Mahoney and Thelen's (2010) theory of gradual institutional change provides a useful perspective for considering the process of slow and piecemeal administrative change in both parliaments, and particularly in the UK. The first part of the study provides the historical context in which the roles, structures and practices of parliamentary administration have evolved; it uncovers the antecedents of administrative dilemmas within the two parliaments. The second part examines dilemmas that are still current, and the beliefs and practices that influence them, and places them within a public management theoretical context.

Finally, there is a practical justification for the research methodology which also attracts some scholarly support. As early as 1968, Crick suggested that theory and practice (political theory and institutional description) should be one field. Peters and Pierre (2017) now lament what they see as a failure in two different approaches to public administration research. The first of these is a deductive approach based on rational or public choice theory which has little regard for empirical detail, values

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[18] See also the call by Geddes & Rhodes (2018) for an interpretive rather than institutionalist approach to parliamentary studies.

or institutional complexities. The second approach is largely atheoretical, and usually based on in-depth case studies which fail to draw on theory to interpret the empirical data they generate. This study attempts to connect public management theory and parliamentary administrative practice and to bridge a potential gap between them (see Raadschelders 1999; Riccuci 2010; Sowa & Lu 2017). Chapter 2 discusses these connections in more detail.

Research timeframe and methods

In taking a contemporary public management approach in this thesis it was impossible to ignore the temporal dimension of parliamentary administration and the inherited political relationships, management systems, attitudes and cultural norms; the tensions between old and new; and the role of agency in sustaining and transforming institutions (Bevir &Rhodes 2006; Pollitt 2008; Sheingate 2014). As the thesis will reveal, these factors have contributed to the effectiveness (or otherwise) of management interventions. For this reason the study begins with observations on parliamentary administration and reform from the mid-twentieth century before analysing a range of management reports and reviews from the late 1970s to the present. In the United Kingdom it takes account of the introduction of a managerial focus, starting with the Bottomley inquiry (1975) which led to the enactment of the *House of Commons (Administration) Act 1978,* and it traces a regular pattern of subsequent reviews through Ibbs (1990), Braithwaite (1999) and Tebbit (2007). In the case of Australia, it picks up from where important early accounts by Reid and Forrest (1989) coincide with the emergence of reports critical of management effectiveness and the first whiff of 'managerialism' in at least some of the then five parliamentary departments. It notes the history of attempts to restructure administration in the pursuit of efficiency. The period of analysis finds its apex in the consequences of the significant inquiries resulting from the Clerk of the House of Commons recruitment controversy (the Mills affair) and the performance failures in the Department of Parliamentary Services (SFPALC 2012a, 2012b, 2015a, 2015b, 2015c; HOCGC 2014). It draws on new literature about parliamentary administration which has emerged during the study, in itself reflecting a heightened interest in the topic.

The historical analysis has provided important context for a key component of the research: a series of almost 90 semi-structured interviews, predominantly with senior parliamentary administrators and politicians in both parliaments.[19] The semi-structured interviews were conducted with long serving

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[19] See tables of interviewees at appendices 1 and 2. In the House of Commons all but two members of the House of Commons Commission agreed to be interviewed. Of the two who declined one was actively engaged in the then EU referendum campaign and another had personal issues leading to significant public scrutiny. In the House of Lords interviews were obtained with the then Lord Speaker, the office of the then Leader of the

officials and clerks with procedural and/or management roles who were imbued with the traditions and culture of parliamentary administration, as well as some newer entrants, principally in the management field. The politicians interviewed were those engaged with management and administrative processes within their parliaments, by virtue of their official roles or their membership of governance bodies or scrutiny and review committees. They included current and former presiding officers. To bring an external perspective to the study and to enhance its validity through a further process of triangulation the views of academics and others who were engaged with the topic were also sought (Bryman 2008). Aberbach and Rockman (2002) provide useful strategic advice on how to access elite interviewees and stress the importance of defining the purpose of the interview when constructing open ended questions. The interviews were, nevertheless, flexible, guided to some extent by the backgrounds and roles of the interviewees (Weiss 1994; Bryman 2008).

Interview questions addressed the nature of parliamentary administration, its challenges and the way in which it differs from public management generally. More specific questions related to the roles individual interviewees played in the management of their respective parliaments, either as officials, members or observers and commentators.[20] The initial analysis of the interview data involved a search for high level codes by which to categorise specific topics or subjects that were relevant to the propositions being examined (Saldana 2009). These included, for example, governance, structures, procedural and managerial issues, financial arrangements and members' engagement. Then, in a process of analytic reflection, the themes, or repeating ideas, emerging from the interviewees' statements were identified and recorded to construct a taxonomy, assisted by NVivo software, in which to cluster together similar patterns, ideas or behaviours to enable a close examination of their relationship with the research questions (Auerbach &Silverstein 2003; Saldana 2009).

Thesis structure

Before outlining the thesis structure, I note that the thesis referencing style is adapted from the Australian National University's Crawford School of Public Policy style guide (2015) and is also guided by *Referencing parliamentary material: a guide for lecturers and students* (Leston-Bandeira &

House and the then Convenor of the Cross Bench, all of whom played prominent roles in the House of Lords internal governance issues. Members of the management boards in both Houses were also interviewed. In Australia, in the absence of a formal commission or management board, I sought interviews with members with procedural or administrative responsibilities. Of those approached, only one member of the House of Representatives and two senators declined the opportunity to be interviewed. All participants consented to their interviews being recorded and almost all consented to be identified and their comments attributed. All interviews were transcribed.

[20] See sample interview questions at appendix 3.

Thompson 2013). Any deviation from these guides is designed to achieve consistency, avoid confusion between the two parliaments and assist the reader. A synopsis of each chapter appears below.

Chapter 1 introduces the problem of parliamentary administration: despite perceptions of poor management, parliamentary administration is not well understood in an era of strong public disengagement with politicians and politics, and the concept of 'management' appears to be relegated to a subsidiary rather than encompassing function. The chapter sets out the study's rationale: to explore underlying management tensions within two national parliaments; examine competing beliefs on what constitutes effective parliamentary management; unravel the complexities of parliamentary administration; and demonstrate that adopting public management approaches could improve parliament's effectiveness. It points to the lack of scholarly literature on parliamentary management and establishes the theoretical setting for the study. This is a view of parliament from a public management perspective; it acknowledges but does not adopt the historical institutional framework inherent in other studies on parliament. The chapter includes the research methodology—qualitative, interpretive and exploratory—and justifies the selected research methods.

Chapter 2 reviews the scholarly literature on parliaments, noting the principal areas of interest (executive-parliamentary relations; parliament's scrutiny role; financial independence and control; and procedural reform) with limited direct references to management/administration. It then reviews developments in the public management field in the context of their influence on parliamentary administration— from traditional bureaucratic administration, through new public management, to public value, collaboration and co-production. It clarifies a potential ambiguity in the use of the terms 'parliamentary administration' and 'public management'—a distinction which is important in the development of the thesis argument. Overall, it sets the scene for an exploration of management complexities within a parliament.

Chapter 3 explores the historical trajectory of parliamentary administration, including key roles and functions, drawing on early annual reports and reviews. It sets out the early roles of clerks and the emergence of administrative roles pre-dating the focus on management reforms such as the establishment of the House of Commons Commission in the UK. It draws heavily on the accounts of Reid and Forrest (1989) for a history of parliamentary administration in the Australian parliament. This chapter recounts serial attempts at management reforms in both parliaments, highlighting minimal management attention at a time when it did not seem to matter very much and subsequent resistance to a greater management focus. It argues that traditionally parliamentary administration has been inward looking, narrowly focussed and self-interested.

Chapter 4 focusses on the recent past and the present: how does parliamentary administration measure up in the twenty-first century? It discusses briefly the implementation of the Tebbit reforms in the UK House of Commons and their influence in the House of Lords, and the significance of the external events which followed—the expenses scandal, which led to administrative and procedural reform, and the election of a new Speaker with an administrative agenda seemingly at odds with the objectives of parliamentary officials. It explores the consequences of his attempts to introduce a management focus at the highest administrative level. These events coincide and contrast with critical reports in the Australian parliament of a management focus which failed to take account of institutional norms and sensitivities and led to clashes between clerks, officials and members. The chapter contrasts the management 'interventions' within each parliament before introducing a number of contemporary dilemmas pertaining to the governance, management and procedural/cultural aspects of parliamentary administration.

Chapter 5 considers aspects of two of the underlying research questions; namely the extent to which members of parliament are constructively engaged in their governance arrangements, and how structural and other differences between the two parliaments inhibit or facilitate parliament's effectiveness. It compares governance arrangements in the UK and Australian parliaments. It addresses three dilemmas of governance: the first relates to who has legitimate authority for parliamentary administration and can advocate for its reform; the second relates to financial autonomy and control; and the third discusses the concept of collective responsibility for outcomes.

Chapter 6 looks at issues posed by three of the research questions: the effect of competing beliefs about the relative value of procedural and management skills; the extent to which members of parliament engage constructively in management issues; and how structural differences between the two parliaments inhibit or facilitate effective management. It focusses on identity and the relationships between key actors before examining three associated management dilemmas—multiple stakeholders and competing roles; balancing operational and strategic management; and coping with scrutiny mechanisms.

Chapter 7 also addresses the first three research questions: competing beliefs about management and procedural skills, members' engagement and structural differences. It examines three dilemmas of procedural and cultural reform: changing the rules to meet public expectations; engaging with the public; or leaving reforms in the 'too-difficult box'. In doing so it broadens the application of the term 'procedure' in the parliamentary sense to encompass its wider definition—'a set of actions that is the

official or accepted way of doing something'[21]—in order to explore behavioural and cultural issues within the two parliaments.

Chapter 8 revisits the research questions and proposes some practical steps to help resolve the dilemmas discussed in chapters 5 to 7. It also addresses the final research question and discusses how contemporary public management approaches could be applied in the parliamentary context. It concludes that concepts of public value, collaboration and co-production could be relevant and useful to a reflexive practice of parliamentary administration and could achieve a more collaborative, less adversarial, more strategic and ultimately more effective outcome.

Chapter 9 concludes the thesis with a discussion on findings and implications arising from the thesis. First, it addresses internal implications for parliamentary actors and their competing approaches to management before looking at the potential for greater engagement with external organisations. It then sets out implications for theory as well as practice and offers a pathway to future studies of parliament.

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[21] See Cambridge English Dictionary on-line (2018).

Chapter 2 — What *is* wrong with parliament? A preliminary review of literature on parliamentary administration and public management reform

Introduction

Parliamentary administration and management have been overlooked in studies on parliament and this view is acknowledged in recent literature emphasising the importance of understanding parliamentary reform from an administrative or management perspective (Besly & Goldsmith 2018; Geddes & Meakin 2018; Leston-Bandeira & Thompson 2018). There is, of course, a considerable volume of scholarly literature about parliament stretching over decades (for instance, Jennings 1941, 1961; Bromhead 1958; Bagehot & St John-Stevas 1959; Hanson 1963, 1970; Hill & Whichelow 1964; Crick 1968; Uhr 1982, 1998, 2002; Norton 1993, 2000, 2002; Coper & Williams 1997; Russell 2000; Uhr & Wanna 2000), much of which includes normative assessments stressing the need for parliamentary reform. But this body of work is focussed on institutional and political aspects rather than management reform. One explanation may be that the study of parliament has a much longer history than the study of professional management. According to Drucker (1999), described as the 'father of management thinking' (British Library 2018) and having a 'pervasive influence on managerial thought' (Kantrow, 2009)[22] the concept of management as a discipline has emerged only relatively recently. A detailed exposition on the history of management thinking is beyond the scope of this thesis; however, I have drawn on the periodisation of twentieth-century management by Keulen and Kroeze (2014) leading to a critical assessment of management ideology since 2000 and the current tendency to 'blame it on the manager' (p. 329)—criticisms which are readily found in the parliamentary sphere. Mintzberg (1973) and Simon (1977) also provided useful insights into management roles and administrative decision making.

Although direct and conscious references to administration and management are few in the scholarly literature on parliament, the cited works provide important insights into ongoing calls for reform of parliament's procedures and support services and set the scene for an underlying argument in this thesis that efforts to improve parliamentary management have been inconsistent and lacking cohesion.

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[22] See also Drucker (2005) for a comprehensive account of Drucker's contribution to the development of professional management thinking.

They highlight continuing concerns with parliament's financial control[23] and scrutiny roles[24] (see also Jennings 1961; Reid 1966; Crick 1968; Uhr 1982; Reid & Forrest 1989; Norton 1993; Russell & Gover 2014, 2017); parliament-executive relations (see King 1975; Russell & Cowley 2018); procedural and constitutional reform; and parliament's relationship with the public (see Jennings 1961; Crick 1968; Norton 1993; Coper & Williams 1997; Russell 2000; Uhr & Wanna 2000; Kelso 2009). Some address the thesis of parliamentary decline (Hill & Whichelow 1964; Crick 1968, but see also Flinders & Kelso 2011 for a strident repudiation of the thesis). In the following sections and in the context of parliament's three broadly described purposes—enabling government, scrutinising government and providing a forum for deliberation and the raising of grievances—I cite calls from a variety of historic and recent sources for administrative and procedural reform. The second half of the chapter recounts phases of public management reforms and their relevance to the management of a parliament, commencing with a discussion on the relationship between the terms 'public administration' and 'public management'.

Some early calls for parliamentary reform

Bagehot's *The English Constitution* (1867) is acknowledged as a classic and seminal work (Bagehot & St John-Stevas, 1959), explaining how English government worked, and famously referring to the fusion of executive and legislative functions—'the efficient secret of the English Constitution' (Benwell & Gay 2011)—to better depict parliamentary politics in England.[25] Bagehot was not a great supporter of the democratic theory (St John-Stevas 1959) and would probably have struggled with contemporary calls for greater public participation, particularly from a public that was not well informed. Parliamentary representation, according to Bagehot, should not accord with the numerical strength of the classes. In his view government in England succeeded because it was a deferential nation (p. 54)—but he was not opposed to moderate parliamentary reform and supported a limited extension of the franchise. Jennings's work on parliament (1941, 1961) was 'groundbreaking' (Tomkins 2004) in terms of his efforts to marshal parliamentarians towards improving the effectiveness of parliament. He was a promoter of public engagement and the public's right to question and criticise, and was concerned that ordinary people should not be denied the opportunity of learning about government policy. In

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[23]For example, Jennings (1961) noted 'complications arising out of the growing complexity of the administrative system', including relations between external authorities and parliament (p. 340); Reid (1966) argued for a strengthening of financial scrutiny against a background of arbitrary procedural restraints relied on by the Executive.

[24] For example, Norton (1993) wrote of parliament's 'limited' capacity to review government actions and administration (while noting that 'it was not so limited as to be of no consequence', p. 109).

[25] See also Shugart 2005 on comparative constitutional design.

terms of public administration generally, he believed in the maintenance of efficient and effective procedures but was derisory about the 'excessive timidity' of the civil service, partly due to the promotion of 'safe' men rather than those with 'energy and initiative'—criticisms reflecting the Northcote-Trevelyan report on the civil service (Northcote *et al*. 1854), a century earlier. It was to the public that Jennings appealed in his call for parliament to be reformed, claiming that the quality of government depends essentially on the quality of the House of Commons and the influence which public opinion brings to bear:

> If they regard 'politics' as a matter for a few enthusiasts; if they insist that 'all politicians are the same'; if they pretend that the racing and football results are more important than the most urgent questions of public policy ... our democracy must inevitably be inadequate. Politics in a democracy is not a game but a matter of bread and butter and the future of our children ... This means that they must use the books in the public libraries and read the more intelligent bits in the more intelligent newspapers' (Jennings 1941, pp. 61-63).

Jennings' seemingly elitist view (not too far from Bagehot's) is easily distilled to a question for today: 'Should we read the *Guardian* or the *Daily Mail*; the *Sydney Morning Herald* or *The Daily Telegraph*?' It reflects a contemporary problem of public engagement and perceptions in the context of the 'Westminster bubble' and 'Canberra bubble' (see Chapter 7).

Hill and Whichelow's *What's Wrong with Parliament* (1964) was a 'benchmark piece' (Kelso 2009) in the analysis of all that was problematic with Westminster at the start of the 1960s (p. 91). They noted a significant decline in the reputation of parliament in the post-war years and offered examples of unfavourable commentary from the media and ubiquitous pessimism from authors on parliament about its future survival. To improve that reputation they looked for ways of making parliament work more effectively, making the point that adequate facilities should be made available at Westminster to elected members (see also Norton 1993). Their proposals were also outwardly focussed and included a revitalisation of the public petitions system; televising of parliamentary proceedings; and an edited version, or precis, of the daily *Hansard* to attract greater interest in light of its falling readership. The first two of these proposals were adopted, though only latterly in the case of parliamentary petitions. Crick (1968) also expressed concerns about the decline of popular esteem and crumbling parliamentary effectiveness. He saw the then reputation of the House of Commons as 'far in excess of its merits', claiming that it had 'fallen hideously behind the times both in its procedures and in the facilities that it extends to its members (p.11). Crick was aware of an increasing public hostility and a lack of knowledge of the methods by which parliament fulfilled its function. He claimed this was because:

> … the Mother of Parliaments has not been shy of hinting that the way she conducts her business is the wonder of the wise; partly because the study of parliamentary procedure seems to many just so dry and dull; and partly because there is widespread confusion about what the functions of parliament should be (Crick 1968, p.12).

Crick was scathing about the parliament's 'arrogant', 'feckless' and 'ultimately dangerous' (p. 161) lack of concern for public opinion and public understanding of its proper functioning, likening it to an isolated club, nostalgically holding on to dominant procedural traditions and viewing public concern as an 'ignorant intrusion into private mysteries' (p. 162). The mutual back scratching in debates on parliamentary reform about parliament's past glories 'makes the flesh creep' (p. 162). He noted that not only was parliament symbolic of Britain's three curses—amateurism, inner circle secrecy and snobbery—it was helping to perpetuate them by example (p. 252).

In Australia, Reid and Forrest (1989) cited the parliament's 'recurrent and increasingly important difficulty of communicating itself to the Australian public'. Designed in 'an age of communication by the written word' it was now required to function in 'an age of instantaneous electronic communication' but despite these dramatically different circumstances, parliamentary procedures in 1988 were 'essentially those introduced in 1901' (p. 8). Wiltshire (1982) lamented the ambivalence of 'lame duck' presiding officers as a basic cause of the inability of parliaments to accept responsibility for 'all matters related to the running of the house' (p. 305). None of these claims should surprise anyone with a contemporary interest in parliamentary administration; indeed, they would sound familiar to most and would echo shortcomings highlighted decades later, as I discuss in Chapter 7. They point to early rumblings about the need to manage parliament's internal functions in the context of external public expectations.

Managing for effectiveness in the UK parliament

This thesis argues that 'management' of a public institution is not confined to a narrow view of overseeing facilities and support services. Whilst these have become increasingly important, particularly with the advance of technology, management of procedural and cultural issues is equally prominent and relevant to public opinion about parliament's effectiveness. Highlighting the relationships between 'managerial' and 'procedural' functions, Hill and Whichelow (1964) and Crick (1968) pointed to the potential to increase the effectiveness of Commons scrutiny by increasing the capacity of members to contribute. Crick sought to counter the view that providing facilities and resources to backbench members could lead to a dangerous counter-bureaucracy. Although conceding

that providing greater power to backbenchers (through an increase in resources) would introduce a political element he argued that this was constructive provided it was done so as to involve and carry with it those affected. Kelso (2009) gave a full account of procedural reform in the UK parliament from the early 1900s, including the Crossman reforms and the establishment of the select committee system in 1979, designed to increase the effectiveness of parliament's scrutiny role. [26]

The contribution of members of parliament and others to important procedural reform is readily acknowledged (see Chapter 7); the point here is to emphasise the complex relationship between procedural reform, management reform (including resource and facilities management) and the management of public expectations and their combined influence on parliamentary effectiveness. Crick (1968) was clear that parliament's most important function was not its capacity to threaten the government or to refuse to pass legislation but to act as a broker of ideas and information so that the electorate could sit in judgment. He was concerned that reform would be *internalised* within an isolated Palace of Westminster rather than *externalised* to serve public purposes, and his calls for better facilities for members were intended to allow them to carry out their very public function. Menhennet and Palmer (1967) were two House of Commons Library staff who argued that it was misleading and futile to look back to a golden age when parliament worked perfectly. Instead they claimed that contemporary pressure for reform required a continuing evolution and a strengthening of the working efficiency of all members. Like Jennings (1961) they maintained that members' (and therefore parliament's) effectiveness depended on public acceptance of the responsibilities as well as the privileges of a democracy and that the people themselves could be guilty of a dereliction of their parliamentary duties. It is not clear how well received such a sentiment was then; less so how it would be today.

The Study of Parliament Group was founded in the UK in 1964 by Fellowes, Ryle and Crick—clerks who were concerned about the surprisingly few contemporary studies of parliament, compared to historical studies (Englefield 1985). In 1974 the group commissioned an investigation into the working environment in which members of the UK House of Commons conducted their business (Rush & Shaw 1974). The investigation resulted in a detailed exposition on each of the then five departments and their functions, even down to car parking and postal services. It was at pains to insist, however, that the purpose of the study was not to recommend changes, having noted that the Compton review of

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[26] For a further discussion on the effectiveness of House of Commons select committees, see Russell and Benton (2011) and for House of Commons legislation committees see Russell, Morris and Larkin (2013). For discussion on the effectiveness of House of Representatives and Senate committees see Halligan *et al*. (2007); Monk (2009).

administrative services was about to commence. (Chapter 3 gives more details on Compton's findings among subsequent reviews of parliamentary administration.) Norton (1993), like Crick (1968), was also dismissive of an earlier 'golden age' of parliament and cited the positive developments in parliamentary administration in the twentieth century such as the increase in numbers of career politicians and the expansion of physical resources, including office space and research support (although noting, as did Rush and Shaw (1974), that these remained poor by international standards). But in his view the end of the twentieth century was a lost opportunity in terms of the political will required to strengthen the parliament's resources.

In terms of the use of technology in enabling a more externally focussed public-facing parliament, Seaward, a parliamentary historian, described the House of Commons move into the new media age as extremely tentative and the UK parliament's attempts to assert its right to be the principal forum for political debate as absurd (Seaward, 2009). Proceedings were not broadcast on radio until 1975 or on television until 1989, although the House of Lords agreed to televising proceedings in 1983 (UK Parliament 2019f). The parliament seemed threatened by the challenge from the media and Segal (in Crick 1968), a scholar in political sociology, made an early case for *not* televising parliament despite repeated demands. He argued that there was little evidence to suggest that it would lead to a new political reality, enhancing democratic process, or make parliament's public figures behave more reasonably. Dorey (2009), a British political scholar, characterised the House of Lords experience of 'punctuated equilibrium' and pointed to *ad hoc* and piecemeal change; but he also noted, paradoxically, that, as with the Commons, the ostensible impression of inexorable decline and marginalisation had also been accompanied by internal developments which had actually improved the House's expertise and effectiveness. Already we can see diverging views on parliament's effectiveness and how to improve it.

Managing for effectiveness in the Australian parliament

Reid and Forrest (1989) commenced their seminal work on Australia's parliament by observing that its administrative arrangements were as important to parliamentarians as were those of executive government to ministers of state. But they also noted that although Australia had a written constitution, unlike the UK, it was silent on administrative matters and '[provided] only the most rudimentary guide to the financial processes of government' (p. 347).[27] They observed little evidence

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[27] Notwithstanding, it appears that, as in the UK, constitutional factors are often called on in arguments for conservatism (Reid 1967; HOCGC 2014).

of any resistance to executive domination during the parliament's establishment in 1901: 'in so far as its staffing and appropriations were concerned, [it] was dominated by the executive government from the beginning, without so much as a murmur, much less a fight' (p. 400). Parliamentarians who were not members of the executive played very little part in the development of the overall administrative arrangements and almost anything to do with the library, the buildings or facilities needed the Prime Minister's imprimatur. Officials were organised from the beginning into five small departments making it unlikely that any one would overshadow the other four, and officials were encouraged to develop limited, inward looking relationships and loyalties to their own departments rather than to the parliament as a whole (pp. 400-403). These early proclivities were to have a profound long-term effect.

Scholarly literature on parliamentary reform in Australia is largely focussed on parliament's scrutiny role. Nethercote (1982) heralded the great inroads which the Australian parliament had made in scrutinising executive government but he also warned of the challenges to parliament's authority by other non-parliamentary institutions, such as the Office of the Ombudsman, the Administrative Appeals Tribunal and the Australian Law Reform Commission. Aldons (2001a), a former parliamentary official, noted the presence of external scrutiny bodies but, unlike Nethercote, he took a more inclusive view, claiming that they could bolster, rather than threaten, the legitimacy of the political system, of which parliament was a key but not the only part. Uhr (1982) related parliament's scrutiny role to the effectiveness of its internal management, providing a useful link to this thesis:

> … it is unrealistic to expect [the Parliament] to exercise an intelligent and respectable oversight of the executive departments when it was not even master of the five small departments which administer Parliament House … in the sorry spectacle of parliament's inability to manage its own appropriation and staffing, one does see a number of the central problems of legislative–executive relations in Australia (Uhr, 1982, p. 28]

Problems Uhr cited included a demarcation between members who complained about the subservience of parliament to the executive and those who defended the executive's responsibility for the conduct of public administration. No one could realistically expect a dominant executive to grant additional powers (or resources) to parliament to enable it to wield more authority (p.29) and, potentially, emerge as Crick's (1968) counter-bureaucracy. Senators Gareth Evans, Missen and Martin (1982) highlighted inadequate staffing resources while Wiltshire (1982) criticised the cautious approach to reform of the 1981 Senate Select Committee on Parliament's Appropriations and Staffing

(the Jessop report) and lamented the reluctance of the presiding officers to confront the executive over questions of staffing and appropriations.[28]

Reid and Forrest (1989) noted the claim that the Senate's extensive use of standing committees from 1970 had revolutionised the effectiveness of the parliament as a whole but were less impressed with the House of Representatives committee system.[29] Like Nethercote (1982) and Aldons (2001) they also noted new administrative law enacted since 1976 which provided for redress of grievances and additional scrutiny *external* to the two Houses of Parliament. They regarded the quest for parliamentary control in the Australian parliament 'by nineteenth-century means' as a 'useful way of diverting twentieth-century politicians from effectiveness in a late twentieth-century parliament' (p. 388)—in other words, the Australian parliament's administrators had done little to increase the effectiveness of its members, preferring to maintain the practices of the past. Unlike Segal (in Crick 1968) in the UK, Reid and Forrest argued for parliament's control function (to influence, advise and criticise) to be transferred to the television screen and, indirectly, to the public, emphasising the continuing tension between inward-looking and outward-facing approaches of parliamentary actors. (Chapter 4 examines the further divestment of parliamentary control to external authorities following expenses scandals in both parliaments.)

On procedural reform, former Clerk of the Senate, Harry Evans, well known as guardian of the Senate's practice and procedure and advocate for its powerful constitutional role, conceded that some procedures and practices were valued simply because they were 'traditional and quaint' whilst having no substantial legislative value. Although he was referring to the vestiges of traditions inherited from the UK, perhaps reflecting the Senate's early decision not to tie itself procedurally to Westminster (Reid & Forrest, 1989; Fewtrell *et al*. 2008), he was concerned that radical hostility towards an 'obscurantist Bagehotian philosophy' of symbols and rituals could sweep away useful procedures and preference legislative efficiency over deliberation and scrutiny (Evans 2009).

Reid and Forrest (1989) did, however, make far sighted predictions for the Australian parliament in the next century. They saw the lack of a spokesperson for the parliament as a significant weakness, claiming that the machinery for introspection, including about its relationship with the public, was

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[28] Of particular relevance to later discussion, the Committee did not endorse the establishment of a commission similar to the United Kingdom's, stating that it would produce a rigid, structured approach rather than the flexibility required.

[29] They attributed the demise of that House's legislation and estimates committees to a lack of backbench support; no entrenchment in *Standing Orders*; and their perceived threat to party cohesion and executive power.

lacking. An administrative structure consisting of five separate parliamentary departments was keeping the elected Houses weak; they thought a longstanding proposition for a single parliamentary department would 'offer the Parliament an organisational and public identity it had not previously enjoyed' (p. 484). Such observations resonate not only with recent UK literature (Norton 2017; Judge & Leston Bandeira 2018), but also with a recommendation by the Australian National Commission of Audit (1996) for a single parliamentary department in the Australian parliament. The Commission's proposal was fiercely opposed by the Senate (see Chapter 3) and similar proposals, directed largely at efficiency, have not been taken up (Malcolmson 1999).[30] Again, we see a divergence of views about parliamentary effectiveness.

Managing an iconic workplace: the symbolism of parliamentary buildings

It is worthwhile noting at this point the ongoing debate about the effectiveness or otherwise of the buildings which house the two parliaments. The priorities attached by each parliament to the preservation, maintenance and renewal of the parliamentary buildings are central to the argument that management challenges are not subsidiary issues. (Conflicting management priorities are discussed in Chapter 6.) As Parkinson (2012) argued, effective democracy depends on and is influenced by the physical space in which it is practised. In this section I note a continuing disinclination to address building deficiencies, particularly in the UK, and I also point to the architectural and symbolic influences that the parliamentary buildings bring to bear on institutional effectiveness.

An Amsterdam-based architectural firm, XML, has studied the relationships between space, decision-making and democracy in the plenary chambers of every UN-member state legislature. Mulder, one of its founding partners summed up these relationships thus:

> Parliament is the space where politics literally takes shape. Here, collective decisions take form in a specific setting where relationships between various political actors are organized through architecture. The architecture of spaces of political congregation is not only an abstract expression of a political culture—it participates in politics (Mulder 2017).

This is perhaps a present-day confirmation of the oft-quoted view of Winston Churchill that 'we shape our buildings and afterwards our buildings shape us' (House of Commons Debates 1943). Churchill was a devotee of the agonistic model of opposing benches in the House of Commons chamber while

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[30] Malcolmson suggested a variation of the NCA proposal, which would have established one corporate administration department. Two small chamber departments would be managed by each clerk, who would have no other administrative responsibilities.

Mulder favoured more consensual designs for parliamentary chambers such as the semicircular shape which is now dominant around the world, particularly in Europe. The horseshoe shape of the two chambers in the Australian parliament is a mixture of adversarial and consensual models (Parkinson 2012). Crosby (2016) extols the virtues of consensual designs for debating chambers, including in the Scottish Parliament, the Welsh National Assembly and London's City Hall. Discussions about the design of plenary chambers alone, important as they are, do not necessarily take account of other important building influences, including the efficiency of members' offices in serving constituents; informal spaces for meetings and deliberation; public access, including security issues; and parliamentary efficiency. In both parliaments, reviews of annual reports indicate progress through the years in the support given to members through accommodation and office resources.[31] Members of the Australian parliament are currently well served in this respect but there are material defects in the Palace of Westminster and much has been written on the subject by scholars and practitioners alike (see Childs 2016; Gay 2016; Flinders 2017, 2019; Meakin 2017a, 2017b, 2018; Crick Centre 2018; Flinders *et al*. 2018a, 2019; Kelly 2018). Prominent amongst early critics was Cocks (1977), a former Clerk, who described the Palace of Westminster as a legislature which was admired and copied around the world but which had been unable to put its own house in order. His criticism of the role of members in its rebuilding and modernisation supervised by Charles Barry following the major fire in 1834 was scathing. Shenton (2013, 2017) chronicled the battleground of the UK parliament building's design and construction and the associated personal and political conflicts, lamenting its current dire condition (see also see Eagles, 2017). Related observations have also emerged from a new history of parliament by the British Academy and Wolfson Foundation Research:

> The constantly postponed parliamentary 'Restoration and Renewal' project offers an irresistible metaphor for the battered state of the Westminster Parliament. For over the last decade, if not more, Britain's venerable legislature has been beset with a series of challenges to its reputation, authority and effectiveness every bit as dangerous as its mouldering masonry and chaotic cabling … Parliament … frequently appears to be an incoherent collection of individuals and cultures with competing and often incompatible aims and objectives, underlining a sense of chaos and confusion. (Seaward 2017).

The case for the UK's crumbling parliament as symbolising a crumbling democracy continues to be prosecuted (see Flinders 2016, 2019; Higgins 2017; Anderson & Meakin 2019). Scholars lament a missed opportunity to overcome internal resistance and use the building's restoration and renewal to

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[31] Including the completion of Portcullis House in 2001 and the ongoing acquisition and refurbishment of offices in the parliamentary estate in the UK, and the purpose-built new Parliament House in Australia which opened in 1988.

improve the parliament's culture and effectiveness and open its environs to the public (Hansard Society 2011;[32] Flinders 2016; Flinders *et al*. 2018a, 2018b, 2019; Meakin 2017b; Crook & Harrison 2018; McCarthy-Cotter *et al*. 2018). Many intimates of the existing building have resisted the potential loss of the building's historic connections, particularly if members are forced to 'decant' during its restoration (see D'Arcy 2015; House of Commons Debates 2017a; Moore 2018). Norton (2018a) reinforced the notion that informal meeting spaces for members is an intrinsic part of parliamentary life, meriting serious analysis in the restoration debate. He cited the informal meetings in division lobbies as an argument against the perceived efficiency of electronic voting. Childs (2016), on the other hand, was more concerned about opportunities for greater inclusivity, including for the public, than maintaining the existing culture, calling for more flexible and welcoming meeting places, including the layout of the House of Commons. The debate about the restoration and renewal of the Palace of Westminster is ongoing.[33]

The Australian experience is quite different, given the Australian parliament's relatively recent history.[34] Nevertheless, concerns about the effectiveness and symbolism of the parliamentary building have similarly evolved, and the planning and construction of Australia's federal capital and its national buildings were not without controversy, even if their designer, Walter Burley Griffin, was not subject to the extent of hostility meted out to Barry.[35] The first meeting of the Australian parliament took place on 9 May 2001 at the Exhibition Building in Melbourne; its first purpose-built home in Canberra, the 'provisional' Parliament House, was opened on 9 May 1927. Plans for its permanent location were caught up in controversy relating to aspects of Griffin's design for Canberra but eventually the 'new and permanent' Parliament House opened on 9 May 1988. As described by then Prime Minister Bob Hawke:

> It is a building for the entire Australian community, a workplace for the community's elected representatives and a free and open forum for resolving the community's concerns ... the symbolic and practical importance of the building, as well as the very high standard of excellence of its construction and finish, will be a great source of pride to all Australians now and in the future (in McCann *et al*. 2013).

Kouzmin (1979) likened the building of the new Australian Parliament House to the Opera House project: 'an incompatible union between architectural idealism and political necessity' (p. 115). Disney

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[32] It should be noted that the Hansard Society's proposal was put forward before the 2017 Westminster terror attack.
[33] See Kelly (2018) for a full history.
[34] For a full account see McCann *et al*. (2018).
[35] For a full account of controversies in both parliaments see Cocks (1977) and McCann *et al*. (2018).

and Nethercote (1996) offered the reflections of its occupants as an assessment of the effectiveness of parliament's structures and processes, including the observation that the building's excessive space was impersonal and isolating (Hutchison 1996; see also Uhr & Wanna 2000). Annual reports from the former Department of the Parliamentary Library (DPL) evidenced dismay from librarians when members eschewed the longer distances between their offices and the library and submitted their requests by electronic means rather than in person (DPL 1988-89). Many participants in a roundtable discussion on architecture and parliament also commented on the effect of distance between functional areas in the new Parliament House (Fewtrell *et al*. 2008).[36] The much lamented non-members' bar in the former building was one of the Australian parliament's important informal spaces (see Norton 2018a); its successor in the new building was underutilised and later housed parliament's child care centre. 'Aussie's' coffee shop, while popular, was only a partial substitute. The building's workplace culture has been heavily criticised in recent times marking another similarity with the Palace of Westminster (O'Malley 2018; Warhurst 2018; Prasser 2019).

Aside from the historical and physical differences between the two parliamentary buildings a symbolic difference lies in the newly housed Australian parliament's relationship with the public. Its architect, Romaldo Giurgola, believed it was important that the new building was seen to be inviting all citizens to visit and see democracy working. The descending arms of the forecourt walls were described as a gesture of welcome and the position of the building, nestled into Capital Hill, symbolised the rise of democracy rather than the imposition of government over the people. Public access was estimated to extend to one-fifth of the building. However, public access has been progressively restricted in the first 30 years of the building's life, due to security concerns, ironically from public protests as well as potential terrorist attacks (Bennett 2008). These restrictions are seen to have contributed to a deterioration of the relationship between parliament and the public (*Canberra Times* 2017; Day 2017; Fewtrell 2017). A further difference is the presence in the Australian parliament of the executive's ministerial offices, seen as both a boon and a disadvantage by its occupants (Fewtrell *et al*. 2008). The dilemmas arising from the management of the UK and Australia's symbolic, iconic parliamentary buildings are discussed in later chapters on governance, management and procedural and cultural reform.

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[36] The roundtable discussion brought together original planners and architects, academics, parliamentary officials and members of the public and revealed useful insights into the new building's symbolic influences, including its differences from Westminster, and its capacity to adapt to future requirements.

More of the same? Continuing calls for parliamentary reform

Like Norton (1993) and Uhr and Wanna (2000), Rhodes *et al*. (2009) dismissed the 'decline of parliament from a golden age' argument and instead urged a wider conceptualisation of parliament as an assembly of political actors who, among other things, contribute to public debate, make representations to the media, exercise scrutiny and interrogate officials. They argued that much of parliament's scrutiny function takes place not in the chambers or in party meetings behind closed doors but in cross-party parliamentary committees, and that committee scrutiny finds voice 'when the political landscape permits' (pp. 187-201). Aldons (2001) also sought to counter views that the parliament could no longer play a useful role in ensuring accountable government by suggesting a whole-of-parliament approach in which the House of Representatives is responsible for ensuring the 'responsible' part of government with the Senate focussing on the 'accountable' part, in concert with the media, extra-parliamentary oversight bodies and citizens.

This more 'holistic' approach included Puttnam (2005) who, as chair of the UK's Hansard Society Commission on the Communication of Parliamentary Democracy, argued that parliament consistently failed to present itself as the sum of its parts. The commission's report stated that parliament's communication was still organised around inward looking procedures and it had failed to link its work to other representative bodies in discussing public issues. It urged that the extra costs involved in improving communication, such as a new parliamentary website, should be regarded as an 'investment in modern democracy, not a charge against it' (p. vii) inviting a useful comparison with Moore's public value (1995, 2013). Discussion on whether parliament's communications are fit for purpose have continued (Williamson & Fallon 2011; Digital Democracy Commission 2015; Leston-Bandeira 2015; Uberoi 2017).

In the UK contemporary scholars have continued the emphasis on procedural and behavioural reform (for example, Russell 2000, 2011a; Russell & Sandford 2002; Cowley & Stuart 2003, 2004; Kelso 2007b, 2009;) including relationships between parliament's members and the executive (see Norton 2000; Russell *et al*. 2016; Russell & Cowley 2018) and between parliament and the public (Kelso 2007a; Wright 2015) particularly following the 'cash for comment' and expenses scandals (see Oliver 1997; Winnett & Rayner 2009; van Heerde-Hudson 2011).[37] The parliamentary entitlements saga in Australia

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[37] The cash for comments crisis led to the Nolan inquiry and the establishment of the Committee on Standards in Public Life (Oliver 1997). The misuse of entitlements by members of both parliaments (see Chapter 5) has arguably brought more publicity to the quality of parliament's administration than any other issue (except perhaps for very recent UK findings relating to bullying and harassment [Cox 2018]).

has also been the subject of adverse media comment and numerous official reports (see Committee for the Review of Parliamentary Entitlements 2010; Remuneration Tribunal 2011; Fels, 2015).

Research by practitioners-turned-scholars in Australia[38] has often concentrated on the argument that the Australian parliament should be financed independently of government; others have provided good reasons why this is virtually impossible, including the requirement for constitutional change (Verrier 2007, 2008; Sloane 2014; Breukel *et al*. 2017). Verrier (2008) questioned the assumption that corporate governance had improved the power of parliaments over their finances and suggested that culture rather than legislation was a better determinant of whether a parliament gets the resources it needs to do its job. Elder (2006) noted shortcomings in the governance arrangements for the delivery of cross-parliamentary services. These issues are further discussed in Chapter 5.

From an anthropological perspective, Crewe immersed herself in both the House of Lords and the House of Commons and much can be learned from her insider's analysis of the rituals and routines in both Houses, including the respect and deference towards peers, the sacred priestly knowledge of clerks and the pervasiveness of politics in parliamentary culture (2005, 2010, 2015, 2017; see also chapter 3). All are alluded to in the dilemmas examined in chapters 5 to 7. Judge and Leston-Bandeira (2018) and Norton (2017), like Reid and Forrest in Australia (1989), bemoaned the lack of a spokesperson to 'represent' the parliament in the public eye, declaring that this role must fall, increasingly, to parliament's officials, despite concerns about crossing the administrative-political divide. The perceived lack of institutional representation is a key emergent theme, particularly from interviews with parliamentary actors.

Summarising administrative, procedural and political concerns: what *is* wrong with parliament?

Chapter 1 described problems with internal and external perceptions of the effectiveness of the UK and Australian parliaments and introduced related administrative crises in each institution. In this chapter I have reviewed historical and more recent calls for parliamentary reform and sought to establish connections between administrative, procedural and political concerns. These are summarised in Table 2.1.

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[38] See Posner (2009) for a useful discussion on the academic-practitioner model in public administration.

Table 2-1 Administrative, procedural and political concerns

Context	UK parliament	Australian parliament
Scrutiny role	Scrutiny of legislation and government accountability a continuing issue (Kelso 2009). Introduction of select committees in 1978 seen as an antidote to executive dominance; recent evaluation shows room for improvement (Russell & Benton 2011).	Effectiveness of oversight role influenced by 'sorry spectacle of internal management' (Uhr 1982); Senate standing committees in 1970 revolutionised parliament against demise of House of Representatives legislation and estimates committees which lacked backbench support and were viewed as a threat to party cohesion and executive power (Reid & Forrest 1989).
Parliament-executive relations	Bagehot's 'efficient secret'; but most important function not to 'threaten government' but act as 'broker of ideas and information' (Crick 1968); effectiveness of parliament as a whole required, outside the influence of parties (Rush & Shaw, 1974).	Demarcation between members' views on subservience of parliament or executive responsibility (Uhr 1982); little evidence of resistance to executive domination over staffing and appropriations; whole-of-parliament approach required (Aldons 2001).
Parliamentary effectiveness	'crumbling parliamentary effectiveness'; 'amateurism, inner circle secrecy and snobbery'; 'isolated Palace of Westminster (Crick 1968); assertions re 'principal forum' absurd; (Seaward 2009); problems with restoration and renewal of Palace of Westminster (Cocks 1977; Shenton 2013, 2017; Flinders *et* al. 2018a); parliament's failure to present itself as 'sum of its parts' or link to other representational bodies (Puttnam 2005).	Challenges to parliamentary supremacy from other institutions (Nethercote 1982; Aldons, 2001); ambivalence of 'lame duck' presiding officers as basic cause of inability of parliaments to accept responsibility for 'all matters related to the running of the house' (Wiltshire 1982); parliamentary building impersonal and isolating (Hutchison 1996; Uhr & Wanna 2000).
Internal financial control	Inefficiencies including use of space, duplication of services between House of Lords and House of Commons (Rush & Shaw 1974); misuse of parliamentary entitlements (Winnett & Rayner 2009).	Constitution 'silent' on administrative matters and financial procedures (Reid & Forrest 1989); continuing calls for parliament to be financed independently of government (Verrier 2008; Sloane 2014; Breukel 2017); executive imposed efficiency dividend; misuse of parliamentary entitlements (Committee for the Review of Parliamentary Entitlements 2010).
Procedural reform	'Hideously behind the times'; 'dry and dull'; requiring constant examination'; nostalgia for dominant traditions; internalised reform (Crick 1968; Puttnam 2005).	Procedures failed to evolve since their introduction in 1901; party political influence masked (Reid & Forrest 1989); pitfalls of symbolic procedural reform (Evans 2009).
Public perception and engagement	Reputational decline (Hill & Whichelow 1964); decline of popular esteem; reputation 'far in excess of merit'; 'increasing public hostility' (Crick 1968); scandals remembered (Seaward, 2009); public right to question and criticise (Jennings 1961); need to 'consult and involve'; parliament as broker of ideas and information; better facilities required to carry out public function (Crick 1968).	Lack of organisational and public identity; reporting of parliament failed to meet changing external conditions and expectations; lack of introspection about parliament's relationship with the public (Reid & Forrest 1989).
Parliamentary decline thesis	'Ubiquitous pessimism' (Hill & Whichelow 1964); 'mutual back scratching about past glories' (Crick 1968); 'misleading and futile' to look back to golden age (Menhennet & Palmer 1967; Norton 1993).	Wider conceptualisation of parliament required; dismissal of 'decline of parliament from a golden age' (Uhr & Wanna, 2000; Rhodes *et al*. 2009).

Context	UK parliament	Australian parliament
Lack of knowledge and interest (external and internal)	Jennings (1961) advocates 'art of parliamentary management', urges public engagement; 'revitalisation of public petitions', televising, 'failing readership of *Hansard*', (Hill & Whichelow 1964); lack of knowledge of functional methods; widespread confusion; 'arrogant, feckless, dangerous' lack of concern for public opinion; viewed as 'ignorant intrusion into private mysteries' (Crick 1968); public guilt for 'dereliction of parliamentary duty', public acceptance of responsibilities required (Menhennet & Palmer 1967).	Parliamentarians played 'little part' in development of administrative arrangements; disregarded external stakeholders; (Reid & Forrest 1989).
Structural problems	Excessive number of departments, functional division (Jennings 1961).	Five small departments encouraged 'limited inward looking relationships'; 'kept the elected Houses weak'; (Reid & Forrest 1989).
Behaviour and agency	'excessive timidity'; safe men (Jennings 1961); continuing evolution required (Menhennet & Palmer 1967); lack of political will (Norton 2000); 'conservatism' aided by constitutionalism (Reid 1966).	Quest for parliamentary control used 'nineteenth century means in a late twentieth century parliament' (Reid & Forrest 1989).
Resources available to members	Need for adequate facilities (Hill & Whichelow 1964; Crick 1968); 'hideously behind the times'; 'potential for dangerous counter-bureaucracy' argument (Crick 1968); need for 'unified control of accommodation and facilities' (Rush & Shaw 1974); office space and research support poor by international standards (Norton 1993).	dominant executive unlikely to provide additional powers (and resources) to parliament (Uhr 1982); paradoxically (compared with UK, excessive space in new Parliament House seen as impersonal and isolating (Hutchison 1996); APH 'incompatible union between architectural idealism and political necessity' (Kouzmin, 1979).
Technology	Move to media age 'extremely tentative; parliament threatened by media (Seaward 2009); little evidence that televising would lead to 'new political reality' (Segal, in Crick 1968).	Argument for parliamentary control to be increased through televising of proceedings (Reid &Forrest 1989).

Defining public administration and public management

The following sections review phases of management reform in the public sector and their potential relevance to the two parliamentary services. The review establishes a source of inquiry in order to answer the fourth research question: is managing parliaments similar to managing other complex organisations, and can contemporary public management principles be usefully applied? First, I attempt to define and/or distinguish the terms 'public administration' and 'public management' in the parliamentary context in order to clarify their continued use throughout the thesis.

Lynn (2012) asked: 'When we talk of "public management" or of "public administration" are we talking of the same subject or of different subjects?' (p.18). According to dictionary definitions the distinction

appears to be arbitrary[39] but there are competing views as to whether public administration and public management are different concepts or whether one is a subset of the other. Early commentaries referenced by Lynn (2006) either viewed the two terms as synonymous, or regarded management as the more general concept.[40]   Other scholars claimed that management and administration are fundamentally different and relegated management to a subordinate and even stigmatised status.[41] Lynn suggested that the subordination of public management in favour of public administration may be a reaction to the perceived appropriation of the former by graduate schools of public policy, which have tended to move political thinking about public managers towards a distinction between those who are able to change an organisation and those who play a custodial role (see, for instance, Moore 1995). Hood (1991) saw the 'new' public management (NPM) as convenient shorthand for a set of broadly similar administrative doctrines. While the older view of public management concerned the responsible exercise of administrative discretion, the newer, behavioural approach emphasised the strategic political role of the public manager and placed a lower priority on institutional capacity and durable democratic values; a policy oriented view of public management versus the politics-administration divide (Lynn 2012; Keulen & Kroeze 2014). Hughes (2012) asserted that public administration is an obsolete paradigm that has been replaced by public management. To him, the terms 'management' and 'administration' were significantly different. Rosenbloom (1998, in Lynn 2012) claimed that the term 'administration' conveyed more respect for the constitutional and political foundations of governance than 'management' does. This approach seems particularly relatable to parliamentary administration when read in conjunction with the latest governance reports in the Australian and UK parliaments (see Chapter 4).

Raadschelders (1999) noted a continuing identity crisis within the study of public administration on both sides of the Atlantic and particularly between academics and practitioners (corroborating comments by Peters and Pierre (2017) are recorded in the opening chapter). The crisis concerned the exact meaning of public administration and how it can be differentiated from other disciplines, and how best to study public organisations. To him, the intrinsic function of public administration was to govern society and the core function of government was to make public decisions about collective

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[39]Cambridge on-line dictionary (2018) definitions of administration include: 'the arrangements and tasks needed to control the operation of a plan or organization'; 'the people in an organization who manage its business and operations'. Oxford on-line dictionary (2018) definitions of administration include: 'the process or activity of [or the people responsible for] running a business, organization, etc; or 'the management of public affairs; government'.

[40] Lynn cites works by Fayol (1930), Martin (1940), Van Riper (1990) and Waldo (1984).

[41] Lynn cites Perry and Kraemer (1983), Rainey (1990) and Ott Hyde and Shafritz (1991) but see also Savoie (2006).

actions that affect the public and private spheres of society as a whole. His critical point was that despite differing opinions about what government should be its legitimacy 'rests with the swiftness and adequacy of its response to changing environmental conditions' (p. 289). Raadschelders's reasoning resonates with the topic of parliamentary administration including a lack of clarity in decision making and delays in the responsiveness of parliaments to changing environmental conditions.

Ricucci 2010 did not see the problem as one of identity—she argued that public administration has a rich theoretical heritage—but she predicted heterogeneity in epistemic traditions in the field of public administration over future decades. More recently, Sowa and Lu (2017) took up the debate on how to differentiate between public administration and public management, citing a number of scholars (including Rosenbloom 1983; Lynn 2005) who maintained that the difference does not exist, while pointing to others (for instance, Hood 2005) who saw public management as focussing on leadership and results where public administration is interested in institutional maintenance or preservation. The latter distinction lends support to the underlying argument in the thesis that parliamentary 'administration' has tended to privilege maintenance and preservation over public 'management' concepts of leadership and results, the latter being viewed with suspicion in some parliamentary quarters (Barrett 1999 and later chapters). Sowa and Lu (2017), whilst themselves considering public management as a subset of research within public administration, put forward three definitions of public management with features which distinguish the concept from public administration. It is useful to briefly examine these features for the purpose of better understanding the relationship between *public* management and *parliamentary* administration. First, they drew from Frederickson *et al. (*2012) in emphasising the interactions and relations between public managers and those doing the work of public administration. Secondly, using Bozeman (1993) they highlighted a focus on *strategy*, rather than managerial *processes*, and on inter-organisational, rather than intra-organisational relations. They argued that public management has broadened as a field of study and 'must include a strategic focus on the relations across organisations and include other players and stakeholders' (p. 78). Thirdly, they drew on Hill and Lynn (2009) to advocate a holistic approach to public management, one which included personnel and strategic dimensions within a larger system of resources, strategies and other components necessary to achieve legitimate goals. Shergold (1997) argued that the relationship between the administrative and political domains is not linear but involves a 'strategic conversation'

between all stakeholders, including the public.[42] It is this 'holistic', 'strategic' and 'external' approach which is at the heart of the thesis.

If a dilemma has arisen from differing accounts of the relationship between public administration and public management it is heightened when considering the relationship between the concepts of parliamentary administration and public management, particularly in terms of the differing perceptions held by parliaments' members and officials about what constitutes effective management. The dilemma can be summed up thus: how should a parliament balance the routine and strategic dimensions of its administrative roles within a system of resources, strategies and other components necessary to achieve legitimate goals (Hill & Lynn 2009, in Sowa & Lu 2017)? How should its administrators and managers play a strategic and political role while preserving institutional capacity and democratic values (Keulen & Kroeze 2014)? How should it make decisions about actions that affect all spheres of society as it carries out its core functions while responding swiftly and adequately to changes in the environment (Raadschalders 1999)? How can it shift from a process-oriented culture to one focussed on results, strengthen its accountability and conduct public strategic conversations between all stakeholders while minimising risk (Shergold 1997)? These complexities would seem remarkably familiar to all public managers, whether in the parliamentary sphere or the wider public/civil service.

The theoretical dichotomy between the 'old' institutionally based administration and the 'new' action-oriented public management becomes especially interesting, and tricky, when it emerges within the parliament, an institution with the sometimes competing purposes of both enabling and holding to account the elected policy makers, as well as representing (and supporting) the democratic rights of the citizen. Chapter 1 has touched on differing perceptions about the value of the more traditional specialist procedural and political skills embodied by long-serving clerks when judged against calls for a more 'professional' approach to the management of the institution itself (HOCGC 2014). These perceptions are more fully exposed by the interview findings and events discussed in following chapters.

To summarise, I have noted differing scholarly viewpoints on the interchangeability, or otherwise, of the terms 'public management' and 'public administration'. For the purposes of this thesis the terms 'parliamentary administration' and 'public management' are used as both general and distinguishing

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[42] Shergold credits Alex Matheson in describing this space as the 'purple zone' where the 'blue' of political strategy and 'red' of public administration merge in 'strategic conversation'.

concepts. The term 'parliamentary administration' is used to define the whole topic of this study—how responsible parliamentary actors go about ensuring that parliament as a constitutional and political institution fulfils its purposes. 'Public management' includes the various management approaches described in this chapter, using well-researched labels: 'traditional' or 'old' public administration; 'new' public management; public value and public governance; collaboration and co-production. In later chapters, drawing in particular on the views of practitioners and the beliefs and traditions that guide them (Bevir & Rhodes 2003, 2006), I discuss the extent to which parliamentary administration is influenced by these public management concepts. The next section commences with a brief overview of the phases of public management reform and related developments in the public sectors in the UK and Australia. It then discusses in more detail public management approaches that potentially relate to modern parliamentary administration.

From 'old' administration to public value, collaboration and co-production: introducing the explanatory potential for parliamentary administration

So-called 'phases' of public management that have characterised its ongoing reform in the UK and Australia are depicted in Table 2.2 below. They are not portrayed in public management and governance literature as stand-alone or isolated approaches; rather they are intersecting and overlapping streams, particularly in the areas of collaboration and co-production, which have not emerged chronologically but have evolved with other models (Lindquist & Wanna 2011). At this stage I do not distinguish between intersecting concepts of 'public management' and 'governance'; in later chapters I analyse their relevance to governance, management and procedural and cultural practice within the specific field of parliamentary administration.[43] The table also depicts the public sector reforms in Australia and the UK that have occurred within this public management framework and which have influenced the development of their respective parliamentary services.

Table 2-2 Public management reform in the UK and Australia[44]

Management phases	Key public sector developments and influences	
Characteristics	United Kingdom[45]	Australia[46]
Old public administration-late 19th/early-to-mid 20th century	Northcote-Trevellyan report 1854, *Organisation of the Permanent Civil Service*,	*Commonwealth Public Service Act 1902* British based, highly centralised.

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[43] Lindquist and Wanna (2011) suggest that rather than privileging any one nomenclature all literature streams should be acknowledged for the purposes of improving public sector leadership and management and governance systems.

[44] Table sourced principally from APSC (2003); Bourgon (2011); Lindquist (2010); Lindquist & Wanna (2011); Stanley (2019); Thodey (2019) [but see also other references in this section].

[45] For a comprehensive account of civil service reforms in the UK see Stanley (2019).

[46] For a comprehensive table of APS reforms in Australia see Thodey (2019).

Management phases	Key public sector developments and influences	
Characteristics	United Kingdom[45]	Australia[46]
'Classic' model: distinguished by respect for rule of law, separation of politics/administration, merit, anonymity, political neutrality; efficient, hierarchical, rules based, accountable to elected officials; allowing for minimal discretion; stable, impartial, centralised. Following industrialisation, scientific management, 'one best way', precise, routine, repetition and codification; lagging behind change, low adaptive capability.	emphasised merit and open competition. Followed up by Haldane report (1918), establishing mutual interdependence between officials and ministers and Fulton (1968) report suggesting too few specialists and lack of management skills, advocating more community engagement.	*Public Service Act 1922,* introduced permanent heads; focus on efficiency and economy. Coombs Royal Commission on Australian Government Administration, 1974, emphasised responsiveness, efficiency and effectiveness, results based management, community participation.
New public management-1980s and 1990s Neo-liberal, hybrid models of co-operation between public-private organisations and citizens; focussed on performance, efficiency, productivity, market and competition, disaggregation. Included citizen engagement/participation; forms of co-creation, co-production between public agencies and users; use of communication and information technologies. Built on rational decision making, behavioural sciences, public choice, open systems theory, transition from industrial era.	Thatcher government (1979-90), emphasised efficiency, private sector methods, decried negative civil service attitudes. The 1983 financial management initiative—greater budget responsibility. Ibbs (1988) report: *Improving Management in Government: the Next Steps*, executive agencies focussed on performance, results and service delivery; led to perceived gap in ministerial responsibility and agency accountability. Structural reforms: leadership, contract management skills, external expertise. Efficiency unit report (1993): emphasised traditional skills, adaptability and corporate knowledge. In 1995 T*aking Forward Continuity and Change* established Senior Civil Service and codified values. Blair reforms (1997-2007) included modernisation, leadership, business planning, diversity, openness, entrepreneurialism, service delivery, joined-up government, politicisation v. trust. External reports pointed to amateurism, risk-aversion and redefinition of roles of ministers and officials.	Hawke-Keating (1983-1996), *Public Service Reform Act 1984* focussed on devolution, deregulation, integration, innovation; less rigidity, inflexibility; established a new Senior Executive Service. Howard (1996-2007) enhanced legal framework including *Workplace Relations Act 1996, Financial Management and Accountability Act 1997.* *Public Service Act 1999* was values based, promoting efficiency, competition; devolved responsibilities to permanent heads; emphasised public interest accountability. Financial and budgetary reforms, performance reporting/auditing, outcomes, accrual accounting, risk management, parliamentary scrutiny. Increasing numbers of political advisers. Structural reforms, contracting out, strategic and business planning, customer service, 'one-stop shops'. Moran (2010) review of Australian Government administration, *Ahead of the Game,* provided a vision for the Australian Public Service as forward-looking, innovative, collaborative, citizen-focussed,
Public value-late 1990s, evolving to present Cast as successor to predations of NPM; boundary spanning; proactive engagement by leaders; collective public interest; bottom-up approach; criticised for conflicting with role of elected leaders, but conceived as an opportunity for elected *and* unelected officials. Co-exists with models of networked governance; 'pragmatic' 'new' public value, service and governance.		
Collaboration –1980s, evolving to present		

Management phases	Key public sector developments and influences	
Characteristics	**United Kingdom**[45]	**Australia**[46]
New models of collaborative governance and alternative methods of service delivery. Citizen and community engagement/deliberation and democratic ideals. Differing motivations and assumptions; requires legitimate institutions and sustained leadership; success is contextual. **Co-production -1960s evolving to present** Increasing complexity, diversity and blurring of boundaries; multi-level and digital. Greater demands for transparency; 24-hour news cycles, loss of citizen trust. Potential for contested priorities, competing narratives, loss of control by administrators. Requires listening, relationship building, nurturing trust, sharing information, shared language and norms.	2009 reforms aimed at cost-cutting, following global financial crisis (GFC). Civil service formally legislated under *Constitutional Reform and Governance Act 2010*, new Civil Service Commission. Coalition reforms 2010-2015, enhanced departmental boards, focussed on lack of role clarity, austerity; local empowerment, 'Big Society'; entrepreneurial (again), less risk averse, less process driven; emphasised project management, equal status for civil servants from operational, management, financial and commercial streams. *Civil Service Reform Plan 2012*: smaller, more strategic service; seamless policy and implementation, digital by default, restoring trust; remaining challenges included corporate leadership, poor relationships (Guerin *et al*. 2018 [Institute for Government]); citizens' engagement, nationalism (Brexit), loss of public trust (Hansard Society, 2019).	agile, informed, skilled. Included strategic capability, outside expertise, engaging citizens. Addressed deficiencies including insufficient management skills, lack of common identity and cross-boundary thinking, lack of external engagement. *Public Governance, Performance and Accountability Act 2013* mandated corporate planning, strengthened collaboration; amended *Public Service Act 1999* promoted collaborative leadership, including responsibility for stewardship of APS. Thodey (2019) *APS Review: Priorities for Change*, seeks a 'trusted APS united in serving all Australians'. Predicts loss of trust, technology domination, demand for personalised services and insular, nationalist domestic politics.

'Old' public administration

The evolution from public administration to new public management is well researched (see Albrow 1970; Bourgon 2011; Lindquist & Wanna 2011; Christensen 2012; Bryson *et al*. 2014; Osborne *et al*. 2015). Notwithstanding the dangers of over-simplifying the many and varied explanations of public administration, I draw from Albrow's (1970) critiques of Weber's rational bureaucracy and its relationship to perceptions of efficiency versus inefficiency to identify characteristics which also typify the form and structures of traditional parliamentary administration. These characteristics included life-long salaried professional jobs, fixed career structures requiring specialised knowledge, and the formation of social classes, assisted by higher education. Lifelong tenure, a fixed salary and inalienable pension rights in a Weberian bureaucracy presupposed that civil servants (or parliamentary officials) were shielded from undue political pressure and corruption and would refrain from acting out of personal interest (Christensen 2012). Structures were impersonal and hierarchical with clearly

specified functions; officers were selected on the basis of a professional qualification. Career promotion was typically governed by seniority. In common with other organisations, public administrators also had a symbolic function as characterised by Mintzberg (1973) and Pfeffer and Salancik (1978).

Less positive features of bureaucracy included age and security; a stifling of administrative vitality and managerial creativity; an over-devotion to precedent, lack of initiative, procrastination, duplication of effort and departmentalism; inability to learn from errors; self-interested use of rules to preserve the status quo; and uneven distribution of power (Albrow 1970). Much later Esmark (2016) would note functionally separated spheres of competence and the ascension of rational legal authority, with technical expertise being confined and submissive to political leadership, an observation which also resonates with parliamentary administration. In contrast to Christensen (2012), Downs's (1967) earlier public choice perspective suggested that regardless of the complex goals of bureaucratic officials, including power, income, prestige, security, loyalty to an institution and desire to serve the public interest, each *was* significantly motivated by self-interest. Early literature on the roles of parliamentary officials (Rydz 1979; Reid & Forrest 1989) concurs with this perspective, and the self-interest element of parliamentary service is also reflected in later works and in discussions with parliamentary actors.

'New' public management

New public management (NPM) is customarily associated with neo-liberal ideas such as reinventing government so that it works better and costs less (Osborne & Gaebler 1992); and that bureaucracy is broken and needs fixing (Savoie 2006). It has numerous characterisations: competition and incentives (Dunleavy *et al*. 2006); a focus on outputs and outcomes rather than processes; more measurement and increased accountability; flatter structures and decentralised responsibility, allowing and encouraging management discretion; market-like strategies; the use of contracts; an emphasis on service quality and customers (Pollitt 2003; Rainey 2012; de Vries & Nemec 2013; Esmark 2016). It has seen a shift in values towards efficiency and professional public sector management (Hood 1991; Pollitt 2003; Savoie 2006) leading to a more managerial and open senior leadership where roles have changed from those of traditional public administration to a greater emphasis on business planning and corporate governance principles. [47] Advice is contestable and political leaders have experienced heightened demands for performance and greater public expectations (Halligan 2012).

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[47] Evidence in later chapters points to where this has occurred within parliamentary administration.

Recent research seeking to link new public management practices with the holy grail of better performance does not appear to make universal claims about performance outcomes (Moynihan 2012). The same can be said about parliamentary administration (Barrett 1999; Aldons 2001b; Duncan 2004; Verrier 2008). But de Vries and Nemec (2013) claim that NPM is still alive and kicking even though its ideas may have been translated into different tools. Whilst the ideologues of minimum intrusion by the state and privatisation of services are less dominant, the emphasis on internal efficiency remains, albeit with a renewed emphasis on improved effectiveness and good governance, and this appears to be the case also in the two parliaments.

Bevir and Rhodes (2003) questioned the whole conceptualisation of NPM as a 'global paradigm' and argued against an institutionalised approach to its analysis. They preferred an interpretive approach to public management reform focussing on historical traditions and individual agency, based on actors' beliefs, actions and practices, and this is the approach taken in this thesis. Chapter 3 traces the trajectory of administrative reform across the two parliaments. The influence of NPM on parliamentary administration appears to have brought a strong focus on structural efficiency, performance management and accountability, particularly in Australia, but with less emphasis on 'the market' and competition although a number of services in the Australian parliament, particularly facilities management, catering and reporting, have been subject to outbreaks of outsourcing.

Public value and associated post-NPM 'paradigms'

Moore's seminal work on public value (1995) introduced a new way of thinking about how public managers should think and act. It was 'seized on' by public managers as a way of rediscovering themselves after the 'predations of new public management' (Rhodes & Wanna 2007, p. 407; see also O'Flynn 2007). Moore's later publication (2013), capitalised on the popularity of the public value concept and responded to criticisms relating to its measurement (Rhodes & Wanna 2007, 2009; Alford & Hughes 2008; Alford & O'Flynn 2009; Williams & Shearer 2011). In one of a series of workshops facilitated by the Australia and New Zealand School of Government (ANZSOG 2016) Moore told managers that he wanted them to engage intellectually with their public management roles; that they had a duty and obligation to think long term and look beyond the narrow and sometimes bureaucratic nature of those roles. As well as thinking of a system in terms of its efficiency, they should be looking to improve it to create new benefits for the direct recipients of the service, policy or regulation as well as the recipients of the greater social outcomes. According to Moore's thinking, if citizens are willing to pay for services with no immediate or tangible benefit for themselves, public managers need to

make sure that they are not wasting their money, but rather are maximising the value of the public good and providing transparency, fairness and justice. [48]

Moore did not confine his public value model to the American political system, service agencies or local government. He saw it working in public organisations of all kinds, including policy organisations, service delivery organisations and compliance/obligatory organisations. Nor did he confine his definition of 'public manager' to unelected officials. He instead urged all public officials, including those elected to their roles, to consider carefully the opportunities for creating value and to account for the spending of public authority (or consent) as a cost to be borne against the intrusion of the state—too much and the value of a proposal is diminished; too little and the social outcome or public good that the proposal seeks to create is similarly diminished. At the risk of accusations of conceptual stretching it is not difficult to argue in the same way for a balance between what citizens might perceive as intrusion—a parliament urging citizens to play a more informed, energetic and responsible role in the democratic system (the Jennings view [1941])—against the resources required to achieve greater public engagement and deliberation. Indeed, Horner and Hutton (2010) promote the efficacy of public value concepts in tackling the democratic deficit (see also Horner *et al.* 2006).

Alford and O'Flynn (2009) applied three broad tests to the public value concept. It must create something substantively valuable; be legitimate and politically sustainable; and be operationally and administratively sustainable. These tests equate with Lynn's (2012) dimensions of responsible public management which must be constitutionally authorised; be performed skilfully and efficiently; and reflect the values of a wider society. Bryson *et al.* (2015) advocated public value management as a way of moving philosophically, theoretically and practically beyond older public interest debates towards public value governance across multiple sectors and stakeholders and involving multiple conflicting and contentious value judgments (p. 239; see also Stoker 2006b; Bryson *et al.* 2014). Further positive support comes from public practitioners in both the UK and Australia (Kelly, Mulgan & Muers 2002; Coats & Passmore 2008; Bromell 2012; Alford *et al.* 2017a; Ballintyne & Mintrom 2018).

Rhodes and Wanna (2007, 2009), arguably the strongest critics of the public value concept (Alford & O'Flynn 2009), challenged the relevance and usefulness of its approach in Westminster systems. Other scholars noted a lack of empirical research (Gains & Stoker 2009; Hartley *et al.* 2017). Brodsky (2014) acknowledged the 'intrinsic value' of public value theory but also warned that the preference of

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[48] This is a dilemma in itself in parliamentary terms if citizens are unwilling to pay too much for 'democracy' when the concept is strongly equated with the interests of politicians.

political institutions for objective measurements of accountability presented a 'towering obstacle to change' (p. 479). Prebble (2018) viewed 'public value' as just a new name for 'public interest'; like Talbot (2009) he questioned whether it ever was the 'next big thing' in public management and concluded that the concept of the 'public as a whole' is ambiguous and not useful. Talbot (2008) also questioned whether it was ever possible to have a single, measurable, public value in a world of conflicting public values.[49] However, taking a pragmatic approach (see also Alford & Hughes 2008; Williams & Shearer 2011; Hartley *et al*. 2017; Ballintyne & Mintrom 2018) he argued for a 'balance between a limited set of fundamental choices or values, none of which can be ignored and all of which have to be satisfied to some extent to achieve excellence in public service' (p. 3).[50] In advocating a competing values framework his key point was that it was not an 'either/or' model but rather a 'both/and' approach, which strikes a chord in the context of the purposes of parliamentary administration, including scrutinising and enabling; representing or responding to public opinion; and being both accountable and responsive in providing services to members.

In making a connection between Moore's public value and parliamentary administration I do not ignore the concept's many critics, nor do I dismiss Moore's (1995) emphasis on managerial action over structure, or Lynn's (2006, 2012) attention to institutionalised values—two important concepts in any debate on parliamentary administration. Rather, I take a pragmatic approach in applying a public management framework to parliamentary administration that is consistent with the important values at stake (Alford & Hughes 2008). Moreover, Moore's public value is not at odds with earlier seminal works on managing organisations; I refer in particular to Pfeffer and Salancik's (1978) emphasis on the external environment and the need for organisations to acquire and use resources in a way that responds to the prevailing social context which I argue is also relevant to the parliamentary context.[51]

On the broader question of values, although new public management allowed more light to be shed on public values in Westminster systems, from a public choice perspective it set a collision course between the power of elected versus non-elected officials and increased the likelihood of politicisation

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[49] For a discussion on the 'fuzzy concept' or 'disputed issue' of public value and public values see Rutgers (2015) and van der Wal (2017).

[50] His approach was outlined in a 2008 paper produced for the Work Foundation in the United Kingdom and was modelled on the competing values framework which emerged in the United States in the 1980s.

[51] See also Hillman *et al*. (2009) for a review of Pfeffer and Salancik's (1978) resource dependence theory and the opportunities it presents for further development and application by incorporating research from other areas. Pfeffer and Salancik's contention that all organizations are constrained by interdependencies with other organisations and must manage associated power imbalances would seem to apply to parliamentary administration.

(Stewart 2009).[52] Pollitt (2003) talked of the conflicting choices facing public managers who were encouraged to behave more entrepreneurially, while being more responsive, consultative, transparent and accountable. Gains and Stoker (2009), like Rhodes and Wanna (2007, 2009), also outlined drawbacks for public managers in adopting the public value concept, including its implications for accountability and legitimacy. There is no broadly settled view about the actual or desirable relationship between the political and administrative realms. However, a recent exploratory study found that the normal functioning of government requires public managers to engage with politics in various ways to create what they see as value for the public, with most seeing their interface with politicians as entering a zone rather than crossing a line (Alford *et al*. 2017b) or entering the 'purple zone' between the administrative and political (Shergold 1997; Hartley *et al*. 2015). Only in routine and stable situations were roles more clearly separated. Wagenaar (1999, 2014) has argued that value conflict is inherent in contemporary political and administrative life in liberal societies and that the starting point for resolving conflicts is the acceptance of values pluralism in public administration. De Graff and Paanakker (2015) outlined the difficulties public managers face when balancing 'procedural' values such as lawfulness and transparency against 'performance' values of efficiency and effectiveness and I have noted the difficulties in conceptualising what defines public value and how it is delivered (Talbot 2008; Ringeling 2015; Rutgers 2015; van der Wal 2017). For parliamentary practitioners the problems are just as real, as I will outline in later chapters.

The 'pragmatic', 'non-ideological' or 'whatever works' approach to public value has contributed to a continuing scholarly discussion on 'new' governance relationships within the public realm (Alford & Hughes 2008; Coats & Passmore 2008). Bevir *et al*. (2003) argued that public governance changes emerge not solely from traditions and practices but from the way these are interpreted by actors over time, emphasising the role of agency over institutional path dependency. Stoker (2006b) argued that public value management is best situated in the systems of dialogue and exchange that characterise networked governance, relying for its motivation on successful relationships rather than rules or incentives. Osborne's (2010) new public governance pointed to fragmentation and uncertainty as key features of twenty-first century public management requiring a focus on 'the organisation within its environment' and the negotiation of values, meaning and relationships (pp. 9-10). Edwards (2002) predicted that the public sector in Australia would need a different set of structures, principles and values to support collaborative arrangements within government and with external partners and citizens (p. 60), while Flinders (2002) discussed attempts in the UK to foster a greater degree of inter-

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[52] Stewart (2009) appeared to be less sanguine about this effect than Shergold (1997).

organisational co-operation in its 'joined-up government' program. All these approaches suggest a new governance 'paradigm' with traditional hierarchical approaches becoming decentred and relational. Bryson *et al*. (2014, 2015) described 'public value governance' as a new movement which responds to the challenges of a 'networked, multi-sector, no one-wholly-in-charge world' in which 'democratic values' beyond efficiency and effectiveness are prominent. We should keep this concept in mind as we explore the dilemmas of parliamentary administration.

The pragmatic or evolving paradigms of new public management, public value management and new public governance also have their critics. Rhodes (2016) calls for practitioners to abandon 'the public service reform syndrome in which reform succeeds reform, with no time for the intended changes to take place, no evaluation, and no clear evidence of either success or failure' (p. 638). Dahl and Soss (2014) suggest that models of public value governance may in fact obscure the sources of the democratic deficit that they are seeking to protect against. By ignoring issues of entrenched power and institutionalised marginalisation they risk creating a false impression of citizen power (p. 502). In Chapter 8 I discuss the applicability of public value to parliamentary administration; for now I introduce two more public management paradigms: collaboration and co-production.

On collaboration and co-production

McGuire (2006) described collaborative public management as 'a process of facilitating and operating in multi-organisational arrangements in order to remedy problems that cannot be solved by single organizations'. It is not a fresh approach but one that has been occurring for decades with the realisation that 'wicked' problems cannot be addressed through traditional bureaucracies (p. 33; see also Rittel & Webber 1974; Head & Alford 2015). Similar definitions encompassing 'boundaries', 'civic spheres', 'public purposes', 'public problems', 'collective forums' and 'consensus-oriented decision making', all of which formally distinguish collaboration from simple interaction and transactional relationships, are offered by Ansell and Gash (2008); O'Leary and Bingham (2009); Agranoff (2012); Emerson *et al*. (2012); Emerson and Nabatchi (2015); Scott and Thomas (2017). Indeed, to Agranoff, management of itself *means* collaboration. If parliaments are deemed to be 'single organisations' it is still difficult to determine where the boundaries lie (or should lie) between different organisational environments: members and their constituents; members and officials; governments and oppositions; clerks and managers; the Senate and the House of Representatives; the House of Lords and the House of Commons. In Chapter 7 I provide evidence of unproductive relationships and a failure to meet societal expectations (Maguire 2006).

Collaboration can also be seen as an effective governance strategy: the challenge is to create public value while minimising problems and transaction costs (Imperial 2005; Scott & Thomas 2017). McGuire (2006) also argued that many of the skills required for successful collaboration—communication, strategic planning and management within existing rules and structures—are just as important in traditional hierarchical organisations; it is to the *behaviour* of public managers that he turned in distinguishing effective network management from the traditional command and control of a hierarchy. Scott & Thomas (2017) offered insights into why and how public managers (and potentially parliamentary administrators) might choose to use collaborative tools, while Sullivan *et al.* (2012) related leadership and collaboration to situated agency to explain why actors in the same context might form different interpretations of collaboration.

Posited positive effects of collaboration relevant to the parliamentary context include the perception that it can operate in contrast to adversarial policy making and enhance an organisation's legitimacy by including relevant stakeholders in public decision making (Innes & Booher 1999; Hill & Lynn 2003; Lynn 2006; Ansell & Gash 2008, 2018; Torfing 2019). Crosby *et al.* (2017) provide normative insights into the need for public managers to be better prepared for a 'new public governance paradigm' that involves collaborative innovation and public value creation, as opposed to a sole focus on responding to political needs and priorities and budgetary and media-fuelled accountability pressures in 'contemporary monitory democracies' (p. 665, see also Keane [2010] on democracy and media).

Whilst Fels (2008) and Wanna (2008) present as sceptical questioners of the process of collaboration, the concept also has its outright detractors: prominent amongst these are Huxham (2003); O'Flynn (2008, 2009); Prebble (2015) who advise respectively that unless the potential for collaborative advantage is clear it is best avoided; there might be better and more practical ways of working together; and unless practitioners are clear about the need to attend to issues of benefit, support and acceptability collaboration will be problematic. The foundational idea of Ostrom and Ostrom's co-production of public services (1977, in Alford 2014) is that not only the *consumption* but also the *productio*n of public services can require the participation of citizens. In arguing that co-production is a foundational concept in the public delivery of democracy I claim to be not far removed from Crick's (1968) view that parliament's most important function is to act as a broker of ideas and information so that the electorate can sit in judgment. In fact the thesis places as much emphasis on shaping and meeting public expectations as it does on governance and management structures and practices (see, in particular, chapters 7 and 8). Parliament would not exist but for those who vote it into existence and

the very act of placing an 'informed' vote (Jennings 1941)—or even voting at all in the case of the UK—would seem to require the willing and informed involvement of citizens more urgently than ever.

Support for co-production is extensive, including from those who see it as restoring trust in government (or parliament, by extension) in contrast to the distrust expressed by the compliance and control mechanisms of new public management (Kettl 2006; Van de Walle 2010; Fledderus *et* al. 2014). However, empirical research by Thomsen and Jakobsen (2015) found that programs more extensive than simply sending out information might be required to encourage citizen co-production. Increasingly, external organisations and scholars are calling for greater participation via citizens' juries, deliberative polls or 'mini-publics', claiming that contemporary representative democracy is ineffectual and an 'elitist and technocratic approach will not wash' (Breckon *et al.* 2019, p. 4). Levy (2019) has suggested that deliberative or informed referendums could harness the populist trend in a more useful and benign direction.[53] Alford (2016); ANZSOG (2017); and Nabatchi *et al.* (2017) discussed differences between 'private' and 'public', a useful distinction in terms of the perceived benefits of parliamentary services to the direct recipients and the general public. Osborne and Strokosch (2013) and Nabatchi *et al.* (2017) provided a more sophisticated analysis of the public administration and services management implications for co-production and its variant forms and participants. However, Osborne *et al.* (2016) and Nabatchi *et al.* (2017) also noted that the concept of co-production remains 'woolly' or 'muddled' and despite its normative appeal the evidence base for its application is weak (see also Dewey *et al.* 2018). Moreover, Williams *et al.* (2016) found that 'co-contamination' of public value—the 'dark side' of coproduction—can result from the activities of both service providers and users, potentially fuelling resentment and limiting trust.

Conclusion

This chapter has, firstly, reviewed historic, more recent and largely external scholarly literature on parliamentary reform with a focus on under-reported administrative (rather than procedural) aspects. The ensuing summary of phases in public management theory and practice sets the scene for a later discussion on the fourth research question—whether parliamentary administration can be guided by contemporary public management principles—thus allowing for an analysis of administrative reform in parliament from a public management perspective rather than taking the more frequently travelled

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[53] For a useful perspective on populism, see Bryant (2019).

path-dependent road. It explores the potential to adopt public management approaches in solving the administrative dilemmas which continue to confront the two parliaments.

In the next two chapters I trace the trajectory of management reform in the two parliaments over the several decades since its emergence to see how it has measured up to expectations. In later chapters I examine specific dilemmas in governance, management and procedural or cultural issues.

Chapter 3 — Tracing the trajectory of parliamentary administration in the UK and Australian parliaments

Introduction

The last chapter reviewed early signs of administrative problems in the UK and Australian parliaments noting characteristics of public management approaches which may be relevant to understanding and resolving them. A key tenet of this study is that it is arbitrary to consider 'management' issues in the two parliaments *tout court* without acknowledging their interaction with all aspects of administration, including the relationships between governance, management and procedural and cultural reform. It is impossible, also, in the parliamentary context to separate administrators from politicians, and administration from politics as the thesis will demonstrate. This chapter traces changes in management thinking and practices in the UK and Australian parliaments drawing from management reviews and annual reports over four decades. It emphasises the path-dependent nature of those changes while also arguing that reform has been limited by the values and beliefs of parliamentary actors (Peters, Pierre & King 2005).[54] I begin with a brief account of the specialised roles of parliamentary administrators in order to provide a better understanding of their influence and agency in the process of change.

Establishing the context: the 'specialised little world' of parliamentary administration

The United Kingdom parliament

House of Commons

> Much has been written about Parliament—Parliament as a place of legislature, as court of law, as defender of the liberties of the people (and their oppressor at times) … but the great machinery of Parliament, as distinct from the machinery of government, is not kept running by politicians, nor does it run itself; it is kept in motion, cared for and continually brought up to date by men [*sic*] who are carefully chosen and meticulously trained to carry out this peculiarly subtle task … Seen against the background of contemporary politics, the internal organisation of Parliament … may appear complicated—to some, even chaotic—but the endless efficiency of the machine itself is undeniable. And this efficiency, which has been maintained through every crisis thrust upon it by Parliament and the nation's affairs, is simply the product of the efforts of all those men who are part of this specialised little world. (Marsden 1979, p. 11).

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[54] These authors claim that historical institutionalism does not adequately reflect the underlying political conflict and agency which contributes to institutional change.

Marsden's (1979) idealised account of the roles of parliamentary administrators noted the 'unique' characteristics of officers of the parliament: they were almost religiously non-political; professionally expert with a reputation second to none; unmercenary;[55] discreet, knowledgeable, instinctive and prescient; and devoted to duty—characteristics suggestive of the archetypal Weberian bureaucrat. But it was only through living and working in 'the very special atmosphere that [existed] uniquely within the walls of Westminster' that they began to absorb that 'intangible "something"' and then to act in the way it demanded (p. 16). There can be no doubting Marsden's view of the parliament and its administrators as *sui generis*. Rydz (1979) also gave useful insights into the early development of the Clerk's role. In describing how the clerks of the House of Commons once acted as parliamentary agents by exploiting their privileged positions to extract fees from the proponents of private bills introduced into the parliament he demonstrated how influential they have been since the earliest days of the institution in providing procedural advice—a clerk's principal role (see also Williams 1954).

The early parliamentary literature examined in this study focussed mainly on procedural reform. Ryle, a clerk in the House of Commons from 1951 to 1989, co-founder of the Study of Parliament Group in 1964 and joint author of an authoritative work on parliamentary functions, processes and procedures (Griffith & Ryle 1989) noted the contribution of 50 years of procedural reform to the growing influence and effectiveness of parliament and he strongly defended the institution's relevance. But he also urged the House of Commons to 'take itself and its practices more seriously' (p. 10) and suggested ways in which the House's modernisation and procedure committees could achieve further legislative reform. However, Johnson (in Giddings 2005), an emeritus fellow of Nuffield College, Oxford, questioned the assumption of many political and parliamentary practitioners that procedural change and adaptation had, in fact, strengthened parliament's effectiveness. He believed that the challenge was not just to change the balance of power between government and parliament by reforming procedures but to rethink what parliament 'can and cannot do' in a more complex environment where it seemed increasingly disconnected from the real citizens. He advocated 'standing back from the preoccupations of politicians and officials *who work the system as it now is'* (my emphasis, p. 19) in order to adopt practices that wider society might understand and recognise. Amongst the uncomfortable questions parliamentary institutions should ask themselves Johnson listed: 'Could not officials discharge some of the functions presently reserved for the most part to political appointees, many of whom are ill-prepared for the managerial functions to which they often lay claim?' (p. 20). Here is our first

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[55] Which Marsden defines as being willing to work for well over 80 hours a week, month after month for no extra pay (1979, p. 16).

connection with Moore's (1995) public value, Shergold's purple zone (1997) and subsequent criticisms of unelected officials crossing the political divide.

Blackburn *et al*. (2003, p. vii) in their preface to the second edition of Griffith and Ryle's work also acknowledged the concept of self-interest in their study of how the rules, processes and procedures affecting the work of parliament were 'employed in practice and *manipulated* (my emphasis) by the participants at Westminster in order to further their own vested interests and objectives'. Readers cannot avoid inferring that traditional parliamentary practitioners, including proponents of procedural reform, sought principally to preserve the institution of parliament in their own image, rather than pursuing Crick's ideal of reaching out to the public, a theme that is explored throughout the study.

Crewe (2015, 2017), an anthropologist, offered a strong defence of the roles and culture of clerks, sweeping aside perceptions that they remain backward-looking, tradition-bound and opposed to innovation, and that they make poor managers. On the contrary, she argued, they are at risk of being pressured into following external organisational norms, becoming bureaucrats and losing the detailed knowledge of the rules which is required for flexibility and innovation (2017, p. 65). Crewe presented a refreshing analysis of how contemporary clerks see themselves. She likened them to either Magi or mandarins—on the one hand protecting parliamentary rules and knowledge, on the other managing the rulers—concluding that, in fact, they are neither. To her, the mix of improvisation, innovation and interpretation that clerks have to master sets them apart from priests and, unlike the mandarins of the civil service, they are not involved in developing or implementing government policies or services. Rather, they are both custodians and reformers and their goals are to win support for the institution and serve its members. Crewe's work on the clerks' roles and culture was insightful but also seemingly dismissive of the strategic or managerial role performed by clerks, appearing to offer instead a defence of process over outcome (Crewe 2017). It also contrasted with research which found that House of Commons administrators themselves saw the need for improved professional management, long-term planning, economy and efficiency—albeit within the context of parliament's independence and a sensitivity to members' demands—provided they could maintain their distinction from the civil service (Barrett 1999).

Blackburn *et al*. (2003) explained that the functions of office holders in parliament—to exercise authority, speak on its behalf, administer its business and serve its members—are, in fact, divided among elected members of parliament and permanent officers and staff employed by the House, often for the whole of their career (p. 203). This explanation provides an important allusion to the distinct

role that elected officials do (and should) play in the parliament's administration, as well as in the lawmaking, scrutiny, representational and grievance-airing roles typically associated with members of parliament. It links the management of the business of the House with the administrative requirements and processes which support its functioning. This link is germane to articulating a comprehensive understanding of parliamentary administration, one which includes management of both the business of parliament and the administrative support underpinning all its functions. As the thesis argues, (chapters 1 and 4) the history of management reform in the two parliaments has tended to view management as a separate and subsidiary function and failed to acknowledge the relationship between political and institutional reform and effective public management.

The business relationship also comes to mind when considering the political role of the whips, whose principal duties are to keep MPs informed about forthcoming parliamentary business, to ensure that they attend important debates and vote in support of their parties and to pass on to the party leadership the opinions of backbench members (Walpole & Kelly 2008). The traditional hunting analogy of a whipper-in who ensures that the hounds do not stray remains a preferred description of the whips' role (Renton 2004; Crewe 2015), and their influence in managing the business of the House and its members' responses through 'the usual channels' is well documented (Walpole & Kelly 2008; Crewe 2015; Rogers & Walters 2015). Less has been written about when the whips' roles extend into administrative activity. One prominent example is the 2009 expenses scandal in the UK House of Commons.[56] Crewe (2015) recounted that before the expenses scandal and the subsequent transfer of responsibility for the oversight of parliamentary expenses to an external body, the whips would use their knowledge of individual members' expenses claims and other personal affairs to offer a form of protection in return for party loyalty. She claimed that they still now retain an ability to offer rewards to loyal members, such as a good office within the parliamentary estate (p. 136). However, rising independence amongst backbenchers and an increase in cross-party cooperation have reduced the power and authority of the whips over the management of parliamentary business and contributed to the erosion of their influence (House of Commons Select Committee on Reform of the House 2009; House of Commons Political and Constitutional Reform Committee 2013)[57].

The Speaker's role (and the roles of other presiding officers) is central to this thesis as will become apparent. Early scholars were divided about the professional standing of this high office. According to

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[56] See Winnett and Rayner (2009) and VanHeerde-Hudson (2014) for a full account.
[57] This followed the procedural reforms arising out of the expenses scandal, including the creation of the Backbench Business Committee and changes to the selection process for committee chairs.

Cocks (in Laundy 1964, p. vii), the Speaker in the mid-twentieth century did not appear to be burdened by managerial responsibilities outside of his [*sic*] notably antiquated and dignified position in the chamber. In contrast, Laundy, in Walkland's (1979) collection of essays on the House of Commons by the Study of Parliament Group, gave a spirited defence of the onerous duties of the office, the principal ones being to apply and interpret the rules and practice of the House and to maintain order in debate. He sought to demolish the 'fallacy' put forward by Jennings that the qualities required of a Speaker were not very high and any reasonable man [*sic*] could make a success of the office (Jennings 1961, p. 65). But the only administrative duties Laundy mentioned were those pertaining to being head of the five departments comprising the House of Commons administration (in effect, the Speaker's counsel acted as de facto head and relieved the Speaker of the day-to-day administration).[58] He did note, however, that in 1973 the then Speaker ordered a 'thorough-going review of the structure, organisation and co-ordination of the services provided by the five departments' (p. 198). This was known as the Compton review (1974); it was the start of a series of management reviews which led to the establishment of the House of Commons Commission and which have progressively modernised the House of Commons' administration.

Around the time the UK Speaker was calling for a reorganisation of the departments, under his authority the most prominent role for backbench members in the administration of the House seems to have been to complain about the lack of services and facilities available to them— although, as Menhennet and Palmer (1967) noted, they were not able to present a united view of their requirements, a challenge which persists today. The investigation commissioned by the Study of Parliament Group (see Chapter 2) drew attention to an inefficient use of space, largely due to the duplication of services in a bicameral parliament—still prevalent today—and a lack of facilities normally required by any 'managerial or professional man' (Crick 1968, p. 67; see also HOCGC 2014). Rush and Shaw (1974) cited a number of negative assessments of facilities by members, including from one that his office accommodation was 'ideal for a suicide' (in Hill & Whichelow, 1964, p. 85). In

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[58] Laundy, (1964) cited the source of the Speaker's authority as emanating from the House itself—he was the servant, not its master—and that authority, exercised in accordance with the wishes of the House, extended to regulating the course of debate, calling on members to speak, ensuring that established conventions were observed and using the *Standing Orders* to interpret and implement the House's will (p. 67). A compelling source for this view comes from Speaker Lenthall's defiance of the King in upholding the privileges of Parliament in 1642: 'I have neither eyes to see nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here' (UK Parliament, 2018a). Other authors (Niven *et al.* 1959; Marsden 1979; and Lloyd 1976) have described the institutional authority of the Speaker and other official roles modelled on the Westminster system without shedding any light on management aspects.

comparison with other legislatures, they concluded that the UK appeared to rank in the middle when it might be expected to have ranked higher, concurring with Hanson's view (1964, p. 279) that there were disadvantages in being ancient: 'admiration for the long-established inhibits a willingness to change.'

Responsibility for responding to members' demands, as well as maintaining order, security and ceremony, lay with the Serjeant-at Arms. The role's multiple domestic oversight tasks included accommodation, cleaning, laundry, stationery, telephones and division bells but not catering services, which were provided by professional managerial staff appointed by a select committee but who did 'not enjoy the status of House officials' (Marsden 1979, p. 239). Marsden wryly recorded that although these 'routine tasks' could be undertaken by staff 'in their stride' the Serjeant himself, as the contact point for users of the services, was the constant recipient of everyone's complaints and suggestions; '… the trouble [was], from his point of view, that he generally [had] to *do* something about them' (1979, p. 211, original emphasis). The 1974 Compton review included sweeping changes to the Serjeant's remit but, as we will learn, the review attracted strident criticism from staff, and only led to further investigations. Today, the Serjeant's non-ceremonial role is principally related to access to and within the parliamentary building.

The library and Hansard functions have also received some attention in parliamentary literature. Marsden (1979) noted that the House of Commons Library emerged from a small collection of records, pamphlets and assorted books stored in a warehouse in the custody of the Clerk of the Journals. It was officially established in 1818 in a 17 feet square room in the Palace of Westminster and rehoused following the 'Great Fire' of 1834 into a noble suite of rooms in the finest position in the palace. Notwithstanding that the first librarian was reported to have died from overwork the life of successive librarians continued at a steady pace and they were able to preside with 'leisured dignity' from their desk in the library itself (Marsden 1979, p. 177). The library was the responsibility of the Speaker and was 'governed' by a series of standing committees until 1862, after which it was left to its own devices. In 1922 it came under the direct control of a committee appointed by the House to advise the Speaker on library affairs. With the influx of new and more demanding members in the 1945 parliament, a select committee was appointed to oversee it and it expanded rapidly thereafter (see also Menhennet & Palmer 1967). Gay (2017), a former library senior staffer and scholar, provided a contemporary account of the development of the House of Commons Library with a specific focus on House-wide corporate management and service improvement. She claimed that inter-departmental rivalries and jealousies, particularly from within the Clerk's department, have inhibited change; resistance being the

product of an excessive emphasis on hierarchy and departmentalism that existed until the 1990s. She did, however, praise the largely unrecognised role of the Study of Parliament Group for fostering parliamentary reform that was more broadly based than simply procedural form and she highlighted technology and the appointment of non-librarians as factors contributing to the library taking on outreach and public engagement roles.

The story of Hansard as publisher of a near-verbatim report of parliamentary debates has been well documented by parliament's officials (Weatherston 1975; Marsden 1979; Church 1991; Holland 1991; Barrett 2010; Sutherland & Farrell 2014). Although the service could be considered 'ancient', and has generally been highly regarded, Hansard staff have not retained the same cachet as other long-established parliamentary staff. The service and its staff are particularly vulnerable to technological innovation and efficiency initiatives, including contracting out.

I have touched briefly on the characteristics and administrative roles of officers and members of the House of Commons, influenced by the 'special' nature of parliamentary administration; the importance of maintaining order, security and ceremony; an increasing level of dissatisfaction from members with the services offered; and, from a scholarly perspective, questions about the nature and effectiveness of procedural reform. Central to this picture is an ethos epitomised by the need to hold the executive to account as summed up by MP Hugh Munro-Lucas-Tooth:

> It is not the mere existence of Parliament which ensures our freedom but the way in which we do our job here. If Parliament becomes inefficient or impotent, the first thing which will suffer will be our personal freedom as citizens. I will not base my argument on the view that the power of the executive is too great. On the contrary, I recognise that the power of the executive is great … whether we like it or not, it will grow greater … But if it is inevitable, then that is the best reason why we should ensure that we make the machinery for the supervision of the executive by Parliament as modern and as strong as it can be (Munro-Lucas-Tooth in Menhennet & Palmer 1967).

House of Lords

For an outline of the history of administrative practice in the House of Lords this study has drawn on House of Lords Library notes (Brown & Evennett 2015; James *et al*. 2017; Torrance 2017). The Select Committee on the House of Lords' Offices (the Offices Committee) was established shortly after the *Clerk of the Parliaments Act* was enacted in 1824 to supervise appointments and conditions of employment in what were then the only two offices in the House of Lords—the Clerk of the Parliaments and the Black Rod. Thereafter the committee of over 60 members presided over the House

of Lords Library, refreshments, works of art, staff, finance and administration. In 1965 responsibility was formally vested in the Lord Chancellor, acting as Speaker of the House of Lords. He delegated his authority to the Offices Committee with the Black Rod acting as its agent. Following the *Constitution Reform Act 2005*, the Lords resolved that they should elect their own presiding officer (House of Lords Select Committee on the Speakership of the House 2005). The first Lord Speaker was elected in July 2006 but with a very different role from that of the Speaker of the House of Commons. The House of Lords is self-regulating and the Lord Speaker has no power to rule on matters of order. His/her primary role in presiding is to assist proceedings. During question time the Leader of the House continues to advise the House (Brown & Evennett 2015).

The leaders and whips of the main political parties within the House of Lords (sometimes including the Convenor of the Crossbench Peers), are known as the 'usual channels', as in the House of Commons. They play a key role in decisions about the governance and administration of the House, including facilities and services for members. In 2002 the Offices Committee was replaced by a new House Committee which was tasked with providing leadership and strategic planning for the House of Lords administration, reflecting earlier widespread dissatisfaction with service delivery and the standard of accommodation (Blackburn *et al*. 2003). Crewe (2005) noted that the 'usual channels' were not much interested in managing the House of Lords during the 1990s—Labour managers had enough on their plate; Conservatives did not see much wrong with it; and the Liberal Democrats, who complained about inefficiency, were ignored (p. 174). The path to management reform in the House of Lords is discussed later in the chapter.

The position of Clerk of the Parliaments (the title being indicative of the tenure of the clerk through successive parliaments) was once considered a sinecure (Bond 1958) although administrative changes have since added considerably to the procedural functions of the office. Crewe's (2005) anthropological study of rituals and politics in the House of Lords provided insights into the hierarchical nature of the various administrative offices. As a group, the clerks have been criticised for their snobbery, privileges, exclusiveness and intolerance of mistakes, including by staff within the semi-autonomous fiefdoms of the library, the parliamentary archives, Hansard and the refreshment department, who themselves have exhibited traits of exclusivity and remoteness. Rivalries between those facilitating the business of the House, and those concerned with maintaining the building and looking after the peers stemmed partly from the backgrounds of staff members. Overall, Crewe concluded, management has been inconsistent, tending towards conservatism; nevertheless the changes which most public institutions in Britain have undergone have also affected the House of Lords.

From this overview of both Houses we are left with an impression of a parliament inculcating specialised tasks and fiefdoms, the existence of self-serving social hierarchies and an environment resembling a gentlemen's club, but also an institution facing external pressures for change.

The Australian parliament

House of Representatives, Senate and service departments

Reid and Forrest's (1989) single chapter on parliamentary administration is surprisingly candid, perhaps reflecting Reid's later career as a political scientist, following his official roles in the House of Representatives. As we have seen in Chapter 2, it noted a complete lack of early planning for how the new Commonwealth parliament would operate from its inception in 1901, citing widespread confusion amongst parliamentarians about their administrative roles and responsibilities. Members and senators were indifferent to staffing and administration arrangements for the two Houses, being content to leave those matters to the presiding officers. The then Prime Minister, Barton, capitalised on this confusion to great effect, appointing a new Clerk of the House of Representatives against the advice of the then Speaker, and maintaining control over the officers of the library and parliamentary reporting staff until arrangements were finalised under the *Public Service Act* in 1902. Although members were said to regard the clerks as being overpaid, with what little work they had to do being of a routine and clerical nature, the powers of the clerks were significant and the two House departments became 'insular and deferential', and displayed 'intense hostility' to any measures which might have threatened their limited scope for advancement (Reid & Forrest 1989, pp. 416-7). Jealousies, suspicion and politicking between departments stymied attempts at reform and raised questions about who *should* be in control of parliament's administrative affairs. For more than 60 years the five departments remained almost unchanged structurally, with hierarchical and slow progression of officials to senior levels. In the discussions in 1910 on the rationality of the number of departments— one, two or five—hostility came to the fore with the Clerk of the House of Representatives and other staff objecting strongly to the proposal that Hansard staff should be included in a single department. Because the Hansard staff received high salaries it was feared that salary levels rather than length of service would influence seniority and promotion prospects. Seniority, even between the two Houses, was foremost in mind with regard to the respective positions of the two clerks. Ten years later the staff of the two chamber departments had made considerable advancements, to the detriment of the Hansard staff, but suggestions that there should be staff movements between parliamentary departments and between the parliament and the wider public service were not supported. Under the *Public Service Act 1922* the parliamentary departments retained their exclusivity and a major row ensued about the relative work value of the two clerks and the question of parity between the staff of

the two Houses. Resolving the conflict was not assisted by a lack of regulation. On some matters departmental heads followed public service practices but on others, such as the discretionary allocation of sick leave entitlements, the officers were 'nothing if not enterprising in their selection of precedents and principles to guide the presiding officers on matters of administration' (Reid & Forrest 1989, p. 422). By 1982 the presiding officers had been granted statutory powers over staffing but they were still obliged to consult the Public Service Board and had little opportunity for freedom of action, particularly in the face of staff resistance to any variation in salaries, which were now on par with those in the public service. Reid and Forrest succinctly encapsulated the effect of early administrative decisions resulting from a culture of insularity, exclusivity and hostility towards outsiders, and even one's own colleagues, combined with a lack of support and engagement from both the presiding officers and other members:

> In matters of parliamentary administration, organisation and staffing, the executive arm of government has exploited the weaknesses of the five parliamentary departments and their employees. The latter have suffered the disability of organisational fragmentation and an absence of leadership and representation within the Cabinet and the party rooms. The party affiliations of the respective presiding officers and the temporary nature of their appointments have consistently placed the parliamentary organisations they are required to administer at a considerable disadvantage. *The resort to rhetoric about parliamentary independence in budgetary management has not helped* [my emphasis]; neither has the predisposition of parliamentary officials to have their organisational arrangements and salary classification tied to public service criteria and public service recommendations. *The lack of a person authorised to advocate, negotiate and plan in the interests of Parliament as an institution has greatly impeded the growth of an effective parliamentary administration* [my emphasis] (Reid & Forrest 1989, p. 433).

There are elements of self-interest within this historical account of parliamentary administration in Australia as in earlier references to the UK Parliament (Rydz 1979; Blackburn 2003; Crewe 2005; Gay 2017). Continued politicking among officials and members within the two Houses have also hampered the progress of structural reforms on efficiency grounds, as discussed later in this chapter. More recent commentary on the role of officers in the House of Representatives sheds little light on the execution of their managerial responsibilities but offers some insights into procedural roles. Wright (2012), former Clerk of the House of Representatives and editor of *House of Representatives Practice*, drew on Laundy's work on the historical development of the Speaker's role in the UK and echoed the latter's description of the speakership as being 'an office of great importance not only in its significant and onerous duties but particularly for what it is held to represent' (p. 161). I noted earlier Laundy's

demolition of Jennings's view that any reasonable man could be a successful Speaker as the qualities required were not very high (in Walkland, 1979); however, Wright (2012) recalled an earlier observation of Laundy's that the Speaker is not extraordinary but an 'ordinary person of the highest calibre' (p. 163). Wright drew also on Erskine May to highlight differences in the degree of impartiality exercised by the Speaker in the House of Commons and the Speaker of the House of Representatives. In the latter case the Speaker, although ostensibly impartial while in the chair, remains politically affiliated with his or her party and is not considered to be independent. This important difference in the way the Speaker's role is executed is discussed further in Chapter 5. Wright also highlighted a similarity in the principle that the authority of the House and the Speaker are indivisible—the Lenthall effect—and this is also addressed in Chapter 5. The powers and functions of the presiding officers under the *Parliamentary Service Act 1999* parallel those of a minister but responsibility for the day-to-day matters are delegated to the clerks of the two Houses and to the Secretary of the Department of Parliamentary Services which provides services and facilities to both Houses. The Speaker has *ex officio* membership of the House Committee and the House Appropriations and Administration Committee.

Wright also called on Marsden (1979) in emphasising the distinction between parliamentary staff and those serving the executive, highlighting their impartiality and professional expertise. He described the procedural role of the Clerk of the House in some detail, yet, in likening the Clerk to the Secretary of an executive department in administering his or her department Wright did not elaborate on the management role, merely stating that it 'covers the usual range of departmental functions including staffing matters, financial management *and so on*' (p. 207, my emphasis). This is not a surprising observation but is illustrative of the differing emphasis placed on procedural and management roles, particularly in the Australian parliament which has a separate services department. The historical role of the Serjeant-at-Arms was also outlined in Wright (2012); as in the House of Commons, it is principally concerned with the ceremony of parliament and the preservation of order. In practice, duties also include serving on the parliament's Security Management Board and providing a range of support services to members.

Laing (2013), former Senate Clerk, in an address to the 44th Presiding Officers and Clerks' Conference stated that continuing to give advice, whether the advice was contested or acted on, was possibly the most important function that clerks perform, both to support individual members to be effective parliamentarians and for institutional purposes by ensuring that important things (powers, practices and procedures) are not forgotten. Patmore (2016), a former member of the Tasmanian parliament told a workshop of parliamentary scholars and parliamentarians that the clerks are vital in supporting

the concepts of separation of powers and responsible government; he saw their role as going beyond the purely administrative and advisory. As editor of *Odger's Australian Senate Practice*, Laing (2016b) provided a scant account of the management roles of the Senate's senior offices. The President is responsible for the proper conduct of proceedings of the Senate and the interpretation and application of its rules, in addition to 'ministerial-type functions' (p. 146). The President chairs the Standing Committee on Appropriations, Staffing and Security, which determines the budget and oversees the Senate's organisational structure, and is also concerned with seating arrangements in the chamber, room allocations and certain entitlements of senators. The incumbent has joint administrative responsibility with the Speaker for the joint department (the Department of Parliamentary Services) and joint control of the parliamentary precincts. The Clerk of the Senate, as the departmental head of the Department of the Senate, exercises the powers of a departmental secretary and is responsible for the budget, staffing and management of the department. The perennial problem of the dependence of the parliament on the executive for funding is addressed in a brief history of the establishment of the Senate Appropriations and Staffing Committee and the introduction of a separate appropriation bill for the Parliament (Laing 2013, p. 156).

In many ways the administrative roles of officials and members in the Australian parliament are similar to those of their counterparts in the UK parliament; indeed, as the discussion above makes clear, the House of Representatives draws much of its organisation and characteristics from the House of Commons. But there are also differences. In the Senate in particular much store is set on its independence from the executive, not just in budgetary matters but also in organisational and structural issues. As an elected chamber, its powers are vastly greater than those of the House of Lords and under existing electoral arrangements its legislative independence from the executive is largely guaranteed. The presiding officers in the Australian parliament also retain their affiliation with their party. The effects of these differences will become apparent later in the thesis.

Chronicling administrative reforms: a historical and institutional perspective

This chapter commenced with an overview of the key actors in parliamentary administration, pointing to entrenched hierarchies and squabbles over status and recognition. It now takes a journey through historic reviews in each of the separate parliamentary departments or organisations, including the House of Commons Service and the House of Lords Administration and the formerly five, then three and now four parliamentary departments in the Australian parliament. The review, dating from the 1970s, provides much evidence of deep-seated unfavourable attitudes by parliamentary officials in both parliaments towards the management function; a lack of interest by members in the

administrative details of the services provided to them—unless they become public, usually after some type of failure—and the slow pace of management reform.

House of Commons Service

Moroney (1997) described early attempts at reform, precipitated by the inadequate accommodation available to members in the outdated Palace of Westminster. Control of the palace passed from the monarch to the two Houses in 1965 but there was still no clear line of authority for the administration of the parliament, and the *House of Commons Act 1812*, which had established a 13-member commission, had made no provision for the appropriate representation of members. The parliament had 'little control over its own budget, an ineffective committee system and outdated staff supervisory arrangements' (Moroney 1997, p. 23). I noted in Chapter 2 the links that proponents of procedural reform were able to draw with administrative structures and members' services and facilities (Jennings 1941; Hill & Whichelow 1964; Crick 1968). Constant lobbying achieved some small concessions, such as secretarial support and office facilities, but the pressure for reform grew. The Compton review (1974) recommended, among other things, a unified House service under a new chief officer and interchanges between the House service and the civil service but the review was roundly condemned by members and staff and was quickly succeeded by an internal investigation headed by a House of Commons member. Bottomley (1975) reported that even though the Compton review had received little input from members it had been criticised for its failure to avoid executive government control; its underestimation of the differences between the requirements of the House and the wider civil service; its proposed appointment of a 'chief officer' (likened to a 'fifth wheel on the coach', p. 9); its underestimation of the relative importance of procedural services; and its proposals on the pay, grading and retirement of officials. Although Bottomley rejected much of Compton's civil service approach to parliamentary administration, the groundwork was laid (Moroney 1997) and two years later the *House of Commons (Administration) Act 1978* was passed, establishing a House of Commons Commission, with the Speaker as chair and appropriate member representation. The commission became responsible for the employment of staff in a unified service, with the Clerk as accounting officer. The first annual report of the commission was presented in 1979.

Boulton (1991), a former Clerk of the House, saw the passing of the *House of Commons (Administration) Act* as a watershed—the most significant change in the organisation of House services in modern times. Lacking radical tendencies it nonetheless presaged the assertion by the House of Commons of its right to control its internal affairs. It did not, however, lead to a unified hierarchy: each head of department retained significant independence and although the Clerk was the senior officer of the House he had

no power to intervene in the affairs of his colleagues.[59] No one person was in charge. Boulton equated the establishment of the commission with another major achievement of the 1974 parliament (delivered with far greater fanfare), namely, the establishment in 1979 of the select committees which would examine the expenditure, administration and policies of departments of state and which also heralded a greater degree of independence from the executive (Silk 1991).

An examination of the commission's annual reports over the decade following their inception in 1979 does not bear out the initial enthusiasm for the changes brought about by the new administration. Despite repeated assurances from successive accounting officers (the Clerk of the House) that the 'authorities of the House' considered themselves to be under a moral obligation to scrutinise expenditure, particularly on staff numbers, as 'thoroughly and strictly as possible' (House of Commons Commission 1979, p. 6); ensuing reports revealed growing concerns about staffing costs, pay and grading, recruitment, accommodation, the introduction of technology, and financial management, particularly within the refreshment department.

In 1990 Sir Robin Ibbs was invited to conduct a short but detailed review of the provision of services to members to address divided responsibilities and to ensure a coordinated decision-making structure which could respond to, and prioritise, the demands by members for services. Ibbs (1990) pointed to continuing widespread dissatisfaction from members, particularly about accommodation and catering, exacerbated by the increasing gap between the House's need for accommodation and facilities and the original design of the Palace of Westminster, and the lack of control by the House over its works program.[60] The review drew attention to shortcomings in the management structures and the lack of effective financial control and oversight. Ibbs emphasised the need for greater clarity amongst members on how the House operated administratively. A survey of members conducted during the review found that although 58 per cent claimed to understand the way services were managed, the majority were ignorant about the role of the commission. It also found a positive correlation between knowledge of the way services were managed and the level of satisfaction expressed by members, an important observation in terms of the value of members' engagement in administration.

The Ibbs 'settlement' included a more strategic role for the commission; an enhanced corporate management role for the management board; a new financial management system; appointment of a finance director; clarity around the role of the Clerk of the House as *primus inter pares* in executing

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[59] The House of Commons has yet to appoint a female to the role of Clerk of the House.
[60] The vote for expenditure on Works until 1992 was controlled by the Department of Environment and the House's influence on decisions on how and when money was spent was minimal (Ibbs, 1990; Torrance 2017).

policy on service delivery; transferring to the House of Commons Commission responsibility for all Commons expenditure except members' salaries; and regular examination of the House's accounts and performance by the National Audit Office and Public Accounts Committee. The vommission welcomed the recommendations and noted the House's general support (House of Commons Commission 1991). It was enthusiastic about the review's evolutionary nature yet reassured that 'the main procedural, library and accountancy services were the subject of so little criticism' (p. 7). The commission also commended the structural changes made by the House of Lords Offices Committee which reflected the Ibbs proposals and looked forward to 'better decision making and accountability in the provision of services for Parliament as a whole' (p. 10).

In 1998 the House of Commons Commission called for what was in effect a post-implementation review of Ibbs, albeit almost a decade later. The Braithwaite report (1999) began by noting the contextual complexity of parliamentary administration:

> Resourcing a Parliament effectively is of vital constitutional importance, but extremely difficult. The business is complex, the environment reactive and unpredictable. Expectations of public bodies have increased, but the problems are no less. There must be strategic planning, effective management and financial control; but also sensitivity to the needs of the House and its Members (Braithwaite 1999, p. 9).

Braithwaite was a management consultant from the private sector. He commended the Ibbs 'settlement' as a 'remarkable piece of work [resulting] in an integrated plan for the planning and delivery of services, and the House's control over its own expenditure' (pp. 9-10). However, he concluded that much remained to be done in terms of strategic planning, political governance, better financial management and control, separation of political advice and decision making and a 'corporate' method of operation among the House departments. Although the rise in levels of satisfaction with accommodation was striking, satisfaction with the management of emerging information technology was low. The Commission had not taken a strategic view and members were still insufficiently knowledgeable about the House's administration and services. Although Braithwaite acknowledged that the then Clerk had assumed the role of chief executive to a greater extent over the last few years, he noted a lack of formal authority over other heads of department and their performance.[61] While Braithwaite's willingness to acknowledge and build on earlier work was notable, he made it clear that the *status quo* was not an option. Rush (2005) recognised the achievements of Bottomley, Ibbs and

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[61] David Limon was appointed as Clerk in 1994 and was the Clerk to whom Braithwaite's comments were directed. As Clerk Assistant he was part of the Ibbs review team and from 1990 acted as Implementation Manager.

Braithwaite, not just in organisational and managerial reform, with departments of the House becoming increasingly professionalised, but as 'a means to the end of improving the ability of MPs and the House as a whole to fulfil [their] functions by providing appropriate and adequate resources' (p. 47). He noted, however that 'institutional professionalisation' had yet to be achieved.

In 2006, the House of Commons Commission initiated the third in its series of major management reviews. The terms of reference included whether the benefits of the Braithwaite review had been realised, whether further actions were required to achieve strategic plans and 'whether … the organisational and staffing arrangements … are adequate to realise the objectives laid down in the Resolution of the House of 26 January 2005 relating to Connecting Parliament with the Public' (Tebbit 2007, p. i). A link was thus made between the management reform agenda and the outcomes of the Modernisation Committee which was established in 1997 as part of the incoming Labour government's commitment to modernisation and renewal (Kelso, 2007). [62] Tebbit was at pains to point out that his review was not intended to contribute primarily to reforming parliamentary procedure and constitutional policy prescriptions but was concerned with 'the more prosaic issue of how the services to support the institution of the House of Commons and members of parliament are governed, managed and delivered—vital in itself, given the importance of a well-functioning parliament in the affairs of the nation' (Tebbit 2007, p. 3). Nonetheless, the review acknowledged a connection that cannot be dismissed between the need for effective management of both the procedural and management functions within a highly political context.

Tebbit (2007), like Braithwaite (1999), acknowledged the work of his predecessor and the reputation of the House of Commons for its effective service delivery (barring Estates and Works which required remedial action, p 4). His review highlighted, however, the changing role of members, including their constituency work, and pointed to a need to replace the semi-autonomous federal nature of the House of Commons Service with a more corporate direction to achieve greater levels of performance and efficiency. Tebbit questioned the assertion that the House of Commons was a 'unique' institution unsuited to the application of modern management techniques and the impossibility of quantifying outputs and performance in light of the all-pervasive influence of politics. He referred to a number of 'unique' public institutions facing similar complexities—to him the special character of the House of Commons did not preclude the need to build organisational capacity and promote effectiveness,

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[62] The Modernisation Committee's influence on procedural and constitutional reform and its apparent sidelining of the Procedure Committee, which traditionally has jurisdiction in procedural reform, is discussed by Kelso (2007b).

accountability and value for money. A major recommendation, whilst not seeking to replace the Clerk of the House as its principal officer, aimed to bolster the chief executive officer aspects of the role and lend greater support from below to carry out procedural duties. Tebbit was careful in balancing the need for radical management reform with longstanding parliamentary traditions and beliefs.

We have a clear trajectory in these reviews of the House of Commons Service towards the need for greater professional managerial influence in service provision and the establishment of a management culture within the Service. What then, in 2014, accounted for the conflagration in the relationship between the House of Commons Speaker, John Bercow, and Robert Rogers, the then Clerk/CEO of the House of Commons, which preceded the latter's resignation and his proposed replacement with a chief executive officer from the Australian parliament with no procedural skills? Was it precipitated by a continuing deficiency in professional management skills, despite review after review through the decades? Or was it driven by the 'caprice' of an independently minded and progressive Speaker, anxious to leave his mark on the role he had occupied for some years? There was much speculation at the time in media reports in both the UK and Australia[63] and these questions are addressed in subsequent chapters.

House of Lords Administration

The reform process in the House of Lords Administration appears to have been heavily influenced by repeated House of Commons reviews, but peers shied away from adopting to the same extent the managerial practices introduced in the Commons (Torrance 2017). Following the 1990 Ibbs review, the House of Lords streamlined its administrative arrangements by reducing the number of sub-committees and delegating responsibility for decision making. However, as these committees had no terms of reference or ability to report to the House, matters still had to be handled by the Offices Committee resulting in an overlap of responsibilities. When the Offices Committee resolved in 2000 to engage Michael Braithwaite, who was responsible for the 1999 review of the House of Commons administration, to conduct a similar review some peers baulked at the prospect of introducing a management consultant and instead a steering group was appointed headed by Lord Grenfell (Crewe, 2010). In 2002 a further working group, under the chairmanship of Lord Tordoff, developed proposals including replacing the Offices Committee with a much smaller House Committee and appointing a principal finance officer. The review took place in a climate of uncertainty surrounding possible House

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[63] See, for instance, Cooper (2014); D'Arcy (2014); Towell (2014).

of Lords reform as part of the Blair government's modernisation agenda but it was expected that the review would lead to the House of Lords being able to better assert itself in its relations with the House of Commons regarding the provision of joint services, and most of the recommendations were agreed to (Torrance 2017).

A further review of the management arrangements in the House of Lords took place in 2007, at the same time as the Tebbit review of the House of Commons Service. The reviewers, Parker and Mahy, two senior office holders in the energy industry, were given only five days to conduct their review and they apologised in advance for any misinterpretation of key issues. They recommended a greater focus on strategic planning and the appointment of external directors and suggested that the role of the Clerk might be split to incorporate additional management capacity rather than continuing to take a 'business as usual' approach. A further report, based on the Parker-Mahy review, and taking account of the Tebbit recommendations for the House of Commons, concluded that only a tweaking of the House and domestic committees membership and terms of reference was required. A subsequent report by the House Committee proposing new terms of reference was agreed to by the House (HL Debates 2007; Torrance 2017). In 2011 a principal clerk in the House of Lords Administration, together with an external consultant, conducted a 'light touch' review of the structure of the administration and the operation of its management board. Interestingly, the only one of its recommendations not adopted was the recurring proposal to appoint a professionally qualified finance director[64] or head of corporate services to improve oversight of major programmes and projects. Finally, in 2016, the House of Lords established its own commission, replicating the 2015 House of Commons administrative reforms (Torrance 2017).

Administrative reform in the Australian Parliament
As outlined earlier, the Australian Constitution was silent about the administrative support necessary to service the Australian Parliament and its early administrators were left to determine the necessary arrangements:

> … in [the Parliament's] critical first year, those elected parliamentarians who were not members of the executive played very little part in the development of the overall administrative arrangements that have survived almost unchanged up to the present day. Even when the opportunity was presented to

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[64] This was eventually achieved in 2017 (A Makower 2017, email to author dated 13 September 2018).

consider and review the organisation … not a single senator or member rose to challenge the general philosophy of the parliament's administrative and financial provisions', (Reid & Forrest 1989, p. 401).

This state of affairs seems remarkable in light of oft repeated claims, particularly within the Senate, about the need to protect the independence of the parliament. (Verrier 2007, 2008; Breukel *et al*. 2017). Adams (2002) documented attempts to change the administration of the Australian parliament over the previous century in a research paper prepared for the then Parliamentary Service Commissioner, Andrew Podger, as part of a review of aspects of parliamentary administration.[65] Podger (2002) described those attempts thus:

> It is a history of claims and counter-claims about bicameralism and the independence of Parliament from the Executive arm of Government and about costs, efficiency and improving services to Members. In terms of responsibility for services to Parliamentarians the history also illustrates administrative structures based essentially on history and sometimes on chance, rather than a careful consideration of good management (Podger 2002, p.5).

Adams (2002, p. 7) detailed the 'at least 20 attempts' to change the way parliament is administered, citing the key areas of concern as budgeting, staffing and structure. For decades the debate had centred on parliamentary independence: whether parliament should control its own budget and if this budget should cover the whole parliament; whether parliament's staff are different from those in the wider public service; and how the administration of parliament could be made more efficient without impinging on its independence. Governments and their central agencies were the main proponents for change with the presiding officers becoming involved in the latter half of the last century. Key resistance to change had come from the presiding officers (in the first half of the last century); the clerks and senior departmental staff throughout the period; senators and individual backbenchers in the last 30 years; and all those concerned about the diminishing role of parliament and a weakening of the separation of powers (Adams 2002, p. 7).

The resistance in some cases had centred on where the authority for staffing resided. Adams cited Robert Garran, a former Solicitor-General, in asserting that primary responsibility for the

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[65] The principal functions of the Parliamentary Service Commissioner (PSC) are to advise the presiding officers on the management of policies and practices of the Parliamentary Service and to conduct any inquiries about the Parliamentary Service at the request of the presiding officers. The Commissioner's annual reports since 2015-16 have noted the role is important, however, the involvement of the PSC is intermittent (Parliamentary Service Commissioner 2018). The Commissioner also holds the office of Public Service Commissioner.

parliamentary departments had always been in the hands of the presiding officers, but the role of senators had been strengthened by the Senate Standing Committee on Staffing and Appropriations, established in 1982 and a 1987 Senate resolution requiring that the committee examine and report to the Senate on any proposed changes to the structure and responsibilities of the parliamentary departments. In 2011 the House of Representatives established its own Committee on Appropriations and Administration to consider, among other things, any changes to administrative arrangements. Both committees may confer with each other on appropriations for the Department of Parliamentary Services. Table 3.1 provides a chronology of key structural proposals from 1910 to 2004 (Adams 2002).

Table 3-1 Australian parliament: key structural proposals

Australian parliament: key structural proposals from 1910 to 2004	
1910-1912: Prime Minister and Presiding officers (in response)	Amalgamation of departments: five into one Amalgamation of departments: five into two (including a separate *Hansard* department) No action taken.
1920-22: Presiding officer, McLachlan Royal Commission and senators	Divergence of opinion on absorption of parliamentary departments into public service; parliamentary offices included in *Public Service Act 1922*. Presiding officers retained control over staffing matters but were under pressure to conform to public service conditions.
1930: Executive	A further attempt to incorporate parliamentary departments into the public service did not succeed; however, discretion afforded by rhetoric of parliamentary independence was limited.
1933: Pinner inquiry	Amalgamation of departments: five into one. Rationalisation of common services; reclassification of positions; reorganisation of work. Report criticised for lack of understanding of parliament and rejected.
1953; 1975-76: Public Service Board	Amalgamation of departments: five into one Separate parliamentary service proposed. Proposals rejected.
1977: House of Representatives officials	Amalgamation of service departments: three into one Separate Department of Parliament proposed. Proposals rejected on grounds of autonomy of Houses.
1977-1979; 1980-82; 1987: Presiding officers	Separation of administrative from procedural services. Amalgamation of service departments: three into one. Inter-house rivalries prevented comprehensive examination of parliamentary administration; proposals did not proceed.
1988-1996: Presiding officers and officials	Amalgamation of service departments. Various attempts did not pass the Senate.
1996-97: National Commission of Audit; Presiding officers	Amalgamation of departments: five into one Presiding officers respond by proposing amalgamation of service departments into chamber departments Not supported by Senate.
1999: John Templeton, DPRS Secretary Legislative change	Internal restructure of DPRS: 'one-stop shop' service support. *Parliamentary Service Act 1999* established.

Australian parliament: key structural proposals from 1910 to 2004	
2002-2004: Presiding officers	Amalgamation of service departments: three into one Department of Parliamentary Services established on 1 February 2004.

Adams called on the observations of Broinowsky, a former Senate Clerk, to encapsulate the essence of the entrenched resistance to change within the parliament. These are reproduced below:

> A succession of clerks, often with the connivance or tacit approval of the Presiding Officers, successfully and repeatedly used the principle of parliamentary independence to maintain autonomy from the general public service in matters in which they thought it advantageous to do so … whilst maintaining the benefits of common standards in matters such as salary scales …

> The members of the five departments thus withstood all early efforts to rationalise them. They became a self-contained and insular enclave, a priesthood, in which the status quo, the established order, and the importance of apprenticeship were heavily emphasised during the steady, often glacially slow progression officials would make through the hierarchy. Promotion depended primarily on seniority, and secondarily on profound knowledge of parliamentary practice (Broinowski 2001, pp. 60-61).

Adams (2001) and Reid and Forrest (1989) recounted the opprobrium from parliamentary staff towards those who would threaten the *status quo* which followed the 1933 report by Pinner, an inspector from the Public Service Board, at a time when the government of the day was fixed on economies in public service. Aside from recommending a single department led by a single clerk, Pinner proposed staff cuts and a reduction in salaries and suggested that officers from the two chamber departments could help out with stocktaking in the library during parliamentary recesses. Pinner was reviled for his lack of understanding of parliamentary practice, just as Compton would later be in the House of Commons.

A radical five-into-one proposal came in 1996 from the Howard government's National Commission of Audit (1996) established to review the operations of government. This proposal also aroused significant controversy and still serves as a powerful illustration of the resistance to change within the parliament. According to a current issues brief written by James, a Parliamentary Library researcher:

> The Commission has attempted to highlight the cost of support services to the Parliament by calculating that the cost of operations by the five parliamentary departments works out to $600,000 for each Parliamentarian. This statistic is, however, quite misleading. The operations performed by the parliamentary departments are not directed solely at Parliamentarians, but contribute to the

functioning of a democratic system, benefiting all Australians, of which Parliamentarians themselves are a part. For example, the Parliamentary Committee system, whose costs are included in the above average, has played an important role in investigating and recommending action on a range of issues of economic and social importance, both within the private and public sectors.

Contrary to assertions in the Report, efforts to amalgamate parliamentary departments have been pursued in the past but failed for want of parliamentary support. Institutional changes in the Parliamentary Departments must have regard to the continued capacity of the Parliament to function independently and effectively. Were such changes to be seen as being dictated by the Executive Government, the preservation of parliamentary independence and the constitutional separation of functions performed in the two Chambers could also be an issue (James 1996, p. 26).

James (1996) conceded that the existence of five separate departments of the parliament, with their own structures and hierarchies, could be anachronistic particularly as each department was responsible on average for only 282 staff compared with an average of 6,031 in executive departments and that the amalgamation of routine corporate functions or the outsourcing of some tasks should be examined. This library researcher was not alone in expressing disquiet about the NCA proposal. It was also opposed by then Clerk of the Senate, Evans, and the then presiding officers decided not to support it although, as Podger reports, they did seek advice from a former secretary of the Department of Administrative Services. That secretary concluded that the proposal *was* justifiable and *did* offer potential savings but may not have been *politically* achievable (Adams 2002). To date, the proposal for a single parliamentary department has not resurfaced.

In 2002 Podger recommended the three service departments be amalgamated. His review was focussed on cost savings, as determined by the terms of reference, and offered little by way of a strategic direction for a restructured parliamentary administration unlike the observations of Ibbs (1990), Braithwaite (1999) and Tebbit (2007) in the UK. Some interviewees expressed reservations about the effectiveness of the Podger review and Podger (2015) conceded that he could have more actively addressed the poor relationships between the heads of the parliamentary departments:

In relation to internal relationships at the top, if I had my time again I would probably be a bit more active as a Parliamentary Service Commissioner... I chaired meetings once every three months of the heads of departments but they were a bit perfunctory... I think if I had been clearer about agendas and what we should be getting out of them I could have teased these things out more. In hindsight I was new to the Parliamentary Service and maybe I didn't take the role as substantially as I should have. That might have forced a bit more dialogue. It would not have been a magic answer but if you handled the

agenda and the meetings right you would ensure that different perspectives were put in the right way. And if you have papers around the agenda you can tease the issues out very clearly, allowing discussion. (Podger, 2015, pers. comm., 4 August).

The review did, however, secure the support of at least some parliamentary officials and both presiding officers, and the long sought after amalgamation of the service departments was finally achieved, resulting in the establishment of the Department of Parliamentary Services. The utility of this administrative reform appeared to have been short lived, at least initially, and subsequent performance deficiencies were well publicised (SFPALC 2012a, 2012b, 2015a, 2015b, 2015c; Mulgan 2014).

The main trajectory of administrative changes in the Australian parliament was centred on attempts to increase efficiency by amalgamating service departments. In the early years there were inadequacies in the accommodation and facilities in the provisional Parliament House, but a proposed replacement was being planned as early as 1954. As noted in Chapter 2, following the 1988 move to the new Parliament House, concerns were expressed about the impersonal nature of the increased space and the distances between functional areas. The magnificent new building was a catalyst for a renewed approach to managing what was described as 'the equivalent of running a large industrial plant containing a five-star hotel in which 224 major shareholders are staying at the same time' (Joint House Department 1988, p. 6). Until the amalgamation of the three service departments, the Joint House Department (JHD) had operated relatively autonomously and its annual reports reflected a private sector management approach including adopting techniques of 'best practice' and 'total quality management'. Catering services were contracted out in 1989 for the first time. The recording and televising of parliamentary proceedings was aided enormously by the new facilities available. However, failures in the delivery of Hansard services, due to perceived ineffective management and the slow uptake of technology, and serious accountability issues in the then Parliamentary Information Systems Office, led to the departure of the heads of the Parliamentary Library and the then Department of the Parliamentary Reporting Staff, following critical audit reports (Auditor-General 1990a, 1990b; Joint Committee of Public Accounts 1991). The then Speaker of the House of Representatives appointed John Templeton, an 'outsider' from the Department of the Prime Minister and Cabinet, to head the then Department of the Parliamentary Reporting Staff and subsequently the Department of the Parliamentary Library. The foregoing, and later, accounts of dysfunctional relationships or dissensus within Australia's parliamentary departments demonstrate the influence of individual parliamentary actors on the processes of administrative change which could otherwise be

masked by a 'central analytic notion of "path dependency"' in historical institutionalism (Peters *et al*. 2005).

Conclusion

This chapter has established the study's context by depicting the specialised and insular environment in which parliamentary actors operate using examples of the slow pace of reform and a culture of preservation and self-interest. It is not exhaustive—further and more contemporary accounts are developed in later chapters—but we are left with a dawning impression of poor relationships among parliamentary actors; the influence of traditions and beliefs on parliamentary effectiveness; and an ethos which is centred on parliamentary supremacy over the executive.

The overview chronicles a long history of punctuated reform attempts in the management of parliaments. These appear, on the one hand (in the UK), to be a planned, if glacial, approach with a series of reviews recommending improved management processes, leadership and structures; on the other hand (in Australia), a long history of rhetorically based resistance and internal hostility to the restructuring of departments to reduce duplication and increase efficiency is evident. This record of resistance belies the extent of administrative changes 'foisted' on the Australian parliament as a result of its adoption of a legislative framework which mirrored that of the Australian Public Service. Conversely, the UK parliament has enjoyed more autonomy in adopting civil service reforms. Notwithstanding, there appears at this stage to be little difference between the parliaments in the perception by parliamentary actors that parliamentary administration is 'unique' and, by inference, exempted from the need to actively pursue wider public management reforms.

Chapter 4 — Parliamentary management today: how does it measure up?

Introduction

The previous chapter discussed decades of attempted management reforms in the UK and Australian parliaments. I now set out the expectations of their respective administrations in the early years of the twenty-first century before examining critical events affecting each parliament's performance.

In the House of Commons, the 2007 Tebbit review was seen as the greatest change in the way the legislature would operate since the introduction of the *House of Commons (Administration) Act 1978*. It proposed a unified structure to meet the working needs of members and a strategic approach with seamless delivery of services, reduced departmental boundaries and enhanced career opportunities. Staff had 'shown their professionalism and vitality in adapting quickly and positively to the new framework' (House of Commons Commission 2008, pp. 4-6). The House of Lords envisaged that the structural changes to its administrative arrangements recommended by Tordoff in 2002 would result in a more strategic and corporate approach to service delivery, accompanied by more rigorous financial control. Peers would own the strategy, working closely with officials, and more transparency and simplicity would follow (House of Lords 2003; Torrance 2017). A brief post-implementation review in 2007 'concluded that there had been significant successes since 2002, and that the present governance arrangements required only minor adjustment' (House of Lords 2008, p. 11). Further changes were made to elevate the administration of the House of Lords by renaming it 'House of Lords Administration' while improving services and reducing bureaucracy; however, the Lords continued to resist taking a more focussed approach to measuring performance and appointing professionally qualified managers.

The three Australian parliamentary departments, in their 2003-04 annual reports, looked towards their post-amalgamation futures following the Podger review (2002) with mixed levels of enthusiasm. Then Clerk of the Senate Evans described his department's role as a 'sceptical questioner' of the review's proposals. He left no one in doubt about his department's approach:

> This administrative and financial rearrangement leaves the Senate Department much smaller in terms of budget and staff, but no less dedicated to its central functions of providing advice and support services to the Senate and its committees. It is hoped that the safeguards put in place by the Senate, the Appropriations and Staffing Committee and the President will ensure that the greatly enlarged joint department does not become a 'black hole', sucking resources out of the key legislative functions which remain the responsibility of the Senate Department (Evans 2004, p. 5).

The Senate Clerk's counterpart in the Department of the House of Representatives presented a more positive view of the new joint department:

> The establishment of the Department of Parliamentary Services (DPS) … was a major development in the administration of the Parliament. I welcomed this administrative change and worked with my departmental colleagues to help ensure the success of the new structure. Initially, as far as our department was concerned, the most pressing issue was the establishment of the centralised security arrangements, but the department commenced working constructively with the new department and the Department of the Senate on other issues of common interest, such as streamlined and consistent finance and personnel systems and procurement processes (Harris 2004, pp. 8-9).

The first annual report of DPS contained gloomy predictions (DPS 2004). Savings from staff reductions were shaping up to be considerably less than those predicted in the Podger review (2002); the costs of managing Parliament House had increased disproportionately to past increases in budget funding and the divergence between costs and funding was likely to increase. The new department was forced into negotiations with the Department of Finance to seek a reversal of the funding cuts imposed for 2004-05 and the forward estimate years. Finance recommended careful analysis of the new department's activities in a search for further efficiencies, whether or not related to the amalgamation. In return, DPS claimed that identifying the services for which it had been notionally funded in the past would be difficult and it might need to 'start from first principles' in determining what level of services it could continue to provide and where service reductions could be made (DPS 2004, p. 68). Pfeffer and Salancik, (1978) in their classic work on the external control of organisations, pointed to the need for an organisation to cope with its environment in order to survive, not only by making internal adjustments. Moore (1995) equated managerial success in the public sector with initiatives that increase an organisation's value to the public in the short and long term. It appears that these management concepts were not well understood within the Australian parliamentary environment with its narrow focus on inter-organisational competition and resources.

This brief snapshot of the management environment in both parliaments following significant reviews of their administrative arrangements provides a noticeably different picture for each institution. The House of Commons Service and the House of Lords Administration appear to have welcomed the management changes, at least rhetorically, and embraced the opportunity for greater unity; strategic planning; seamless delivery of services to members; and greater financial accountability. In the Australian parliament, after more than 100 years of amalgamation attempts, the newly created DPS claimed to be short of funds; was mendicant to the executive; and was planning to reduce the scope

and extent of its services. DPS's counterparts in the Senate department were concerned with maintaining the Senate's independence and funding but were determined to retain influence over joint administrative issues, particularly security, with DPS shouldering financial and operational responsibility. The Department of the House of Representatives, although more welcoming of DPS, was also concerned with ensuring that any decisions, particularly on security matters, were both efficient and appropriate to the parliament. The following sections examine the implementation of recent reforms and highlight intervening events which have further refashioned parliamentary administration. The chapter concludes by noting the effects of structural and other factors on management effectiveness in each parliament (research question 3).

House of Commons Service

Tebbit found that service delivery in the House of Commons was generally effective—and highly effective in core scrutiny and legislative functions—apart from the management of estates and works where the client/provider model had not worked as envisaged. But he noted new demands from members' greater involvement in constituency issues and surmised that the federal structure of the service, with seven autonomous departments, militated against achieving a corporate culture. He concluded that the House of Commons Commission should exercise greater control over strategy without micro-managing; two external members should join the management board, one from the private sector with high level financial and service delivery expertise, the other from the public sector; the Clerk should play a greater role as chief executive; improvement was needed in delegation, financial and performance management and staff development; the House of Commons Librarian should play a broader role as Director of Information and Communications; and service delivery should be proactive and customer-facing. The review was well received and more than 90 per cent of its recommendations were accepted, with some being fast-tracked even before the review was completed (House of Commons Commission 2007b; Jablonowski 2010). Governance and management of the House Service was reorganised and, in the spirit of reform, changes were also mooted by the clerks to the procedure and business of the House (Rogers & Gay 2009.) A triumphant review of the Tebbit reforms by an external member of the House of Commons Management Board concluded that ' … victory can be declared on the major part of Tebbit with major improvements implemented across a wide range of activities ranging from transformation of a dysfunctional board of management to an effective management board to major improvements in service delivery and business management processes' (Jablonowski 2010, p. 4).

This positive evaluation of management performance contrasted starkly with the fall-out from two seemingly separate but related incidents which caught the public's attention and exerted considerable pressure on members of both the House of Commons and the House of Lords and parliamentary officials. The first was an investigation in 2009 by *Telegraph* journalists which revealed a systematic abuse of the system of allowances. Although most expenses claims were found to be 'within the rules', the public could now see the extent to which the regime could be manipulated to maximise personal gain and the intentional lack of transparency and accountability that governed it (Winnett & Rayner 2009). The fact that members had deliberately sought to keep the details of their expenses claims from being publicly disclosed reinforced a widely held belief that politicians were subject to a different set of rules and standards and were increasingly out of touch with the lives of ordinary British citizens (vanHeerde-Hudson & Ward 2014). The consequences of the scandal for the institution as a whole were far-reaching. They included the resignation of then Speaker Martin, who had fought strongly to prevent the release of the expenses details; a severe dent in the reputation of the Commons officials who had administered the expenses system; and a major change to the House's future governance and administration (Gammell 2009; Wright 2014).

Although the 'expenses scandal' was a significant political event there were mixed views about its long term impact, including on election outcomes.[66] VanHeerde-Hudson and Ward (2014) found that the most significant consequence were administrative. The expenses system was taken out of the hands of the House of Commons Department of Resources (formerly the Fees Office) and an independent body, the Independent Parliamentary Standards Authority (IPSA), was set up to regulate and administer a new regime. IPSA itself did not escape criticism for its 'conflicted' role as both regulator and administrator; its focus on the public interest rather than as a service provider to members of parliament; and its treatment of members who found it to be bureaucratic and unhelpful (Gay 2014). Although parliament had to be seen to do something to appease public concern, the introduction, through IPSA, of complex rules and procedures rather than a risk-based approach appeared hasty and not well thought through (Fisher & VanHeerde-Hudson 2014; Gay 2014; Norton 2017). The response highlighted the dangers of legislating according to 'the something must be done syndrome' (Parpworth 2010). The chair of the Select Committee on the Reform of the House of Commons established in response to the expenses scandal also pointed to regulatory over-reaction and suggested that enforced transparency with tighter rules and audit would have been sufficient to improve the system

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[66] For example, Pattie and Johnston (2014) found that although voters in the 2010 general election were disturbed by the expenses scandal, prospects for MPs standing for re-election were unlikely to have been damaged by their involvement in it.

had not political demands required political detoxification and public reassurance (Wright 2014). Wright was also frank about the reasons for the scandal in the first place; the problem was a lack of machinery to safeguard propriety or sound the alarm. Members controlled their own financial affairs and defended their parliamentary sovereignty against external intrusions. The officials administering the system believed that their primary duty was to assist members to make claims. Importantly, from the perspective of this study, Wright claimed that the level of attention devoted by officials to ensuring the proper conduct of parliamentary proceedings did not extend to the administration of expenses and allowances and, as a consequence, parliament paid a high price for such laxity (Wright 2014, p. 58). It seems that no one thought it was important enough.[67] The Wright committee recommendations were an enduring and positive consequence of the scandal; unlike earlier modernisation proposals they addressed the relationship between the parliament and the executive by proposing the election of select committee members and allowing backbench members to control more of parliament's business (Russell 2011b). The expenses scandal also prompted the Institute for Government (Nicholls 2010) to argue for a reinterpretation of the principle of self-regulation and a move away from an 'insular model of governance of MPs, by MPs and for MPs' (p. 3). It made a number of recommendations to improve transparency and accountability, capacity and capability, and risk management, including value for money audits by the National Audit Office;[68] the inclusion of more non-executives on the House of Commons Commission and the management board; and public committee hearings on the House's administration.

The second significant event in bringing the governance of the UK parliament to public attention was precipitated by the election of John Bercow as Speaker, following the forced resignation of Speaker Martin over the expenses scandal. [69] It was also a catalyst for reform, both procedural and

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[67] In defence of parliamentary officials, Andrew Walker, former head of the Fees Office recounted his attempts to win agreement from members for changes to the system but found no political appetite existed (A Walker, 2015, pers. comm., 23 September). A new book by Crewe and Walker, *An Extraordinary Scandal: The Westminster Expenses Crisis and Why it Still Matters*, was published in October 2019.

[68] The Comptroller and Auditor General (C&AG) and the National Audit Office (NAO) audit the financial statements of the House of Commons and the House of Lords and provide an opinion on whether the accounts are true and fair, and whether the income and expenditure has been applied to the purposes intended by Parliament. In addition, the C&AG may perform value for money work on certain topics. The Office also provides support to parliament through secondments to the House and supporting committees and projects with NAO representatives – for example in areas such as joint working and change programmes (Ryan 2017).

[69] Speaker Martin had also been criticised for his role in the 2008 arrest of Damian Green for allegedly 'aiding, abetting, counselling or procuring' misconduct in public office by a Home Office civil servant, following which serious weaknesses in accountability at the top of the internal organisation in the House of Commons were revealed and the Speaker was criticised for failing to exercise control (House of Commons Committee on Issue of Privilege 2010; Bradley 2012).

administrative (HC Debates 2009; Wheeler 2009). Bercow, although a Conservative Party member, was seen as more progressive than his predecessors and keenly supported the Wright reforms, particularly those strengthening the backbench role. His ambitions led to clashes with his principal official, the then Clerk of the House, Robert Rogers. [70] Rogers' subsequent resignation triggered a bizarre recruitment controversy which culminated in the establishment of the House of Commons Select Committee on Governance (HOCGC), chaired by a former Leader of the House, Jack Straw. The HOCGC (2014) recommended sweeping changes to the House of Commons Service's governance and administration, changes which later influenced the House of Lords Administration. The recruitment controversy also involved the Australian parliament and contributed to an unusual level of media interest in its administration, which is dealt with later in this chapter. The inquiry and its report are summarised in Figure 4.1.

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[70] For example, he allegedly swore at the then Clerk, precipitating his early departure, an allegation that was later denied (HC Debates 2014a; Wintour 2014).

Figure 4-1 The Mills affair

The Mills Affair: Highlighting the relationship between the Speaker and the Clerk of the House of Commons and the roles of Clerk and Chief Executive

On 16 July 2014 the House of Commons acknowledged the early retirement of the then Clerk, Sir Robert Rogers (HC Debates 2014a). Members commended his role in steering reform and his contribution to improving the House's procedures and the public's understanding and appreciation of its work, as well as his achievements as chief executive.

Media reports (Cooper 2014; D'Arcy 2014; Wintour 2014) discussed persistent rumours that the Clerk's early retirement resulted from his working relationship with the Speaker, John Bercow. The relationship was said to be untenable and highlighted conflict between clerkly conservatism and the Speaker's frustration at the slow pace of implementation of his push to reform the workings of the Commons. In the recruitment process for a new Clerk, Speaker Bercow was said to have emphasised the executive side of the job and downplayed the procedural advice side, so that the job description which once required a 'detailed knowledge' of parliamentary procedure now called only for 'awareness', allowing for a much deeper recruitment pool (D'Arcy 2014).

On 30 July 2015 a selection panel of five members and one independent person, appointed by the Speaker, recommended the appointment of Carol Mills to the role of Clerk. (Ms Mills was then the Secretary to the Department of Parliamentary Services in the Australian Parliament, having assumed the role in 2012.) When knowledge of the proposed appointment emerged a furore ensued. A number of House of Commons members were concerned about both the process and the outcome (HC Debates 2014b). The Clerk of the Senate in the Australian Parliament, Dr Rosemary Laing, in an email to the retiring Commons Clerk, Rogers, launched a 'stinging attack' on Ms Mills and her professional abilities. According to Dr Laing, staff in Canberra's Parliament House were 'utterly taken aback' that someone with no understanding of parliamentary procedures could be under consideration for such a role (Towell 2014). Mills was disparaged in the UK as the 'Canberra caterer' (Doyle 2014; Guido Fawkes 2014).

Acknowledging the level of disquiet amongst members about the suitability of the proposed appointment, on 1 September 2014 the Speaker announced a 'modest pause' in the recruitment process (HC Debates 2014b). On 10 September 2014 the House agreed to the appointment of the House of Commons Governance Committee, to consider the governance of the House of Commons, including the future allocation of the responsibilities for House services currently exercised by the single office of Clerk of the House and Chief Executive (HC Debates 2014c). The Committee reported on 17 December 2014 (HOCGC 2014). It recommended, among other things, the appointment of a new Director-General to run the delivery of services, under the authority of the Clerk, who was to remain as Head of the House Service.

Unlike the management inquiries in the Australian parliament, discussed in the following sections, the HOCGC did not arise directly out of concern for a systemic failure in the management of services to the House.[71] Its report noted that not all the individual failings brought to its attention resulted from poor management. Some were the consequence of the inherent complexity of a bicameral parliament, while others resulted from different perspectives or experiences (HOCGC 2014, p. 35). It was muted in its criticism of inconsistencies in the recruitment of a new Clerk/Chief Executive and proposed an organisational framework in which the House could operate more efficiently and effectively, reinforcing the development of a unified House service. It noted that governance of the House had developed over time, often in response to particular issues or events. Inherent complexities had been compounded by layers of interventions, building on and adapting what went before rather than rationalising or restructuring arrangements (p 13).[72] An academic interpretation might construe this finding as a veiled criticism of a path dependent approach to parliamentary administration although the Committee did commend earlier reforms, noting the increased emphasis on the CEO part of the Clerk/CEO role and a more efficient and unified service following the Tebbit reforms. But it acknowledged longstanding concerns about the relationship between management board officials and members of the Commission; inadequate decision-making and implementation; a culture which placed the Clerk's procedural role above that of the management role, with sharply divided views on which should prevail in any new structure; a lack of focus on strategic management issues; and insufficient attention to the development and recruitment of senior staff.

Evidence given to the HOCGC (2014) directly relates to at least two of the research questions: first, the persistence of the perception that the procedural role is superior to the management role (whether embodied in the same person or not) and, secondly, the level of constructive engagement by members in managing their parliaments. Table 4.1 provides extracts from evidence to the committee; it contains some illuminating and sometimes colourful descriptions.

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[71]However, many members had complained that the House was poorly managed (HOCGC 2014) and this study commenced with comments lamenting the shambolic state of the House's management and the absence of clear chains of command for many of its functions and its organisational and management structures.
[72] Recalling Mahoney and Thelen's 'layering' approach to incremental institutional change leading to the 'introduction of new rules on top of or alongside' existing ones (2010, pp. 15-16).

Table 4-1- Evidence given to HOCGC relating to research questions 1 and 2—UK Parliament

Question 1: how do competing beliefs about the relative value of procedural and management skills influence effective parliamentary management?	
Spicer, A & Silvester, J, psychologists, Cass Business School	We think in some quarters there is a deeply held but maybe unexpressed concern that the rise of a more though-going managerial approach will lead to these [deeply held] traditions being replaced by a more generic corporate culture which could be found in any workplace (p.33).
David Blunkett, MP	It does not follow that those with legal training and constitutional expertise should have primacy over those running the personnel and services of the House of Commons … It strikes me that the objections raised to anything that does not give the Clerk complete primacy over all other personnel (and therefore functions), fall into the category of William Blake's "mind-forged manacles" (GOV0009, p. 94).
Sir Peter Luff MP	I am becoming more and more concerned that the House of Commons is becoming a tourist attraction, catering facility and visitor centre rather than a place of democratic debate, scrutiny, and legislation. We are in danger of losing sight of the purpose for which this place exists. I am therefore clear that the Clerk's role must be the predominant one in the new arrangement. He or she must be the custodian of our procedure and the guarantor of our freedoms (GOV0005, p. 95).
Andrew McDonald (CEO IPSA)	Does one want to reinforce the existing culture, which prizes procedural expertise above all else? Or does one recognise that the quality of its leadership and management are fundamentally important? The choice is an important one. Important to the future direction and culture of the whole House administration (GOV0073, p. 95).
Baroness Royall	… to have a chief executive officer or a chief operating officer for Parliament as a whole would be a very sensible way forward. The public see us as Parliament, and for Parliament to be managed as a whole would be very sensible. But that should not impinge on the role of the Clerks in their constitutional duties: advice to whatever is happening in the Chamber. That is my personal view (EV, Q487).
Question 2: do members of parliament engage constructively in managing their parliaments?	
Nigel Mills MP	Probably no one came to Parliament to spend a lot of time considering the price of a bottle of Coke in a vending machine. Clearly people's priorities will be proper priorities of Parliament, not running the internal House service. Some people are press-ganged, rather than choosing to be there, and obviously people are promoted out of the way and therefore can't stay on the Committee. I don't think it is a sign that the [Administration] Committee is dysfunctional, it's probably a sign that we can't actually make fundamental decisions. That is the way it is (EV, Q303).
Robert Flello MP	My experience over almost ten years is that the bureaucracy of the Commons is self-serving. Decisions are taken that suit the wishes of those running the House and, too often with the acceptance of House Committee chairs, they are nodded through with no real scrutiny and yet with the fig leaf of acceptability as having been agreed by one or more of the various committees. Reports or papers are brought to House Committees where the select few MPs have been asked to attend. Some MPs don't attend because of the demands on their time of other parliamentary matters whilst others, and I include myself in this, refuse to lend credibility to a system that is believed to be a fig leaf for House officers running things for their own purposes (GOV054, p 94).

House of Lords Administration

The House of Lords has taken a hesitant but mainly positive approach to elevating the management role, falling broadly into line with the House of Commons while maintaining its commitment to self-regulation and maintaining the House of Lords 'voice' (HOCGC 2014). It too was affected by significant external events, including the expenses scandal and also repeated attempts (or threats) by successive governments to reform it. The Lords' response to the expenses scandal, in which a number of peers were embroiled, differed from that adopted in the House of Commons, with the Lords preferring to keep matters largely within their own control. The code of conduct was strengthened and the position of the Independent Commissioner for Standards was established to investigate any breaches. The Review Body on Senior Salaries, an advisory non-departmental public body, reviewed the financial support provided to peers and the Lords agreed to new 'flat rate' allowances, tighter arrangements for the designation of principal residences and more frequent publication of information relating to peers' expenses (SSRB 2009).

Both peers and House of Lords Administration officials contributed to the HOCGC inquiry, emphasising their willingness to engage in providing joint services, and even highlighting the potential for one chief executive officer for the whole parliament. Lord Laming, then a member of the House of Lords House Committee, argued that the danger was in drift; it was healthy to pause from time to time and reflect on changed circumstances and key values (HOCGC 2014). There was evidence of good working relationships between the two Houses with occasional meetings of their respective governance committees. The House of Lords Leaders Group on Governance (2016b) examined governance of the services and facilities provided to members of the House. Its report acknowledged increasing scrutiny of the House of Lords, closer public interest in how the House works and how peers conducted themselves, and the growing need for cohesion and shared purpose between the two Houses. It recommended the establishment of a House of Lords Commission, with two external members and two supporting committees—a structure very similar to that in place in the House of Commons. Of note is the report's concentration on productive relationships between members and staff, including informal settings for meetings; the need for routine and effective communication; and a focus on improving the governance of shared and joint services with the House of Commons. It went so far as suggesting an annual 'away day' for members of the commission and management board to discuss strategy and priorities and business and financial plans. It also called for regular joint meetings with the equivalent Commons' committees to discuss and decide issues of common concern. Not all these efforts have been fruitful, as later chapters illustrate.

The House of Lords annual reports provide further evidence of a constructive approach to management, giving a richer context for the changes resulting from formal governance reviews. Like the House of Commons, the House of Lords has moved slowly towards adopting a stronger focus on management, and appears to have followed the reform path with little resistance. The Lords governance reviews have reinforced a desire to involve peers more closely in administrative matters; whether this will be successful remains to be seen—as later chapters will reveal, officials in both Houses have expressed cynicism about the extent of members' interest in administration, except when things go wrong, and further external reviews have been critical of management effectiveness.

Department of Parliamentary Services

The discussion on management in the Australian parliament is largely confined to the Department of Parliamentary Services, which resulted from the amalgamation of three joint service departments in 2004. We start with the gloomy predictions for DPS mentioned in this chapter's introduction and outlined by its new departmental Secretary, Hilary Penfold. The outlook was notable in that DPS had existed for only five months of the reporting period:

> Having regard to our financial position, DPS will need to use this year to explore ways of providing our services more efficiently or renegotiating the provision of, or the service levels for, some of our services … At a departmental level, our focus will be on a number of areas that should provide efficiencies over the longer term … However, it is unlikely that these improvements will provide enough savings in the next two or three years to deal with our funding cuts and cost increases (Penfold 2004, p.14).

Penfold predicted reductions in standards of building maintenance, reduced service levels for Hansard and broadcasting, more efficient library services and the setting of priorities for information technology and communications services.

The focus in the first full year of DPS (2005) was almost exclusively on spending less money. External clients appeared to have found the transition fairly seamless, as far as the department was able to judge, but forthcoming efficiency reviews and a proposed departmental restructure left many staff uncertain of their futures and that of the department. Progress reported in 2005-06 included a major departmental restructure;[73] a performance audit by the Australian National Audit Office into whether

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[73] The rationale given was that DPS was structured entirely by reference to the skills and activities of its expert staff, not by reference to what its managers should be doing, leaving the amalgamated department with a lack of strategic planning capacity and 'several characteristics' that reduced its ability to provide the right service to

the objectives of the Podger review had been met (ANAO 2006); the appointment of a parliamentary librarian under the provisions of the amended *Parliamentary Service Act 1999*, (which included a separate resources agreement for the library); the conclusion of the security enhancement project (about which the two chamber departments had been so concerned); and a call by the presiding officers for expressions of interest in operating a childcare centre at Parliament House.[74]

The ANAO performance audit concluded that improvements to physical security had been achieved but was ambiguous about the success of the amalgamation of the three service departments. It found that while 'not all the efficiencies envisaged by the Podger review had been realised', DPS had been able to absorb reductions of $6 million per annum with only 'minor changes to its services', while noting also that the department lacked objective measures of client satisfaction or an avenue for consultation on the types and levels of services required (ANAO 2006, pp. 13-15). It also noted that decisions by the three parliamentary departments to pursue different human resource and financial information systems had not provided a foundation for efficiently moving towards the shared services model also envisaged in the Podger review (2002).

In 2007-08, with the agreement of the presiding officers, the then Parliamentary Service Commissioner, Lynelle Briggs, undertook a further review of the amalgamation of the service departments, finding that although significant savings had been delivered it was not clear whether the savings were a result of the amalgamation itself or of direct management intervention. A sceptical questioner would likely conclude that the intervention of the Department of Finance in imposing a $6 million budget reduction immediately after the amalgamation was a contributing 'direct management intervention'. DPS itself estimated that only $2 million in savings were directly attributable to the amalgamation and this amount was offset by its estimated $1.6 million cost. Briggs also found that a shared services centre would reduce inefficiencies and duplication and that the three departments should develop a strategy to promote whole-of-parliamentary working and cooperation and embed the Parliamentary Service values into governance arrangements (Parliamentary Service Commissioner 2008).

The financial pressures on DPS were again acknowledged when a new secretary, Alan Thompson, was appointed. He reported that DPS operated in 2007-08 within a budget ($116m) that was only slightly

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clients in the long term. The restructure caused 'some upheaval' across the department; of the eleven officers who now made up the departmental executive, only one had been an Senior Executive Service officer in one of the former joint departments (DPS 2006).

[74] Early planning for the provision of childcare in Parliament House was reported by the former Joint House Department in 2002. (JHD 2002).

larger than the combined budgets of its three predecessor departments ($115m) in 2000-01 even though the consumer price index had increased by more than 30 per cent in the intervening period. He did not, however, allude to cutting services or reducing service levels but undertook to continue 'normal' service delivery, albeit 'very frugally' (Thompson 2008, p. 6). The pressures continued in 2008-09 (Thompson 2009) and this time the possibility of the need to 'progressively adjust' services was raised with a commitment to prioritising support for the chambers and committees. DPS and the departments of the Senate and House of Representatives all presented submissions to an inquiry into the efficiency dividend by the Joint Committee of Public Accounts and Audit (JCPAA 2008), following which the committee recommended a 'parliamentary commission' co-chaired by the presiding officers to recommend funding levels for the parliamentary departments—common practice in other Westminster parliaments, including the UK. [75] The recommendation was not supported by the government and subsequent attempts at greater collaboration between the parliament and the Australian Public Service appear to have been limited.[76]

Despite continuing reports of the financial, technological and political challenges to DPS's role in supporting the parliament, it appears to have been only by accident that members of parliament turned their attention to the parlous state of DPS and then only under the auspices of the Senate Finance and Public Administration Legislation Committee. The disposal of two billiard tables was questioned at Estimates hearings in February and May 2011 where it transpired that a DPS official had misled the committee about the timing and status of an assessment of the heritage value of the tables (SFPALC 2012a). A wide ranging enquiry ensued, including into the effects of the amalgamation on DPS performance. The committee's hearings and interim findings are summarised below.

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[75] Commonwealth entities are subject to an annual efficiency dividend that reduces operational budgets each year in anticipation of efficiencies being found (Department of Finance 2019).

[76] For example, Brigg's successor as Parliamentary Service Commissioner, Stephen Sedgwick, discussed with parliamentary department heads the relevance to the Parliamentary Service of reforms to government administration proposed by an advisory group led by Terry Moran, then Secretary to the Department of Prime Minister and Cabinet (Moran 2010; Parliamentary Service Commissioner 2010). It is not clear that this discussion engendered any interest from the parliamentary service in learning from the wider public service. Conversely, Sedgwick's successor, John Lloyd, offered no explanation in a letter to the author as to why the parliamentary departments were excluded from the subsequent APS review by David Thodey (Lloyd 2018; Commonwealth of Australia 2019).

Table 4-2 Senate Finance and Public Administration Legislation Committee: The performance of the Department of Parliamentary Services—background and interim findings

Date	Event
23 May 2011	Matters raised at Budget estimates hearings and in answers to questions taken on notice relating to disposal of two billiard tables with possible heritage value.
23 June 2011	Senate reference to the Finance and Public Administration Legislation Committee (SFPALC 2012a) to inquire into and report on the performance of the Department of Parliamentary Services with wide terms of reference relating to asset management, heritage values, services and efficiencies following amalgamation, IT and any related matter.
16 Nov 2011	Public hearing—witnesses appearing: Romaldo Giurgola, Pamille Berg and Hal Guida, architects.
2 May 2012	Public hearing—witnesses appearing: National Trust of Australia (ACT); Walter Burley Griffin Society; Community and Public Sector Union; and Department of Parliamentary Services
27 June 2012	Interim report published (SFPALC 2012a)—key comments and conclusions: • Major weaknesses in DPS's stewardship of assets in Parliament House and the actions of the department in providing a Senate committee with misleading information were unprecedented and unacceptable (p. 16). • Disposal of billiard tables from Parliament House in 2010 resulted in significant expense for DPS and brought to light questionable practices in a parliamentary department where 'only the highest levels of conduct should be maintained and only the best example set' (p 21). • Committee acknowledged concerns of presiding officers regarding heritage listing of Parliament House and 'possible executive government interference in parliamentary decision making processes' (p 31). • Committee noted 'foresight of the [former] Joint House Department in commissioning the Central Reference Document, the appointment of a Design Integrity Officer and the use of a building consultant to undertake annual audits' but was unable to judge the success or otherwise of the JHD's regime to protect the heritage of the building (p. 34). • Matters for further consideration included: need to improve the accountability and transparency of Department of Parliamentary Services in relation to heritage matters; the role of presiding officers and parliament in relation to heritage matters; the role of outside experts in guiding change in the building; and what constitutes a 'significant change' to the building (p. 54).

In the following year a new Secretary, Carol Mills, was appointed following the retirement of Alan Thompson amidst the fallout from the 'billiard tables affair'. Mills commenced her own investigation of the circumstances surrounding the disposal of the billiard tables before the SFPALC interim report was tabled in June 2012, resulting in more robust asset disposal policies and a 'strategic approach to heritage assessment' (DPS 2012, p. 17). But further cuts to the DPS budget, following an increase to the efficiency dividend, would also lead to another 'reprioritisation' (Mills 2012, p. 2) and the financial year 2012-13 brought a 'transformational change agenda to reshape DPS into a more professional, outward-looking and service focused department' including changes in senior management and

functional realignment (Mills 2013, p. 1). DPS was also required to respond to the final report of SFPALC (2012b, see Table 4.4). Amongst other things the committee called for greater accountability and transparency and a revision of performance measures which, notwithstanding earlier criticism by the ANAO (2006), were seen to be too numerous and not useful in analysing DPS's performance. In the interim, Mills continued to develop the department's role in meeting the rapidly changing technology requirements of members, following a 'whole-of-parliament' external review of ICT services. A new ICT service delivery model was recommended, and responsibility for all parliamentary ICT was transferred from the chamber departments and the Department of Finance to DPS (Roche 2012).[77] The role of independent external advice was strengthened by establishing a new audit committee with two independent members and creating an expert advisory panel to assist in developing a conservation management plan for Parliament House. The financial situation still presented a major challenge, and substantial changes to services were forecast (Mills 2013).

Table 4-3 Senate Finance and Public Administration Legislation Committee: The performance of the Department of Parliamentary Services—final report

Date	Event
30 Oct 2012	Public hearing—witnesses appearing: Carol Mills, Secretary, DPS; Diane Heriot, Acting Parliamentary Librarian, DPS.
28 Nov 2012	Final report published (SFPALC 2012b)—key comments and conclusions: • Lack of clear information, (p. 56), strong leadership and vision (p. 207) and strategic planning for maintaining building (p. 57); reduced spending (p. 188). • Major deficiencies in engagement with moral rights holders, project management and design integrity; (p. 90); poor asset disposal practices (p. 110). • Poor and expensive security management and planning (p. 148; p. 219). • Deficiencies in ICT provision, including fragmented service delivery and poor project management (p. 174). • Amalgamation savings not achieved; poor resources management leading to increased costs; ineffectiveness in securing adequate funding for new projects (p. 188). • Poor contract development and management (p. 196). • Lack of administrative responsibility by presiding officers (p.197). • Deficiencies in annual reporting (p. 201). • Poor employment culture (p. 207).

The final SFPALC report (2012b) made 23 recommendations to address the identified shortcomings in DPS's performance, 20 of which were accepted by DPS. But the committee also pointed to the failure to achieve the amalgamation efficiencies despite many attempts by DPS; a decline in DPS's purchasing

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[77] The review noted a history of unsupported recommendations relating to greater coordination and strategic oversight of IT from Podger (2002), ANAO (2006) and Briggs (2008).

power combined with increasing costs; the impact of further decreases on building maintenance and services to support parliamentary processes; and the ineffectiveness of administrators to ensure adequate funding. It declared that:

> The requirement to seek funding from Government for funding the Parliament, in the committee's view is a matter which requires further consideration. There is a need to ensure that the budget for DPS is such that services required by the Parliament are sustainable in the long term and the committee considers that it is time for further deliberations on the appropriate model of funding for DPS (SFPALC, 2012, p. 189).

Its first and key recommendation called for DPS's 'funding and administration to be overseen by the Senate Appropriations and Staffing Committee and the House Appropriations and Administration Committee meeting jointly for that purpose, and that *Standing Orders* be amended as necessary' (SFPALC 2012b, p. 208). Responses were equivocal. DPS officials supported an appropriate level of scrutiny *and advocacy* (my emphasis) for its role and noted that there was no single entity to advocate for its needs, unlike the chamber departments which each had a specific parliamentary committee. But they also suggested that existing levels of accountability were sufficient. The then President of the Senate (who had appointed Mills to 'fix' the department) undertook to discuss this recommendation with the Senate appropriations committee and advised that the Senate House Committee would be an appropriate mechanism for raising concerns about services and facilities which could then be forwarded to the Joint House Committee (both House committees meeting together). The Senate House Committee received briefings from DPS on two occasions, ten months apart, including on the financial difficulties it was experiencing but it appears that no formal steps were taken to implement the SFPALC's recommendation on the oversight of DPS's funding and administration (SFPALC 2015b). On the contrary, there is little evidence of an ongoing interest in an *ex ante* governance or advocacy role for anyone in relation to DPS.[78] The recommendation that DPS be exempted from any future one-off, additional efficiency dividends was also not supported by the then government.

In 2013-14, Mills reported 'a cautious, but brighter view of the financial outlook for the year ahead' following her successful attempts, with the support of the then presiding officers, to secure additional funding of $15 million with a one-off supplementation of $5.5 million. Savings in contract management and other costs, such as external cleaning, were also reported (Mills 2014, p. 6). An increasing emphasis was placed on visitors to Parliament House in collaboration with Canberra's cultural institutions and

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[78] This claim is discussed further in Chapter 6.

the tourism sector. The Parliamentary Budget Office became the fourth parliamentary department on 23 July 2012 (PBO 2013), after significant discussion about its structure and location within the parliamentary administration.[79]

After two years of financial deficits, DPS received significant investment in the 2014–15 budget, allowing it to begin to restore service levels as a result of Mills's efforts. But her tenure was marred by poor relations with her colleagues and alleged missteps and incompetence. In April 2015 her appointment was terminated by the presiding officers following highly critical findings by the Senate Committee of Privileges (2014), ANAO (2015) and a further review of DPS's performance by SFPALC (2015b). These further public inquiries and their outcomes are summarised in Table 4.4 below.

Table 4-4 Further Inquiries into DPS performance

Date	Event
Feb 2014	CCTV images of a DPS staff member putting an envelope under the door of Senator Faulkner's Parliament House office were used in the investigation of a staff management issue.
26 May 2014	Senator Faulkner raises concerns during estimates hearings about a breach of CCTV Code of Practice and improper monitoring of interactions between Senator Faulkner's office and a DPS employee. DPS Secretary refers to 'inadvertent conflict' between staff management issues and protection of members' and senators' rights (SFPALC, 2014, pp. 31-42).
18 June 2014	On joint motion of senators Bernardi and Faulkner matter is referred to Senate Committee of Privileges (2014, p. 1) to investigate whether there was improper interference; whether disciplinary action was taken; and whether a contempt was committed.
5 Dec 2014	Committee finds no contempt; rather that CCTV Code of Practice has 'accountability gaps' and use of CCTV was not authorised. It refers 'misleading evidence' given at estimates committee hearing on 26 May 2014 to SFPALC and recommends review of Code of Practice and training for senior officers 'to acquaint themselves with the principles of privilege' (Senate Committee of Privileges 2014, p. 38).
26 June 2014	Senate refers further inquiry into performance of DPS to SFPALC with multiple terms of reference.
26 Feb 2015	Following SFPALC 2012 inquiry ANAO publishes audit report No. 24 2014-15, which concluded that DPS's processes 'do not exhibit the discipline required to provide assurance that assets and contracts are being effectively managed' (2015, p. 15).
21 April 2015	DPS Secretary's appointment terminated.
28 April 2015	SFPALC presents interim report covering asset and contract management; photography commission; and inquiry into the use of CCTV material at Parliament

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[79] The PBO was established as part of the agreement between the Gillard Government and independent members during the 2010-13 parliament when the Government had no majority. The presiding officers have only a broad administrative oversight of the PBO which in practice does not include day to day engagement. The PBO is not subject to the direction of the presiding officers in carrying out its functions and prepares its work plan in consultation with the Joint Committee of Public Accounts and Audit (*Parliamentary Service Act 1999*).

Date	Event
	House. Committee concludes that DPS is 'deeply dysfunctional' (SFPALC 2015a, p.20) and announces intention to look broadly at role, functions and structure of DPS, in conjunction with presiding officers, to improve management and operation of DPS.
25 June 2015	SFPALC presents second interim report (2015b) concluding that it was misled by the DPS Secretary at the Estimates hearing on 26 May 2014 and that the misleading evidence had a substantive impact on the committee's work. The report acknowledged the termination of the Secretary's employment and reported that it had pursued the matter as far as practicable.
27 Aug 2015	Senate President announced that the presiding officers had requested the Parliamentary Service Commissioner to arrange for an independent structural review of DPS to be conducted (SFPALC 2015c, p. 3).
17 Sept 2015	SFPALC presents final report (2015c) with some terms of reference not addressed. Multiple recommendations related to: ❖ DPS updating committee on senior management structure; progress on conservation and design documentation; bullying and harassment complaints; Hansard; use of Parliament House facilities; and visitor experience review. ❖ Stocktakes and audits of assets and contracts. ❖ Joint meetings of relevant Senate and House of Representatives committees to oversee DPS's funding and administration.

The independent review into DPS by the Parliamentary Service Commissioner was conducted by Ken Baxter, former senior public servant in NSW and Victoria (Baxter 2015). The Commissioner forwarded Baxter's review to the presiding officers in December 2015 but it was not made public until April 2017, and then only in response to a question on notice from SFPALC. Baxter found a consistent view amongst officials that the objectives of the Podger review were not achieved and that its implementation had not been particularly successful. Drawing on the highly critical reviews of DPS and discussions with members and parliamentary officials in the Australian, UK and Canadian national parliaments and the New South Wales and Victorian state parliaments Baxter identified four key areas in which management was deficient: communications within parliament and between senators and members, the presiding officers and DPS; the absence of credible long-term strategic and financial planning on a-whole-of parliament basis; inadequate planning and funding for the ongoing maintenance of Parliament House; and administrative and financial inefficiencies resulting from a trifurcation of funding. Baxter attempted to address these deficiencies through a number of recommendations including whole-of-parliament strategic planning and funding; a governance body, with external directors, similar to those operating in the UK and other parliaments; targeted funding of the building; and changes to organisational structures and nomenclature. He made many observations which are germane to research questions 1 and 2 and the arguments promulgated in the

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thesis. Some of these are incorporated in Table 4.6 below; they are indicative of the lack of priority afforded to strategic management and governance issues and a lack of support for DPS.

Table 4-5 Observations from Baxter inquiry in relation to research questions 1 and 2—Australian Parliament

Question 1: how do competing beliefs about the relative value of procedural and management skills influence effective parliamentary management?   Question 2: do members of parliament engage constructively in managing their parliaments?
…'The Building '… should dominate the debate about funding and … will require … greater supervision and control by the Parliament through the presiding officers. (p. 10).
The current funding flows, associated administrative arrangements, and the management structure of DPS diminishes the ability of the department to prepare for implementation of a meaningful, measurable, medium to long term strategic plan for the whole of parliament and to gain acceptance of that plan from the presiding officers (p. 10).
There is a need for frequent, regular and well planned consistent communications within the whole of parliament and in particular between senators and members and their services provider DPS (p. 12).
The relationship and communication channels between the presiding officers and the Clerks of the two Houses are working well. The working relationship between the presiding officers and the parliamentary departments as a whole has been problematic … measures must be put in place to ensure that effective professional working relationships are reinforced and do not rely solely on personality and goodwill (p. 11).
… had there been focussed, adequate, consistent and continuing oversight of the formation of DPS and its internal relationships, very different and far more positive results would have been achieved (p. 18).
… the major elephant in the room is that there is not an appropriate organisational structure to deal with major maintenance and renovation of 'The Building'… the Parliament … should move as quickly as possible to establishing accounting and financial management systems associated with the 'global' or whole of parliament funding. This would require a single annual appropriation … (p. 13).

The presiding officers were advised by the then Parliamentary Service Commissioner, John Lloyd, that a number of the recommendations required further thought and consultation (Lloyd 2015). In the end, not all were accepted, including the establishment of an advisory board and whole-of-parliament funding arrangements. In further correspondence with the presiding officers Lloyd (2016) advised that he had discussed the report with the new DPS Secretary, Rob Stefanic, who was implementing a number of important changes, some of which had been canvassed by Baxter. The letter included non-specific language, such as 'options are being explored to introduce a more strategic approach'; 'senior executive roles have been reviewed to realise improved role clarity and better performance measurement'; 'DPS will work towards becoming a learning and forward thinking organisation' (p. 2). Governance arrangements were left on an informal basis, ultimately dependent on personalities and goodwill and no attempt was made to streamline funding arrangements. It appears that the recommendations from Baxter to introduce formal governance and whole-of-parliament funding were unpalatable. Evidence from some interviewees (see Chapter 5) confirms that the Baxter report was not much more than a device to satisfy the SFPALC and followed the longstanding and familiar

parliamentary practice of having 'to be seen to be doing something'. It was also suggested that Baxter's proposal to rename the titles of principal office holders was not well received and that he did not sufficiently understand the parliamentary context. The governance arrangements are discussed further in Chapter 5.

From the foregoing illustration of the troubled history of DPS after only 11 years of existence one could, arguably, conclude that its problems were caused by poor management on the part of successive secretaries, and the evidence certainly points to a lack of judgment, foresight and management capability at senior levels of the new department. This study has also provided evidence that the performance problems were deep-seated and exacerbated by the design and implementation of DPS, subsequent funding decisions, an absence of constructive governance arrangements and a lack of support from members and senators, including successive presiding officers. I conclude this chapter with a brief review of the two chamber departments between 2004 and 2017 to compare the extent and complexity of management challenges within the three departments.

Department of the House of Representatives

There is little evidence of serious challenge to or complaints about House of Representatives services following the amalgamation—it appeared to be largely a case of business as usual—although the House of Representatives has no estimates committees to regularly scrutinise departmental performance and the House of Representatives Standing Committee on Appropriations and Administration, which primarily considers the department's funding estimate, was not established until 2011. Annual reports pointed to high levels of satisfaction from clients and staff, whilst referring to the need to improve departmental culture, reduce barriers across the department and ensure that the department's specialised working environment would not obscure its external view. (Department of the House of Representatives 2006, 2007).

The 2010 election, which led to a minority government, posed procedural challenges for the House of Representatives departmental staff but these were welcomed by the then Clerk (Wright, in Department of the House of Representatives 2011). In providing technical advice to multiple members on issues which may not have arisen before, the Clerk took the unusual step of publishing detailed procedural notes, even on politically sensitive subjects, to ensure that House practices were consistently explained. Under reform agreements negotiated by the minority government, the Appropriations and Administration Committee was established to consider, amongst other things, departmental funding. The committee was able to secure supplementary funding to meet the

additional costs incurred as a result of the new parliamentary arrangements and it was seen as an important conduit between members and departmental staff.

In 2015 the department acknowledged the importance of maintaining effective relationships with the other parliamentary departments.[80] The financial outlook for the department was positive: the report noted that public service agencies were continually being challenged to work more efficiently and deliver the best value for money and that the Department of the House of Representatives was no exception. A collaboration theme was evident in the following year's annual report (Department of the House of Representatives 2016). The *Strategic plan for the parliamentary administration*, first mooted in 2013, was endorsed in 2017 (Department of the House of Representatives 2017; Parliament of Australia 2017b)—at least one outcome that appears to have been influenced by the Baxter review. The Department also received a positive government response to its request for additional funding to enhance procedural capacity.

Continuing management themes for the House of Representatives department in the twenty-first century appear to have been dominated by a highly specialised focus, both internally and in its inter-parliamentary and outreach work with various parliamentary associations; a strong focus on staff development and departmental leadership and services to members, resulting in high satisfaction rates on both counts; and an acknowledgment of the need for cooperative relations with the other parliamentary departments. The department's annual reports reveal the hallmarks of a well-run, well-supported department, providing high quality services but apparently with few complex management challenges, apart, perhaps, from the 43rd Parliament when the absence of a majority elected government resulted in a number of unusual practices and reforms as well as a significant upsurge in chamber and committee activity. Chapter 6 further discusses management complexities across the parliament.

Department of the Senate

The value of the specialised work of the Senate department, which had not varied in its essential character for more than a century (Evans, in Department of the Senate 2006) was very much to the fore in the Senate's twenty-first century annual reports. Then Senate Clerk, Evans, from 2000-01 until his retirement in 2009, consistently defended the Senate's constitutional and independent status. In his department's 2000-01 annual report he lamented the lack of 'budgetary discretion and flexibilities'

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[80] No doubt in response to the highly publicised fall-out between the heads of DPS and the Department of the Senate, see Figure 4.1.

enjoyed by many other Commonwealth bodies (Evans, in Department of the Senate 2001, p. 3).[81] He also highlighted the importance of the Senate's role in educating and advising the public. Examples include 'raising up future generations of voters with some parliamentary literacy' through the extensive activities of the Parliamentary Education Office and providing oral advice and briefings to bodies and individuals outside the parliamentary process to compensate for a lack of knowledge or disinclination of other institutions (Evans, in Department of the Senate 2001, p. 4; 2002b, p. 3).

In 2003 the Clerk advised that the reason for a lower than expected level of legislative activity following an election year was the sidelining of the legislature by a 'rampant' executive; that 'cramming' of legislation was designed to reduce sitting days and lessen the Senate's scrutiny of government activities. A budget surplus was 'not a matter for apology' (Evans, in Department of the Senate 2003, p. 4). However, it appeared to be the product of departmental efficiency resulting from excess funding for a level of committee activity which did not occur but which was justified on the basis that expenditure might arise in the future, notwithstanding that the number and scope of inquiries was limited by the available time of senators. This theme was repeated in subsequent reports: a fluctuating (and sometimes decreased) workload, combined with increased internal technological efficiency, nevertheless required a continuing high level of resources in anticipation of future committee workload, notwithstanding that the time constraints of senators militated against potential increases. The inevitable consequence was that after more than a decade of accumulating cash surpluses by efficient use of its appropriations the Senate in 2008 was required to return half its cash surplus (more than $10 million) to the government (Evans, in Department of the Senate 2005, 2006, 2007, 2008). [82]

At the outset of this chapter I touched on the self-proclaimed role of the Senate as the parliamentary service's resident sceptical questioner in relation to the Podger proposals for reorganisation of the parliamentary departments. Evans claimed that there was a great deal to be sceptical about in the process and results of the Podger review, and there is much evidence to support this claim, including from Podger himself (see Chapter 5). There are many references to the Senate, acting through its officials, playing its sceptical questioner role on matters of politics and management, for example:

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[81] In fact, the Department of the Senate had the same capacity to 'carry over' or borrow appropriations between financial years.

[82] One could speculate on the parliamentary uses to which these surplus funds could have been allocated had a whole-of-parliament funding arrangement applied.

A demand for public sector departments and agencies to look and sound like private commercial corporations has long been in evidence, and continues despite its poor conceptual basis and institutional inappropriateness. If regard were to be had to that demand, the most prominent feature of this report would be the considerable reduction in size of the Senate Department and its budget as a result of the transfer of the security function, equipment and staff to the joint department … Perhaps in commerce-speak it might be said that the department has downsized and is concentrating on its core business. That sort of conceptualisation only leads to even more inappropriate analogies: small bodies are ripe for takeover by larger organisations with more functions and money. No doubt there are some who see the change in those terms. The rationale of the department, however, is constitutional and institutional, not economic, and is related to the proper conduct of the public affairs of the body politic (Evans, in Department of the Senate 2005, p. 5).

The exhortations of the Senate Clerk forcefully staking a claim for more resources in anticipation of additional workload, combined with his vigorous defence of the Senate's institutional role, contrasted with the more understated reports of other parliamentary heads. They reflected a greater assertiveness on the part of the Senate that has pervaded administrative outcomes in the Australian parliament through the years.

The successor to Evans as Clerk of the Senate, Rosemary Laing, continued his formidable defence of the institution along the same lines: continuing financial pressures, and the intellectual skills of Senate staff with a strong emphasis on their professional development. On succeeding to the clerkship she was alarmed at the apparent lack of knowledge of Senate procedures by government advisers, notwithstanding the structured training programs (provided on a cost-recovery basis) for the past 20 years and the dissemination of knowledge to officers at all levels of the public service about the operations of parliament and its constitutional status (Laing, in Department of the Senate 2010). Generational change and the retention of ongoing corporate knowledge were tackled by developing a new learning framework, establishing the Senate Public Information Office and using new technologies, including Twitter (Department of the Senate 2011, 2012). Deviations from a business as usual approach included a strategic review of ICT across the parliamentary departments commissioned by the presiding officers. The result was the establishment of a central ICT division within DPS and a 'one-stop-shop' for the computing requirements of parliamentarians and staff and staff in the parliamentary departments bringing a strategic overview to formerly unsatisfactory arrangements (Department of the Senate 2013). The limited effectiveness of the Senate Appropriations and Staffing Committee in seeking to influence the appropriations for the Senate department and resolving disagreements with the government was reportedly enhanced by a new consultative process between

the Minister for Finance, the Expenditure Review Committee and the Senate President. This was seen as 'an important step forward in recognising the constitutional independence of the Senate and the correct application of parliamentary procedure in the budget process' (Department of the Senate 2013, p. 6). A continued focus on financial independence for the Senate and institutional continuity was reported in 2014, together with new updated coordination arrangements between the parliamentary departments and a modest surplus in the department's financial results. A third review of its type examined the scope for achieving efficiencies through shared services but concluded that the cost of system upgrades would outweigh potential efficiencies (Department of the Senate 2014).

In 2015 the department reported an ongoing deterioration in its budget following years of efficiency dividends, and an unprecedented level of committee activity. The previous year's modest surplus had now become a small deficit with a similar outcome budgeted for the following year, notwithstanding a one-off injection of additional funding (Department of the Senate 2015). One conclusion from a continuing read across the Senate's annual reports is that its position had changed from a situation where it held surpluses in anticipation of increased workloads, even where these did not eventuate, to one where the budget was supplemented by the Department of Finance when the need arose. In these circumstances one might argue that the 'financial independence' argument was proselytised from a perspective of 'who is in control?' rather than a rational perspective of making the best use of taxpayer funds across the whole public sector and allocating funds on a 'just-in-time' basis when a sound case has been made. Notwithstanding one's view, from the evidence provided, the Senate's operations appeared to have become extremely efficient with no apparent diminution of service levels or reputation. At the same time, the department reported continuing high levels of professional development for its staff, high skill levels and successful internal technical innovation. (Financial arrangements in both the Australian and the UK parliaments are discussed further in Chapter 5.)

The effects of the well-publicised stoush between the Senate Clerk and the outgoing Secretary of DPS were tempered by a positive framing of the cooperation across the parliamentary departments following the centralisation of ICT and changed security arrangements. Indeed, collaboration between parliamentary departments and other parliaments was a key theme of the Clerk's 2015-16 review, as were the additional opportunities for training and refreshment of resources afforded by the unexpected dissolution of the Senate and the cessation of committee business (Laing, in Department of the Senate 2016a). But the debate on financial independence continued with the news that, despite the efforts of the President of the Senate and the renamed Appropriations Staffing and Security Committee, little had changed with regard to budget setting, and the department faced an expected

shortfall into the future of approximately $3 million per year as a result of the disproportionate effects of additional efficiency dividends on a small agency (pp. 3-4). Against this background, however, 'although resources were stretched, the principal performance objectives were achieved to the satisfaction of senators, thanks to the calibre and commitment of the department's greatest asset—its staff' (p. 3).

The appointment of a new Clerk, Richard Pye, in 2017 did not appear to change the Senate rhetoric; the key themes explored in his first review included institutional continuity; the need to raise awareness of the Senate's work; the capacity of its staff; and workload, again acknowledging that the demand for the Senate department's services is 'directly influenced by the composition and dynamics of the Senate' and that senators themselves determine workload. Following the 2016 dissolution, referrals to committees increased to record rates as the number of parties in the Senate sought to pursue their policy and political interests. The increased activity brought budget supplementation and the Appropriations, Staffing and Security Committee was able to secure an ongoing increase in following years (Pye, in Department of the Senate, 2017, pp. 3-6).

The evidence suggests that the Senate department is managed well in terms of achieving its outcomes, to the satisfaction of its clients, generally within budget. But, historically, the department's outlook could be interpreted as defensive and self-serving, while taking an assertive, rather than a collaborative approach to its relationships with the executive and the other parliamentary departments. This interpretation will be explored further in following chapters.

Factors influencing management effectiveness in two parliaments

The third research question asks how structural and other differences between the two parliaments inhibit or facilitate effective management and governance (Table 4.7 provides examples). An obvious effect arises from differences in the way procedural and support functions are organised. In the Australian parliament most of the non-procedural support functions reside with DPS, which has lacked political support and shouldered the burden of financial efficiencies since its formation in 2004. A high turnover of senior executive staff and the missteps exposed by Senate committees have led to perceptions of a lack of deference to parliamentary privilege and culture (see later chapters) and suggestions of 'reckless ignorance or indifference' on the part of officials whose job it is to serve the parliament (Laing 2014, p. 8). However, repeated management reviews in the UK parliament have also revealed that organisational structure alone is no panacea for effective management; indeed,

following the governance inquiry and reported failures in the House of Commons, management support functions are now overseen by a newly appointed Director-General.

A second factor is the resources available to each parliament through their respective funding arrangements. Chapter 5 discusses these in more depth; for now it is apparent that the power of the executive in appropriating the Australian parliament's funds is a significant driver of efficiencies while a lack of executive control may reduce the incentive for the UK parliament to commit to more radical efficiency reforms. In this respect the size of each parliament is also significant: the Australian parliament, as a small agency, is disproportionately affected by the efficiency dividend imposed by the executive (JCPAA 2008). A third factor is the constitutional differences between the two parliaments which are reflected in the relative powers of the Senate and the House of Lords to influence administrative reform, including through joint departments. A fourth factor is the different authorising environments in the two parliaments. The legislative framework from which the Australian Parliamentary Service draws its authority mirrors that of the Australian Public Service and the presiding officers do not enjoy the same independence as those in the UK parliament.

Table 4-6 Factors influencing management effectiveness in the two parliaments

Question 3: How do structural and other differences between the two parliaments inhibit or facilitate effective management and governance?		
Influencing factors	**UK Parliament**	**Australian Parliament**
Location of management support services	Procedural and management support services collocated with House of Lords and House of Commons administration. Slow pace of reform reflects lower management priorities. Repeated reviews have led to incremental change with some changes prompted by critical events.	Procedural and management support services located in separate parliamentary departments. With less political support, reduced funding and shorter tenure for senior officials, DPS has become a target for extensive criticism.
Funding, authorisation and efficiency	House of Commons lays its own estimate; House of Lords budget rarely challenged.	Australian parliament is funded by executive, subject to efficiency dividend.
Constitutional limitations or freedoms	The House of Lords is an unelected chamber with limited powers and little capacity to influence administrative reform sponsored by the House of Commons, although it retains its 'voice' in joint arrangements.	The Senate, as an elected chamber, usually with a non-government majority, claims greater legitimacy and has greater powers to influence or oppose administrative reforms initiated in the other House.
Authorisation	The two Houses are not governed by an executive-driven legislative framework and the presiding officers function independently of government. *The House of*	The *Parliamentary Service Act 1999* mirrors the *Public Service Act 1999*, and the Parliament is a Commonwealth agency under the *Public Governance, Performance and Accountability Act 2013.*

Question 3: How do structural and other differences between the two parliaments inhibit or facilitate effective management and governance?		
	Commons (Administration) Act 1978 is not prescriptive. Presiding officers are independent.	Presiding officers are not independent.

Conclusion

We have learned from this chapter and its predecessors that the two parliaments are slow to reform; insular and self-interested, and that administrative reforms in both parliaments have been influenced by the need to preserve parliamentary sovereignty and its supremacy over the executive. I have presented an array of evidence to support the study's claims that procedural expertise has traditionally been prioritised over management expertise and that members of parliament, whilst eager to protect their privileges and immunities, appear less willing to engage in constructive reform. I have also noted some of the effects of structural and other factors on management performance in the two parliaments. In the following chapters I analyse governance, management and procedural and cultural reforms using the concept of dilemma as an analytical framework to explore further what it means to parliamentary actors to manage a parliament effectively. I also discuss more closely differences between the two parliaments' organisational structures, strategic planning and public engagement activities.

Chapter 5 — Who *is* responsible for governing parliaments?

Introduction

As we saw in the last two chapters the governance, structural and financial arrangements in the two parliaments evolved differently during the new public management era outlined in Chapter 2. Formally mandated structures and governance processes—or a lack of them—have had a 'determinative influence' on the conduct and achievements of public officials (Lynn 2006, p. 24) and the different structural and governance features of the two parliaments have to some extent influenced management outcomes. This chapter addresses two of the key research questions in the thesis: namely the extent to which members of parliament are constructively engaged in the governance and management of their respective parliaments and how structural and other differences between the two parliaments inhibit or facilitate management effectiveness.

The UK parliament has embedded arrangements for governing its support services in its two Houses by establishing formal governance structures to provide greater focus and continuity in planning and decision making rather than concentrating only on the narrower perspective of oversight and scrutiny. Following the HOCGC (2014) inquiry, the *House of Commons Commission Act 2015* enshrined responsibility for setting strategic priorities and objectives for services with the Commission's members, comprising unelected officials, members of the House of Commons and external members. The House of Lords does not have a separate Act governing its administration but it adopted arrangements similar to the House of Commons when it established the House of Lords Commission in 2016 (Torrance 2017). The *Clerk of the Parliaments Act 1824* governs the appointment of the principal clerk—both clerks are appointed by the sovereign and can only be dismissed following an address of their Houses (Torrance 2017). Both Houses are also subject to the *Parliamentary Corporate Bodies Act 1992.* The outcomes from a mandated strategic planning function in the UK parliament are not clear cut and, as this chapter will show, are likely to be strongly influenced by individual beliefs and actions.

The Australian parliament has not formally adopted encompassing governance arrangements and instead relies on informal collaboration and consultation between the separate procedural and service departments with little apparent role for parliament's members in strategic planning. Some parliamentary actors have suggested that governance tends to occur in a vacuum.[83] Even where

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[83] C Mills 2017, pers. comm., 11 May; M Croke 2017, pers. comm., 19 May; C Paterson 2017, pers. comm., 17 August; Q Clements 2017, pers. comm., 7 July.

formal structures exist, in the form of advisory and scrutiny bodies, there is little evidence of strategic planning and clarity of decision making, particularly in management improvements, or of a 'strategic conversation' at the interface between politicians and administrators. (Shergold 1997; Alford *et al.* 2017b).

This chapter starts with an overview of the governance arrangements in each parliament before examining three dilemmas which help to explain what governance means to parliamentary actors and how it is influenced by individual beliefs and actions. The first dilemma concerns who has legitimate authority for parliamentary administration and who can advocate for its reform; the second relates to financial autonomy and control; the third discusses the concept of collective responsibility for outcomes.

How the UK parliament is governed

> Governance arrangements … must enable an organisation to meet its primary purposes …They must deliver clear decision-making, with a high degree of transparency and clarity, whilst incorporating appropriate levels of oversight, challenge and effective personal accountability. They must be practicable and resilient under pressure, taking account of how people behave. They must also have the support and confidence of those who operate within them. Good governance distinguishes between strategic and operational decision making, and has mechanisms in place to ensure that those decisions are then delivered and the objectives met. Central to all governance arrangements is a focus on the achievement of the main objectives of the organisation (HOCGC 2014, p.8).

We can see that the HOCGC stressed the need for transparency and clarity in decision making, distinguishing between strategic and operational decisions, and emphasising the importance of mechanisms to ensure that decisions are delivered. The House of Commons Commission meets monthly and is supported by domestic parliamentary committees including the Finance Committee, Administration Committee and Administration Estimate Audit and Risk Assurance Committee, as well as an executive committee and a management board. The Clerk of the House is accounting officer. The House of Lords Commission is supported by the Services Committee and Finance Committee; a management board takes strategic and corporate decisions within a policy framework set by the commission; and the Clerk of the Parliaments is accounting officer.[84] External members serve on

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[84] A full description of the governance of the House of Commons and the House of Lords can be found at: House of Commons Annual Report and Accounts (2017); House of Lords Annual Report and Resource Accounts

both commissions, which also determine the annual estimate (or appropriations) for each House.

Table 5.1 depicts the governance, financial and oversight arrangements in the UK parliament.

Table 5-1 Overview of governance, financial and oversight arrangements in the UK Parliament

House of Commons	House of Lords
House of Commons (Administration Act) 1978 Parliamentary Corporate Bodies Act 1992	*Clerk of the Parliaments Act 1824 Parliamentary Corporate Bodies Act 1992*
Formal governance body is the House of Commons Commission consisting of members, senior officials and external members, supported by an executive committee, management board and two domestic committees. Meeting agendas and minutes publicly available.	Formal governance body is the House of Lords Commission consisting of peers, senior officials and external members, supported by management board and two domestic committees. Meeting decisions and minutes publicly available.
House of Commons Commission presents for House's approval the estimate for House of Commons Administration each financial year.	House of Lords funded by Supply Estimates, expenditure authorised and voted by parliament. House of Lords Commission agrees annual estimate; oversees financial support for members; works with management board on development and oversight of strategic, business and financial plans, including monitoring performance.
Commission advised by Finance Committee which develops future financial plans; prepares draft estimates; monitors spending (Administration Committee also has advisory role). Executive committee assists Finance Committee in preparation of estimates which also carries out other expenditure functions allocated to it by Commission.	Audit Committee advises accounting officer on effectiveness of internal controls, risk management, financial practice and governance; reviews financial statements and accounts. Also meets jointly with House of Commons Administration Estimate Audit and Risk Assurance Committee.
Internal audit provides independent evaluation of governance, risk management and control. Administration Estimate Audit and Risk Assurance Committee, which includes MPs and external experts, advises Commission and accounting officer, oversights internal audit and work of NAO and produces annual reports.	
By agreement with the accounting officers in both Houses, the National Audit Office audits financial statements and may perform value for money work on certain topics, but only at the request of parliament (Ryan 2017, see Chapter 4).	

(2017). Further reading on governance and administration in the UK parliament is available at Torrance (2017) and Kelly and Potton (2015).

How the Australian parliament is governed

With the passage of the *Parliamentary Service Act 1999* governance of the Australian parliament was formally separated from the Australian Public Service, ending a long-disputed connection between the two institutions which had failed to sufficiently recognise the independence of the parliament and its presiding officers (Reid & Forrest 1989; *Parliamentary Service Bill 1999*). The legislation is more prescriptive than the *House of Commons (Administration) Act 1978* and the *Clerk of the Parliaments Act 1824* or the *Parliamentary Corporate Bodies Act 1992*. Its 117 pages define the constitution and role of the Australian Parliamentary Service and its independence from executive government; prescribe the powers of the presiding officers and heads of department; and establish parliamentary values, employment principles and a Parliamentary Service code of conduct. The Act makes specific provisions to protect the independence of the Parliamentary Library and the Parliamentary Budget Office as well as the advice provided to the Senate and the House of Representatives, and their members, by their clerks. The clerks are appointed by their respective presiding officer and have limited tenure of a single, non-renewable term of 10 years. Their appointments can be terminated only by a resolution of their respective Houses. The secretary of the joint department, DPS, on the other hand, is appointed by both presiding officers, on the advice of the Parliamentary Service Commissioner, for up to five years initially. Parliamentary departments, as Commonwealth entities, are subject to the provisions of the *Public Governance, Performance and Accountability Act 2013* and the *Fair Work Act 2009* with their heads being the accountable authority for their respective departments.[85] The presiding officers have formal control of the parliamentary precincts under the *Parliamentary Precincts Act 1988*.

The Australian parliament's first parliament-wide governance framework is set out in the *Strategic Plan for parliamentary administration* (Parliament of Australia 2017b) but it does not specify a formal role for the presiding officers or other members and does not invite formal external input to governance. Meetings of departmental heads are held quarterly; a parliamentary administration advisory group of senior departmental staff supports department heads; and a Parliamentary ICT Advisory Board meets quarterly to guide strategic elements of ICT service delivery. Formal joint meetings of the two House committees, where members of both Houses used to meet to discuss corporate matters, were seen to be ineffective and these meetings no longer take place.[86] Two bodies

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[85] The main objective of the PGPA Act is to ensure that Commonwealth entities are able to meet high standards of governance, performance and accountability.

[86] C Mills 2017, pers. comm., 11 May; R Stefanic 2018, pers. comm., 24 January.

which one would expect to be influential in the provision of key services—the Joint Standing Committee on the Parliamentary Library and the Security Management Board—are not mentioned in the framework. All parliamentary expenditure is funded under separate appropriation Acts for the parliamentary departments—as we learned in earlier chapters the Australian parliament does not control its annual budget.[87] Table 5.2 provides an overview of the governance, financial and oversight arrangements in the four departments comprising the Australian Parliamentary Service.[88]

Table 5-2 Overview of governance, financial and oversight arrangements in the Australian Parliament

Parliamentary department	Governance Feature
Parliamentary Service Act 1999; Parliamentary Precincts Act 1988; Public Governance, Performance and Accountability Act 2013; Fair Work Act 2009, Senate estimates committees (Senate, DPS and PBO), ANAO	
Presiding officers	Advisory committees to the presiding officers and parliamentary departments include the Joint House Committee, Security Management Board, Parliamentary ICT Advisory Board, Parliamentary Administration Advisory Group, Joint Standing Committee on the Parliamentary Library.
Department of House of Representatives.	Speaker of the House, as presiding officer; Clerk of the House, as accounting authority; Executive Management Committee and Audit Committee.
	House of Representatives Standing Committee on Appropriations and Administration determines amounts for inclusion in appropriations bills and considers proposals for changes to the department's administration. Standing Order 222 provides for committee to confer with Senate Committee on estimates of funding for DPS.
Department of Senate	President of the Senate, as presiding officer; Clerk of the Senate, as accounting authority, Program Managers Group and Audit Committee.
	Senate Standing Committee on Appropriations, Staffing and Security determines amounts for inclusion in appropriations bills and can inquire into proposals for Senate estimates and variations to staffing structures and policies. Standing Order 19 provides for committee to confer with House of Representatives committee on funding for information and communication technology services.
Department of Parliamentary Services (DPS)	Presiding officers (jointly responsible), Secretary, Executive Committee and Audit Committee (See Senate Standing Order 19) (See House of Representatives Standing Order 222).
Parliamentary Budget Office (PBO)	Presiding officers (jointly responsible), Secretary, Executive Committee and Audit Committee.

Discussion of governance arrangements in the Australian parliament appears limited. The Podger review (2002), leading to the amalgamation of the former service departments into DPS, (see Chapter

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[87] See, for instance, *Appropriation (Parliamentary Departments) Act (No. 1) 2017-2018*.

[88] A full description of the governance of the departments comprising the Australian Parliamentary Service can be found at: Department of the Senate 2017; Department of the House of Representatives 2017; Department of Parliamentary Services 2017; Parliamentary Budget Office 2017.

4) dwelt principally on the provision of the security function and the efficiencies which might be achieved by a reduction in the number of departments—not on clarity of decision making, appropriate oversight or effective personal accountability as emphasised by the HOCGC (2014). The Baxter review (2015), commissioned after the performance failures in DPS (see Chapter 4), based its recommendations for that department's future governance on two basic principles: a simplicity of planning and implementation and clarity of objectives. The Senate Finance and Public Administration Legislation Committee (2015c), in its final report into the performance of DPS, echoed an observation on governance made by a former Auditor-General, Ian McPhee, emphasising the role of senior executives in setting an example:

> While having the right governance structures and processes in place is important, it is an entity's people who achieve excellence and drive change. A vital role for senior executives is to set the right tone at the top and to reinforce entity values, enthusiasm for good governance and a focus on performance and accountability. More work also needs to be done to build cohesion and engagement between DPS management and staff over the longer term to encourage constructive working relationships within an environment of ongoing parliamentary and public scrutiny (SFPALC 2015c, p. 15).

Formalised governance in the Australian parliament is not totally absent, however. Each House of Parliament has a House Standing Committee (the House of Representatives Standing Committee on Appropriations and Administration and the Senate Standing Committee on Appropriations, Staffing and Security) looking at resources (broadly defined) and, as noted, the presiding officers are advised by the Joint Standing Committee on the Parliamentary Library and a number of bodies related to the joint services for which they are responsible. The parliamentary departments have their own departmental management structures. But as far as can be publicly discerned, there is an absence of *ex ante* engagement by members and senators in strategic governance issues, as opposed to *ex post* criticism of performance, and the governance framework lacks the transparency and clarity of decision making, delivery mechanisms and strategic intent highlighted by the HOCGC (2014) and the House of Lords Leaders Group on Governance (2016b).

The study now turns to an examination of the dilemmas outlined at the beginning of the chapter to further elucidate the influence of the different governance structures and level of member engagement in each parliament.

The dilemma of who speaks for parliament

The first governance dilemma relates to authority and advocacy. I have questioned whether members of parliament are constructively engaged in governing and managing their own parliaments and I argue that a key element of constructive engagement is the extent to which members exercise authority or accept responsibility for parliamentary administration, and whether they are willing to advocate for management reforms (see also Norton 2017; Judge & Leston-Bandeira 2018). In this context I contrast advocacy with scrutiny—a willingness to engage in strategic analysis for improvement and reform as against oversighting and critiquing operational performance.

The concept in public management theory of engaging with an 'authorising environment', or coalition of stakeholders, whose support is critical in order to achieve valued objectives proposed by public managers (Moore 1995), has been hotly contested (Moore 1995; Rhodes & Wanna 2007, 2008, 2009; Alford & Hughes 2008; Alford & O'Flynn 2009; Benington & Moore 2010). Wanna[89] equated the term to a 'disarticulated negotiated environment'. It is unlikely that the theoretical concept of an authorising environment has been seriously considered or applied in the parliamentary context, yet the idea lends itself to an environment where there is an institutionalised blurring of the divide between political and administrative authority. In Lynn's (2006) public management dimension of 'structure' (see Chapter 2) there is (or should be) a clear line of authority between a minister and a departmental secretary. However, examination of the governance structures and processes in the UK and Australian parliaments; recent academic literature on parliamentary authority (Norton 2017; Judge & Leston-Bandeira 2018); the views of some interviewees aired in this chapter; and other empirical evidence, including from the HOCGC (2014) shows that this normative relationship does not exist in the parliamentary environment. Paradoxically, Moore's concept of a loosely described authorising environment, especially when conceived as a coalition of stakeholders, may provide some value in navigating the complexities of parliamentary governance.

Even where legislated mandates or formal structures exist, the sources of administrative power and authority in the UK and Australian parliaments are not clearly delineated in practice, unlike in those countries' respective civil and public services, and this was made apparent by many interviewees. Simon Burton, then Reading Clerk in the House of Lords, described the UK system (whereby the elected Speakers in the two Houses have defined responsibilities but widely varying powers, and the clerks are the heads of administration) as a 'nice platter of different cheeses'. There is no final source of authority;

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[89] J Wanna 2018, pers. comm., 30 April.

everything has to be negotiated.[90] At a University College London (UCL) Constitution Unit lecture in the UK parliament on 16 March 2015, Lord Lisvane, former Clerk of the House of Commons, reinforced a point made in the HOCGC report (2014, p. 9): the House of Commons is run by 650 members, all of whom are skilled at articulating concerns and making an argument. He observed later that members were not always sufficiently consistent or well enough informed to be supportive in the role he was trying to discharge as Clerk but also they were not enthusiastic about handing too much power to one individual, and the inevitable unpredictability of parliaments and rapid shifts of focus posed additional difficulties.[91] As we saw in Chapter 3, historically the Speaker derives authority from the *collective* members of the House. The HOCGC (2014), at the urging of the then Leader of the House, William Hague, reiterated that there should *not* be any *sole figure* in charge in the same way that a secretary of state is accountable for his or her department (2014, p. 17). Herein lies the dilemma of the 'authorising environment' (Moore 1995).

In the Australian parliament, the observations are similar: in strict terms the presiding officers have legal authority over their respective departments (except over employment matters) and the heads of department have strong powers and responsibilities to exercise their roles (see *Parliamentary Service Act 1999*). In practice, according to then Clerk of the House of Representatives, David Elder, 'parliaments do muddle along a bit without anybody in charge … it is a bit of a moveable feast'.[92] John Hogg, the former President of the Senate who co-appointed Carol Mills as Secretary to DPS, was definite that it was 'not the role of the presiding officer to manage the Department of the Senate, or co-manage in the case of DPS … and you try not to, and do not, become involved in the day-to-day management …'.[93] He differed from his successor, Senator Parry, who believed that parliamentary administration was 'by and large' entrusted to the two presiding officers who 'come together and jointly administer' the parliamentary departments. He noted that whilst the two clerks have autonomous roles, under broad policy direction, administration of DPS was 'more at the whim of the presiding officers'; the departmental secretary having more of a direct reporting responsibility 'without the security of tenure'.[94] One might expect that less autonomy would equate to more engagement with the presiding officers but evidence from interviewees did not bear this out.[95] Indeed,

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[90] S Burton 2015, pers. comm., 14 April.

[91] Lord Lisvane 2016, pers. comm., 11 May.

[92] D Elder 2017, pers. comm. 7 April.

[93] J Hogg 2017, pers. comm., 20 June.

[94] S Parry 2017, pers. comm., 20 June.

[95] A Podger 2015, pers. comm., 4 August; R Stefanic 2017, pers. comm., 10 April; C Mills 2017, pers. comm., 11 May; A Thompson 2017, pers. comm., 13 July; C Paterson 2017, pers. comm., 17 August; A Smith 2017, pers. comm., 27 October.

former DPS Secretary Carol Mills claimed that when she arrived at DPS her biggest problem was that it was 'friendless':

> I kept saying, 'We've got no friends. We've got no advocates. We've got no one in the positions of importance who put us as a priority.' Our friends [should be] the presiding officers, but we're not their best friends; their main friends are the clerks, and that's understandable. There was no committee or anything that I could go to that was responsible for supporting us … There was no one that you could build a rapport with who would be held responsible for supporting you and making sure that you were doing a good job … It cuts both ways. I thought that was a really big problem. We just didn't have any way to build friendships (C Mills 2017, pers. comm., 11 May).

In a joint submission to the SFPALC (2015c) then Presiding officers Bishop and Parry claimed that the role of the presiding officers in respect of DPS *was* similar to that of a Minister overseeing a department of state but the evidence did not support the presence of an advocacy role; instead it suggested a blurred accountability in the context of limited 'ministerial' management skills and a reluctance to drive improvement (see Di Francesco 2012; Rhodes 2016). At worst, there appeared to be an abdication of the management or governance role of the presiding officers; at best, as we have seen in earlier chapters, it suggested a siloed approach towards 'departmental' rather than 'parliamentary' management. As Norton (2017) and Judge and Leston-Bandeira (2018) concluded in respect of the UK parliament, it appears that there is no clear authority for promoting the Australian parliament as a holistic institution or for seeking to engage its members or the general community in thinking strategically about its future role.

As I have noted, the level of constructive member engagement by members in exercising authority for administrative decision-making was a differentiating factor between the two parliaments. Although in both there appeared to be no clear line of ministerial-type authority and accountability for their administration, the establishment of formal governance structures in the House of Commons and House of Lords administrations indicated a greater acceptance of the need for members to be involved. How effective that engagement has been is discussed later in the chapter.

The tradition of independence of the office of Speaker of the House of Commons[96] was also a contributing factor in the extent of engagement, including advocacy for reform. The incumbent is less

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[96] On election a new Speaker must resign from their political party and remain separate from political issues even in retirement. If a Speaker wishes to remain in office following a general election they will not campaign on any political issues but will simply stand as 'the Speaker seeking re-election'. Incumbent Speakers are

fettered by any real or perceived allegiance to the executive and at greater liberty to argue for reforms which might be viewed as privileging the parliament over the executive, particularly in terms of reforming parliamentary procedures (see Chapter 7). According to the Institute for Government's first *Parliamentary Monitor* (2018):

> The current Speaker's willingness to grant more of these [backbench] requests than his predecessors has renewed many of these procedures. Reforms to other mechanisms, such as petitions, have also offered greater scope for backbench involvement. Many of these changes have made Parliament appear more accessible, and relevant, to the public (Lilley & Haigh 2018, p. 77).

But it is unlikely that the UK Speaker's independence from the executive is the only factor in explaining his engagement in administrative or procedural reform. The strong enthusiasm for engagement with administrative issues exercised by (now former) Speaker, John Bercow, stands in contrast with his immediate predecessors, Speakers Martin and Boothroyd (Boothroyd 2001; vanHeerde-Hudson 2014).[97] Indeed, Martin's incapacity to manage the unfolding crisis of the members' expenses scandal and its effect on the UK parliament's reputation led to his being forced to resign in 2009.[98]

According to many interviewees, Bercow's strong engagement in administrative and procedural reform was driven by his personality.[99] In adopting new beliefs and performing new actions he would appear to be a classic example of a 'situated agent' (Bevir & Rhodes 2006), exercising his ability to transform practices embedded in tradition. Not all of his parliamentary colleagues considered his engagement to be constructive, as is evident from the 'Mills affair' recounted in Chapter 4 (see also Geddes & Meakin 2018; Leston-Bandeira & Thompson 2018). Some have suggested that Bercow's election to the speakership and his motivation for reform were designed to upset his former Conservative colleagues (see for instance, Wheeler 2009; Wintour, 2014). Many others believed that he overstepped the role of Speaker (Hope 2017; Walker *et al*. 2017, but see discussion in later chapters). But it must be remembered that he still required the support of a majority of his colleagues in the House to be re-elected, and his willingness to act as an advocate for institutional reform can also be associated with outcomes which are widely regarded as positive for the parliament in its three broad roles of enabling, scrutiny and deliberation, including his support for a greater role for

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generally, but not always, unopposed by the major political parties who will not field a candidate in the Speaker's constituency, including the party they were originally a member of.

[97] See also A Walker 2015, pers. comm., 23 September.

[98] See discussion of expenses scandal in Winnett and Rayner 2009.

[99] O Gay 2015, pers. comm., 16 September; L Sutherland 2015, pers. comm., 15 September; Lord Lisvane 2016, pers. comm., 11 May; House of Commons Clerk 2015, pers. comm., 23 September.

backbenchers and his advocacy for greater diversity within the House Service.[100] Bercow described his role thus:

> I'm not always 'cruising for a bruising', always wanting to have a fight about everything—absolutely not—there is much to be said for periods of stability. But I have always said that you can either be a reforming Speaker or you can be an uncontroversial Speaker, you can't really be both. If you choose to try to make reforms—some of your own initiative, others that require the support of colleagues—there will be opposition, there always is, that's life. People, either because of their vested interests, because they are wary of change, they are comfortable with the status quo or they are people who have always been agin you anyway and they see a chance to cause some trouble, they will oppose. My view is that it is not worth having an argument about everything, but where you think there is an enduring and significant worthwhile change that can be achieved it is worth going for it. If there is a bit of flak or a few people complain or there ends up being a bit of an argument or you get some criticism either from colleagues in the newspapers or whatever, so what? What is that old expression 'one in five people is against everything all the time' (J Bercow 2016, pers. comm., 11 May).

In the House of Lords the Lord Speaker and senior Deputy Speaker are also required to lay aside their party affiliations for the period they are in office, thus removing the constraints of party allegiance on reforms which might affect the status of the institution. There is increasing evidence that they are taking a strong position on governance matters, partly in an effort to retain the Lords' voice on issues of joint governance and to secure greater public regard (House of Lords House Committee 2016; Russell 2017b).[101]

The 'independence' tradition plays out differently in the Australian parliament and in the two houses. The Speaker of the House of Representatives, Tony Smith, pointed out that he was required to be 'impartial' rather than 'independent'; the latter being an impossibility in a parliament where both Houses could not afford to relinquish seats.[102] He did not demonstrate the strong advocacy role for parliamentary administrative reform displayed by Bercow, rather he took the Lenthall view that this was a role for the House and not the Speaker, although his attempts to improve standards of behaviour in the House of Representatives chamber have been recognised.[103] The Senate President also is not

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[100] J Bercow 2016, pers. comm., 11 May.
[101] M Davies 2016 pers. comm., 14 June; A Makower 2016, pers. comm., 15 June; F De Souza 2016 pers. comm., 9 June.
[102] T Smith 2017, pers. comm., 19 April.
[103] T Pasin 2017, pers. comm., 10 May.

independent of his or her party, although the ability to act independently is likely to have greater force in a House which is rarely controlled by an executive government.

The paradox of who speaks for the parliamentary institution is articulated by Judge and Leston-Bandeira who claim that 'those who "speak for" (most loudly and most persistently) and "act for" parliaments as institutions are not primarily elected representatives but rather non-elected officials' (2018, p. 154). They suggested that at a time when elected representatives are 'cowed by populist claim-makers' and confronted routinely by claims that are 'intrinsically anti-parliamentary and anti-elitist' this should be a concern in terms of representative democracy (p. 169). Norton (2017) also addressed the problem of a declining public trust in parliamentarians, arising not just from recent scandals and perceptions of poor behaviour but from broader societal and technological changes. In part, he ascribed the problem to parliament's unique constitutional nature by which no one individual can claim to speak for parliament. The solution, he claimed, lies not in adopting defensive responses to crises, such as the 'rushed and flawed' creation of the Independent Parliamentary Standards Authority, but in the members in each House adopting an outward looking, proactive rather than reactive approach: '… it is important that members come out of the bunker, guns firing' in order to meet public expectations and convey a sense of public service (pp. 200-01). These viewpoints from established academics, one of whom is also a parliamentarian, help to clarify the representational problem of who speaks for parliament. On the one hand they champion a greater understanding of institutional and representative claim-making; on the other they urge members to become more engaged in addressing the relationship between themselves and the public. This thesis also argues for greater member engagement in institutional governance and suggests that institutional advocacy and claim making, as well as accountability and responsibility, might be enhanced by members also exercising collective authority for decisions affecting the administration of their parliaments through formal and transparent governance structures.

The shibboleth of financial independence—a dilemma that may need reframing

The parliamentary funding dilemma, particularly the question of financial independence from the executive, emerged in Chapter 4 as a significant influence on beliefs and actions within the two parliaments. In the Australian parliament, chiefly within the Senate, the dilemma has been framed as a threat to its ability to carry out its scrutiny role, but it is not clear how much of the argument is driven by government-enforced efficiencies (Verrier 2007). Breukel *et al.* (2017) reviewed key reports and literature on parliamentary independence and provided a jurisdictional comparison of Australian and other parliaments in the area of parliamentary funding. They suggested that in Australia, and

particularly in Victoria, 'executive creep' or encroachment had weakened parliamentary independence (see also Donaldson 2017); a suggestion that resonated strongly with the documented views of former Senate Clerk Evans (see previous chapter). Governance of the funding arrangements and the role that the executive government plays in appropriating funds—who is in control of the purse strings—has long been a sore point, but many of the officials I interviewed felt that the concern had been overplayed.

The arguments for an independent appropriation, where the parliament, not the executive, determines the level and direction of funding, stem from the belief that when the executive controls the amount of money appropriated to the parliament it will exercise its power to limit the extent to which parliament can hold the executive to account or provide sufficient support to opposition parties. The UK parliament has more control over its funding than the Australian national and state parliaments (CPA 2005; Verrier 2007) and it is unsurprising, therefore, that concerns about financial independence are more prominent in Australia, particularly amongst clerks and parliamentary library staff (Evans 2005; Verrier 2007; Laing 2016; Breukel 2017). Several mechanisms for resolving the issue have been proposed, such as an independent funding model, greater collaboration between the parliament and the Treasury, and establishing a parliamentary corporate body (CPA 2005; Verrier 2007; Breukel, 2017). But there is no utopia of total parliamentary control. Sloane (2014) explained why financial independence is unachievable under Australia's Constitution and its proponents have also conceded that true financial independence is not achievable in any publicly funded organisation. Even the much vaunted financial independence of the UK is itself constrained at least in part by public opinion and this is prominently reflected in the establishment of the Independent Parliamentary Standards Authority, (IPSA), which controls and authorises members' remuneration and the majority of their allowances (Gay 2014). The CPA (2005) has acknowledged that public opinion is the 'real counterweight' to budgetary autonomy.

Former Senate President Parry claimed to be a very strong advocate for budgetary independence from the executive, perhaps influenced by the fact that the government coalition parties did not have a majority in the Senate, thus limiting the pressures of party affiliation. In support of the 'independence' cause he did not think it appropriate that the Senate should have to be a supplicant to the Cabinet's Expenditure Review Committee during budget discussions and he refused to appear before it, instead

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insisting that the Treasurer and Finance Minister should visit him.[104] Such a view was considered to be illogical or ineffective by some officials.[105]

Parliament's funding model was also taken up by the independent review of the Department of Parliamentary Services (Baxter 2015) which was set up apparently to satisfy the Senate Finance and Public Administration Legislation Committee that 'something was being done' about the department's performance failures. As I have noted, Baxter recommended *inter alia* that the funding arrangements for the parliament be consolidated into a 'global' or 'whole-of-parliament' model based on long-term strategic and annual operating plans, providing adequate coverage of essential modernisation and renovation of Parliament House; and that relevant parts of the ministerial and parliamentary services branch of the Department of Finance be transferred to the presiding officers. The review also reported that a number of senators and members had considered that it might be appropriate to establish a Joint Standing House Committee with appropriate terms of reference to oversight DPS, and its recommendations included establishing an overarching advisory board which would complement existing statutory and administrative arrangements. The proposals were not taken up.[106] Baxter suggested one reason was the potential reduction of staff numbers in the Department of Finance, then under the secretaryship of Jane Halton:

> Jane saw any reduction in numbers in her department as diminishing her position in the pecking order in parliament. She's not alone. There are still those within the bureaucracy who regard the number of people they have in the department as a significant indicator of their power. And it exists here in this parliament (K Baxter 2017, pers. comm., 21 August).

We can see here a case of self-interest or public choice theory at work; the purported sentiment aligns with the Senate thinking exposed in Chapter 4. And according to Baxter, another opportunity to improve governance had been missed:

> I came back, after very lengthy discussions, not only with the Speaker of the House of Commons but also with members of the House of Lords and the House of Commons, with a very strong view that it [a governance body] would overcome a lot of the problems and issues we've got, particularly in the next 10 years when they're going to have to deal with, if our population continues to grow, under the Constitution, increased numbers of parliamentarians, which means in turn dealing with internal design within the parliament. They're going to have to think about how they maintain the public's view of the

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[104] S Parry 2017, pers. comm., 20 June.
[105] D Kenny 2017, pers. comm., 27 June; A Smith 2017, pers. comm., 27 October.
[106] Q Clements 2017 pers. comm., 7 July; K Baxter 2017, pers. comm., 21 August.

parliament as an important institution in our democratic framework. It is about how they try and rebuild the trust in the institution per se, as against whether you like the current incumbents of the ministries. I certainly would strongly argue for a role that's similar to what they've got in the Speaker of the House of Commons in the UK (K Baxter 2017, pers. comm., 21 August).

In Australia there has been a strong push for efficiencies in line with public expenditure constraints generally and earlier chapters have documented this increasing focus. The evidence suggested that parliamentary departments were traditionally seen as 'hollow logs' carrying over large surpluses and arguing for their retention to mitigate the prospect of increased future expenditure (Evans 2003).[107] In DPS—the department hit hardest by the executive government's quest for efficiencies[108] the financial independence argument was not widely proselytised. David Kenny, DPS Deputy Secretary from 2005 to 2012, expressed no concern about being required to apply to the government for funding improvement through the Expenditure Review Committee; he did not think the existing funding model had worked badly:

> No matter what you do, the parliament is not going to be raising its own money. So the money is always going to be coming from government. Wherever the decisions are taken as to how much money is provided to parliament, it's still going to be getting it from the Finance Department (D Kenny 2017, pers. comm., 27 June).

Hilary Penfold, the first DPS Secretary, said she had not seen a proposed independent funding model which would give her confidence that the parliament would not be squeezed in subsequent years in the light of unforeseen events, once it was given control of its own budget.[109] Andrew Smith, a former Joint House Department senior manager, suggested that at the time of DPS's formation, the presiding officers should never have allowed the Department of Finance to reduce its budget; that they should have pushed back:

> Because the presiding officers' influence is fairly weak it's very hard for DPS or any of the parliamentary departments to get any innovative things up and running or to get increases in budgets or to stave off attacks on their budgets by the central agencies at any stage (A Smith 2017, pers. comm., 27 October).

These arguments suggest that rather than gaining agreement from the executive that a budget prepared by the parliament should go unchallenged, which might even bring unintended

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[107] See also C Paterson 2017, pers. comm., 17 August; D Morris 2017 pers. comm., 23 August.
[108] D Morris 2017, pers. comm., 23 August.
[109] H Penfold 2017, pers. comm., 19 July.

consequences, a preferable outcome would be for the parliament to develop a stronger ability to argue for effective funding on a case by case basis. Smith argued that these skills were not prevalent within the parliamentary service. [110] Recent annual reports show that both Houses have successfully negotiated additional funds for chamber and committee support (see Elder in Department of the House of Representatives, 2017; and Pye in Department of the Senate, 2017); it appears more difficult to secure funding for non-procedural activities.

As I have noted, in the UK the budget for the House of Commons administration is not limited by the Treasury, and it is conventional for the vote for the House of Lords administration estimate to go unchallenged (Breukel *et* al. 2017).[111] But this does not mean that the UK parliament's expenditure on its administration goes unchecked, as is evidenced by the austerity program following the 2010 election and the decision to limit the growth in expenditure in both Houses;[112] the setting up of IPSA following the expenses scandal (Winnett & Rayner 2009; van Heerde Hudson 2011; Gay 2014); and the deep concerns about the costs of restoring the Palace of Westminster which have continued to delay critical decisions (House of Commons House of Lords Joint Committee on the Palace of Westminster 2017; Meakin, 2017b; Meakin & Anderson 2019). Notwithstanding that the House of Commons Commission can determine its own funding without going cap in hand to Treasury, efficiencies have still been regarded in some quarters as politically driven. This view was strongly articulated by Ken Gall, a long serving House of Commons Hansard official who also serves as a member of the Trade Union Side, which represents key industrial organisations within the parliament:

> In my view, one of the biggest mistakes that has been made by the administration here has been an acceptance of a very politically-driven narrative which involves efficiencies. It involves value for money, it involves savings and austerity. I'm not saying that there is a bucket of money that, once it is emptied, can immediately be filled up again and can be thrown at parliaments … But this constant fixation with efficiencies, value for money, the need to generate savings, has been bought into hook, line and sinker by the administration of the House and has caused … a blurring of what parliament is about (K Gall 2016, pers. comm., 20 May).

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[110] A. Smith 2017, pers. comm., 27 October.
[111] See also A Makower 2016, pers. comm., 15 June.
[112] M Barrett 2015, pers. comm., 15 September.

But many other interviewees, in particular those more recently appointed, agreed on the need for restraint in the UK parliament's administrative funding, as evidenced by the following comments from Myfanwy Barrett, the then Finance Director:

> My view is that we are quite well resourced. There are relatively few areas that are under serious pressure. This is quite an important point because I think that if you've been here for 40 years since you left university and you've never worked anywhere else and you've seen us gradually become more critical, more scrutinising of the deployment of our resources and with tighter budgets it feels to you like we have got far too much going on and we haven't got enough resources and we are all under too much pressure. If that person went to work for a health authority for a fortnight I think their view would be completely different (M Barrett 2015, pers. comm., 15 September).

Overall, there was a strong sense from across the spectrum of interviewees of the need for efficiency and reduced wastage accompanied by some scepticism about the extent of efficiencies that could be harvested from initiatives such as joint working.[113] Difficulties with deciding on where efficiencies should be sourced and how outcomes could be measured were also raised.[114] As well, strong views were put forward that finding efficiencies should not preclude spending on worthwhile initiatives such as public engagement.[115] There was little doubt, however, that without external pressure the drive towards efficiency was tempered, even in seemingly harvestable areas like catering. As the former Clerk of the House put it:

> The Lords wouldn't want [their catering arrangements] to be taken over. They have a particular House style and if they can make money selling it good luck to them with their spotted dicks and funny old puddings. A lot of people obviously like it because they buy it. They can always go somewhere else (D Natzler 2016, pers. comm., 25 May).

The catering services often come to the fore in terms of complaints, both internal and external[116] and there was an obvious frustration with the failure of the joint working program to make savings in catering. According to Ian Ailles, the Director-General, the prospect of an imminent decant from the building appears to have served as an excuse not to rationalise the separate catering services and he

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[113] M Barrett 2015, pers. comm., 15 September; L Sutherland, 2015, pers. comm., 15 September; D Natzler, 2016, pers. comm., 25 May.
[114] O Gay 2015, pers. comm., 16 September; J Silvester 2015, pers. comm., 22 September; I Ailles 2016, pers. comm., 9 May).
[115] E Crewe 2015 pers. comm., 21 September.
[116] It was surprising how often the catering arrangements were emphasised in an examination of annual reports from 1980 onwards.

conceded that the joint working program had become a matter of spending money without any outcome. However, he remained:

> …utterly convinced that if you put the two caterings together, you could have at least as good a service, and probably a better service, and you could save a million or two pounds a year easily enough, and almost without breaking into a sweat. If we had the will, we could bring these two catering services together by next Easter, and we'd have 6½ years, even if we move out in 2025—a £2 million saving a year. Again it's a really good indicator of glacial speed and glacial thought. So we're walking away from £13 million in savings to the taxpayer (I Ailles 2018, pers. comm., 18 September).

I return to the topic of financial efficiencies in Chapter 6; for now we can see that a difference between attitudes in the drive for efficiencies in parliamentary administration in both countries appears to be related to who governs those efficiencies. In Australia, from the Senate's point of view, the issue is essentially the ability of the Senate to carry out its scrutiny role effectively. Similar arguments have come from the Parliamentary Library and its supporters about the importance of their ability to provide unlimited research services to members, particularly opposition members (see in particular Verrier, 2008). The arguments are not without their flaws—Chapter 4 has described the somewhat contradictory argument from a former clerk that surpluses needed to be retained in anticipation of future increases in committee scrutiny, notwithstanding the caveat that any potential increase was largely constrained by the time pressures on senators. These 'independence' arguments appear to have also had the effect through the years of limiting the debate on future improvements to the efficiency and effectiveness of services including those not directly related to the scrutiny role.

This thesis does not downplay the need for a parliament to be effectively resourced in order to achieve its key purposes of making laws, scrutinising the government and representing the populace. It finds that the drive for efficiencies, following the imposition of the efficiency dividend, has been greater in Australia than in the UK parliament and that the two UK Houses are somewhat ambivalent about efficiency gains from joint services. But I also argue that the separation of powers argument in Australia, focussing on parliament's need to assert its supremacy over the executive in terms of control of the proportion of public finances it receives, is unhelpful. Evidence provided in chapters 3 and 4 suggests that the arguments have also been influenced by disagreements on the share of resources which each department receives—in effect an internal power struggle about the supremacy of the two Houses over the separate services department (see Reid & Forrest 1989; Adams, 2002 and Senate department annual reports). Even strong advocates of financial independence for parliaments have conceded that true independence is not achievable; the parliament cannot appropriate its own resources

independently from government. There are opportunities, however, to strengthen a parliament's financial capacity through its governance arrangements, as demonstrated in the UK and other parliaments.[117] There appears to be little appetite for such a formal governance body in the Australian parliament, or for closer financial collaboration between the two Houses.

The governance dilemma—are members of parliament missing in action?

I have discussed the differences in the two parliaments between their governance arrangements and the extent to which they galvanise the authority and advocacy of the presiding officers and other members and officials in 'speaking for parliament' (Norton 2017). For the Australian parliament a significant contrast lies in securing financial resources and the ability of its presiding officers to act independently. But to return to a key concern of the thesis—the constructive engagement of members in parliamentary governance and management—I draw on Verrier's acknowledgment that even a statutory underpinning would not be sufficient to ensure a parliament's independence 'in the absence of ongoing, consistent stakeholder interest in parliamentary administration' (2007, p. 73). The same sentiment applies to effective governance. To recap briefly, the JCPAA (2008), SFPALC (2015c) and the Baxter review (2015) recommended seemingly sensible changes to parliament's governance including joint meetings of the respective Houses' administration committees and the establishment of an overarching governance body. But according to Quinton Clements, senior adviser to then President Parry, the presiding officers believed there was 'enough meat to the governance structure already' and there was no need to add another body which might take away their authority. The potential dilution of authority was also given as the reason for resisting joint meetings of the appropriations and administration committees.[118] The Australian parliament appears to have suffered from not just an indifference to proposals for strengthening governance but an active resistance, principally from the Senate.

When Norton (2000, 2017) argued the case for greater agency for parliamentarians, he was concerned with restoring public trust in parliament. Most recently, he saw the relationship between the parliament and the public as being under more significant challenge than at any time over the last century while parliament's effectiveness in performing its scrutiny role was, in fact, 'greater than at any time in modern political history' (Norton 2017, p. 191, see also Russell *et al.* 2016; Russell & Gover

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[117] For instance, the newest of Australia's parliaments, the Legislative Assembly for the Australian Capital Territory, has established the Office of the Legislative Assembly as a parliamentary corporate body and endorsed budget protocols to be observed in developing and considering its budget appropriations (Breukel, 2017; Skinner 2017).

[118] Q Clements 2017, pers. comm., 7 July.

2017; Russell 2019a, 2019b). Norton (2000) argued that achieving reform in parliament, whatever its nature, needs a window of opportunity, a coherent reform agenda and political will or leadership (see also Kelso [2009] and Geddes and Meakin [2018]). Acknowledging that achieving cultural change is difficult, the dilemma I have posed here is that of engaging members' interest in parliamentary administration and reform at a time when they are also increasingly under pressure to meet the expectations of their parties, their constituents and the public at large.

I sought the views of members who might be expected to contribute to their parliament's governance through their membership of internal governance or procedure committees. Amongst those in the Australian parliament who agreed to be interviewed, enthusiasm for advocating for administrative reform was mixed. Some strongly defended the *status quo*. The Chief Government Whip in the House of Representatives, Nola Marino, was a member of both the House Procedure Committee and the House Appropriations and Administration Committee. Her key consideration in her procedural role was the 'smooth management of government business to make sure that the government achieves its legislative aims' and, on administrative matters, 'in a similar way, just ensuring the smooth management and also that the appropriate level of scrutiny is applied'—a business as usual approach, by a Government Chief Whip committed to achieving the executive agenda. She declined to comment on whether any joint discussion had occurred between the Houses on an appropriate parliamentary funding model.[119]

We saw in Chapter 4 evidence that the Senate's established response to administrative reform has been to safeguard its financial interests and constrain the power of other parliamentary departments. The senators I interviewed by virtue of their membership of the Appropriations, Staffing and Security Committee and/or the Senate Procedure Committee offered little to suggest a coherent reform agenda. The Deputy President, Senator Sue Lines, gave priority to ensuring that procedural rules are fit for purpose in allowing the Senate to continue to play a strong scrutiny role.[120] Senator Katy Gallagher saw her associated roles as Opposition Business Manager and member of the Procedure, Appropriations, Staffing and Security, and Finance and Public Administration committees (roles she was given, rather than ones she aspired to) as facilitating or advocating the Labor Party's interests.[121] So is it up to the clerks in both Houses and other senior officials to play a role in governance or institutional representation as Judge and Leston-Bandeira (2018) claim to be the case in the UK

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[119] N Marino 2017, pers. comm., 14 June.
[120] S. Lines 2017, pers. comm., 15 August.
[121] K. Gallagher 2017, pers. comm., 14 June.

parliament? Should they be entering the 'purple zone' (Shergold, 1997; Alford *et al.* 2017b) and, if so, at what stage of the reform process? Then Deputy Clerk of the House of Representatives, Claressa Surtees, suggested that departmental officials had been 'a little bit coy in talking about the stewardship issue' and that they might be perceived as 'stuck in the past'. She said:

> We have to make sure that the narrative we've got around stewardship is a very modern and open one, so that people understand what it means. It doesn't mean doing what you've always done and not changing anything (C Surtees 2017, pers. comm., 6 June).

She advocated a more collaborative relationship between the parliamentary departments—'you need to bring your partners on board'—and between officials and those members who, whilst insisting on a well-oiled administration, were not sufficiently interested in administrative issues. Several current and former senior clerks were supportive of a House of Commons-style commission or board, where members would actively engage with governance issues.[122] The caveat was that their engagement would need to be at the highest level, rather than becoming involved in the 'nitty-gritty' or day-to-day operations—a theme that was constant in both parliaments. Surtees advocated for greater unity amongst parliamentary officials:

> I want people to think of themselves as servants of the parliament or supporters for the parliament rather than of this department or that department, and trying to promote the interests of one department against another department. I don't actually think that's very helpful for anybody, it isn't going to deliver a better service, and it will make us look like we can't get along. That's not very professional. The rest of the countryside probably thinks it's one organisation. And we are; we're one parliamentary service. So let's act like it (C Surtees 2017, pers. comm., 6 June).

Julie Owens, a shadow Assistant Minister and Deputy Chair of the House Appropriations and Administration Committee, said she could not imagine that the clerks would ever speak out on management issues, particularly on funding issues, and would need to rely on members to do so. She thought members of the appropriations committee had done a good job but acknowledged that there had been increasing budgetary pressure over some years.[123] On the other hand Gallagher did see a role for the clerks as the 'best thinkers and experts in their field' in promoting reform, though only in partnership with the parties and the crossbench.[124] The Clerk of the Senate, Richard Pye, and Deputy

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[122] D Elder 2017, pers. comm., 7 April; C Surtees 2017, pers. comm., 6 June; B Wright 2017, pers. comm., 25 May.
[123] J Owens 2017, pers. comm., 30 May.
[124] K Gallagher 2017, pers. comm., 14 June.

Clerk, Maureen Weeks, were more circumspect. Weeks described herself as an 'old-school' Senate officer and did not consider herself an advocate for reform; rather her role was to work with the President or Deputy President to resolve problems or confusion in the chamber:

> I see it as a very organic thing that evolves. To have it work, you can't have someone taking a hard line and saying, 'We must not do this,' or 'We must do that.' … It's a very organic thing, and to try and place more rigid theories of management over it just creates difficulties and avoids possibilities (M Weeks 2017, pers. comm., 23 May).

Pye recognised the increasing governance responsibilities of the Clerk's position, particularly in terms of satisfying the requirements of the PGPA Act. Although very conscious of his role in negotiating resources and co-operation to provide the best possible level of services to senators, he also appeared less inclined than previous clerks to 'jealously guard' resources and functions within the Senate and recognised the potential benefits of a parliament-wide approach. Of particular interest in light of discussion in the previous chapter, he questioned the effectiveness of senators continuing to demand more and more Senate committee inquiries despite their lack of time to contribute effectively to them. The lengthy quotation below presents an alternative view of the Senate's scrutiny role, and the responsibility of the Clerk:

> We need to make sure that senators are constantly aware of how much work they have generated for themselves and how much work they have generated for Senate committees, and how effective Senate committee processes are being in achieving the aims of particular inquiries … There is lots of criticism of Senate committee reports at the moment on that basis, that the time isn't there for anybody to sit down and do that analytical stuff, and to come to agreement between the different political parties and independents who are sitting on committees. Instead we get party policy positions stapled together, with some reference to the evidence that's been taken. That's not desirable, in my view. Part of it is desirable; it's always desirable to get evidence from people, particularly people who are affected or people who are experts. But if you don't round that out with a consideration among senators themselves of the possibility of compromise or the possibility of understanding each other's perspectives, that is a real lost opportunity … Senators need to see for themselves that they need to step back from the number of inquiries so that they can give themselves the time to do it right. But they have to come up with the criteria for doing that. We can't say to them, 'This one's worthy and this one isn't,' because that's not our role … What we can do is make sure that every agenda lists every reference that is before that committee at the time … to make it more visible. As I say, it's not for us to arbitrarily determine where the line should be drawn, but we can help people to make that decision for themselves, which I think is a proper role for us (R Pye 2017, pers. comm., 12 April).

It is possible that these comments from the recently appointed Clerk represent a turning point in Senate thinking, from scrutiny and inquiry at all costs to a focus which includes considerations of value. Pye's approach was acknowledged by other Senate interviewees.[125] But although he was positive about the 'upswing of co-operation' and the 'partnership vibe' across the parliamentary departments, particularly in the provision of information technology services, he left little doubt that he remains a 'sceptical questioner' in relation to governance issues.

In the UK parliament, notwithstanding the existence of formal governance structures, views were mixed about the level of engagement in governance by members. Then Clerk of the Parliaments,[126] David Beamish, said:

> …. there are a number of areas where one wants to do what members want. And members want one to do what members want but it's not easy to discern what members want. We have a committee structure, and members who aren't part of that complain that they weren't consulted. On anything controversial there is a variety of views. So you will probably find members who will complain that the clerks are running the show and things happen the way they want … I am hoping that the new structure will get the members of the relevant bodies behaving more like a board where they have a shared responsibility on behalf of other members for coming to a sensible conclusion (D Beamish 2016, pers. comm., 24 May).

Other House of Lords interviewees, including an adviser to the Leader of the House and the Chairman of Committees, affirmed the difficulties in engaging members in governance matters: administrative decisions did not always reflect the views of the majority; a single spokesperson for the House of Lords was not practical in a self-regulating House; issues moved between shades of the political and the administrative.[127] The House of Lords was also concerned with losing its voice in arrangements for joint working, particularly following a controversial decision by the House of Commons Speaker to establish a Parliamentary Education Centre within the parliamentary precincts.[128]

In the House of Commons one senior clerk, who did not wish his comments to be attributed, felt that the new governance arrangements expected too much of members in asking them to set a strategic direction for staff, having seen little evidence of member engagement to the level of detail required

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[125] Q Clements 2017, pers. comm., 7 July; M Weeks 2017, pers. comm., 24 May)
[126] As the Clerk of the House of Lords is known.
[127] M Davies 2017, pers. comm., 14 June; Lord Laming 2017, pers. comm., 13 June.
[128] The decision was approved by the House of Commons on 21 November 2013 (HC Debates 2013) and the education centre opened on 15 July 2015 (UK Parliament, 2015a). Bercow commented on the House of Lords resistance in a speech to Policy Exchange (Bercow 2015).

to run a complex organisation.[129] Others noted a lack of trust, still others were concerned about the involvement of members in the more important governance and management challenges and some claimed that members were interested only in getting into government.

Views from members of the House of Commons Commission themselves about their roles and purposes were mixed, although mainly positive. Members of the Commission were frank about the continuing need to reinforce the importance of strategic change and collaboration, including across the Houses. Prominent Labour member and former Commission member Chris Bryant was sceptical about the quality of parliamentary governance. He advocated a whole-of-parliament approach by suggesting a single committee of the parliament, responsible for the running of all 'management type' functions, leaving the *Standing Orders* and ways and means of doing business within each House.[130] For that to succeed, and for the parliament to run more efficiently and to create greater public value he was adamant that the House of Lords and House of Commons would have to work together with the Lords focussing less on their own identity and self-regulation. Labour member Nick Brown, then chair of the Finance Committee and member of the Commission, was pragmatic about the difficulties, not only of getting the Lords and Commons to work effectively together but in actively engaging Commons members in reform and in reconciling the plurality of stakeholder interests. He was positive, however, about the role of advisers and the external members of the Commission in providing assurance about the advice that the Finance Committee would provide to the Commission, particularly on administration estimates and major capital projects.[131] His attitude was in contrast to what we have seen from members involved in administration in the Australian parliament which suggested a culture of critical rather than supportive engagement.

 Sir Paul Beresford, also a (Conservative) member of the House of Commons Commission in its former and reincarnated form, and chair of the new Administration Committee, displayed no concerns about lack of trust between members and officials, nor was he disparaging of the requirement for effective governance. He, too, was positive about the benefits of having external members on the Commission. He challenged the view about members being interested only in getting into government, no doubt because, as a former minister, he 'had been there, done that' but he made a very good case for careful selection (or election) of members to their governance bodies. It is, perhaps, unsurprising that the chairs of the two supporting committees to the Commission would be positive about the Commission's

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[129] Clerk 2015, pers. comm., 23 September.
[130] C Bryant 2016, pers. comm., 23 May.
[131] N Brown, 2016, pers. comm., 7 June.

effectiveness—there is undoubtedly an element of 'they would say that, wouldn't they?'—and the thesis has acknowledged evidence to the contrary (see chapters 4 and 7).

Although the UK parliament appears to have established a greater potential for effective governance and management by virtue of its formalised governance arrangements, and its regular practice of reflection on their adequacy and appropriateness, it is by no means assured of success as the experiences highlighted in earlier chapters have demonstrated. In Chapter 7 I raise further concerns about management effectiveness.

Conclusion: a case of 'not me guv'[132] or benign neglect?

This chapter has addressed two of the key research questions in the thesis: the extent to which members of parliament are constructively engaged in the governance and management of their institutions, and how structural and other differences between the two parliaments inhibit or facilitate effective outcomes. To answer the provocative question heading this section, I do not conclude that either the UK or Australian parliament is bereft of responsible governance but the evidence does show that members collectively may be missing in action and, in particular, that both parliaments suffer from a lack of administrative advocacy and authority. Differing views have been presented on where the line falls between the responsibility of parliamentary officials and members for delivering effective governance and management and the oft cited argument for parliamentary control over its appropriations.

The UK parliament, in both Houses, has established formal governance mechanisms but not all interviewees were confident of their current or likely success. However, there is greater potential, at least in the House of Commons, for the Speaker to exercise his independence and authority and the current Speaker, John Bercow, is an exemplar in this regard as I will demonstrate in later chapters. In Australia factors including the political strength of the Senate and a lack of independent agency from presiding officers have in the past influenced the extent to which parliamentary departments collaborate with each other, even though the Senate and the House of Representatives are served by a single services department. I have also argued that repeated calls for Australia's parliamentary budgets to be developed independently of the executive could be better proselytised through more holistic, whole-of-parliament governance mechanisms. In the following two chapters I explore the

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[132] Relevant uses of this metaphor for avoiding responsibility in the UK and Australia include Taxpayers Alliance (2007) and Pelling (2017).

challenges of managing in the parliamentary environment, and outline the case for continuity *and* reform in the institutionalised procedures and culture of the two parliaments.

Chapter 6 — The challenges of managing in the parliamentary environment

Introduction

Chapters 3 and 4 narrated the evolution of management reforms in both parliaments, addressing dissatisfaction in the UK with accommodation and support, a lack of professional management skills, poor accountability, the slow take up of technology, little co-operation between functional departments, unclear lines of authority and limited strategic focus. In Australia the slow take up of technology, accommodation issues, and poor accountability and administration were also to the fore, as revealed in annual reports, but the reform emphasis was largely on attempts to reduce the number of parliamentary departments in pursuit of efficiency. For many years the approach to management in the UK was that of the 'gentleman amateur' (HOCGC 2014)[133] and this approach was also reflected in the Australian parliament when administration was 'something to be done on a Friday afternoon at the end of a sitting week'.[134]

In both parliaments the concept of 'management' appears to have been relegated to being of secondary importance to traditional and specialised parliamentary services. Management has been viewed with suspicion—something for others to be concerned about. Administration was uninteresting and unnoticed—until something went wrong. Senior officials usually focussed narrowly on their areas of expertise. But the early years of the twenty-first century have been marked by an accelerating pace of change. In the UK change has been prompted in part by the expenses scandal and public clashes between a reforming Speaker and conservative members and officials; in the Australian parliament the focus of the newly amalgamated Department of Parliamentary Services (DPS) was divided between trying to adapt several distinct cultures into a cohesive whole; coming to grips with a lack of corporate knowledge following the departure of specialised senior staff; and meeting service expectations and new security challenges from a shrinking budget. The approach of the departments of the Senate and the House of Representatives was largely 'business as usual', within the constraints of the efficiency dividend and the requirements of the new PGPA Act, but also required responsiveness to changes in the political landscape, in particular increasing demands from new members and senators (see Chapter 4).

Both parliaments have faced significant management challenges while more public exposure has simultaneously ushered in a new age of public cynicism and loss of respect for, or deference towards,

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[133] See also C Bryant 2016, pers. comm., 23 May.
[134] See also D Elder 2018, pers. comm., 7 April.

members of parliament. Amongst the challenges has been a need for those in the management box seat to overcome resistance from those favouring the *status quo*—an 'embedded political elite' consistently rejecting or diluting reform agendas which threaten their privileged position; in other words a clash between 'aversive and aspirational constitutionalism' (Flinders *et al.* 2018a). This challenge can also be seen as a clash between an historical institutional and path-dependent perspective, where change occurs only as a result of a crisis or accident (Kelso 2009; Russell 2011b; Flinders *et al.* 2018a; Petit & Yong 2018) and the strategically planned public management approach which this thesis advocates.

This chapter addresses three of the underlying research questions: the effect of competing beliefs about the relative value of procedural and management skills; the extent to which members of parliament engage constructively in management issues; and how structural differences between the two parliaments inhibit or facilitate effective management. It explores those structural differences by focussing on identity and the relationships between key actors before examining three associated management dilemmas: multiple stakeholders and competing roles; balancing operational and strategic management; and coping with scrutiny mechanisms.

Structural identity and relationships

> When the organizational structure is well conceived … the process of identification permits the broad organizational arrangements to govern the decisions of the persons who participate in the structure. Thereby, it permits human rationality to transcend the limitations imposed upon it by the narrow span of attention (Simon 1977, pp 288-89).

Fledderus *et al*. (2014) state that identification-based trust forms when parties identify each other's goals and understand and value each other's wants. Such trust is not essentially cognitive but emotional (p. 430). In this section I discuss the influence of each parliament's organisational structure on perceptions of identity and associated relationships. As discussed in Chapter 5, the UK parliament and the Australian parliament have different organisational structures but it is not evident that either has contributed to a shared parliamentary identity. In the larger UK parliament the management support functions are co-located with the procedural functions in two distinct services: the House of Lords Administration and the House of Commons Service. In the Australian parliament the management services have always been organised separately. This organisational structure seems to stem from historical accident, rather than specific design, following practice in the state parliaments (Reid & Forrest 1989).

In the UK the clerks of the two Houses retain ultimate control over all non-procedural services, either separately or under a shared services arrangement where costs are shared between them, generally under a 40:60 or 30:70 ratio. In 2007 the *Parliament (Joint Departments) Act* was passed to allow the corporate officers (the clerks) in both Houses to establish joint departments, subject to the approval of their respective governance bodies. The first and only joint department is the Parliamentary Digital Service (formerly the Parliamentary ICT Service) but more than 60 per cent of services are shared between the two Houses including security, procurement, archives, maintenance and outreach (House of Commons Governance Committee 2014; Torrance 2017). An outcome from the HOCGC was a commitment to review joint working in other services including Hansard, the Library and catering; however this was later abandoned, despite its potential to offer significant savings, particularly in the catering function, as I have noted (see Chapter 5).[135]

In the Australian parliament the procedural and management functions were clearly delineated on its establishment in 1901, as set out in Chapter 3. The 'personal fiefdoms' comprising the clerks of the Senate and House of Representatives and the heads of the Hansard, library and building management services were jealously guarded (Reid & Forrest 1989). The eventual amalgamation in 2004 of the three joint service departments following the Podger review (2002) disrupted the fiefdoms in one department only and left intact the structural division between the 'procedural' and 'managerial'. The ongoing structural delineation between the two 'professions' or skill sets could easily be seen as a catalyst or explanation for poor relationships between the clerks and other parliamentary service managers in Australia (see, for instance, Reid & Forrest 1989; Towell 2014, 2015).[136] It is unclear, however, that the evolution of management services under the authority of the Clerk of the House of Commons and the Clerk of the Parliaments (House of Lords) has led to a more unified service in either House in the UK parliament. Indeed, evidence provided to the Governance Committee and observations made by scholars and practitioners suggest that the hierarchy between clerking and managing has always been a strong feature of the parliamentary institution, with procedural services being highly valued and support services less so (Crewe 2005, 2010; Silvester & Spicer 2014; Gay 2017).[137] In both Houses the providers of longstanding traditional support services, such as library researchers and Hansard reporters have fallen somewhere between the 'procedural' and 'managerial'

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[135] D Natzler 2018, pers. comm., 12 September; I Ailles 2018, pers. comm., 18 September.
[136] See also Q Clements 2017, pers. comm., 7 July; C Paterson 2017, pers. comm., 17 August; D Morris 2017, pers. comm., 23 August.
[137] Note also L Sutherland 2015, pers. comm. 15 September.

cleavage while arguing strongly for their recognition amongst the higher echelons (Weatherston 1975; Reid & Forrest 1989; Verrier 1995; Gay 2017).

In the face of such a hierarchy, Oonagh Gay, a former House of Commons Library official, was sceptical about the capacity to develop a unified, corporate House of Commons Service, whilst conceding that things might be changing:

> If you work for DCCS [the Department of Chamber and Committee Services] you are perceived to have higher status than other staff in the parliamentary administration … And that has been perceived for many years as a problem when we are trying to create a unitary corporate service. One answer to that is to do away with departments altogether and simply develop functional units … there is no easy answer. But I think there is a real inheritance of dislike of the clerks as seeing themselves as different and superior to the rest of parliamentary staff and that is felt very keenly by many parliamentary staff. It may not be fair any more but because so many parliamentary staff started their careers 15 or 20 years ago old feelings linger on (O Gay 2016, pers. comm., 16 September).

Lorraine Sutherland, former head of the House of Commons Hansard service, was of a similar opinion. While she was extremely complimentary about the clerks' knowledge and procedural skills she lamented the fact that:

> They have in the past just been too aloof and too hierarchical in their approach and they haven't fully respected or appreciated anybody else who works for parliament. It is going to take a long time for people to get over that. It is going to take a long time for all the clerks to stop behaving like that. It is going to take a long time for the non-clerks to accept that they have changed and to feel that they are properly valued (L Sutherland 2016, pers. comm., 15 September).

Professors Jo Silvester and Andre Spicer, psychologists from Cass Business School, studied the working relationship between a small group of House of Commons staff and members. They found that if one took the view that parliament should have a 'somewhat limited purpose of improving legislation and holding the executive to account', the legislative process was the 'core' and all other services were there strictly to support that process:

> The closer you are to this process, the higher the status and importance that is accorded to your role. The Clerks are seen to be at the core, the library service at some remove, with services like IT and catering at an extreme distance (Silvester & Spicer, in HOCGC 2014).

The effects of differences in the management structures in the two parliaments can be interpreted in several ways. On the one hand, there might be a greater opportunity, within a unified service, for staff

at all levels with multiple functions to identify with the purpose, strategies and goals of the organisation and this opportunity has arguably been strengthened by the changes made by the incoming Director-General in the House of Commons (House of Commons Director-General's Review 2016).[138] These changes are likely, in turn, to influence the acceptance of change within the House of Lords Administration based on the adoption by the latter of practices similar to those recommended by the HOCGC (2014). On the other hand, the accretion of responsibility by the clerks over decades for the panoply of increasingly complex managerial *and* procedural services has inevitably led to a prioritisation of the procedural over the managerial[139] and this was borne out in the evidence taken by the HOCGC (2014) and in comments from interviewees.

Conversely, a separate services department might be expected to be more efficient and responsive than a hybrid department, provided there is a strong connection with the parliament's purposes, strategies and goals. The concept of a unified service in the Australian parliament was encapsulated at least in theory by the implementation of the *Parliamentary Service Act 1999* but in the case of DPS the absence of a strong cultural identity was seen by many interviewees as the harbinger of many performance problems since its creation in 2004.[140] Since 2004 the clerks have also experienced a 'hollowing out' of their management responsibilities other than the more routine management and governance of their own departments. They have lost responsibility for the security function and, subsequently, information technology responsibilities following a review of parliament-wide services (Roche 2012). As I noted in Chapter 4, losing functions was seen by former Senate Clerk Evans, as an institutionally inappropriate acceptance of private commercial concepts and, according to Senate adviser Quinton Clements, communications between the Senate department and DPS were at a very low ebb when the consolidation of IT services within DPS was first proposed by former Senate President Parry's predecessor, John Hogg, in 2012.[141] Evans had been clearly of the view that he should not have to deal with DPS, and this belief was apparently inherited by his successor. According to Clements, Senate officials saw the department as a 'usurper' which should never have been created and the departments did not really communicate. Clements reported that the relationship between the Senate and DPS deteriorated further during the tenure of Carol Mills as Secretary and the subsequent performance reviews by SFPALC, and these events have been well documented (see

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[138] I refer also to my interview with the Director-General (I Ailles 2016, pers. comm., 9 May).

[139] J Bercow 2016, pers. comm., 11 May.

[140] C Surtees 2017, pers. comm., 6 June; C Paterson 2017, pers. comm., 17 August; R Pye 2017, pers. comm., 12 April; R Laing 2017, pers. comm., 7 September; C Mills 2017, pers. comm., 11 May; D Heriot 2017, pers. comm., 10 April; R Stefanic 2018, pers. comm., 1 August.

[141] Q Clements 2017, pers. comm., 7 July.

Chapter 4). He noted that the then current clerks, David Elder in the House of Representatives and Richard Pye in the Senate, had brought a new form of pragmatism to their roles, realising that they had 'to just get on with it' and concentrate on providing services to members and senators, and this was also evident from their interviews.[142] Chris Paterson, senior adviser to the Speaker in the years after DPS's establishment, doubted whether the model of a separately constituted services mega-department, responsible to two authorities, was appropriate. There were problems with the model, and the structure had never been accepted by those affected; it was something that had been imposed upon them.[143] To Paterson:

> It was an implementation issue, I think. The problem is that the presiding officers change; with the new ones, it takes them a long time to get their heads around it. You may very well have a change of staff … As soon as you get a change, we're all back to square one … I've always felt that the three departments really need to work in a more collegial fashion … where they've created a DPS … in New South Wales [they] have regular meetings, with agendas, papers and decisions recorded … with both presiding officers … you can get away from a 'this is our turf' type situation … (C Paterson 2017, pers. comm., 17 August).

In Australia the continuing rivalries between departments have not been confined to disdain from the House departments towards the services department. Officials recounted the ongoing feud between former Senate Clerk Evans and Ian Harris, former Clerk of the House of Representatives, even to the extent of refusing to be in the same room together.[144] The examples I have recounted might be attributed to personality differences were it not for corroborating evidence of longstanding differences (Reid & Forrest 1989; Adams 2002). Even so, governance arrangements should transcend such differences or at least allow for their accommodation, but, as I have argued, the forums in the Australian parliament for discussing and enhancing parliamentary administration are limited. The evidence does not point to one best organisational structure in terms of management effectiveness. Instead it appears that both parliaments have suffered from the lack of a common identity and purpose which has narrowed the span of attention directed towards management issues (Simon 1977).

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[142] D Elder 2017, pers. comm., 7 April; R Pye 2017, pers. comm. 12 April.

[143] Q Clements 2017, pers. comm., 7 July; C Paterson 2017, pers. comm. 17 August.

[144] D Morris 2017, pers. comm., 23 August; H Penfold 2017, pers. comm., 19 July; C Paterson 2017, pers. comm., 17 August. The former clerks' professional disagreement also extended to their individual interpretations of section 53 of the Constitution and the powers of their respective Houses (Appleby & Williams 2009).

Transcending the limitations of institutional divides

I have noted that the governance structures in the UK parliament, where members and peers are formally engaged in governance processes and participate in strategic management decisions, appear to provide a greater potential for collaboration. Some members and officials in the House of Lords were also actively engaged in the HOCGC review (2014)[145] and there are arrangements in place for the audit committees and commissions of the two Houses to meet together. But as we saw in Chapter 5, these governance arrangements are not without their shortcomings and do not guarantee collective responsibility or engagement in management decisions. Recent examples include commission members not accepting responsibility for decisions which have attracted external criticism, such as the silencing of Big Ben for essential repairs to the Elizabeth Tower (Meakin 2017a) and the emerging discussions about workplace culture which are discussed in Chapter 7. Often there appears to be little common ground on administrative reform. Silvester and Spicer (2014) noted that staff can tend to 'mirror politician behaviour' by focussing on 'handling' the discussion rather than presenting options, resulting in confused decision making and non-decisions. An inquiry into bullying and harassment in the House of Lords (see chapters 7 and 8) described the relationship between peers and administrators as 'transactional and paternalistic' (Ellenbogen 2019, p. 74).

Members of the UK parliament expressed a variety of views about the level of engagement and interest in management. Chris Bryant, former Shadow Leader of the House and member of the House of Commons Commission was not confident that either the procedural or management roles were being carried out effectively. [146] He cited shortcomings in both political management—'We are glorious amateurs; we love being amateurs and I dislike that. I would prefer us to be more professional'—and in the operation of the House of Commons Commission—'I think it should be a management team … and it's not run as a team in any sense at all ... this is a place full of silos'. He claimed that the whole parliament was 'devoid of management techniques' such as 'away days' to promote team cohesion.[147] He was joined in this observation by Baroness D'Souza, then Lord Speaker, who spoke of the hostility she encountered when she suggested an 'away day' for fellow peers.[148] Lord Laming, then Convenor

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[145] David Beamish, then Clerk of the Parliaments (House of Lords), Lord Browne of Madingley, Lord Laming and Baroness Royall of Blaisdon gave evidence to the HOCGC. Written evidence was also provided by David Beamish, Lord Blencathra, Lord Cormack, Lord Kirkwood of Kirkhope and Lord Martin of Springburn.

[146] Chris Bryant is also author of a biography of parliament in which he notes that in terms of political reform 'an obsessive respect for the past and a dedication to constitutional evolution rather than revolution [has] led to piecemeal reform and a fudged constitution perilously dependent on custom, convention and gentleman's agreements' (2015). His views on management reform are similar.

[147] C Bryant 2016, pers. comm., 23 May.

[148] F D'Souza 2016, pers. comm., 9 June.

of the Cross Bench in the House of Lords, thought that serving on the administrative committees 'ought to be seen as a privilege and a responsibility' by peers and 'something really important' in their day-to-day lives, thereby implying that it was not.[149]

Bernard Jenkin, the Chair of the Public Administration and Constitutional Affairs Committee, was not a member of the Commission but claimed to have been instrumental in laying the ground for the HOCGC. He was emphatic about the need for a corporate structure—a board with non-executive and elected MPs to provide governance and leadership—arguing that a lack of leadership had been a more fundamental problem than whether to split the role of Clerk and CEO.[150] In the context of this thesis that is a useful observation; it also implies a criticism of the lack of engagement of members themselves in the governance and management of the House of Commons. The difficulties of engaging members in management issues, as well as the value of so doing, was echoed by members of the Commission.[151]

Some members of the House of Commons Commission were also critical of a perceived disinterest in management in some quarters, and a tendency for the Commission to focus on the trivial rather than the strategic, attributed partly to the highly charged political environment and also a constant concern with external perceptions—'What would the members think?' or 'What would the man or woman on the Clapham omnibus say about this?' Some spoke frankly about the need for a greater appreciation of business processes and project management skills and suggested that some of the 'unique' characteristics of the UK parliament could be overplayed and that there was scope for greater collaboration between the two Houses. (I explore this perception further in Chapter 8.) Others were confident that the organisation was moving away from its silo mentality whilst also being conscious of a culture of limited engagement that viewed change as doing the same thing in a slightly different way. Some were bemused by the way common services were provided by separate bodies and also saw opportunities for joint working and collaboration. Speaker Bercow anticipated 'more and more pressure over time to identify things that can be done together, more efficiently'.[152] Along with Chris Bryant and Ian Ailles, the first Director-General of the House of Commons, he was one of a minority of those interviewed to see potential in an administrative structure that crossed both Houses. Other, perhaps more 'constitutionally averse,' interviewees saw the provision of joint services as flawed, and

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[149] Lord Laming 2016, pers. comm., 13 June.
[150] B Jenkin 2016, pers. comm., 25 May.
[151] P Beresford 2016, pers. comm., 2 June; N Brown 2016, pers. comm., 7 June; T Brake 2016, pers. comm., 8 June.
[152] J Bercow 2016, pers. comm., 8 June.

some were reluctant to adopt the 'Australian model' of a joint services department in the light of the well-publicised criticism of its performance. Indeed, more than one senior official stated off record that the UK parliament had managed a narrow escape with the termination of the recruitment process for Speaker Bercow's choice of clerk.

In the Australian parliament officials have attempted more recently to limit the degrees of separation and enhance internal collaboration. The first whole-of-parliament strategic plan was published in 2017 following a thawing of relations between the Senate and DPS in particular. Former Senate Clerk Laing was a driver of the plan and she welcomed the arrival in 2015 of a new head of DPS who had, in fact, once been a senior clerk in the New South Wales Parliament.[153] Her successor as Clerk of the Senate spoke of a new era of 'rampant co-operation'.[154] But relations between members and officials, particularly management officials, have not been formalised to the same extent as they have in the UK. Officials are not members of either the Senate Standing Committee on Appropriations, Staffing and Security or the House of Representatives Standing Committee on Appropriations and Administration and there is no published record of the two committees meeting, despite a change to *Standing Orders* which would have facilitated such administrative collaboration. Instead, some senators were opposed to joint administration either through these forums or through the Joint House Committee which was also considered to be ineffective.[155] The recent SFPALC inquiries (2012, 2015) reflected a greater reliance on scrutiny and criticism than on engagement and collaboration, a dilemma which is discussed at greater length later in this chapter. Although there are moves to ameliorate conflicts in both parliaments, in the Australian parliament there appears to be less evidence of a commitment to a broader parliamentary identity; a limited ability to 'transcend limitations imposed by a narrow span of attention' (Simon, 1977); and less opportunity for members and officials to exercise collective agency.

The relationships between clerks and management officials, between members and officials and between the two Houses in each parliament can be problematic. They have been influenced to some extent by structure, particularly in the Australian parliament as we have seen from repeated attempts at structural change and repeated criticisms of management effectiveness. For both parliaments to achieve their strategic aims, including 'supporting a thriving parliamentary democracy' and 'securing Parliament's future' (House of Commons 2016, p 1, p. 8); 'to support and strengthen the House [of Lords] in carrying out their parliamentary functions'(House of Lords 2016b, p. 1); or to ensure that

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[153] R Stefanic 2017, pers. comm., 10 April.
[154] R Pye 2017, pers. comm., 12 April.
[155] Q Clements 2017, pers. comm., 7 July; C Paterson 2017, pers. comm. 17 August.

'senators and members are supported in the democratic process'(Parliament of Australia 2017b p. 3), it might be expected that parliamentary administrators would display the public management skills of the future, including negotiating interests among an array of different groups; working more productively with citizens; enhancing communication and emotional skills; and working across boundaries (OECD 2017). However, as the thesis has suggested, parliamentary administrators' agency is also situated within a web of beliefs and traditions (Bevir & Rhodes 2006) and parliamentary reform can be seen as being dependent on actors' beliefs and 'often wrapped up in power relationships between different actors' (Geddes & Meakin 2018, p. 22). These webs of beliefs and power relationships reflect multiple interests and open up a number of management dilemmas, to which I now turn.

The dilemma of multiple roles, multiple stakeholders, multiple relationships

The challenge of fostering a unified parliamentary service identity which encourages collaboration across Houses and departmental or functional boundaries is compounded by a lack of unanimity about the roles and functions of parliamentary administrators and the stakeholders they are serving (Silvester & Spicer 2014). As we saw in Chapter 5, the challenge is compounded by a diffusion in the 'authorising environment' (Moore 1995; HOCGC 2014; Silvester & Spicer 2014). Public managers have a public service ethos; they are serving the needs of the public but they do so through the auspices of their minister who is accountable for the performance of their department or agency. Parliamentary administration is seen by its practitioners to be more complex: at senior levels in the two parliaments there is not always a clear line of sight between service providers and their stakeholders, particularly in the Australian parliament with its separate services department.

This observation might appear to be somewhat simplistic: public servants too are faced with dilemmas in terms of crossing the line between the administrative/political divide and entering the purple zone, and when facing exhortations to be more innovative, strategic, responsive and accountable (Moore 1995; Shergold 1997; Alford *et al*. 2017b; OECD 2017). However, at least in theory, they identify strongly with their minister and his or her goals, and the value of the public advice, product or service they are providing is more readily articulated. The goals of 650 members and more than 800 peers in the UK parliament and 150 members and 76 senators in the Australian parliament are less discernible and the value to the public of an efficient and effective democracy is not easily captured, as we will see in Chapter 7. In light of these issues the questions 'Who are the stakeholders?' and 'Whom do we serve?' are presented here as a dilemma for parliamentary actors. In general, parliamentary administrators seem to identify very strongly with their particular roles, rather than with their

organisation[156]—they are role-oriented and task driven rather than goal driven. This can lead to conflicting priorities amongst different actors: managers, presiding officers and other members, clerks and other advisers.

In the Australian parliament senior officials in the Department of Parliamentary Services generally had an outward-looking view towards serving the public as demonstrated by the following interview extracts from the DPS Chief Information Officer, Chief Operating Officer and Secretary:

> I guess it comes down to our real customers or clients being the general public and the parliamentarians and their staff … we are here to facilitate the work of parliament, and that includes members, senators and the staff …Then obviously there is the way that the general public interacts with that. They can read Hansard, they watch broadcasts and they visit the building. Those, to me, are our real customers (I McKenzie 2017, pers. comm., 6 June).

> In my mind it's primarily about supporting the operations of the parliament. But a big part of that goes then on to that visitor group that's coming through and engaging with parliament. We've had to modify and adapt that a little bit with the security issues, but we still get a huge volume of visitors, a huge number of school children coming through each year, and we're hoping to increase both of those (M Croke 2017, pers. comm., 19 May).

> My service priority is obviously to the presiding officers (as my ministerial equivalent), the parliamentarians, their staff and then parliamentary department staff who support the parliament. Because we are also a tourist attraction, there is the public value element in terms of visitors who are citizens of Australia and international visitors who come to Parliament House to learn about parliamentary democracy (R Stefanic 2017, pers. comm., 10 April).

There also appeared to be a strong understanding about the need to manage the relationships between different actors with a view to accommodating conflicting needs, as recognised by Luke Hickey, Assistant Secretary of the Parliamentary Experience Branch:

> I knew that there were some tensions in and around the different departments, between DPS and the Department of the Senate and the Department of the House of Representatives. My first objective … was to … repair and rebuild those relationships. For us, as a visitor-facing function, it is so important that we are telling the work of the parliament as a whole, and for us to be able to tell that, we have to be able to understand what the Senate and the House of Representatives actually see as the important part of that story and how we can bring that over.

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[156] J Vice 2016, pers. comm., 14 June; I Ailles 2018, pers. comm., 18 September.

The other really challenging part to juggling this building is that it is a working parliament, a working building. What I might like to achieve from a pure visitor and tourism point of view in bringing people in and around the building the whole time simply does not work … particularly in a sitting week. So it is about juggling the tensions between attracting as many visitors as we can and helping to connect them not only with the building itself but with the parliament and to leave with a better understanding of the parliament and how it works. That is a really important part of DPS's role. But how do I do that without disrupting people who are working in and around offices, who are trying to access the building and who have their own visitors and guests coming to meet with them on work-related topics as well?...I think we have a really big advocacy role. Then there is a really important strategic job that we need to get to and spend more time on that [but it] often gets drowned out by the sheer volume of the operational work. It is a challenge. I'd love to be able to just go off and have autonomy in making decisions and coming up with great ideas, rather than having to go through and negotiate on everything. But it wouldn't work. It would end up in the kind of issues that the department has had in the past (L Hickey 2017, pers. comm., 26 May).

These observations are telling in light of comments by the former Departmental Secretary Carol Mills, who was brought in to fix the department's shortcomings after the 'billiard tables affair' and the first excoriating reports on the department's performance discussed in Chapter 4 (SFPALC 2012a, 2012b). Mills was quite clear in her discussion with me as to what she had been brought in to achieve:

I made that really clear at all of my interviews. I said, 'It seems to me that the distance between politicians and the community is getting greater. And when you think that DPS has the library, media recording, the IT systems, the building itself, the whole public side of parliament, there's a real opportunity for us to more strategically help the community and parliament get closer together'.

To my way of thinking, that was an interesting part of the job. So there was the change management aspect and the bigger picture about the parliament—not necessarily just the department but, through the department, the parliament … That whole culture of who does parliament belong to and so on seemed to me to be a significant issue. Because both of them [the then presiding officers, former Senator Hogg and former MP Slipper] were very receptive to that sort of direction, and were keen themselves to drive change and made it clear they were looking for a different way of both receiving services and engaging, I decided to give it a crack. I read a lot of the material about Parliament House, the building, and what it was designed to try and achieve. I thought those were all absolutely meritorious ambitions—pride in the building, Australian workmanship, access to the building, displaying for visitors, either official or tourists, the best of the country, and I thought lots of people were contributing well to that, but it wasn't seen as important. One of the things I wanted to do was raise the profile of those people, to show the value of what they were contributing … give a lot more information about what we did, and be much more on the front foot about it so that people could recognise the

skills and efforts that went into things. When the new presiding officers came [former Senator Parry and former MP Bishop] they weren't interested in the kind of bigger picture stuff. They weren't very interested in the fact that I was only just starting a change program (C Mills 2017, pers. comm., 11 May 2017).

The Mills account suggests a disconnect between her beliefs as head of a multi-function services department and those to whom she was immediately accountable. Following a rapid turnover of speakers, after Slipper, I interviewed the current Speaker, Tony Smith. I did not find evidence that he was 'keen to drive change and look for a different way of both receiving services and engaging' as recounted by Mills. Reform was a role for parliaments; he saw the Speaker's role as an umpire and his focus was very much on managing the business of the chamber. In his public role he placed a strong emphasis on his visits to schools. His approach was borne out by his colleague, Tony Pasin, the Chair of the Procedure Committee, whose comments on improving the public reputation of the parliament were directed at maintaining order in the House and using the *Standing Orders* to improve members' behaviour. Whilst these endeavours have merit, neither the Speaker, nor the Procedure Committee Chair emphasised other activities which might have the effect of creating value for members of the public; I discuss this issue further in Chapter 7.

Former President Parry claimed to be a reforming President, saying: 'the simple thing would be for me to turn up here, do the same old, same old and have an easier life'; however, his main concern in administrative terms appeared to be in wresting any vestige of control over the Senate's resources from the Department of Finance.[157] The clerks, as we have learnt, have tended in the past to hold to a dichotomous view of their roles as procedural curators, guardians and advisers with management seen as a peripheral function. Their stakeholders are predominantly the presiding officers and their deputies and other members, with the general public receiving the end product. David Elder, Clerk of the House of Representatives was keen not to overemphasise his role as a guardian of the institution, preferring to see himself 'as the humble servant of the most meagre backbencher'. He and the Clerk of the Senate confirmed the hollowing out of management responsibilities in their respective departments, reflecting that their principal role now was to provide a 'secretariat' to their respective Houses; a term that clearly delineates the very specialised nature of the role of the House departments.[158] These two clerks did not appear to feel threatened by this loss of function or see it as 'institutionally inappropriate' (Evans 2005); on the contrary the Senate Clerk in particular relished the prospect of devoting more

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[157] S Parry 2017, pers. comm., 15 June.
[158] D Elder 2017, pers. comm., 7 April; R Pye 2017, pers. comm., 12 April.

resources to his primary function of advising the Senate and its committees, throwing open the possibility of ceding more responsibility in the IT space to DPS.

Elder remarked that the only 'joint' responsibilities of either House were to administer the Parliamentary Relations Office (from the House of Representatives) and the Parliamentary Education Office (from the Senate). To Pye the purpose of public engagement appeared to be largely a function of presenting information about the work of the Senate; to Elder the emphasis was on school visits, either from school children to parliament or from members (including the Speaker) to schools.[159] The attention by each parliament to engaging with the public stands out as one of the significant differences between the two parliaments and in the case of the Australian parliament was acknowledged by the Deputy Clerk of the House of Representatives (Surtees) as a missed opportunity, due mainly to a lack of resources.[160] This important distinction is discussed in more detail in Chapter 7.

Some of the frankest but also most pragmatic views about the tensions which exist within the UK parliament amongst parliamentary officials, members and staff in their beliefs about their roles and purposes came from Paul Evans, long-serving House of Commons clerk and author on parliament. According to him, tensions exist between members and officials and between government and opposition members: firstly, in preserving institutional continuity while making the parliament more accessible to the public; and, secondly, in a government being able to achieve its political aims without jeopardising its continuing ability to do so when in opposition—in effect the maintenance of intra-parliamentary comity. He emphasised the essentiality of a central parliamentary purpose, rather than a set of cultural values, whilst acknowledging the difficulties of achieving such an outcome:

> You don't expect everyone in an institution as large as this, even though it's not very large, to be signed up to its cultural values. That's a kind of hegemonic, fascist ideology that wouldn't be desirable anyway. It's good to have grit in the oyster. So we don't want everybody getting up every morning and singing the parliamentary anthem and doing the parliamentary dance. We want people who don't give two hoots about it as long as they are good at adding up sums or putting in toilets that's fine. I don't think we have to make everybody sign up to the institution in that sort of vocational way. But you do want a culture in which you understand that the central purpose of the institution is to enable democracy to work and that includes people who hoover the floors and look after the plumbing and look after the finances. The central purpose is not to have an efficient financial system; it is to have an efficient and

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[159] D Elder 2017, pers. comm., 7 April; R Pye 2017, pers. comm., 12 April.
[160] I acknowledge the body of work undertaken by the Parliamentary Relations Office in the Australian parliament and its UK counterpart, the Overseas Office. The important inter-parliamentary work of the two parliaments is not discussed in this thesis which emphasises public, rather than parliamentary, engagement.

effective parliament and that message has to be very clearly communicated and enforced to use a slightly coercive word. The risk is the more you managerialise, the fewer people who are conscious of the importance of that message and the means of communicating it (P Evans 2016, pers. comm., 17 September).

The 'doing sums, putting in toilets, plumbing and hoovering (or vacuuming)' view of management echoes a clerkly disdain for the management role—the analogy from the former Clerk of the House, now Lord Lisvane, was 'keeping the lights on and emptying the bins'.[161] But in conforming with Crewe's account of the 'sympathetic yet cynical' parliamentary servant, Evans did not spare the procedural function either in his frank assessment of reforms following the expenses scandal:

> That's the way we went because everybody was in a flat spin about the expenses scandal and that gave a window of opportunity for a particular MP in the shape of Tony Wright who is one of the small handful—10 per cent, 5 per cent, three per cent—who are very interested in how the place works, to forward his own agenda with the help of some clerks and people like Meg [Russell].[162] There have been changes; I'm not saying they are changes for the better, they are just changes. They are changes in the direction that these people think are positive. What I had hoped would come out of the creation of the backbenchers' business committee was a real focus for backbench culture—the government, the opposition and the back benchers who would become somehow an across-party identity. I don't think that's really happened. They are the ones who would preserve parliament against the degradations of the executive, the front benchers on either side. All they are interested in is being in government and doing things. Parliament is really just a blocker, not an enabler (P Evans 2015, pers. comm., 17 September).

Other interviewees were frustrated with the plurality of the roles they were sometimes expected to play as head of a hybridised House service. David Beamish, then Clerk of the Parliaments, stated that he was 'here to run a parliament, not to sweat the assets of the Palace of Westminster' when describing a conflict over whether the House of Lords catering facilities should be operated on a commercial basis:

> I definitely think I'm running a legislative chamber and not a club. Although the place has some of the appearance of a club with its smart, historic décor, banqueting facilities and so forth I don't see my skills as running that sort of thing … It is a bit different from being a chief executive where you are actually engaged in the business. To that extent it is a slightly unusual position, exacerbated perhaps by the fact that members sometimes have strong views on these things … (D Beamish 2016, pers. comm., 24 May).

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[161] Lord Lisvane 2016, pers. comm., 11 May.
[162] Professor in Comparative Politics at the Constitution Unit, University College London.

Unsurprisingly, more recently appointed officials on the management side appeared more enthusiastic about their management roles, particularly following the appointment of the new Director-General, Ian Ailles. They were oriented towards the general public, particularly in terms of participation and engagement and the digital service, and the Director-General's review (Ailles 2015; House of Commons 2016) introduced a range of initiatives which included a greater focus on the customer; working across boundaries and balancing customer service with stewardship, defined as a 'continuing responsibility we have on behalf of the public for the good order, the effective running and the reputation of the House of Commons' (p. 12). Penny Young, Librarian and Managing Director, Participation and Research and Information, displayed a strong public value approach to her role:

> …through research, engagement and participation, we have a real opportunity—not by ourselves—to help to shift the reputation of the House through encouraging MPs to do certain things and through providing them with great information that they use and through reaching out to the public to explain and involve more. I think where we have got to with 'supporting a thriving parliamentary democracy' is wonderful, actually, because there was a really boring draft one when I arrived, which basically could have been translated into 'lie down and do whatever the MPs want'—not as simple as that. (P Young 2016, pers. comm., 9 June).

Rob Greig, then Director of the Digital Service echoed this enthusiastic, outward looking, public facing approach:

> There is a disconnect, or sometimes a disagreement, about who the customer is. If you talk to different subsets and groups of members, some will say the officials of parliament are here to serve members. That is it. They are not interested in us doing anything else. It's about serving members. They will say to you 'You do not exist without us'. I am not so sure about that actually … Just like there is diversity in the value sets of members—the opinions, the politics—there is exactly the same when it comes to digital. So there are those who think, absolutely we should be doing the public thing and there are others—a loud minority— who think 'You are here to service us'. I firmly believe that digital has a responsibility for reaching out to the public, supporting democracy and telling the story of Parliament (R Greig 2016, pers. comm., 27 May).

The continuing dilemma of multiple perspectives was insightfully explained by Ruth Fox, Director of the Hansard Society and a long-time advocate of reform relating to public engagement and working practices in both Houses, (2009, 2011, 2012a, 2012b). She was somewhat alarmed that a shift of power to new parliamentary actors following the Director-General's review represented a loss of 'political capital'. People just 'didn't get it', she said:

You have to engage with members; you have to bring them in; you've got to make them part of the process. You can't stand apart and say 'we are doing this anyway'. What worries me is people coming from outside who think that because of everything that's happened in terms of expenses, reputation and so on they are going to come in, reorganise and clean up and they owe their responsibilities to the public more than to members and therefore they dismiss members as part of the equation. That's what worries me. I think in the end, if you take that approach you won't get it done. And, the services of this House are designed to enable it to run as a legislature. Of course it's got to have accountability to the public and so on but it's got to function as a legislature and that means you've got to work with members. I'm not sure some of the people I'm dealing with who've been brought in from outside in the last year clearly understand that (R Fox 2016, pers. comm., 10 June, 2016).

The evidence I have presented of the tensions between the more traditional procedural view and the newer management view suggests that the dilemma has been more significant for the UK parliament than for the Australian parliament, particularly in the latter parliament's new era of 'rampant co-operation'. But many observations about the UK parliament would have been salient during the Mills tenure in the Australian parliament and could again be relevant in any return of the hostile relationships of the past. The evidence also suggests that the UK parliament has reflected more closely on its engagement with a whole range of stakeholders and placed a higher priority on its public facing role than has the Australian parliament without dismissing the need to continue to provide an effective service to members. The scale of reflection and inquiry that the UK parliament has afforded to its governance and management has also allowed it to engage more collaboratively and strategically in planning for its future. But in Chapter 7 we will see that there are still significant problems.

The dilemma of business as usual or designing the future: balancing operational and strategic management

The case for improvement

The bias towards efficiency—at least in terms of spending less money—is stronger in the Australian parliament, the likely product of the blunt instrument of the executive-imposed efficiency dividend introduced in 1987 and which has constrained expenditure since in a parliament which does not set its own budget. The UK parliament has not been subject to the same degree of external pressure (except in the aftermath of the expenses scandal) but has weathered continuing calls for efficiency through numerous management reviews over several decades in both Houses. In 2010, following the then Conservative government's austerity program, the House of Commons voluntarily imposed its own internal savings program, reaping a budget saving of 17.5 per cent over the next four years (Petit & Yong 2018). Rather than comparing the relative efficiency of each parliament this thesis examines the

priorities and actor relationships governing the allocation of scarce publicly funded parliamentary resources.[163] As Geddes and Mulley (2018) pointed out there are unanswered questions in terms of institutional support for members of parliament and the purposes and interests to which resources are directed and these issues go to the heart of the dilemma I have discussed above. To these questions I have added an emphasis on determining the broader public value of parliamentary administration.

There are continuing concerns about administrative effectiveness in the two parliaments. Petit and Yong (2018), more than three years after the report of the HOCGC (2014) was published, predicted that a key element to future governance and administration would be joint working, particularly on the restoration and renewal of the Palace of Westminster, but they also noted that the joint working program aimed at gaining efficiencies across the two Houses had 'fallen off the political radar'. I discussed in Chapter 5 the lack of political will to join up the two catering services. As Ian Ailles, the Director-General, surmised:

> You can only do joint working if both sides want to do joint working. I always think of myself as being employed by the parliament, not by the Commons. But that view is not shared with people who have been here for a long time (I Ailles 2018, pers. comm., 18 September).

The former Clerk of the House of Commons, now Lord Lisvane, was credited with attempting to reform and modernise the management of the House, notwithstanding his well-publicised falling out with the Speaker (see Chapter 4). But he was 'constantly haunted' by the fear of a 'catastrophic failure' of the building's services and was continually firefighting in order to head off adverse media publicity.[164] The restoration and renewal of the Palace of Westminster has been a long history of avoidance and delay

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[163] To put the efficiency question into context I draw on the Institute for Government's (2018) *Parliamentary Monitor* which noted that in 2017-18 the combined cost of running both Houses of Parliament, including members' salaries, allowances and expenses (and net of income generated through catering and retail outlets) was £527.1m—the cost of running a medium sized Whitehall department. A comparable statistic for the Australian parliament was not available; however, Uhr and Wanna (2000) cite a figure of $550m, or 0.09 per cent of gross domestic product, as the cost of running the parliament, including related expenditures. Former Independent member of the House of Representatives, Peter Andren, claimed that the Australian parliament was one of the most expensive legislatures in the world, at $19 per head per annum (Australian House of Representatives 1999) while Harry Evans (1999) noted that the annual budgets of the parliamentary departments amounted to 0.062 per cent of Commonwealth government expenditure while total expenditure on parliament, including expenditure on members' remuneration and entitlements and services provided by other departments, was 0.16 per cent of all government expenditure. These statistics suggest that the relative cost of parliament is low from a total public expenditure perspective, but see Dickinson (2019) on ratio bias and Malcolmson (1999) whose comparison of cost-effectiveness between the UK and Australian parliaments concluded that the Australian parliament was overstaffed and far from international best practice (p. 104).

[164] Lord Lisvane, 2016, pers. comm., 11 May. His fears were vindicated when a significant water leak caused the Deputy Speaker to suspend a House of Commons sitting. The House subsequently adjourned for the day (see Walker 2019).

(see Crick Centre 2018; Flinders *et al*. 2018a; Meakin 2018) and, as we saw in the opening chapter and from the HOCGC (2014) report, there was much criticism of waste and inefficiency directed towards building operations and facilities. The management and preservation of the parliamentary building, both as a functional workplace and a symbol of parliamentary democracy, is a key element of parliamentary administration, as discussed in Chapter 2. It provides a useful example of the challenges presented by multiple stakeholder perspectives and the emphasis placed on operational versus strategic management. As the recently retired Clerk of the House of Commons, David Natzler, put it:

> We've had this concentration on R&R over the last two or three years. It has become an almost overwhelming, almost obsessive priority, to the point where one forgets that we're trying to run a parliament, whatever the building is. It has become an obsession and it has absorbed a lot of resources, including not just money but management time and resources, and political effort (D Natzler 2018, pers. comm., 12 September).

The HOCGC (2014) may have reiterated that its inquiry was not the result of any particular failure in services to members but it also emphasised that 'good performance in the past is no guarantee of good performance in the future' (p. 35). A report provided to the House of Commons Administration Committee on the success of new members' induction and their use of House services following the 2017 general election (Kenny 2018) indicated that there is no guarantee either that perceptions of good performance are universal amongst members and their staff. Concerns were expressed about 'alien' parliamentary procedures, information overload, office accommodation, digital services, catering and unclear communications. Many of the concerns had been highlighted previously and there was a perception that further action was required. Despite the new governance framework mandated by the House of Commons, in the Administration's 2017-18 annual report the then Clerk of the House of Commons reported his disappointment that 'for the seventh successive year, the Head of Internal Audit has only been able to offer a limited opinion in relation to the level of assurance … due to the acknowledged continuing weaknesses in the governance, risk management and control framework which impairs our effectiveness' (Natzler 2018b, p. 8). Problems still remain with management accountability and governance.

In the Australian parliament the Podger review (2002) was principally concerned with security administration and financial savings and offered little by way of a strategic path. Its author acknowledged that the parliament does not tend to look at its administration in a systematic way and that as the then Parliamentary Service Commissioner he could have played a more substantial role in facilitating dialogue between departmental heads. He was annoyed that the implementation of the

review was also compromised by an associated Department of Finance-imposed funding cut.[165] The Australian National Audit Office (2006) reported that eight out of nine of the Podger resolutions had been partly or fully implemented, and that DPS had absorbed the Finance-imposed reductions with 'only minor changes to its services' (p. 13). Nevertheless, it called for an improvement to the measurement and reporting of DPS service levels and concluded that the parliament's administration could benefit from greater strategic planning for security and ICT and more formal processes for planning major initiatives.

A submission by another former Parliamentary Service Commissioner, Stephen Sedgwick, (2011) to the ongoing inquiry by the Senate Finance and Public Administration Legislation Committee into the performance of DPS noted that a 2009 review by former Commissioner Lynelle Briggs in 2009 had, *inter alia* emphasised the 'desirability of looking for better ways for the parliamentary departments to continue to work together to take advantage of strategic opportunities and achieve economies of scale not available to smaller organisations' (Sedgwick 2011, p. 3). He concluded his submission by noting that he had not been approached by the presiding officers, either 'to inquire further into these matters, or undertake any further review' (p. 4). The two inquiries conducted by the SFPALC in 2012 and 2015 into the performance of DPS concluded, as we have seen, in strong criticism of its long-term strategic approach to the management of Parliament House, lack of leadership and strategic planning, threats to the design integrity and heritage values of Parliament House (2012a, 2012b) and poor employment practices. In 2015 (SFPALC 2015c) it reported that it found it hard to identify anything positive coming from the many recommendations made in the committee's 2012 interim and final reports.

I conclude the case for management improvement by noting a different tenor in calls for a more strategic approach in the two parliaments. In the UK the establishment of and outcomes from the HOCGC (2014) were predominantly an acknowledgment of many competing views about the adequacy and relative importance of management skills; they also represented the extent of frustration in some quarters with the lack of 'professional' management. The committee made thoughtful recommendations for delivering effective strategic management. The Senate committee inquiries into DPS performance were, on the other hand, excoriating and made little effort to restore a more co-operative relationship between Houses and between members and officials. In the context of the conflicting beliefs of institutional actors and the consequent dilemmas which the thesis has identified, the inquiries appear to have been concerned with highlighting failures rather than encouraging success. The SFPALC has remained highly critical of DPS's performance in relation to building works, security

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[165] A Podger 2014, pers. comm., 4 August.

and information technology, notwithstanding the encouraging progress on these fronts reported by DPS (SFPALC 2018, 2019a, 2019b; Stefanic 2018, pp. 1-9). There is a case, I argue, for promoting greater collaboration amongst parliamentary actors, prioritising strategic public management and fostering a whole-of-parliament corporate identity.

Designing for future performance

In this section I compare each parliament's strategic planning framework following the most recent governance reviews or inquiries which have served as 'critical junctures' in their administrative paths. As noted in Chapter 5, the Australian parliament is included as a Commonwealth entity under s. 10 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). A key focus of the Act is to 'improve the standard of planning and reporting for Commonwealth entities'; good quality performance information can, at the highest level, 'help us all to judge whether Australians' quality of life is being enhanced and whether public policy goals are being achieved (Department of Finance 2014, p. 6). The Act was seen by some parliamentary stakeholders as having the potential to engender more productive, informed and less adversarial relationships between agencies and parliamentary committees although others questioned whether better linkages between performance documents and the elevation of non-financial performance information would succeed in making the performance cycle more transparent (Barrett 2014).

The two current Clerks, Pye and Elder, were sanguine about their responsibilities under the Act although Pye thought it odd that the Department of the Senate should be describing what it does 'in terms that meet the requirements of a system put together by Finance boffins to explain performance in a space where we don't want to be throwing any more people at corporate tasks than we absolutely need to'. He stated that assessments about its performance were necessarily subjective but declared himself 'quite happy with where we've landed' following a process in which he had to 'fly solo' in developing the Senate's corporate plan and annual performance statement.[166] He also noted that this type of governance expertise resided more in the Department of Parliamentary Services. Elder and his House of Representatives colleagues did not appear fazed by their responsibilities 'to manage efficiently and effectively under the Act'.[167]

In the UK parliament the performance framework leaves performance planning and monitoring largely in the hands of parliamentarians apart from the arrangements for provision and oversight of members'

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[166] R Pye, 2017 pers. comm., 12 April.
[167] D Elder 2017, pers. comm., 7 April; C Surtees 2017, pers. comm., 6 June; C Cornish 2017, pers. comm., 26 May.

remuneration and allowances. Although the clerks are accounting officers the budgeting and performance of the two UK House administrations is overseen by the commissions of the two Houses, assisted by their respective audit committees. The commissions are also responsible for development and oversight of strategic, business and financial plans. Member engagement at the planning, not just the monitoring, stage and greater autonomy over budgets would appear to contribute to a more strategic approach, although this thesis makes no definitive claims about comparative performance or outcomes. There are, however, notable differences between the strategic documentation of the two parliaments.

The tables below compare the planning frameworks between and within the two parliaments. Table 6.1 depicts characteristics in the strategic plans prepared by the UK House of Commons and House of Lords. Table 6.2 depicts the strategic plan for the whole Australian Parliamentary Service, while Table 6.3 sets out the main features of the corporate plans of the principal parliamentary departments. Inferences can be drawn from the different emphases placed on functions, including whether they indicate future-oriented action or business as usual, and internal versus external engagement. All of the parliamentary services are committed to providing effective support for members—a business as usual outcome. The evidence also points to the House of Commons Service exhibiting a more aspirational, collaborative, pluralistic and outward facing approach than the other services, including through expressions such as 'supporting a thriving parliamentary democracy'; 'facilitating' effective scrutiny (with connotations of an enabling rather than a blocking motivation); 'involving and inspiring the public'; 'securing Parliament's future'; 'steering through challenges' and 'preparing for the future'. Officials are encouraged to be 'ambitious', 'collaborative', 'helpful' and 'proactive' (Table 6.1, House of Commons Commission 2016). The House of Lords Administration adopts a more conservative internally focussed view, with an eye to improving the public's perception of the House rather than 'involving' them. Officials are expected to display values of impartiality, integrity, diversity, inclusion and respect (Table 6.1, House of Lords 2016b).

The Australian Parliamentary Service is guided by legislated values; its officials are expected to be committed, ethical, respectful, accountable and impartial (*Parliamentary Service Act 1999*) and these are not reproduced in its strategic plan for parliamentary administration (Table 6.2, Parliament of Australia 2017b), which was developed in the period of 'rampant cooperation' which followed the Mills affair.[168] It appears to be a belated acknowledgment of the Australian Parliamentary Service itself; is descriptive rather than performative and includes no associated performance outcomes or links to

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[168] R Pye 2017, pers. comm., 12 April.

other planning documents. Collectively, the outward facing elements of the planning documents across the three main Australian parliamentary departments (Department of the House of Representatives 2018; Department of the Senate 2018; Department of Parliamentary Services 2018)[169] indicate a commitment to community access and engagement, innovation in technology and a renewed focus on the preservation of Parliament House after SFPALC's extensive criticisms (2012; 2015).

Table 6-1 Strategic planning and reporting in the UK Parliament

UK Parliament				
Features of the Strategy for the House of Commons Service 2016-21				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Strategic plan			Supporting a thriving parliamentary democracy.	
Objectives	Facilitating effective scrutiny and debate: outstanding professional expertise, advice, research, facilities, technology		Involving and inspiring the public: changing for the better, facilitating representation, relevant and accessible challenging misconceptions; securing parliament's future, steering House through challenges, preparing for the future	
Behaviours	Ambitious, collaborative, helpful, proactive			
Values	Skilled, united and diverse workforce, customer at centre, spending money wisely		Maximising digital potential, working impartially, inclusively and in partnership	
Delivery plan	Actions, success factors, team, deadline			
Features of the Strategy for the House of Lords Administration 2016-21				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Strategic plan	Support and strengthen the House and its members in carrying out their parliamentary functions			
Objective	Effective services to facilitate work of the House		Promote public understanding of House of Lords; make House safer, more secure and sustainable	
Values	Respect for role of House; impartiality; integrity; diversity; inclusion; respect		Responsibility to taxpayers, society and the environment	
Measurement	Regular surveys of members, staff and public	Evaluate impact and effectiveness	Take account of best practice	Improve performance monitoring tools

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[169] The Parliamentary Budget Office which has a singular purpose is not included.

Table 6-2 Strategic planning and reporting in the Australian Parliamentary Service

Features of the Strategic Plan for the Australian Parliamentary Service				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Strategic plan	Serving and supporting the parliament		Community access and engagement.	
Purpose	Parliament and committees function effectively. Senators and members supported			
	APH sustained as workplace and national institution			
	Independent, non-partisan parliamentary service enhanced			
Strategies	Continue to provide, deliver, manage advice and support, office accommodation; security, maintenance and accessibility of Parliament House; values, learning and collaboration across Parliamentary Service		Develop, implement, explore innovative services and technology; support engagement, promote parliament	

Table 6-3 Strategic planning and reporting in the Australian parliamentary departments

Features of the Department of the House of Representatives Corporate Plan 2017-18				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Corporate Plan Purpose	Support House of Representatives, advice and services		Wider parliament, community and other parliaments	
Activities	Advice, support to chambers, committees			
	Community awareness			Publications, seminars
	Schools and school visits		Inter-parliamentary relations, Capacity building	
	Members' and corporate support			
Capabilities	Workforce, information, community, asset management, stewardship, collaboration			
Performance	Subscription data, client and staff satisfaction surveys			
Features of the Department of the Senate Corporate Plan 2017-18				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Corporate plan purpose	Secretariat to Senate	Serving parliament as a whole		
Objectives	Continued expertise, support committees, publish records			
	Education programs			Community engagement
Capability	Institutional continuity, IT governance, risk management			
Performance	Accuracy, timeliness, satisfaction surveys			

Department of Parliamentary Services Corporate Plan				
Document	Business as usual	Internal facing	Future oriented	Outward facing
Corporate plan Purpose	Supports functions of APH, work of parliamentarians through professional services, advice and facilities			
Strategic themes	Effective stewardship of APH; delivery of APH works program		Respond to changing needs	Enhance community engagement
Capabilities	Communication, innovation, customer focus, accountability leadership			
Contributing outputs/targets	Occupants, library, ICT satisfaction, KPIs, ICT Strategic Plan			

As the tables show each parliament is committed to formally documenting its plans and performance outcomes, and it is beyond the scope of the thesis to attempt to evaluate and compare their success. However, the comparison of strategic planning frameworks appears to confirm that in the Australian parliament a greater emphasis is placed on 'core' business as usual, particularly in the chamber departments, but also in the whole-of-parliament strategic plan, rather than on taking a more reflexive and strategic approach. The public engagement role is expressed in terms of physical access to Parliament House, including school visits, access to publications and engagement with other parliaments. In contrast, the UK parliament's planning framework, particularly in the House of Commons Service, demonstrates a greater focus on outreach and dialectic engagement. It bears perhaps a greater resemblance to the somewhat hyperbolic value seeking imagination expounded by Moore (1995) and I address this point further in Chapter 8. In the next section I examine another dilemma—the challenges of managing and responding to scrutiny of performance in the two parliaments.

The dilemma of party politics: an abundance of scrutiny, or an excess of criticism?

Parliamentary scrutiny of government

To begin, I briefly address the scrutiny function ascribed *to* rather than *of* parliament—that of scrutinising the executive government of the day, including through deliberating on its legislative program, holding its ministers to account and examining the day-to-day operations of government departments and agencies. In theory, one could expect effective parliamentary scrutiny of the government to play an essential part in enabling the passage of government policy through careful deliberation, and thoughtful amendment where appropriate, in both chambers of a bicameral

parliament, thus avoiding the potential excesses of majority rule and protecting minority interests.[170] But this ideal is often at odds with the conflicting goals of government and opposition: on the one hand to pass legislation as quickly and efficiently as possible, on the other to ensure the capacity of opposition parties or individual members to thwart those parts of a government's legislative program which do not coincide with a particular set of interests. Parliamentary scrutiny can be directed to the pursuit of political advantage rather than effective policy making or deliberation and I noted in Chapter 5 the Senate Clerk's comments on 'stapled together party policy positions' (Pye, 2017). In the context of select committee inquiries, generally considered effective forums for scrutiny and deliberation, committee chairs and members are also sometimes at odds in the way in which they exercise their individual styles. [171] Even the most staunch defender of the Senate's scrutiny role, Harry Evans, conceded that to the average observer parliamentary scrutiny would appear to be 'patchy, messy, inconsistent and of dubious effectiveness', mostly carried out along partisan lines following issues raised firstly by the media or particular interest groups. He opined that question time was universally derided as a useless scrutiny tool. (Evans, n.d.). A longitudinal study into the attitudes of ministerial office holders in the Australian parliament towards executive accountability also found that high achieving cabinet ministers thought their accountability was primarily to the party rather than the parliament and even less to public opinion (Walter 2012). I have already noted the scepticism from House of Commons Clerk, Paul Evans, about the willingness of most backbenchers to work across party lines in the interests of effective parliamentary scrutiny. However, Norton (2017) suggested that parliamentary scrutiny in the UK has never been more effective. These issues are discussed at greater length in Chapter 7. The next two subsections deal with the challenges facing parliamentary administrators in responding to scrutiny of their activities by the media and by internal and external official scrutiny mechanisms.

Scrutiny of parliament by the media

> Parliaments are trophy organisations for the media…that is the nature of parliaments, they are constantly in the public eye (L Lisvane 2016, pers. comm., 11 May).

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[170] There is a considerable debate about the effectiveness of parliamentary scrutiny and its capacity to influence policy development which is beyond the scope of the thesis but see Russell *et al*. (2017) for a comprehensive analysis on the influence of parliamentary actors in the Westminster legislative process.

[171] Geddes (2016) identified different styles amongst committee chairs: catalysts who enable and build on the work of other members and chieftains who insert their own expertise and priorities into the agenda (see also Geddes (2019b) for a fuller explanation of how committee chairs, members and officials perform their scrutiny roles).

Scrutiny of parliamentary administration is not confined to regulatory mechanisms, audit oversight or parliamentary committee oversight. One of the great challenges to parliamentary administration is the risk of adverse media reporting.[172] A heightened and intrusive awareness by the media often promotes distrust and suspicion from the general public. [173] Figures 6.1 and 6.2 provide a sample of the multitudinous newspaper headlines covering each parliament during the study period; only one is supportive.

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[172] Lord Lisvane 2016, pers. comm., 11 May; R Stefanic 2017, pers. comm., 10 April; A Thompson 2017, pers. comm., 13 July; H Penfold 2017, pers. comm., 19 July; S Lines 2017, pers. comm., 15 August.
[173] T Goldsmith 2016, pers. comm., 12 May.

Figure 6-1 Sample of newspaper headlines in the Australian parliament during study period

Australian parliament

Sacked Department of Parliamentary Services secretary Carol Mills accused of misleading parliamentary committee

April 28, 2015

Read later

Stephanie Peatling
Senior writer
View more articles from Stephanie Peatling
Follow Stephanie on Twitter   Email Stephanie

Fit for purpose? Parliamentary Services to get full review

August 28, 2015 - 9:08AM

Noel Towell
Reporter for The Canberra Times
View more articles from Noel Towell
Follow Noel on Twitter   Follow Noel on Google+   Email Noel

Why is Bronwyn Bishop meddling in matters that don't concern her?

Date: 19 June 2015
Author: Irfan Yusuf
Sydney Morning Herald

Why the empty guardhouses at Parliament House?

May 22, 2015 - 6:35PM

Ross Peake
Senior reporter for The Canberra Times
View more articles from Ross Peake
Follow Ross on Twitter   Follow Ross on Google+   Email Ross

Cup of cronyism? Aussie's cafe and the bizarre attack on public servants who did their jobs

By Public Eye
6 March 2017 — 8:35pm

www.manaraa.com

Figure 6-2 Sample of newspaper headlines in the UK parliament during study period

UK parliament

BBC online
Modernising rows

Mark D'Arcy Parliamentary correspondent
21 May 2014

The Telegraph   ALL SECTIONS

Opinion   More ∨

🏠 › Opinion

John Bercow does not speak for Britain, just for his own monstrous ego
TELEGRAPH VIEW

6 FEBRUARY 2017 • 6:25PM

Women aren't confident abuse in Westminster has been stopped
Three women who have made allegations against politicians tell the Guardian political parties have ignored the issue for decades

The Guardian

Alexandra Topping
13 January 2018 08.58 AEDT. First published on Sat 13 Jan 2018 06.20 AEDT.

Corbyn: Westminster bullying claims require independent investigation
Comments follow allegations of bullying behaviour towards Commons clerks by MPs

The Guardian

Severin Carrell and Peter Walker
10 March 2018 05.50 AEDT. First published on 9 March 2018 21.43 AEDT.

Lord Lisvane spoke about the capacity of the media, including the 'FOI brigade' to influence management behaviours and decision making within the House of Commons Administration.[174] He saw it as an unavoidable frustration and, notwithstanding some regret about the original decision to include the UK parliament in the provisions of the *Freedom of Information Act 2000*, he was not an advocate for its reversion. Tom Goldsmith, former Secretary to the Commission also pointed to the inclusion of both houses of parliament under the *Freedom of Information Act 2000* as making a huge difference to the level of transparency and openness in the twenty-first century. He saw this as having led, on the one hand, to a more proactive communication of issues by the parliament but, on the other, to a greater public distrust of parliament particularly when other issues are brought to light, as evidenced by the 2009 expenses scandal and the havoc it wreaked on parliament's reputation. Members themselves have no hesitation in airing in the House or to the whips their complaints about services.[175] In fact the House of Commons Commission has a nominated spokesperson specifically to raise questions about the administration of the House of Commons *in* the House of Commons. In the absence of a political target the media will often turn to criticising a parliament's administration, particularly in a 'fallow news period'.[176] On a more positive note, Mark D'Arcy, the BBC's parliamentary correspondent, dismissed the 'familiar lament' (p. 207) that the reporting of parliament continues to decline by pointing to a new golden age of public access provided by non-traditional media, and he noted that key actors recognise the need to engage with the media to avoid adverse publicity and enhance public understanding (D'Arcy 2018).[177]

Uhr and Wanna (2000) cited an absence of media commitment to mobilising public interest in the Australian parliament, and saw little prospect of subsequent parliamentary reform (Uhr & Wanna 2000). The Australian parliament is not covered by Australia's *Freedom of Information Act 1982*[178] and there is no Australian parliamentary 'FOI brigade', but even the most minor issues of parliamentary management are similarly in the public eye.[179] Within the parliamentary environment it is generally

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[174] Lord Lisvane (2016, pers. comm., 11 May) was referring to the practice of some journalists to make repeated requests for information on which to base media stories.

[175] T Goldsmith 2016, pers. comm., 12 May; P Beresford 2016, pers. comm., 2 June.

[176] J Bercow 2016, pers. comm., 11 May.

[177] Note also R Stefanic 2017, pers. comm., 10 April; L Hickey 2017, pers. comm., 26 May; Lord Lisvane, 2016, pers. comm., 11 May.

[178] Under section 68A departments and office holders in the Parliamentary Service are not prescribed authorities for *Freedom of Information Act* purposes; a review of the Freedom of Information Act tabled on 2 August 2013 recommended that the Act should not apply to the Parliamentary Librarian, but should apply to documents of an administrative nature in the possession of parliamentary departments (see Office of the Information Commissioner 2019).

[179] For instance, an AAP story about Hilary Penfold, former DPS Secretary, taking home her banana skins led to questions about the lack of composting facilities in Parliament House (H Penfold 2017, pers. comm., 19 July).

accepted as futile to rail against the media and its relentless pursuit of politicians—particularly those who behave inappropriately— and associated administrative issues, whether significant or trivial. Media reports of the expenses scandal in the UK and rows over parliamentary entitlements in Australia did nothing to enhance the reputation of members of parliament or parliamentary administration— quite the contrary—but they have led to notable reforms in both parliaments in the provision and oversight of parliamentary expenses (see Chapter 4). In the UK the media disclosures precipitated significant business reforms in the House of Commons (Russell 2011b). Recent television productions designed to enhance public understanding of how each parliament works have been generally well received, but even these did not escape criticism.[180]

We can see that promoting parliament to the public as an institution to be valued is evidently problematic, particularly in the face of public concern over the behaviour of individual politicians, a concern which is exacerbated by largely negative media coverage. Media scrutiny was cited by the Speaker of the House of Representatives as a key distinction between parliamentary administration and public management. [181] Simply disseminating information publicly about the work of the parliament may not be sufficient to restore parliament's reputation. Nevertheless, the UK parliament directs considerable effort to its public engagement function and I argue that the public engagement role could be strengthened within the Australian parliament including by taking a whole-of-parliament approach (see chapters 7 and 8).

Official scrutiny mechanisms of parliament as an institution

Highly visible as it is, media scrutiny is not the way in which parliaments are officially held to account even though it may be a catalyst. Table 6.4 depicts the official scrutiny mechanisms which are complementary to the governance arrangements in each parliament (see Chapter 5):

Alan Thompson, former DPS Secretary, claimed that 'B' and 'C' grade journalists in Parliament House maintained a personal interest in housekeeping in the building (A Thompson 2017, pers. comm., 13 July. Rob Stefanic, current DPS Secretary, noted a *Sydney Morning Herald* article on the furore around renewing the lease for Parliament House's well known Aussie's café which, unusually, defended the DPS position (Public Eye 2017; R Stefanic 2017, pers. comm., 10 April).

[180] In the UK see the BBC Two 2015 series *Inside the Commons*, and BBC Two 2017 series *Meet the Lords*. Both series attracted criticism from some quarters (see for instance, Wollaston 2015; Collins 2017). In Australia see ABC 2017 series *The House with Annabel Crabb*. The series was widely acclaimed (see, for instance, Peatling 2017) although some concern was expressed within DPS that the program failed to provide a comprehensive factual account of its work.

[181] T Smith 2017, pers. comm., 19 April.

Table 6-4 Official scrutiny mechanisms in UK parliament[182] and Australian parliament[183]

Scrutiny mechanism	UK Parliament	Australian Parliament
Internal audit	✓	✓
	House of Commons Administration Estimate Audit and Risk Assurance Committee; Members Estimate Audit Committee; House of Lords Audit Committee oversees internal audit's objective evaluation, advice and assurance.	Each parliamentary department has an internal audit committee to provide advice, oversight and assurance.
External audit	✓	✓
	National Audit Office audits financial accounts, may undertake value for money audits at parliament's request.	National Audit Office audits financial accounts, may also undertake performance audits.
Independent review of salaries and expenses	✓	✓
	Independent Parliamentary Standards Authority (IPSA) sets and administers salary and expenses; operates within a 'stronger integrity regime' than the Australian Independent Parliamentary Expenses Authority (IPEA).[184]	Independent Parliamentary Expenses Authority monitors MPs travel and allowances, Senate and House of Representatives pay members' salaries which are determined by Remuneration Tribunal.
Members code of conduct	✓	✗
	House of Commons Code of Conduct upheld by Committee on Standards and Parliamentary Commissioner for Standards; Code of Conduct for members of the House of Lords (and members' staff).	No similar provision but members and senators are required to register interests and the Parliamentary Service Values and Code of Conduct apply to all parliamentary staff.
Internal committee scrutiny (for example Estimates committees)	✗	✓
	No similar provision but the House of Commons and House of Lords commissions together with their associated domestic committees provide financial and administrative oversight and authority.	Senate Appropriations Staffing and Security Committee; HoR Appropriations and Administration Committee oversee House budgets; Senate Finance and Public Administration Estimates Committee examines annual appropriations of the Department of the Senate, DPS and PBO.
Questions in parliament about administration	✓	?
	House of Commons Commission spokesman answers questions in House of Commons chamber and written questions. Both House of Lords and House of Commons commissions publish decisions.	Speaker and President may (rarely) be asked questions about administration during question time in each House.

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[182] Sourced from UK parliament website and House of Commons and House of Lords annual reports (2018).

[183] Sourced from annual reports of parliamentary departments (2017) and Madden and McKeown (2018).

[184] See Madden and McKeown (2018).

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Perceptions about the lack of effective scrutiny of parliament's members and its administration are widespread[185] and I address recent investigations into the workplace culture in both parliaments in Chapter 7. To illustrate the dilemma of determining when too much scrutiny can become an excess of criticism I will return to two events I have already introduced. The first is the expenses/entitlements scandals (in each parliament) and the second is the performance of the Department of Parliamentary Services in the Australian Parliament. I have repeatedly pointed to the consequences of the expenses/entitlements exposure for parliament's reputation and its future administration.[186] In the UK, according to Andrew Walker, the former head of the Fees Office, to whom much of the blame for the expenses scandal was attributed, appropriate systems were proposed *before* the scandal broke, following the implementation of the *Freedom of Information Act 2000*.[187] But the proposals were rejected by politicians who believed in 'self-government' and who raised spurious arguments about constitutional sovereignty. They doubted—erroneously as it turned out—that the public would be much interested in members' expenses, failing to anticipate the consequences of the *Freedom of Information Act*. Members of the House of Commons were not enamoured of the independent regulatory authority set up in response—IPSA—citing its failure to comprehend the intricacies of members' representational duties (Gay 2014). It was seen as overly complex, bureaucratic and uncommunicative and members no longer received the 'friendly guidance' they had been used to from in-house officials (p.181). Several interviewees confirmed this assessment:

> The members don't like it. It wasn't created in a vacuum or in an atmosphere where all other things were equal. It was created at speed as a result of a crisis, not least a crisis of confidence between the public and their elected representatives (N Brown 2016, pers. comm., 7 June).

> At the moment all MPs hate IPSA. IPSA was given a dual role which I think is difficult for it to fulfil: (1) to enable MPs to do their job and (2) to regulate MPs. I think those are mutually exclusive and that's quite difficult for them (C Bryant 2016, pers. comm., 23 May).

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[185] For a useful exposition on parliamentary investigations and their capacity to reform the parliamentary workplace see Dickinson (2018).

[186] But note Dickinson (2019) who suggests that the correlation between the expenses scandal and the current level of trust in the UK parliament is misguided; that trust in parliament has always been low and that this may reflect a structural gap between expectations and reality, and ratio bias—an inability to put 'large sounding' numbers into context.

[187] A Walker 2015, pers. comm., 23 September; see also Walker and Crewe 2019.

> IPSA has been brought in for all the right reasons, it is independent and that sort of thing, but its officials' understanding of what MPs do is sadly lacking and you can get some quite obtuse decisions from them (P Beresford 2016, pers. comm., 2 June).

In a public lecture in Australia the inaugural head of IPSA, Andrew McDonald, recounted the 'unrelenting' hostility with which IPSA was initially regarded (in Easton 2017). He observed that the expenses scandal in the UK parliament has inflicted more damage to its reputation than the parliamentary entitlements episodes have to the Australian parliament; nevertheless, both are examples of how appropriate and timely intervention could have avoided public approbation.

In Australia the Independent Parliamentary Expenses Authority (IPEA) was established in 2017, following numerous (and by inference ineffective) attempts to rein in the misuse of parliamentary entitlements.[188] It may still be too soon to assess the response of members to the IPEA, although some commentary has already questioned its independence, describing it as a 'confidential advisory service designed to help [parliamentarians] avoid expense scandals' rather than as a way of restoring public trust (Easton 2017, 2018). But this response throws up another dilemma: why should the chief purpose of IPEA not be to guide politicians through the time-consuming, intricate process of claiming workplace expenses, avoiding errors and thereby reducing the potential for the further erosion of public trust? Or is public trust engendered by further examples of approbation and punishment? IPEA's inaugural corporate plan appears to suggest the former, presenting its twin goals as providing support to parliamentarians in exercising their functions as well as creating a culture of accountability and transparency including through education and awareness, and a statement to a Senate Estimates committee by its CEO confirms this positive approach (IPEA 2017; Godwin 2019). McDonald has suggested that to help restore trust in the Australian parliament, IPEA might need to 'gently educate' members to coax them 'towards a better way of behaving', where there is less risk of rorting (Easton 2017). He also stressed that the massive damage done to the UK parliament would not be 'made good' by IPSA (or by inference IPEA); rather MPs themselves would have to make it good—in essence calling on the constructive engagement with which this thesis is concerned.

The second example—the management performance of DPS—illustrates how easily an abundance of scrutiny can also manifest as excessive criticism. The department has been subjected to continuing *ex-post* scrutiny of its administration at the hands of the Senate Finance and Public Administration

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[188] See Australian National Audit Office (ANAO) (2009); Committee for the Review of Parliamentary Entitlements 2010; Remuneration Tribunal (2011).

Legislation Committee which has undoubtedly adversely affected its reputation, not just in the public domain but in the resulting damage to relationships between its officials and senators and members (SFPALC 2012a, 2012b, 2015a, 2015b, 2015c). Not all interviewees considered the level of scrutiny by Estimates committees to be excessive. To Penfold it was a 'really useful accountability model' and an opportunity to fix up 'things that were embarrassing for the department' which might be raised.[189] But to other managers, the intensity of scrutiny at the parliamentary coalface was greater than they had experienced in other public organisations and could be seen as contributing to a culture of risk aversion.[190]

Reactions from interviewees to the SFPALC performance inquiries were mixed. Senator Gallagher joined the committee between its 2012 and 2015 inquiries into DPS. She was critical of the perceived lack of responsiveness of the incoming DPS executive team to fix past shortcomings, and what she saw as a 'hostile engagement' with SFPALC:

> I was surprised on a number of fronts. One was the clear inadequacies that existed within DPS. Whilst I had come quite late to that saga, it was clear to me that even though they'd been under a fair bit of scrutiny, to keep presenting to the finance and admin committee as though 'there's nothing to see here and we're not ready to answer your questions' or 'we don't have that policy' or 'it's taken five years and we still haven't done something', they didn't present as a professional outfit at all … It spoke to me of a lack of leadership and a lack of direction to senior staff which was flowing right through the organisation. That was pretty clear, I thought, from even the first hearing, without reading the back story.

> The other thing that surprised me was the hostile kind of engagement [between the committee and DPS] due to years of frustration …The department hadn't noticed that or hadn't picked up on that or didn't care about it … again, it didn't speak well for DPS. You've got your key stakeholders: in DPS you've got the President and the Speaker, you've got executive government hanging around. They fund you. You've also got the actual members and senators. To be so disrespectful of that was a surprise, and something I hadn't really seen so blatantly before. (K Gallagher 2017, pers. comm., 14 June).

On the other hand, Carol Mills, the then Secretary, told me that:

> I knew that I either had to get money or difficult decisions had to be made. But I was also aware of the reports and things, and I thought… 'let's take the positive out of that. Instead of working in a vacuum, we're actually going to get a report with recommendations that we can hang our hat off, if we're given

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[189] H Penfold 2017, pers. comm., 19 July.
[190] There was sensitivity amongst interviewees towards commenting negatively about the level of scrutiny through estimates committees.

the time to do it.' When I went there, I thought it was a three-year task, to make the change. Within about six months I realised it would be five years, because it's just much more conservative, and change is slower than I would have ideally liked. But I thought it was a five-year transformation, and, even if we didn't have full parliamentary co-operation across all the agencies, we could actually transform DPS in a way that would become a role model for parliamentary services. I think we got some way down that track, and then we got another inquiry, plus the Auditor-General decided to do one, and I always wonder why that happened (C Mills, 2017, pers. comm., 11 May).

Gallagher also suggested that the current DPS management presented as 'a more professional outfit' and had taken a 'more positive' approach to estimates committee hearings. She acknowledged—perhaps somewhat contradictorily—that 'you've got to give people the opportunity to improve, under new leadership. It's not something that will happen overnight'.[191] As we have seen in earlier chapters there was little sympathy for Mills, either internally or in the public domain and her statement to the SFPALC at the time of her termination was perceived as an excuse for incompetent management.[192]

To put these views into context, before Mills's appointment was terminated she was given a timeframe of two and a half years to rectify the management problems of a department already judged by Senator Faulkner as the worst administered department he had ever seen (Australian Senate 2012, p. 10089). The 2015 ANAO report on managing contracts and assets at Parliament House found that there was scope for DPS to improve aspects of its strategic planning, risk management and performance reporting, and was critical of the lack of progress by DPS in responding to recommendations from the 2012 SFPALC inquiry. However, it also acknowledged that DPS had faced a substantial change agenda over the previous four years which had had 'a significant impact' on staff morale and turnover and more work was required to 'build cohesion and engagement between DPS management and staff to encourage constructive working relations within an environment of ongoing external scrutiny' (ANAO 2015, pp. 119-20). The ANAO report also acknowledged that results from a joint ANAO/DPS survey indicated that parliamentarians were largely satisfied with DPS's activities to support the operation of Parliament House. The greatest level of dissatisfaction (30 per cent) was with the Parliament House catering and food and beverage outlets—complaints unlikely to engender much public sympathy. Even more tellingly, only 33 of the parliament's 225 members and senators responded to the survey—a response rate of under 15 per cent.[193]

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[191] K Gallagher 2017, pers. comm., 14 June.
[192] R Pye 2017, pers. comm., 12 April.
[193] One can only assume that non-respondents were either satisfied or not sufficiently concerned about the quality of support services to comment.

It is unsurprising that Mills presented a defensive account of the change program in contrast to the conclusions of the SFPALC. She claimed that once she arrived at DPS she realised that it would take five years to transform it, citing as key inhibitors hostility from other parliamentary departments; an insular and 'separate' parliamentary culture which was resistant to change; and a lack of interest in and support for administration from a series of presiding officers.[194] I have thoroughly examined the evidence relating to the unsatisfactory performance of DPS, which came to a critical juncture with the 2015 SFPALC inquiry and the subsequent termination of Mills (see Chapter 4). The validity of the evidence of poor performance has been largely accepted in parliamentary circles and by numerous commentators (including Mulgan 2014; Senate Committee of Privileges 2014; Lewis 2015; Peatling 2015). I have sought to add to the analysis of the Australian parliament's management performance by presenting factors that interviewees and other sources have identified that may have contributed to DPS's perceived poor performance—many pre-dating Mills. They include poor implementation of the amalgamation of its predecessor departments; a lack of collaboration bordering on hostility between the parliamentary departments; the decision by the Department of Finance to impose a pre-emptive budget cut of $6 million in anticipation of poorly justified predicted savings from the amalgamation; a disregard for the cultural challenges involved in amalgamating disparate functions, notwithstanding a 100-year history of insularity and defensiveness; a lack of institutional continuity in the management rather than the procedural arena; and an apparent shortfall in administrative leadership by successive presiding officers. I argue that these are mitigating factors in a period of relentless scrutiny from a small cohort of parliamentary actors and from the media.

Conclusion—competing perspectives of effective management

In this chapter I have addressed three of the research questions: competing beliefs about the relative value of procedural and management skills; the extent to which members of parliament engage constructively in management issues; and how structural differences between the two parliaments inhibit or facilitate effective management. In both parliaments, notwithstanding their different organisational structures, a higher priority has traditionally been placed by parliamentarians on procedural rather than managerial skills and functions. The UK parliament has displayed more signs of an outward facing and strategic approach to its management functions, particularly public engagement, and the Australian parliament has had a greater (externally enforced) focus on efficiency. The absence of a cohesive parliamentary identity or vision, sustained leadership and authority, and poor relationships between procedural and managerial officials have emerged in both parliaments as

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[194] C Mills 2017, pers. comm., 11 May.

explanatory factors in the effective management of parliaments. Interviewees have pointed to tensions arising from different beliefs about the primary duty of parliamentary actors whether this be to members, to individual constituents, to political parties, to the institution itself or to the public as a whole. But it also appears that these tensions can be at least partly explained by a relatively narrow interpretation of what effective management actually means. When it is considered to be concerned only with delivering ancillary support services such as facilities management, catering, information and communications technology, human resources and financial systems the challenges appear to be routine, operational and plebeian, if manifold. When effective 'management' of a parliament is seen as encompassing the achievement of all its principal purposes and maintaining its relevance, reputation and position of trust in a country's system of democratic governance the challenges become more complex, strategic and intellectually challenging. For members of parliament (principally in the House of Commons and House of Representatives) whose main focus is on serving their constituents (thereby securing re-election) and their party (thereby securing promotion and/or ongoing pre-selection) it is perhaps understandable that their interest in management relates narrowly to their own partisan interests in obtaining advice and resources that will help them to achieve these objectives, while simultaneously performing their representational and influencing roles. But a disregard for sustaining the reputation of the wider institution in an era of increasingly cynical media and public scrutiny and perceived shortcomings in parliamentary self-regulation has had repercussions, as I have demonstrated. In Chapter 7 I discuss the challenges of procedural and cultural reform to meet changing societal expectations.

Chapter 7 — Guarding the institution: the case for procedural and cultural reform

Introduction

This wide-ranging chapter addresses the relative balance between procedural and management functions. It argues the case for conceptualising effective parliamentary administration from a public management viewpoint that elevates public management without subordinating effective procedural management. Procedure and management should not be seen as polar opposites, working in competition, but as part of a continuum of effective parliamentary administration. Managing the rules is crucial to performing parliament's role of scrutinising the executive while also enabling the executive to implement its programs, and in the following sections I seek to engender an appreciation of the purpose, complexity and evolution of procedural rules and the need for their careful stewardship. But I also examine three procedural dilemmas which go to the heart of balancing continuity and reform: changing rules and behaviours to meet public expectations; the need for public engagement strategies that are representative and not merely informative; and the danger of consigning reforms to the too-difficult box. I argue that procedural and cultural reform are crucial components of good public management. In doing so I broaden the definition of procedure in a parliamentary context to encompass 'a set of actions that is the official or accepted way of doing something' in order to examine behavioural and cultural change within the two parliaments.[195] I seek to demonstrate that sustaining and enhancing a parliament's effectiveness encompasses more than managing and playing by the rules, as important as these may be.

The case for defending the rules

> It is more material that there should be a rule to go by than what that rule is, in order that there may be a uniformity of proceeding in the business of the House, not subject to the momentary caprice of the Speaker or to the captious disputes of any Members ... it is not so material that the rule should be established on the foundation of sound reason and argument as it is that order, decency and regularity should be preserved in a large, numerous and consequently sometimes tumultuous assembly (Hatsell, circa 1796, in Evans 2014).

For an insightful history and analysis of the origins and purposes of the procedural rules of the House of Commons, which the House of Representatives has largely followed, Paul Evans's Open Lecture to

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[195] See Cambridge English Dictionary on-line (2018).

Aberystwyth University provided a valuable and occasionally self-deprecating source.[196] An early canon of procedural law was Hatsell's *Precedents of Proceedings in the House of Commons with Observations,* published between 1776 and 1796, and later incorporated in Thomas Jefferson's *Manual of Parliamentary Procedure* which continues to hold some sway in the US Congress as a final authority on procedure. Hatsell's work was overtaken by Erskine May's 1844 *Treatise on the Law, Privilege, Proceedings and Usage of Parliament* which has become the 'bible of parliamentary procedure' (Evans 2014). The House of Lords is guided by the *Companion to the standing orders and guide to the proceedings of the House of Lords*; the first edition was compiled in 1862 by the then Clerk of the Parliaments. In Australia, both Houses have also developed their own 'bibles'—*House of Representatives Practice* and *Senate Practice*, the latter being strongly associated with its original author and known as 'Odgers' in the 'Erskine May' tradition. Both parliaments have voluminous *Standing Orders* which govern conduct in their respective chambers.

Evans (2014, 2017) put forward two dichotomous views about the purpose of procedural rules: the Platonic/Methuselan view, representing the minority against the inroads of the executive, and the Aristotelian/Modernist view, ensuring that good governance is achieved by taking a more consensual approach to passing legislation. He doubted, however, that each could be so discretely encapsulated. Both philosophical camps (however characterised) would agree that parliament is about the struggle of ideas—one prioritises 'actions and outcomes', the other prefers 'deliberation and caution' (Evans 2017, pp. 13-14). Attempts to reform House business and procedure in the UK parliament have reflected the changing balance between the two camps: the efficient delivery of the government's program as against opportunities for greater scrutiny. Evans credited the House of Commons Reform Committee (2009, the 'Wright Committee'), in the aftermath of the 'accidental' expenses scandal and the election of a coalition government in 2015, with the beginning of a reversal to the drift of control of the House of Commons agenda to the government occurring through the previous century and a half. He noted that select committees were now the principal locus of scrutiny efforts. His views are supported by those of Ryle (2005), Kelso (2009) and Russell and Benton (2011).[197]Russell and Paun (2007), in a comparative study on procedural rules and their influence on parliamentary autonomy provided strong arguments for electing a Speaker prepared to be an outspoken public defender of

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[196] For instance, in his wry account of the work of Hatsell, Clerk of the House of Commons for 52 years in the 18th century, Evans observed that his predecessor's 'work-life' balance saw him sending a deputy to work for 24 of those years; and, in lieu of a salary, he received income from the fees for taking private bills through the House, thereby 'reaping the profits of the House's legislative activity on behalf of enclosers, canal-cutters, railway undertakers, corporations and their like' (Evans 2014, pp. 2-3).

[197] But see an alternative view by Philip Aylett, HoC Clerk, that the introduction of select committees in 1979 was just one part of a sustained process of committee strengthening which started in 1965 (Aylett 2018).

parliament and for backbenchers to be given more control over managing House business—both of which have been realised in the House of Commons. They noted that the procedure committees in both the Australian House of Representatives and the UK House of Commons [198] were more transparent and open than in the Australian Senate where procedural reform was dominated by covert dealings between the whips and front-benchers, and this observation was reflected in my interviews with clerks and members.

Russell and Cowley (2018), in a revision of King's modes of executive-legislative relations (1976), acknowledged a reduction in the whips' patronage power; greater status for committee chairs, including an ability to speak for parliament; and a greater cross-party ethos. They also found that substantial reform to the House of Lords membership, including the virtual abolition of hereditary peers, has increased its influence and that management of the House of Commons has become more complex, particularly when there is no single party majority (p. 21). In fact, the dominance of the executive in the UK parliament has decreased to such an extent that some parliamentarians have questioned whether the House of Commons is becoming too powerful.[199] In the context of Brexit, Norton (2018b) contrasts the best of times—the strength of parliament in relation to the executive—with the worst of times—parliament's relationship with the public, whose members exhibit little trust in parliament as an institution. Media headlines often invoke outrage against the tyranny of parliament (Hartigan 2019).

In the Australian parliament the House of Representatives has been largely under the control of the executive since 1940 with the exception of the 2010-13 parliament when procedural reform tended to favour the House over the executive.[200] After the 2016 election the government's numeric hold further decreased and by late 2018 its majority had disappeared[201] with independent members and the government's own backbench gaining considerable influence over government policy. The Australian

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[198] The House of Commons Modernisation Committee also played a significant role in parliamentary reform; however, it was chaired by the Leader of the House and was generally regarded as being concerned with 'efficiency' reforms which favoured the Executive. For further reading see Kelso (2009).

[199] Since the 2017 election when the Conservative Government lost its majority, executive control has been further diminished (see Russell 2019a).

[200] During this period significant procedural reform was negotiated between the minority Gillard government, the Greens and independents, including parliamentary processes favouring private members, greater independence for the Speaker, the conduct of question time, the establishment of a House Committee on Appropriations and Staffing and the establishment of the Parliamentary Budget Office (see agreements between the Australian Greens and the Australian Labor Party, 1 September 2010; the Hon Julia Gillard and Andrew Wilkie, 2 September 2010; the Australian Labor Party and independent members Tony Windsor and Rob Oakeshott, 7 September 2010 in Parliamentary Library 2013).

[201] In 2018 the House of Representatives was close to the end of its term and was not marked by its contribution to procedural reform.

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Senate has stronger powers than most upper Houses (Russell 2000) and since 1949 the executive has rarely controlled the Senate. Procedure has tended to be viewed by Senate officials very much from the Platonist/Methuselan perspective in guaranteeing the rights of elected minority parties and individual senators against the ravages of government (Evans 2002a; Laing 2013).[202]

We can see that defending procedures against 'momentary caprice' or 'captious disputes', whilst important, does not mean that nothing should change; indeed, the balance of power between the parliament and the executive is influenced by many factors other than procedural continuity. The approach to procedural practice articulated by Evans (2104, 2017)—namely 'if you can't ride two horses, you shouldn't be in the circus'[203]—must balance efficiency and effectiveness by allowing a parliament to *enable* as well as to *scrutinise* (see also Norton 2000; Kelso 2009). But, in the words of former Clerk of the House of Commons, Sir Courtenay Ilbert (1902-1921), parliamentary procedure 'remains a mystery, unintelligible except to the initiated, and the officials who [formulate] the rules [are] not anxious that their knowledge should be too widely shared' (Ilbert C, in Evans 2014, p. 10). That summation remains the case today (Williamson & Fallon 2011; Digital Democracy Commission 2015; Leston-Bandeira 2015; Crewe 2017). If the purpose of procedural rules is to 'demonstrate fair play and to win the assent of the people to the exercise of sovereign power' (Evans 2014) logic dictates and reformers agree that the rules should also be relevant and publicly accessible, just as should be the physical embodiments of parliament, including access to its building and proceedings. Taking a broad view, I argue that managing the procedural function involves more than just preserving 'order, decency and regularity in a tumultuous assembly', more even than 'riding the two horses' of efficient government and effective scrutiny. I return to Crick's view expressed in Chapter 2 that 'the purpose of any institution, or the operative ideals of any group of men [*sic*] are only realizable through procedures; and so existing procedures must constantly be examined in light of the great radical question: "Do they serve the public interest?"' (Crick 1968, p. 12). I argue that procedural management extends beyond the close management of *Standing Orders* and business processes (important as these are, see Russell and Paun [2007]), towards placing a greater focus on public value and cultural change in the way parliaments go about their business. In other words, and in the following sections, I seek to demonstrate that effective procedural management requires exercising control over two different horses while also negotiating the terrain beyond the circus ring to better serve the public interest.

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[202] See also M Weeks 2017, pers. comm., 24 May.

[203] Attributed by Evans to Thomas Makin; see also Speake (2015) J (ed.) 2015, *Oxford Dictionary of Proverbs*.

The stewardship role

In arguing the case for both stewardship *and* procedural and cultural reform, in pursuit of Crick's public interest test, I look firstly at 'stewardship' and the belief that stewardship occurs where managers' motives are aligned with their organisation and its principals. Stewards are understood not to act as self-serving utility maximisers but to display pro-organisational collective (rather than self-interested) behaviours (see Donaldson & Davis 1991; Davis *et* al. 1997). The Director-General's review (2016) in the UK House of Commons defined parliamentary stewardship as a 'continuing responsibility we have *on behalf of the public* [my emphasis] for the good order, the effective running and the reputation of the House of Commons' (see Chapter 6). In the *Australian Parliamentary Service Act 1999* the term 'stewardship' is legislated but not defined.[204] Although some Australian interviewees displayed a pragmatic approach to stewardship, advocating a 'modern and open' approach,[205] others were more cautious about change.[206] Stewardship was viewed from a protectionist and conserving perspective rather than a reforming or anticipatory one.

As demonstrated in Chapter 6, an impediment to management reform is the multiple stakeholders and multiple roles of parliamentary administration. From a theoretical perspective, it might be difficult to determine precisely who are the owners or principals of the parliamentary institution and on whom the responsibility for stewardship rests. Nevertheless, there is sufficient evidence to put ownership of the parliament in public hands, albeit through the collective agency of its members (see Rogers & Walters 2015) and to argue that stewardship of procedure (in its broadest sense) should also favour the interests of the public (or owners) through facilitative structures and procedures even if there is room for doubt as to who has authority or responsibility over a particular matter (see Donaldson & Davis 1991). This brief discussion of stewardship and how it might be interpreted by parliamentary actors is important to an understanding of the need for, and processes of, both procedural and cultural reform. Put simply, it illustrates the tensions that can exist between changing traditions and practices or preserving them; between the interests of those advocating or opposing reform; and between differing perceptions of the public interest (Ringeling 2015).[207]

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[204] … other than requiring it to be practised 'within the Department and, in partnership with other Secretaries, across the Parliamentary Service' (section 57). In the *Australian Public Service Act 1999* it is coupled with developing and implementing strategies to improve the APS.

[205] C Surtees 2017, pers. comm., 6 June.

[206] K Gallagher 2017, pers. comm., 14 June; N Marino 2017, pers. comm., 14 June; S Lines 2017, pers. comm., 17 August.

[207] See Ringeling (2015) for a useful discussion on determining the 'elusive concept' of public interest (p. 305), the competing roles of politicians and officials and the role of citizens in the public sphere.

Achieving procedural reform—challenges and limits

Norton (2000) elaborated on the purposes of procedural reform: to expedite government business; to improve the working environment for members; to eliminate archaic procedures that have little meaning; and to strengthen parliament's scrutiny role. He prescribed three conditions for reform: a window of opportunity, usually at the beginning of a parliament; a coherent reform agenda; and political leadership, whether from the backbench, the incumbent government through the Leader of the House, or a combination of both. Kelso (2009) characterised the dilemma of procedural reform as a contest between those who would seek to ensure that an elected majority can successfully secure their legislative program unencumbered by procedural complexities (efficiency reforms) and those who would encourage parliament to take a more proactive role (effectiveness reforms). But, as she also points out, the two categories are not necessarily mutually exclusive and both might be viewed as either advancing or detracting from the public interest.

As noted in Chapter 2, Harry Evans, former Clerk of the Senate, was a staunch supporter of the Senate and a self-described 'sceptical questioner'. His views on reform have been well publicised.[208] Even though he conceded that traditional procedures and practices may have had no substantial legislative value and in some cases bore 'the taint of colonialism', he pointed out the dangers of losing useful procedures through the hostility of radical denouncers 'jettisoning everything bearing the cursed mark of real or supposed antiquity' (Evans, 2009, pp. 147-9). Reform of procedures and practices should be 'careful and rigorous' (p. 150). Parliament needed not reform but 'reformation' to return the institution to its original purpose (2002a, p. 5).

Table 7.1 displays examples of procedural reforms in both parliaments designed to increase effectiveness in scrutiny and/or deliberation; increase efficiency in transacting government business; or increase public participation and/or representation. Many reforms, such as the establishment of committees, have more than one purpose. Efficiency reforms usually originate from government and are designed to smooth the passage of its legislative program. Effectiveness reforms are more likely to follow a criticism or crisis which can be exploited by willing actors, such as the Wright reforms in the

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[208] See Evans (2002a). Evans believed that most reform proposals of major institutions did not ask (or answer) fundamental questions about the purpose and effectiveness of the institutions they sought to reform but, rather, reflected government orthodoxy in its second or third term. Government orthodoxy relating to parliament saw it as no more than a 'rubber stamp' enabling government to govern with total power between elections (p. 1).

UK (Norton 2000; Kelso 2009; Russell 2011b). The parliamentary agreements made during the 2010-13 parliament in Australia also fall into this category.

Table 7-1 An illustration of types of procedural reforms in the Australian and UK parliaments

Reform type	Australian parliament[209]	UK parliament[210]
Effectiveness (scrutiny)	**1970 Senate Legislative and Standing Committees:** substantial contribution to parliamentary control and scrutiny, particularly estimates committees.	**1979 select committees**: widely regarded as most effective form of scrutiny.
	1979-81 House of Representatives Legislation and Estimates Standing Committees: abandoned, having failed to add to parliamentary control, partly through lack of backbench support.	**2000 Royal Commission (Wakeham report)**: recognised scrutiny role and self-regulation; led to review of working practices to achieve 'constructive engagement' between Houses.
	2003 House of Representatives consideration of Estimates: including joint/concurrent hearings with Senate not pursued.	**2009 Select Committee on Reform of the House of Commons (Wright Committee)**: recommended greater control of parliamentary agenda; election of committee chairs; greater public participation, deemed partially successful.
efficiency (business)	**1993 Procedure Committee report *About Time***: established Main Committee (renamed Federation Chamber in 2004) to facilitate legislation; also revised sitting hours. **2016 HoR Procedure Committee report *Division required?***: recommended electronic voting within chamber; not considered in Senate since 1990.	**1997 Select Committee on Modernisation of the House of Commons**: criticised as facilitating government business and neglecting parliament. **2001-2004**: House of Lords Leader's Group review of working practices to sustain efficient scrutiny. Trial practices agreed by Procedure Committee. **Electronic voting**: not supported.

[209] Sourced from Reid and Forrest (1989); House of Representatives Standing Committee on Procedure (1993, 1999, 2005, 2016, 2017); House of Representatives Standing Committee on Petitions (2018); *House of Representatives Practice* 2012, 2017; Senate Procedure Committee (2018; 2019); *Odgers' Australian Senate Practice* 2016.

[210] Sourced from Norton (2002); House of Commons Select Committee on Reform of the House of Commons (2009); Kelso (2009); Russell and Benton (2011); Newson (2012); House of Commons Political and Constitutional Reform Committee (2013), Childs (2015); House of Commons Procedure Committee (2017); HC Debates (2019b). A summary of attempts at institutional reform of the House of Lords until 2014 can be found on the UK parliament website (https://www.parliament.uk/business/lords/lords-history/lords-reform/) and a comprehensive account of earlier reforms is in Russell 2000 (see also Russell 2011a, 2013, 2017a, 2017b; Russell & Sandford 2017).

Reform type	Australian parliament[209]	UK parliament[210]
effectiveness (deliberation, participation, inclusion, representation)	**1993 Main Committee/Federation Chamber (see above)**: facilitating backbench participation; more amenable to consensus or collaborative decision-making.	**1979 select committees**; few considered 'agenda setting' but may influence policy process and contribute to debate; possible improvements include better attendance, follow up and ability to commission research.
	1999 Procedure Committee report *It's Your House*: proposals for greater community involvement received lukewarm government response.	**1997 Select Committee on Modernisation of the House of Commons**: established parallel debating chamber Westminster Hall.
	2008 Proxy voting introduced for nursing mothers in House or Representatives chamber; not permitted in Senate as arguably unconstitutional (Odgers' Australian Senate Practice 2016).	
	2010-13 minority government: significant reforms negotiated with independent members, favouring parliament.	**2009 Wright Committee (see above):** recommended greater public participation. Needed follow-up.
	2016 House of Representatives e-petitions: introduced in House of Representatives 'within existing resources'. Deemed successful; however system made no provision for response or debate.	**2015 House of Commons e-petitions** successful collaboration with government on public engagement enabling responses and debates on social issues.
	2017 House of Representatives Procedure Committee *Inquiry into disorder*: found lukewarm support for increasing sanctions. **2018 Senate Procedure Committee *Disorder outside formal proceedings***: warned against personal abuse but changes to Standing Orders considered 'undesirable' (2018, p. 2). **2019 Senate Procedure Committee**: did not recommend code of conduct for senators.	**2015 *The Good Parliament* (Childs)**: a blueprint for representation and inclusion; to enhance effectiveness and legitimacy of House of Commons; cross-party support for standards of behaviour. Commons Reference Group on Representation and Inclusion established by House of Commons Commission to respond to report. **2019 Proxy voting**: pilot system introduced into House of Commons chamber.

In Australia I detected resignation amongst interviewees about their ability to achieve procedural reform. Then House of Representatives Clerk, David Elder, whilst recognising that he was not a political player, thought there was a role for clerks in promoting reform by working with members of parliament and making suggestions. But, as he said, 'sometimes you get sick of sticking your head up and having it shot off'.[211] In his experience the knowledge and ability of members to advocate and implement procedural reforms was variable and not currently strong, partly due to the rapid turnover of members

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[211]D Elder 2017, pers. comm., 7 April.

and the loss of many years of parliamentary experience. The Deputy Senate Clerk, Maureen Weeks, confirmed that most senators 'come unwillingly to the table' and rely heavily on the Whips for the information they need.[212] She saw her own role as one of anticipation rather than advocacy. Chris Paterson, House of Representatives adviser, conceded that even sensible suggestions could only be 'around the edges' or during a minority government, claiming:

> You're not going to change the procedures. Procedures are there because the government and the opposition want them that way ... Really, procedures will only change [if] the Leader of the House and the Manager of Opposition Business can sit down and figure out what they want to change, and if they want to change it, they'll change it (C Paterson 2018, pers. comm., 17 August).

Even the Wright reforms in the UK parliament, whilst partly satisfying two of Norton's conditions for reform—taking advantage of a window of opportunity and an established reform agenda—met the third condition of political will or leadership only with caveats. The Backbench Business Committee would not have been established without the support of outside groups (Russell 2011b).

I interviewed the then current chairs of the Procedure Committee in both the House of Representatives and the House of Commons. Tony Pasin, from the House of Representatives, stated his commitment to reform of the *Standing Orders* in pursuit of the efficiency goal. He talked of shorter speaking times,[213] allowing members more time to spend in their constituencies, and electronic voting, which he conceded had been on the agenda for an 'embarrassingly long time'. He also identified an intrinsic relationship between 'efficient' and 'effective' reforms in his suggestion that making it easier to suspend members would not only increase efficiency, particularly during question time but may also improve the public perception of parliamentary conduct. However, his tongue-in-cheek suggestion that question time should not even be broadcast in order to improve the public's perception of parliamentary behaviour would hardly be seen as an effective response even amongst those who deride question time as a form of effective scrutiny. Like the Clerk, Pasin confirmed that there was little sense of ownership of the *Standing Orders* and that the Procedure Committee was no longer the 'warehouse of long standing members like the Sinclairs and the Ruddocks'.[214] He suggested that a new world view which focussed on technology and was not wedded to the rules could be an opportunity,

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[212] M Weeks, 2017, pers. comm., 24 May.

[213] An objective also advocated by Senator Katy Gallagher, member of the Senate Procedure Committee (K Gallagher 2017, pers. comm., 14 June).

[214] Former House of Representative members, Ian Sinclair and Philip Ruddock.

but as a backbencher his main goal was government efficiency rather than parliamentary effectiveness.[215]

On the other hand Charles Walker, Chair of the House of Commons Procedure Committee in the UK was greatly concerned with the need for procedural reform, citing the reluctance of the executive to give back powers ceded to it by the parliament over the past 120 years. He described the need for parliament's members to seek the permission of the executive to achieve reform as an 'irritant'. He differentiated between types of reform attempts: introducing the House of Commons Petitions Committee to replace a 'botched, government-only system' was a part of the government's reform agenda and therefore presented fewer challenges than other reforms. Walker's committee was able to 'skilfully' steer it 'much more towards parliament than government' and 'without the goose hissing too much as we plucked it'.[216] He also recounted a well-publicised event in which he was blindsided by the then government which sought, without notice, to introduce a procedural reform which would have threatened the re-election of controversial and independently minded Speaker Bercow.[217] The attempt by the executive to manipulate a suggested 'effectiveness' reform to remove a perceived impediment to its own efficiency was defeated and Walker's reputation for independence and political will was roundly applauded in the House of Commons and elsewhere (Hardman 2015; HC Debates 2015a; Simons 2015). The political will required to advocate for the role of parliament appears more prevalent in the House of Commons than in the House of Representatives.

But despite Walker's commitment to effective procedural reform we cannot assume an ongoing interest by the House of Commons itself—we saw in Chapter 6 Paul Evans's dismissive assessment. Martyn Evans, Clerk to the House of Commons Procedure Committee, also referred to the continuing problem of inconsistent and archaic *Standing Orders*, and the lack of interest from the government in reviewing and redrafting them.[218] Progress has been slow due in part to the effects of devolution and

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[215] T Pasin 2017, pers. comm., 10 May.

[216] C Walker 2016, pers. comm., 14 June.

[217] A new Speaker is elected by secret ballot; however, after a general election the process for re-electing a former Speaker who wishes to remain in position is considered to be a formality and a secret ballot is not required. In 2010, the Procedure Committee recommended that the House consider requiring a secret ballot for the re-election of a speaker. No debate on the recommendation occurred. In March 2015, in an attempt to oust Speaker Bercow whose reformist agenda had alienated some of his Conservative colleagues, the then Leader of the House, William Hague, introduced a motion to require a secret ballot to re-elect a Speaker, without informing the Chair of the Procedure Committee. Charles Walker gave an emotional speech in the House against the motion declaring that he had 'been played for a fool' and the motion was defeated (see Kelly 2017).

[218] M Evans 2016, pers. comm., 14 June; see also C Leston-Bandeira 2018, pers. comm., 10 September on accessibility but note also the recent on-line publication of Erskine May (Natzler 2019).

the early election in 2017 (House of Commons Procedure Committee 2017) but there are signs of change.[219] In the House of Lords procedural reform is strongly influenced by its culture of self-regulation, and attempted large reforms to the composition of the House of Lords have a long history.[220] But the Lords are recognising the need to 'self-regulate' towards a more contemporary and efficient advisory chamber.[221]

I argue that effective procedural management requires procedural experts, elected or not, to combine their expertise and judgment and exercise collective agency in fulfilling Norton's conditions for procedural reform—not least by exploiting opportunities or crises, but perhaps more enduringly by establishing a coherent reform agenda and amassing the necessary political will to make considered improvements to parliamentary practice. Before completing this section, I will outline two dynamic and controversial procedural events which unfolded in the UK Parliament in January 2019 and which go to the heart of the dilemmas highlighted in the thesis—the question of who speaks for parliament; the use of authority amid calls for impartiality; continuity versus change, efficiency versus effectiveness (or government versus parliament); and meeting public expectations (see figures 7.1 and 7.2). The events concern Speaker Bercow's decision to override an established procedure during the Brexit withdrawal bill (Figure 7.1) and the actions of a senior clerk in advising a member on procedural tactics (Figure 7.2).

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[219] For example, on 9 January 2018 a new *MPs' Guide to Procedure* was launched on the UK Parliament, on the same day as Speaker Bercow was accused of 'tearing up' parliamentary procedure.

[220] See for example, Russell, M 2000.

[221] Baroness de Souza, former Lord Speaker cited her biggest achievement as articulating concerns about the way the House works—its size and its recruitment processes and in strengthening its scrutiny role
(De Souza 2016; F de Souza 2016 pers. comm., 9 June); see also Lord Speaker (2017, 2018) on the size of the House of Lords; and the *Act of Union Bill 2017-19* introduced to the House of Lords by Lord Lisvane, a former Clerk of the House of Commons, which proposed options for radical reform of the UK Parliament (UK Parliament 2018e).

Figure 7-1 A voice for parliament[222] or a danger to democracy[223]?

On 9 January 2019, the Speaker, John Bercow, decided to accept an amendment tabled by a conservative member of the House, Mr Dominic Grieve, (also known as a rebel Tory and a Brexit 'remainer') to a government business motion relating to section 13(1)(b) of the *European Union (Withdrawal) Act 2018* despite a precedent that only a Minister of the Crown could move a motion to vary the order of government business.[1] The amendment had the effect of requiring the Prime Minister to table an alternative plan within three days of any defeat of the government's withdrawal motion (the Brexit deal).

Support for the Speaker's decision was divided, with some claiming it an exercise in sophistry; as lacking in impartiality (Mr Bercow having previously declared himself a 'remainer'); or a refutation of the advice of the Clerk of the House of Commons. Others welcomed the Speaker's decision to act on behalf of a significant grouping within the House (HC Debates 2019a). Press commentary was also divided between outrage and support.[1] An article in *The Economist* (2019), whilst noting that the Speaker's job is an extraordinarily difficult one, requiring 'subtle choices between lots of different rulebooks…produced over the centuries' also warned that Bercow 'will have to make far more complicated and delicate decisions than he has ever made before' and that to lean too far in one direction 'risks damaging not just himself but the House of Commons' and, potentially, the whole institution. Bercow himself appeared to be well aware of the perils of exercising his authority. He justified his decision to his colleagues in the House thus:

> If we were guided only by precedent, manifestly nothing in our procedures would ever change. Things do change. I have made an honest judgment. If people want to vote against the amendment, they can; and if they want to vote for it, they can (HC Debates 2019a).

In an interview with the author, on 17 September 2018, well before the controversial decision, and after giving due recognition to both sides of the Brexit debate, he offered this foresight:

> What's my role in all this? As you know, it's not to speak, and not to vote unless there's a tie, but it is for me to decide, 'If there are amendments to be selected, which amendments do I select, and how many different votes are allowed?' and so on. These are matters that can't really be discussed in the abstract. They can only be discussed in the particular, and they can only be decided at the time. So when anybody asks me about it, I always say, 'These are the considerations but I will have to make a judgment about it at the time.' Of course, I will consult the Clerk but in the end I'll have to do what I think is right.

The debate was put into context by a former Clerk, Andrew Kennon, who opined that the Government 'must now be regretting the opportunity missed in 2010 to put the planning of Commons business onto a firmer footing' by supporting a unified House Business Committee comprised of representatives of all parts of the House (Kennon, 2019).

Figure 7-2 A Commons coup or merely advice?

On 20 January 2019 *The Sunday Times* reported that the 'rebel MP', Dominic Grieve, had been 'in secret communications with Colin Lee, the Clerk of Bills, with the explicit intention of suspending Britain's departure from the EU' (Shipman 2019). According to the report the Clerk drew up three versions of advice, each of which would overturn 'centuries of parliamentary precedent'. The official was effectively overturning the normal rules of parliament. Brexiteers were appalled. However, according to the House of Commons Press Office (2019), 'It is common practice for Clerks to provide advice to members on the drafting of many items of Parliamentary business, such as bills, motions and amendments. This advice is done on a rigorously impartial basis.'[1] And David Natzler, then Clerk of the House of Commons, subsequently called *The Sunday Times* 'insinuations' a 'gross misrepresentation of the nature of the relationship between Clerks and Members of Parliament' and called for a correction and apology (Natzler 2019a).

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[222] See for example Boulton (2019).
[223] See for example Perkins (2019).

Having established a context for procedural reform, including the difficulties inherent in achieving it, I now present three dilemmas of procedural reform which highlight the case for change over continuity.

The dilemma of changing behaviours to meet public expectations

The Inter-Parliamentary Union's report *Parliament and democracy in the twenty-first century* suggested that for parliament the key dialogue is one that runs through all policy and legislation debates, that is, how to shape the future by 'treating the past as a source for creative change rather than merely as an obstacle to progress' (Beetham 2006, p. 183). In these terms, I suggest, institutional change can no longer be path dependent, slow, reluctant and incremental if parliament is to meet the expectations of society. I call on recent literature to support my contention that effective procedural management (again, using procedure in its broadest sense) requires an approach that goes beyond the goals of effective scrutiny and efficient government and includes issues of public interest, representation or 'ownership'. Firstly, an academic/practitioner collaboration between Martin Atkins (as already noted, a senior House of Commons committee clerk) and Mark Goodwin (from Birmingham University) claimed that the processes of modernisation in the UK parliament have generally been internal and directed much more at the relationship between parliament and government than towards the external environment in terms of adapting to societal change or sharing power more widely among citizens. They argued that:

> The endeavours of the Modernisation Committee, and subsequently the Wright Committee, have produced a fair amount of parliamentary reform, albeit with a limited scope, but only slow, reluctant and incremental modernization as that term would usually be understood outside the House: that is to say, a reflection of the norms of the society which Parliament is meant to serve (Goodwin & Atkins 2018, p. 301).

Even more recently, Professor Meg Russell, Director of the UCL Constitution Unit, suggested that more innovative parliamentary procedures were required to break the Brexit deadlock and avoid 'procedural tricks' which risk undermining public legitimacy—a particularly pertinent observation in light of the controversial procedural decisions outlined above (Russell 2019b).

Goodwin and Atkins 'societal norms' argument was also reflected in Sarah Childs (2016) work on *The Good Parliament,* a report designed to achieve a more representative House of Commons, thereby enhancing the effectiveness and legitimacy of the House. To address the 'institutional deficiency' identified by Childs and the report's numerous recommendations, Speaker Bercow (himself a champion of encompassing societal norms) convened the Commons Reference Group on

Representation and Inclusion to progress the report's recommendations, working collaboratively with other parliamentary bodies (UK Parliament 2018c).[224] As well as highlighting concerns about gender equality and representation *The Good Parliament* traversed issues of behavioural and cultural reform, calling on the Speaker to secure cross-party support for a concord regarding 'unacceptable and unprofessional behaviour in the Chamber and more widely in the House' (Childs 2016, p. 11).

The Childs report and the reference group appear to have had a positive effect across the parliament.[225] But the Speaker's advocacy was overshadowed by a series of well publicised allegations about bullying and harassment of Commons staff by some members, bringing to light a deep-seated underlying culture which has survived many previous attempts at reform.[226] The allegations engulfed the House of Commons and the House of Lords and led to an independent inquiry by Dame Laura Cox (2018) and subsequent inquiries which have also had significant implications for parliamentary management in the UK.[227] From the perspective of this thesis, the bullying allegations have important ramifications for parliamentary management and public perceptions of the UK parliament's performance. The Cox inquiry reported in October 2018 was scathing about the ability of the House of

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[224] After a lengthy process involving the Speaker, the clerks and the Procedure Committee, and publicity surrounding voting difficulties for MPs on maternity leave, a pilot proxy voting or 'baby leave' scheme was agreed to by the House of Commons on 28 January 2019 with the first proxy vote being cast on 29 January 2019 (see Childs 2019a). The debate included calls to extend proxy voting to other necessary absences (HC Debates 2019b). However, Childs also condemned a Commons decision to cancel the half term break as 'going against' *The Good Parliament* report's recommendations on scheduling parliamentary business (Childs 2019b). Following the decision to extend the Brexit withdrawal date, Childs wrote of the serious implications of the Brexit debate for the institutionalisation of a diversity sensitive House of Commons. She argued that much remains to be done in relation to working hours, 'masculinised' politics, representation and inclusion (Childs, 2019c).

[225] For example, the Women and Equalities Select Committee was permanently established in 2017 (Childs, 2019d); the UK Gender-Sensitive Parliament Audit was published in November 2018 (UK Parliament 2018f) with the two house commissions publishing a combined response in June 2019 (UK Parliament 2019c); in 2018 the Fabian Society published proposals for a series of parliamentary reforms based on insights from new Labour members (Frith 2018); and the House of Commons debated making parliament a more modern, family friendly and accessible workplace on 13 June 2019 (HC Debates 2019c).

[226] See, in particular, debate on sexual harassment in parliament (HC Debates 2017c; debate on Independent Complaints and Grievance Policy (HC Debates 2018a; Kelly 2019; BBC reports on bullying and harassment (Cook 2018; Cook & Day 2018) and subsequent response to staff by then Clerk of the House of Commons (Natzler 2018a).

[227] In the House of Commons, an inquiry by Gemma White QC on historical claims of bullying and harassment was announced on 6 November 2018 following a resolution of the House; the House of Commons Commission agreed to the appointment of Alison Stanley on 28 January 2019 to review the first six months in operation of the ICGS (she reported on 31 May 2019); the House of Commons has appointed an independent director for cultural change to set a 'transformation strategy'; the House of Lords Commission agreed to an independent inquiry into the workplace culture of the House of Lords and appointed Naomi Ellenbogen QC; a new House of Lords Conduct Committee including external members with full voting rights was proposed in April 2019 (for a full account see Kelly 2019). Recommendations from the Ellenbogen report (2019) and their implications for parliamentary management are discussed in chapter 8.

Commons Commission to provide an effective response to the bullying allegations, and the media was swift to call for the head of Speaker Bercow.[228] The report highlighted a reactive management culture which was ill equipped, even disinclined, to adopt policies and procedures which were commonplace in other workplaces. As Cox concluded:

> This cycle of repeatedly reacting to crises only after they have developed into crises, and sometimes only after unwelcome publicity, is a perilous approach to adopt for any organisation, but it is completely hopeless for a place of work. And the House of Commons, for all its unusual features, is ultimately a place of work for everyone, including MPs, their staff, and all the House staff appointed by the Commission.
>
> The problems of bullying, harassment and sexual harassment in the workplace have been well documented and well understood for decades. The law reports bear testimony to the development of the jurisprudence in these areas, much of it the result of legislation by Parliament, the irony of which was not lost on many contributors to this inquiry. At common law a duty of care is owed to members of staff by those who employ them, to ensure their safety and dignity at work, and most employers have long had policies, procedures and training programmes in place to tackle this kind of behaviour (Cox 2018, p. 25).

Cox noted the HOCGC's references to 'complexities compounded by layers of interventions which have built on and adapted what went before rather than rationalising or restructuring it' (2014, p. 28).[229] She suggested that little had changed culturally either before or since. Striking a chord with the thesis's underlying research questions, she noted tensions between the traditional approach of the 'guardians of the procedural' and those seeking to introduce a more 'corporate management culture' as well as tensions between a customer service approach, emphasising the needs of individuals and groups, and stewardship, or protection of the wider good (p. 29). Management remained occasional and hierarchical, with a 'calculated aloofness and a kind of sniffiness' at anything external—part of the template for sustaining the institution and concealing its problems. Cox declared that the doctrine of 'exclusive cognisance' had historically been interpreted too broadly by senior administrators in order to resist change and avoid external scrutiny, with chilling effect, and that parliamentary privilege should not put a member's own conduct above the law.

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[228] See for instance Elgot (2018); Maguire (2018); and Pierce (2018).
[229] Again recalling Mahoney and Thelen's 'layering' approach (2010, pp. 15-16, see Chapter 4).

The Ellenbogen inquiry into bullying and harassment in the House of Lords reported during the final stages of this study. Its findings also have significant implications for the relationship between procedural and management expertise which I discuss further in Chapter 8. At this point I highlight extracts from evidence to the inquiry. Notwithstanding the different context, they reflect the sentiments of House of Commons staff recorded in Chapter 6 about the hierarchy between clerks and other staff:

'All positions of power within the administration are filled by clerks and, as a consequence, clerks are favoured in every aspect…'

'I cannot overestimate the embeddedness of the culture that the clerk is supreme and everyone else is superfluous. Everything comes round to protect the clerk.'

'There is a snobbery around intellect and education. Most people who work here are incredibly bright – you just have to find and tap into it.'

'Nobody will challenge the clerks and they most definitely recruit in their own image'

Outside the clerking structure, many senior employees considered that they were not viewed as being of equivalent rank, or importance to the organisation (Ellenbogen 2019, pp.70-71).

In fact, Ellenbogen went beyond a narrow interpretation of the problems which pre-empted the inquiry to propose a radical restructure of the House of Lords Administration:

…the knowledge and skill set required of an excellent clerk does not necessarily correlate with the knowledge and skill set required of an excellent Chief Executive Officer or Chief Operations Officer...

I recommend that, on the expiry of the Clerk of the Parliaments' current tenure (that is, with effect from 16 April 2020), a Director General of the House of Lords be appointed. That person should be able to demonstrate considerable experience and expertise in running other complex organisations, including in the private sector. He or she should have overarching responsibility for delivery of services to Members of the House and the public, serve as Accounting Officer and be the person to whom all staff in the Administration, including the Clerk of the Parliaments, should ultimately report. (The reporting structure adopted in the House of Commons, as between the Director General and the Clerk of the House, is, in my view, apt to create problematic and conflicting reporting lines and is over-reliant on the willingness of the particular incumbents of each role in order to work effectively. I do not recommend the adoption of that model in the House of Lords.) Under the system that I do recommend, clerks would

retain their highly specialist, procedural roles, for which they are rightly respected, and would continue to have management responsibilities, but would have no special status as a group…

I recommend that no clerk should be eligible to apply for, or be appointed to, any one of the three most senior clerking posts, without first having spent a significant period of time working outside Parliament and the Civil Service, gaining fresh perspectives, expertise and experience. I make the same recommendation in relation to the most senior management posts elsewhere in the Administration (Ellenbogen 2019, pp. 124-125).

Despite the many good intentions revealed in the Childs report and accompanying efforts towards procedural and cultural change across both Houses, the lasting public impression from the Cox and Ellenbogen inquiries is of a parliament unable to manage its culture.

Less widespread, but arguably no less significant, were recent allegations of bullying, harassment, sexual misconduct and poor behaviour raised against members in the Australian parliament. An independent investigation in 2018 into the complaints against Emma Husar, MP, made by her staff, was conducted by barrister John Whelan, through the member's political party, and was not made public, although its findings were widely reported in the media.[230] The Barnaby Joyce affair[231] was seen as an example of poor judgment and a possible misuse of parliamentary entitlements[232] and did nothing to improve the reputation of parliamentarians. Neither, it seems, did the consequent knee-jerk amendments to the ministerial code of conduct—the 'bonking ban' (Murphy 2018a; Remeikis 2018a). A further example of poor workplace culture and behaviour was the claim by one of the Liberal Party's few women MPs, Julia Banks, that she had been harassed by her own colleagues during the Turnbull leadership challenge (Australian House of Representatives 2018; Crowe 2018). Her decision to see out the rest of the parliamentary term as an Independent member cost the then new Morrison government its majority in parliament. At the same time, Banks took the opportunity to call out both parties on women's representation in parliament, the lack of an independent whistleblower system and a workplace culture 'years behind' the business world:

Equal representation of men and women in this parliament is an urgent imperative which will create a culture change. There's the blinkered rejection of quotas and support of the merit myth, but this is more than a numbers game. Across both major parties, the level of regard and respect for women in politics

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[230] See for instance O'Malley (2018); Remeikis (2018b); Warhurst (2018).

[231] in which the former Deputy Prime Minister admitted to a long term affair with a former staff member

[232] The Independent Parliamentary Expenses Authority subsequently found that Joyce's travel claims during the relevant period met the required legislative thresholds (IPEA 2018).

is years behind the business world. There is also a clear need for an independent whistleblower system, as found in many workplaces, to enable reporting of misconduct of those in power without fear of reprisal or retribution (Australian House of Representatives 2018, p. 11571).

Accusations of unparliamentary behaviour in the Senate also led to a rare intervention by Senate President Ryan—described as 'a one-man operation against intensifying political insanity'—to curtail the use of Senate procedures to facilitate 'unedifying' behaviour following Senator O'Sullivan's offensive remarks and insinuations allegedly directed towards Senator Hanson-Young (Murphy 2018c; Australian Senate 2018, p. 8775)[233] Staff working for members of parliament in Australia are employed by members or ministers, on behalf of the Commonwealth under the *Members of Parliament (Staff) Act 1984*, on terms and conditions established in accordance with the *Fair Work Act 2009* but these legislative provisions have not prevented cultural shortcomings in the parliamentary workplace, confusion around authority and practice, and a shortage of management skills. O'Malley (2018) described the parliamentary workplace thus:

> There is one thing, though, that all staff agree upon. Parliamentary staff work in a terrible environment and have been failed not just by individual MPs, not just by political parties, and not just by the exhausting, needlessly adversarial nature of our political process, but also by Parliament itself. Even in the best of circumstances, Parliament House has a special way of making staffers miserable (O'Malley, 2018, p. 7).

O'Malley reported a former member and doctor, Mal Washer, who described Parliament House as a prison, exacerbated by high stress, intense competition and long work days. He claimed that political staff and MPs have 'nowhere to go when things go wrong' and 'the parties are determined to hide any hint of scandal'. To most staff it is not clear who the employer actually is—the individual member (as is the case in the UK) or the Department of Finance. Neither appears to take responsibility for staff wellbeing. The national parliament is isolated from the voters outside and the occupants are disconnected from each other (Murphy 2018d; Warhurst 2018). The then shadow Leader of the House of Representatives, (now Leader of the Opposition), Anthony Albanese, pointed to features of the parliamentary building itself which contribute to members' loneliness and isolation and an intolerance for opposing views. Returning to the Husar allegations, a *Sydney Morning Herald* editorial (11-12 August 2018) laid primary responsibility at the feet of the senior ranks of her party, raising a further

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[233] Senate President Ryan also used the Turnbull leadership spill as a catalyst to float procedural reforms which would accord with the changing nature of the Senate's role including adopting an Australian version of the Salisbury convention in the House of Lords in order to secure a government's legislative mandate (Murphy 2018b).

dichotomy as to what constitutes party politics and parliamentary business. The unpublished Whelan report recommended the Ministerial and Parliamentary Services Branch of the Department of Finance review processes for resolving staff complaints, and there are continuing calls for a code of conduct for all members of parliament (Brien 1998; Senate Committee of Senators' Interests 2012; Ng 2017). These insights into cultural and behavioural issues are not new: there have been many previous calls for training and assistance for members (see Coghill *et al.* 2007, 2012; Lewis 2012) and a greater appreciation of what they do (Crewe 2010, 2015). Weinberg (2013) and Flinders *et al.* (2018b) call for greater scholarly attention to MPs' mental wellbeing and a recent study published in the *British Medical Journal* highlighted the growing incidence of mental health problems among MPs (Poulter *et al*. 2019. The aggressive nature of parliamentary debate is fuelled by party politics; unfortunately, it belies the extent of co-operation and collaboration behind the scenes including in committee work, all-party groups, and on national and parliamentary ceremonial occasions.

Turning to public expectations of the Australian parliament, on 26 November 2018 then independent MP for Indi, Cathy McGowan, introduced the *National Integrity Commission Bill* 2018, accompanied by the *National Integrity (Parliamentary Standards) Bill 2018* with the objective of promoting public trust and confidence in parliament and parliamentarians and ensuring that their responsibilities reflect community expectations. Comparisons can be drawn with UK reforms, in particular the establishment of the Committee on Standards in Public Life (CSPL) (the Nolan Committee) which led to a code of conduct for members and the creation of the Office of Parliamentary Commissioner for Standards (CSPL 2002). Under pressure, on 13 December 2018 the Morrison government finally announced its own version of a Commonwealth Integrity Commission (CIC), after dismissing the need for one as a fringe issue, but it was widely criticised for being limited in scope and power and without transparency (see, for instance, Coorey 2018). From a reading of the discussion paper issued by the Attorney-General's Department (2018), its proposals were not as encompassing as those included in the McGowan bill which aimed to 'boost public confidence in the … parliament by equipping it to prevent, manage and resolve *its own* [my emphasis] integrity issues wherever possible'. The McGowan proposal eschewed a culture of public naming and shaming, preferring to create a 'national culture of integrity, where the expectation is that "we [parliamentarians] be our best selves"'.[234] McGowan seized a window of opportunity (increased cross-bench influence) and engaged constructively with the problem of public perception; her successor as an independent member, Helen Haines, has indicated that she will continue McGowan's advocacy (Australian House of Representatives 2019, p 25).

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[234] See *National Integrity Commission Bill 2018*, explanatory memorandum.

It is worth observing, in terms of minimising the differences between parliaments and other public organisations, that a culture which allows bullying and harassment and sanctions poor behaviour is not unique to the parliamentary institution: one has only to note findings of investigations into other institutions.[235] This is not to absolve parliaments from their responsibility to stamp out such behaviour; rather to draw attention to the opportunity for them to learn from the experiences of other non-parliamentary institutions. Arguably, for parliaments a further challenge is that even if they do set up processes for overseeing workplace culture an absence of authority or collective will for tackling problems may render them less than effective, as appears to be the case in both the UK and Australia. By taking a broad view of 'procedure' I have sought to establish that reforming parliament's procedures, behaviour and culture is essential to enhancing public perceptions of its effectiveness but this goes beyond conserving traditions or misinterpreted concepts of sovereignty. It also needs to balance the tensions between efficiency and effective scrutiny with meeting public expectations in an increasingly complex environment. Achieving an acceptable workplace culture does not come without significant effort and cost as the UK parliament has demonstrated.

The dilemma of speaking or listening? How should our parliaments engage with the public?

Public engagement has become a key priority for many institutions, and parliament is no exception (Leston-Bandeira & Walker 2018). In this respect the UK parliament seems to be more adventurous than the Australian Parliament. It is difficult to measure the effectiveness of public engagement outputs and one could argue that the higher level of activity in the UK is likely to be driven by a poorer public perception of democracy but this assumption is not borne out by the evidence. According to a global survey conducted by the Pew Research Centre (Wike *et* al. 2017), only 52 per cent of people in the UK were satisfied with the way democracy is working; for Australia the figure was slightly higher at 58 per cent. However, the *Trust and Democracy in Australia* report compiled by the Museum of Australian Democracy (MOAD) and University of Canberra (Stoker *et* al. 2018) found that satisfaction with how democracy works in Australia had fallen from 71 per cent in 2013 to its current standing of 41 per cent, suggesting a much starker picture comparatively. This report also canvassed citizen satisfaction with political institutions; unfortunately, it did not include parliament itself as a political institution, thus making it more difficult to measure the Australian parliament's public standing. The Hansard Society (2017, 2018, 2019), on the other hand, regularly monitors perceptions and knowledge

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[235] See for instance, the royal commission into misconduct in the banking industry (Hayne 2019); the House of Commons inquiry into sexual abuse in the aid sector (International Development Committee 2018); and the Defence Abuse Response Taskforce (2016).

of the UK parliament in its annual audits of political engagement. Its 2017 audit found that satisfaction with parliament was on a shallow downward trajectory—in 2017 only 30 per cent of people were at least 'fairly satisfied' with the way parliament works. Seventy three per cent felt that parliament was essential to democracy, and consistent support, averaging 88 per cent, was shown for the importance of its core functions; however only 33 per cent felt that parliament had done a good job in carrying them out (pp. 27-30). In 2018 it found that although knowledge of parliament and politics had risen over the life of the audit (since 2004) most people remained political bystanders rather than active citizens and that 'too often, the political reform agenda had been driven not by constitutional principle but by the requirements of party or media management'. It called for a 'comprehensive examination of electoral and constitutional arrangements, and the culture and practice of politics' (p. 11). Alarmingly for advocates of democracy, the 2019 audit found that 42 per cent of respondents thought that government could deal with the UK's problems more effectively if it did not have to worry about votes in parliament.

As noted, similar concerns with democracy have been found in Australia (see also Lowy Institute (2018, 2019)[236] and the Australian Election Study (Cameron and McAllister 2016). There are also numerous reports and studies on enhancing public engagement, such as those published by the Hansard Society, the Australasian Study of Parliament Group and parliamentary committees. Significant amongst these was the 2005 Puttnam Commission (Hansard Society 2005) which found that the UK parliament consistently failed to present itself as the sum of its parts and stay abreast of developments and opportunities. It cautioned that the level of 'informed, transparent and engaged democracy' that citizens had come to expect is comparatively expensive but that 'cut-price democracy will never represent much of a bargain' (p. vii). The House of Representatives Procedure Committee (1999), inquiring into community involvement, also recommended more resources for engagement as well as greater power to self-refer and greater media coverage for committees but it received a negative response from government. Interviewees in both parliaments highlighted difficulties in managing public engagement activities, both in prioritising expenditure and evaluating its effectiveness.[237] The dilemma here, even if a consensus can be reached on resourcing parliamentary communications, is the consistent evidence that citizens are turning their backs on democratic engagement whilst appearing to agree that democracy is important. According to Stoker *et al.* (2018) they are challenging

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[236] The Lowy Institute 2018 poll found a surprising ambivalence about democracy as a system of government. However, its 2019 poll, which posed a different question, found that 70 per cent of respondents were satisfied with the way democracy worked, similar to the MOAD 2013 result.

[237] C Surtees 2017, pers. comm., 6 June; R. Laing 2017, pers. comm., 7 September; I Ailles 2016, pers. comm., 9 May; P Young 2016 pers. comm., 9 June.

the allegiant model of democratic culture, with its features of deference and trust, while valuing stability in the political system. But they are not turning to new and more critical forms of participation as envisaged by an assertive model; rather they are reflecting a culture of disengagement, cynicism and divergence from political elites. Indeed, as we have seen in the UK, a significant proportion of voters have suggested that democracy is now becoming less important. We have already noted the public's tendency to conflate parliament, politicians and government and this further complicates any evaluation of the effectiveness of a parliament's public engagement activities. Effective public engagement appears to be a 'wicked' or intractable problem (Rittel & Webber 1973; Head & Alford, 2015).[238] Parliamentary actors see themselves as promoters and preservers of democracy while remaining divided about how best to exercise their roles and evaluate their effectiveness (see Chapter 6). Meanwhile, the public appears to be increasingly disparaging about parliamentary effectiveness and displays little interest in understanding how parliament works within the democratic system.

Communications professionals Weerasinghe and Ramshaw (2018) claim that diffuse lines of authority make parliamentary communications a more challenging prospect than political communication generally—the messages communicated by impartial officials on behalf of parliamentary institutions must balance the competing narratives and priorities of all members. Again, officials emphasise the differences between parliament and other public activities. However, a reading of a major report on government communications with citizens worldwide (WPP 2019) suggests that the challenges are equally daunting, including increasingly fragmented audiences; an over-reliance on one-way 'broadcast' communication; and a lack of communication and influencing skills. In this account of public engagement or outreach activities in both parliaments I discuss three types of engagement— the institutional representation of parliament and its work to the public; encouraging public participation; and facilitating members' individual constituency roles. Acknowledging Head and Alford's approach (2015) I argue that these are all functions which require a public management (rather than a merely procedural) approach with an emphasis on collaboration across organisational structures.

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[238] Rittel and Webber (1973) describe wicked problems as 'planning problems' which are neither tame nor benign; are not definable and separable and do not have findable solutions. They rely on elusive political judgment for resolution. Alford *et al.* (2015) propose new strategies to partially resolve wicked policy problems through shared understandings about their nature. They argue that these must 'coexist with "business as usual" obligations and call for broad managerial capabilities' (p. 733).

Institutional representation of parliament to the public

Judge and Leston-Bandeira (2018) cite the growing significance of institutional representation when 'basic assumptions about the legitimacy of parliamentary institutions come under sustained critical questioning' (p. 155). They point to evidence showing that the public does not view politicians as parliamentarians and that parliament itself struggles with its identity as a holistic institution (see also Kelso 2007a; Leston-Bandeira 2014; Walker 2019). Members do not as a rule engage in institutional representation and this role falls to presiding officers and, increasingly, to non-elected parliamentary officials (Judge & Leston-Bandeira, 2018). This 'hollowing out' of parliament's institutional representation is compounded by political leaders (amplified by the media) seeking to gain an electoral advantage by referring to the Westminster or Canberra 'bubble' (Cadwalladr 2015; Cowley 2015; Hayne 2018), a less than constructive representation of their respective institutions which does nothing to enhance their reputations. Leston-Bandeira confirmed her views on institutional representation in our interview:

> I do think that there is, increasingly, a role for officials to be that public face, almost like defending an institution, or at least presenting an institution. I usually call clerks and officials the guardian angels of parliament, because they're very much about trying to show what the institution is for, despite all the politics. The fact that they were not doing that role explicitly for a long time didn't really matter, because politics wasn't so antagonised, and you got on with things, even if you didn't like a particular party or a particular government. But as politics has become so corrosive, what's left is just the bones of it, the structures, and that's the institution. It's almost like a reminder: why do we have this system? And it's because we can't have 60 million people making the decisions all the time. We need representatives to do that (C Leston-Bandeira 2018, pers. comm., 10 September).

The question of parliamentary representation and overcoming the 'trust gap' is complicated at the outset by diffused authority, competing messages and an internal disengagement by members of parliament from their *collective* institutional representational role even if they are committed to representing their *individual* constituents. The role falls, as Judge and Leston-Bandeira (2018) suggest, to presiding officers and officials but it is not without controversy.

Reformist Speaker Bercow set up the Digital Democracy Commission with the aim, amongst other things, of counteracting the alienating jargon and practices of the House and taking a constructive approach to ameliorating the insularity of parliament. He saw the weight of information about politics acting as a wall 'keeping the citizen out of the mysterious world of Westminster' (DDC 2015). Williamson and Fallon (2011) researched the influence of technology on parliaments' internal

processes and relationships with the public in the UK, Canada, Chile and Australia, finding that 'going digital' allowed parliaments to escape from traditional practices, supplement archaic language with accessible information and provide better tools for members to understand the legislative process (p. 790). Both the UK and Australian parliaments have published digital strategies but they reflect different emphases. The UK parliament appears to recognise the potential for digital to transform the way parliament works; it includes a culture of collaboration and openness in its guiding principles. The Australian parliament appears to privilege more technical outcomes; its principles include a focus on user experience and partnership with other parliamentary departments (Parliament of Australia 2019; UK Parliament 2019b).

There are pitfalls to greater public engagement notwithstanding digital innovation. A major impediment is resourcing and, even if we agree with Puttnam (2005) that cut-price democracy is not the answer, the public appears to have little appetite for more spending by parliaments, as is evidenced by the debate over the restoration and renewal of the Palace of Westminster (Flinders *et al*. 2019). Another factor, reported by the Hansard Society (2018), is that digital and online technologies are still far from overtaking traditional sources of information and almost half of respondents to its annual audit think that social media make political debate more divisive or superficial. Weerasinghe and Ramshaw (2017) argued that the public is simply not interested in engaging with parliament or being involved with decision making. Flinders *et al*. (2018b, p. 6) argued that efforts to open up parliament to the public may have made its members even 'more vulnerable to popular cynicism, a disinterested and hyper-critical commercial media, and the immediacy of snap online reprimands'. Nevertheless, not to engage with the public would be a false economy which might further threaten confidence in parliament (Flinders *et al.* 2019). The pitfalls of public engagement should not diminish its value, including efforts in both parliaments to promote their parliamentary buildings as representative democratic symbols by improving visitor access and experiences and even providing opportunities for reshaping politics (Flinders *et al.* 2019). But as we saw in Chapter 6, the thesis has exposed internal dilemmas in both parliaments about the priority accorded to these activities by different actors.[239]

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[239] The Australian parliament's structural arrangements whereby 'management' functions are separated from 'procedural' functions appear to work against a collaborative approach to public engagement in all its forms. In the UK the restoration and renewal debate has exposed a reluctance to confront public cynicism and seize new opportunities (HC Debates 2017a; see also Modernisation Committee 2004).

Participatory approaches to engagement

I turn now to the second public engagement challenge I have identified. In a comprehensive House of Commons Library briefing paper Uberoi (2017) noted the growth of public engagement activities in response to declining trust and political engagement.[240] The paper drew attention to calls for changes from traditional forms of engagement to a more participatory approach—in other words from representational or 'speaking' to participatory or 'listening'. Kelso (2007) remarked that it is not clear whether parliament actually *wants* to foster participation as a new form of political involvement—it was never an intrinsically democratic institution; neither, as I have noted, is parliament a united institution with a corporate identity.[241] We can take some heart, however, from evidence of effective public participation found in evaluations of committee effectiveness— evidence which goes beyond the number of hits on parliamentary websites or the number of visitors to parliament. Halligan *et al.* (2007) concluded that the most important effect of decades of growth in parliamentary committee work was the opportunity it offered for broader participation in policy development. They suggested that 'outside engagement may come to be of the highest significance for the functioning of the parliament as the leading institution of representative democracy in Australia' (p. 238). Marsh and Miller (2012); Marsh (2016); Forkert (2017); Gaines *et al*. 2019 and Hendriks and Kay (2019) acknowledged the role that parliamentary committees in Australia can play in democratic renewal and citizen participation in the political system while Ercan *et al*. (2018) proposed more radical changes to institutional design such as replacing upper chambers with reflective chambers, composed of randomly selected citizens.[242] In the UK Russell and Cowley (2016) pointed to evidence-taking by select committees as an important means of parliamentary engagement with pressure groups and bureaucrats. Rogers and Walters (2015) highlighted the 'delayed drop' effect of select committee reports which can change the nature of public debate. Leston-Bandeira and Walker (2018) noted calls to integrate public participation directly into parliament's processes and highlighted the potential of mechanisms such as the public reading stage of a bill to incorporate alternative viewpoints. House of Commons select committee chairs Clive Betts and Sarah Wollaston used a citizens' assembly to find consensus within their committees for the long-term funding of adult social care (Betts & Wollaston 2018). Recently introduced electronic petitioning in the House of Commons and House of Representatives has been evaluated positively although the House of Representatives has conceded

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[240]This paper provides a publicly accessible and very useful overview of the evolution of the public engagement function in the UK parliament, highlighting recent innovations and current activities.

[241] See also Walker (2019).

[242] Note also Dryzek's sponsorship of the Citizens' Parliament which assembled in Old Parliament House, Canberra, in 2009.

that it has more to do in terms of outcomes for petitioners (House of Representatives Standing Committee on Petitions 2018).

The policy development space shows the greatest potential for a more participatory (and potentially more trustworthy) form of democracy, and the positive role of committee systems in both parliaments is widely acknowledged. Gaines *et al*. (2019) suggest that the UK's select committees may be increasingly useful in mobilising public opinion. Public input to parliamentary administration (or the task of making the institution and its members function more effectively) is, however, rare. Public attention to parliament usually follows a crisis in governance, as demonstrated by the expenses/entitlements and bullying/harassment scandals outlined earlier, and media exposure of alleged administrative shortcomings. Consequently, public reaction tends to be exceptionally critical—of the 'a plague a' both your Houses' [243] variety—perpetuating the myths surrounding the parliamentary decline thesis (Flinders & Kelso, 2011).[244]

As discussed in Chapter 6, members of both Houses of the UK parliament are subject to a code of conduct upheld by a standards commissioner. Recent moves towards inviting public contribution to governance, management or procedural/cultural issues (in contrast with policy issues) include a public consultation process in reviews of the code of conduct for members by the Parliamentary Commissioner for Standards.[245] The House of Commons Committee on Standards (2018) report into the implications of the Cox report on bullying and harassment also proposed involving the public in a 'wide-ranging and holistic look' at the whole system of regulating members' conduct, including the basic values underpinning the system when other matters relating to the Cox report have been dealt with (p. 5).

Encouraging participation through external involvement in or oversight of parliamentary administration in a similar fashion has not been a feature of the Australian parliament. Numerous internal attempts to introduce a code of conduct for members have proved fruitless (see House of

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[243] See Mercutio in Shakespeare's *Romeo and Juliet*, viewed 9 January 2019, https://www.enotes.com/shakespeare-quotes/plague-o-both-your-houses.
[244] Flinders and Kelso (2011) address the problem of closing the expectations gap between what the public expects parliament to deliver and what it can realistically deliver given its resources and the prevailing socio-economic context. They argue that parliamentary scholars have a public duty to correct rather than propagate the myths that surround their chosen subject matter.
[245] See UK Parliament (2018d). This process was introduced in 2016. Few responses were received from private citizens and those viewed were not generally supportive of either the code or the consultation process.

Representatives Standing Committee of Privileges and Members Interests 2011).[246] The Senate also has remained unconvinced, based on evidence from other jurisdictions, that the adoption of an aspirational principles-based code of conduct for senators would improve public perceptions (see Senate Committee of Senators' Interests, 2012). The then Senate Clerk, Laing, suggested that such a code would be merely hortatory and may impinge on parliamentary privilege (Laing, 2011). On the other hand, a submission to the inquiry by political scientist and parliamentary scholar John Uhr (2011) suggested that a Senate code based on principles of internal self-regulation would allow the Senate to retain primary responsibility for setting and policing standards. Perhaps the real lesson to be learned from parliaments that have tried to turn the public perception tide—even if success appears to be limited—is that to prioritise parliamentary privilege and exclusive cognisance, to introduce reform too slowly or too hastily, or to do nothing, is to invite greater calls for reform and potentially a greater loss of independence and parliamentary sovereignty, as Uhr's submission suggested.

Poor public perceptions about parliamentary effectiveness will not disappear easily. As the latest Hansard Society Audit (2019) has revealed, amid great concern, such perceptions increase the potential for citizens to shun parliament, with consequential implications for the future of representative democracy (Fox & Blackwell 2019). Practitioners and academics in the UK appear to have grasped the nettle in terms of exploring new ways of engaging with the public, including through narratives and storytelling (Prior 2018). David Clark, head of the UK parliament's outreach program said:

> You can't talk about parliament in just a procedural, factual way because it is an emotional thing that people need to interact with. And that's when people get excited about it. You need to help them connect with parliament on an emotional level otherwise they will never get it (D Clark 2016, pers. comm., 3 June).

Penny Young, House of Commons Librarian and Director-General of Information Services, claimed to spend much of her time telling stories with data:

> We don't really produce our content for a time-poor, mobile audience of members … [we are] encouraging people not to lose quality, not to lose relevance, not to lose impartiality but to be hugely

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[246] The 2011 proposal was prompted by the agreements negotiated with independent members during minority government in the 43rd parliament from 2010 to 2013. They called for a code of conduct to be implemented for federal parliamentarians and for the appointment of a Parliamentary Integrity Commissioner to uphold the code and investigate complaints.

more accessible … it's about being more compelling in the way we write … (P Young, 2016, pers. comm., 9 June).

Both parliaments and their members invest in traditional forms of engagement, including school visits, visits by members to constituency events, petitioning, and latterly e-petitioning. When interviewed, the presiding officers emphasised their public representational roles. In comparative terms, the UK parliament directs more resources towards encouraging academics and the general public to contribute to and engage with its work; the Australian parliament's activities are more focussed on explaining what it does. Table 7.2 provides examples of public engagement activities in each parliament. On the face of it, the activities are broadly similar but differences in emphasis are noticeable.

Table 7-2 Examples of public engagement activities in each parliament

Type of engagement	Australian parliament[247]	UK parliament[248]
Institutional	**Website**: www.aph.gov.au; 5.2 million visits in 2016-17), separate social media accounts, wide variety of information, live streaming of proceedings, search facilities.	**Website**: www.parliament.uk (15 million visits in 2016-17), invites followers on numerous social media sites including @UKParlEducation, *Parliament Explained* podcast, wide variety of information, live streaming of proceedings, search facilities, House of Lords 'digital chamber'.
	ceremonial activities, including: welcome to country at opening of parliament.	**ceremonial activities**, including: state procession and opening of parliament.
	Parliamentary Education Office: publishes resources for schools and facilitates school visits. **Museum of Australian Democracy**: parallel organisation promoting democracy, housed in Old Parliament House.	**UK Parliament Education**: publishes resources for schools and facilitates school visits and tours, teacher training, in-class workshops. **Education Centre**: workshops, immersive technology.
	Senate/House of Representatives: fee-paying seminars for graduates and public servants, on work in respective Houses; annual lectures; publications and briefing notes; Senate and House practice.	*How Parliament works*, Rogers and Walters (2015) joint publication in 'straightforward language' designed for public consumption, including journalists, civil servants, academics and researchers.

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[247] Sourced from Australian parliament website.
[248] Sourced from UK parliament website and Uberoi *et al*. (2017).

Type of engagement	Australian parliament[247]	UK parliament[248]
Participatory and outreach	**public petitions**: presented in respective chamber, printed in Hansard, may receive response.	**public petitions**: presented in respective chamber, number of signatories guarantees response or opportunity for debate.
	Parliamentary Education Office: interactive website for schools, school visits.	**Education Centre**: immersive technology, themed learning spaces. **Massive open on-line courses**, including introduction to parliament.
	Senate occasional public lectures: on topics of current interest.	**Parliamentary Office of Science and Technology:** seminars and events for parliamentarians and public. **Public talks and events**
	Parliament House: visits, tours exhibitions and events.	**UK parliament**: visits, tours, exhibitions and events.
	Parliamentary Library: some research briefings, blogs, periodic fellowship program and summer scholarship award.	**House of Commons Research and Information team:** services to members and public research briefings. **Participation team**: includes bicameral public outreach, engagement and education, public information and resources.
	members of parliament: meeting individual constituents and visiting local organisations. Speaker and President external visits (no comparable statistics).	**members of parliament**: meeting individual constituents and visiting local organisations. Speaker and Lord Speaker (900 external engagements in 2016 with 46,000 participants).
	Joint Reconciliation Action Plan: also Parliamentary Service Indigenous Employee Network.	**black and ethnic minorities (BAME):** targeted in engagement activities **Equality networks**: ParliAble, Parligender, ParliREACH, ParliOUT.
	Committees: taking public evidence; focus on explaining committee experience and procedure.	**Committees:** taking public evidence; focus on encouraging involvement from public and academics, reporting on witness diversity.
	engagement with external (non-parliamentary) organisations: ABC documentary; Australasian Study of Parliament Group.	**engagement with external (non-parliamentary) organisations**: including Hansard Society, Institute for Government, UCL Constitution Unit, BBC documentaries, Study of Parliament Group. 'Your story, our history'—partnerships in films showing legislative impacts on people's lives. Academic/practitioner publications, for example *Exploring Parliament*, (Leston-Bandeira & Thompson 2018).
	Parliamentary Law Practice and Procedure course: for practitioners only, delivered through a contracted university. **Graduate placements**	**Parliamentary Studies module:** delivered through 20+ universities. **Policy internships**: Parliamentary Office of Science and Technology.

Type of engagement	Australian parliament[247]	UK parliament[248]
		Apprenticeships and placements: multiple, including Speaker's scheme for those from disadvantaged backgrounds and House of Lords apprenticeships. **Academic research**: encourages specialist academic research within research excellence framework, offers a range of academic fellowships
	media communications: individual departments and committees	**media communications:** House of Lords Press Office promotes work of House and committees and handles media inquiries House of Commons Media Relations Team handles procedural and corporate inquiries

The increasing efforts at public participation in the UK parliament do not appear to require a constant injection of additional resources, according to the former Clerk of the House of Commons. Most 'fresh' money is now going to the digital service, which is where it is most needed, to stay up to date and make the parliament transparent and accessible—a 'deliberate strategic decision' (D Natzler 2018, pers. comm., 12 September).[249] The UK Parliament also appears to be more open than the Australian parliament to working with third parties, including universities, in its promotional activities, and there is greater academic input into the public engagement space (Leston-Bandeira & Thompson 2018; Kelly & Bochel 2018; Prior 2018; Asher *et al.* 2019;).

Conversely, a recent report into Australia's cultural institutions by the Joint Standing Committee on the National Capital and External Territories (JSCNCET 2018) expressed concern that 'relevant institutions may not be presenting a shared and consistent vision about Australian democracy, nor is there a clear delineation of the programs and activities conducted' (p. viii). It recommended *inter alia* that the Parliamentary Education Office's student programs be made accessible to the general public, not just school children, and that the functions of the Museum of Australian Democracy, the National Electoral Education Centre and the visitor and education services at Parliament House be more closely aligned, or even brought under the auspices of the presiding officers, with Old Parliament House becoming a 'working extension of Parliament House … in relation to educational, support and visitor services' (p. 59). The committee clearly believed that there is opportunity for greater

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[249] It appears that these activities are driven by a coherent reform agenda, drawing on political (and official) will, meeting Norton's second and third conditions of parliamentary reform (Norton, 2000).

collaboration and resource efficiency, even if the functions are presently fiercely protected by their administrators. The report was especially critical of the Museum of Australian Democracy, [250] suggesting a disconnect between MoAD's strategic role and its public engagement direction (JSCNCET 2019, p.p. viii-ix). As I noted earlier, MoAD appears to have sidelined parliament altogether in its regular surveys of trust in Australia's democratic institutions. The committee's recommendations contain elements of a coherent reform agenda; they await a government response.

Members' engagement with constituents

Lastly in terms of public engagement I turn to the relationship between members and their constituents. Much has been written about members' constituency roles, and I will not give a comprehensive account here (but see Norton & Wood 1993; Rush & Giddings 2011; Lewis 2012). It is here that one might have the most sympathy for members of parliament when contemplating increasing workload pressures from the rapid expansion of social media and rising, often divisive, public expectations of their representatives. [251] Paul Beresford, Chair of the House of Commons Administration Committee, spoke of the need to protect members from difficult constituents and incidents in their constituency offices or surgeries.[252] Tom Brake, the spokesman for the House of Commons Commission, raised the inherent problem of an overly critical focus on members' expenditure. For example, although supportive of the level of transparency provided by the Independent Parliamentary Standards Authority, he remarked that he had not made a mileage claim since its establishment:

> …because if you do actually put up a mileage claim, you're likely to have someone going around with a tape measure and checking whether what you claimed [to be] the distance between A and B wasn't 100 yards longer than was actually the case (T Brake 2016, pers. comm. 8 June).

Lindsay Tanner, a former member of the House of Representatives, bemoaned the changes to politicians' behaviour occasioned by relentless trivialisation in the media of complex social and economic issues (Tanner, 2012). Speaker Bercow, shortly after his election to the speakership (and the expenses scandal) declared it a 'cruel paradox that that at a time when MPs have never worked harder,

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[250] … a corporate Commonwealth entity under the PGPA Act, accountable to the Minister for the Arts.

[251] In 2016 Jo Cox MP paid the ultimate price when she was murdered outside her constituency office, (HC Debates 2016). Members of the UK parliament are increasingly subject to horrific verbal abuse, bordering on assault, for expressing particular views including in the ongoing Brexit debate (see HC Debates 2016; Johnston & Dempsey 2017; and Sylvester & Thomson 2019). For an Australian example, see Molloy (2019).

[252] P Beresford 2016, pers. comm., 2 June.

their standing has rarely been lower' (UK Parliament 2009). As I have noted from numerous sources, members of parliament are not particularly interested in administrative or even procedural management and reform, and nor, it appears, are their constituents. This proposition is borne out by Campbell and Lovenduski (2014) who researched the views of MPs, and those who voted for them, as to the most important MP roles. A large and similar percentage of MPs and voters (65.4 and 54.9 per cent respectively) reported that the most important role for an MP was as a local advocate, 'taking up and responding to issues and problems raised by constituents' rather than contributing to legislation and taking part in parliamentary debates (p. 700). Voters' interest in politics and their social grade had no significant impact on their preference for their MP to focus on local or national work, challenging assumptions that people more engaged with the political process will place a higher value on national policy work (and, presumably, representing the parliamentary institution). MPs are, in effect, social workers. Members of the House of Representatives in Australia also ranked their constituency priority highly in a study by Heitshusen *et al.* (2005), although the priorities varied depending on length of service, safety of electorate and travel time. As my interviews with UK parliament members Beresford and Brake revealed, constituents' expectations of their MPs are not matched by their perceptions about the levels of financial support and resources received by MPs—further evidence of an expectations gap in terms of parliamentary effectiveness (Flinders & Kelso 2011). Stringent rules about members' use of resources are changing the way they perform their constituency role, notwithstanding increasing demands. Lawrence McKay (2018), from the University of Manchester, summed up the dilemma when he outlined his concerns about the current state of constituency communications:

> The stringent limits placed on permissible communications outlawed staples of communication such as the newsletter. MPs may also use their resources too sparingly, given that, since the expenses scandal, they understand every penny is under media and IPSA scrutiny. Meanwhile, the precipitous decline of local media may cut MPs off more and more. While social media may point to a bright future, its limits as a tool for constituent communications have been repeatedly highlighted in the literature. Communications might, theoretically, serve to build the MP-constituent relationship, but are they reaching their potential, and will their effectiveness be maintained in the years to come? (McKay 2018).

As we have seen in Chapter 6, for administrators to provide effective support for members' constituency roles requires a complex juggling of priorities, particularly within the rapidly expanding communications space, while working within the constraints of the entitlements regimes, the separation of parliamentary and political roles and new levels of security. This is particularly so in the Australian parliament which places a high priority on information technology support for members

(Roche 2012). Ian Mackenzie, DPS Chief Information officer spoke positively about the opportunities for collaborating with other parliaments in overcoming security threats whilst also highlighting the difficulties of managing political relationships:

> Where it gets a little bit greyer is around engagement with constituents. I believe part of a parliamentarian's job is to engage with constituents to get the sense of the electorate, because they're representing that electorate within the parliament, and that's important, to gain that understanding. The line can get a bit blurry where they engage with constituents for that but they also engage with constituents to get re-elected—in terms of party politics, campaigning and fundraising. We're very clear that we can't support anything that is around party political or around fundraising or campaigning... There has to be an element of trust and an understanding that sometimes the line is a little bit blurry (I McKenzie 2017, pers. comm., 6 June).

Evidence available in the UK parliament suggested a stronger focus on digital engagement with the general public (HOCGC 2014; Digital Democracy Commission 2015).[253]

This discussion on managing three kinds of parliamentary engagement—institutional representation, public participation in the work of parliament and facilitating members' individual representational roles—has sought to illuminate some of the challenges parliamentary actors face. When the public is seemingly turning away from parliament, parliamentary actors must find more effective ways of enhancing the multiplicity of roles parliament plays and thereby increasing its effectiveness. This is easier said than done, particularly when appropriate resourcing of parliament is a major public concern (see also Flinders *et* al. 2019); but the challenges cannot be avoided without creating another dilemma as the next section will reveal.

The dilemma of consigning reforms to the too-difficult box

In the preceding sections I have discussed parliamentary reform from several perspectives: procedural, behavioural and cultural, and public engagement. A common theme across these perspectives is public expectations. Kelso (2009) observed that calls for the UK parliament to be reformed procedurally were commonplace in the life of British politics, and the same could be said about the Australian parliament. But as noted in the introduction to this thesis, calls for democratic reform from a variety of sources are becoming more numerous. Some are directed at government (see, for instance Key 2017; Smith 2018; Richards 2019); others address both parliament and government, demonstrating once again the tendency to conflate parliament and government within the Westminster democratic system (see for

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[253] See also R Greig 2016, pers. comm., 27 May; T Brake 2016, pers. comm., 8 June; P Young 2016; pers. comm., 9 June).

instance Menadue 2019; Renwick & Palese 2019). Menadue (2019) provided a shopping list of parliamentary reforms in Australia including four-year fixed terms; an independent speaker to encourage more inclusive, open and less adversarial parliaments, regular audits of MPs entitlements *and* performance; more conscience votes; greater discussion of key public issues; and enhanced resources for committees and the Parliamentary Library (although without evaluating the effectiveness of those already allocated). [254] Patience (2019) argued that federal politicians should get out of the Canberra 'bubble'; and that the two Houses should spend at least half their sitting times meeting in different capital cities, meeting local organisations. Warhurst (2018) cited Senate electoral reform, an anti-corruption commission and changes to the parliamentary workplace as much-needed reforms. In the UK Photiadou and Dunleavy (2018) listed current weaknesses of the House of Commons, arguing that few parts of its legislative activities work well; MPs' behaviours are ritualistic, point-scoring and unproductive; modernisation remains stalled as a result of traditionalist objections and *ex-ante* budget control is non-existent. We have noted in earlier chapters longstanding attempts to reform the House of Lords' governance (HL Debates 2016; House of Lords 2016a; House of Lords House Committee 2016) and the potential loss of opportunities to modernise provided by the restoration and renewal of the Palace of Westminster (Flinders *et al.* 2018a, 2019). These examples are not exhaustive; they are illustrations of the public perception of what is still wrong (or now wrong) with parliament, long after the question was posed by Hill and Whichelow in 1964 and following series after series of significant procedural and management reforms in the interim.

The examples I have presented raise further questions around Norton's conditions for reform: where is the window of opportunity, the coherent set of proposals, or the political leadership from the backbench or the incumbent government (or, as Judge and Leston-Bandeira [2018] have suggested, from parliamentary officials)? How can any reform process be effectively managed without being hijacked for political purposes by government; thwarted or resisted by the opposition, minority parties, officials, or those parliamentarians who do not want change; or disregarded by the public? How does a parliament balance the need to preserve and protect its independence from the government at the same time as ensuring its relevance as the principal democratic institution in the Westminster system? Most importantly, in an era of mass public disaffection and cynicism, how can parliamentary actors effectively fulfil Crick's vision of a parliament which serves the public interest?

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[254] Rob Stefanic, DPS Secretary, noted that the current governance structure ensuring the independence of the Parliamentary Library meant 'there is no actual scrutiny around the efficiency of expenditure in the Library because there is no substantive oversight' (R Stefanic 2017, pers. comm., 10 April.

Charles Clarke, a former UK politician, developed the idea of the 'too-difficult box' in a lecture series as a visiting professor at the University of East Anglia—'We all know what to do; we just don't know how to get re-elected after we've done it.'[255] Clarke (2014) recognised that all governments find it difficult to address important issues and often set aside some as too-difficult to solve within any conceivable timeframe. This, he said:

> …creates an enormous challenge for democratic institutions and democratic politicians. They need to develop a long-term culture to deal with long-term problems. They need to promote genuine rational discussion and debate in place of populist sound bites. They need to find means of engaging politics far more directly with people. And they need to show that democratic politics really can make a difference and help people overcome the problems that they experience.

> The dark and dangerous flipside of this coin is that if democracy fails to find the solutions that people are looking for they will listen to other voices, as we now see in the rise of ultra-populist and nationalist political parties across Europe. People will be impatient with possibly self-serving explanations of why problems could not be solved. The often false promises of those who peddle instant solutions will seem increasingly appealing (Clarke 2014, p. 86).

Clarke may be addressing his remarks to government policy making but they are equally relevant to sustaining the parliament. In Australia, Warhurst (2019) has also recognised the 'democratic disconnections between big ideas and election politics', pointing to the tendency for institutional reforms to be pushed from outside the system and noting the role of independents in both houses 'whose presence is one direct outcome of the perceived failure of the *status quo'*. As he said: 'Business as usual is not nearly good enough.'

I have recounted numerous examples where both parliaments have failed to develop a long-term culture to deal with long-term problems. In the UK, despite a long history of management reviews and attempts at modernisation and procedural reform, we saw continuing criticism of the inefficiency and waste highlighted by the HOCGC (2014), ineffective decision-making, and widespread public contempt for members of both Houses, directed particularly at their support from the public purse and manifested by regular media stories about dishonesty and venality. Long-running attempts at modernisation and procedural reform have come and gone with mixed effectiveness. The clash between the Platonists and Methuselas or the Aristotelians and Modernists continues (Evans 2014;

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[255] Clarke attributed the statement to Jean-Claude Juncker, then head of the European Commission (see *The Telegraph* 2014).

2017). Still consigned to, or only just emerging from, the too-difficult box is the restoration and renewal of the Palace of Westminster; reform of the House of Lords, and the culture and behaviour of those enjoying the benefits of their 'gentlemen's club' within the Westminster 'bubble'. Members' behaviour is still (always) in the spotlight.

In the Australian parliament it might appear that the management difficulties identified early in the thesis have been resolved simply by changing personnel. Management problems, including those raised at every Estimates committee hearing, are often trivialised.[256] The efficiency dividend is driving lower spending. But is the Australian parliament doing enough to recover public trust and sustain its future? Recent demographic surveys, contemporary literature and interviews with parliamentary actors, as set out throughout the thesis, would suggest not. The Australian parliament building is modern and is not facing catastrophic failure as is the Palace of Westminster, but calls for a more strategic focus on its funding and sustainability appear to have been ignored along with proposals for more formalised governance arrangements.[257] It is not clear whether perceptions of low morale and bullying in the Department of Parliamentary Services, particularly amongst security and Hansard staff, have been resolved following intensive scrutiny by a Senate committee (SFPALC 2015b). Calls for an independent Speaker, a concept dismissed by the current Speaker of the House of Representatives,[258] seem unlikely to take hold, despite external support (Menadue, 2019). The President of the Senate is still a member of the majority party in the House. Cultural and behavioural problems have been addressed by ad hoc changes to the ministerial code of conduct—the 'bonking ban'—but there is still no code of conduct for members, and claims of harassment and bullying by staff and members are left to the parties to deal with. Parliamentary staff are allegedly miserable and isolated. There is as yet no Integrity Commission. The prohibition on dual citizenship in section 44 of the Australian Constitution, acknowledged as an out of date and restrictive concept, has not been resolved despite a recommendation by the Joint Standing Committee on Electoral Matters (2018) to propose a constitutional amendment. Ongoing management of the issue has been left with the parties.[259] The

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[256] R Stefanic 2017, pers. comm., 10 April.

[257] K Baxter (2015); K Baxter 2017, pers. comm., 21 August.

[258] T Smith 2017, pers. comm., 19 April

[259] The report by the Joint Standing Committee on Electoral Matters proposed that sections 44 and 45 of the Constitution be repealed or amended to enable 'current, and future, generations to debate and set the expectations of their Parliamentarians'. According to evidence by Colebatch (JSCEM 2018) section 44 was 'drafted in haste' in 1898 and 'accepted out of weariness', reflecting societal standards established in 1901. It seems that the then Turnbull government's refusal to accept the Committee's recommendations in the face of anticipated public hostility to the proposal will perpetuate this 'drafting accident' rather than achieve a constitutional redesign and the 'soap opera' will continue (see also Howard in O'Brien 1993; House of Representatives Standing Committee on Legal and Constitutional Affairs 1997; Saunders 2017; Colebatch, 2019). For the Australian parliament, resolving the dilemma of changing the rules to meet public expectations

parliament does not control its appropriations. Issues have been left in the 'too-difficult box' (or the 'too hard basket', to use the Australian vernacular)[260] with the potential to become wicked problems.

In both parliaments members work in an environment which is hazardous to their mental health and well-being (Weinberg, 2013; Flinders *et al*. 2018; Warhurst, 2018; Prasser 2019). Weinberg (2013) found the prevalence of psychological strain amongst politicians to be well above what could be expected in a working population and questioned whether the jobs of MPs should come with a government health warning. The aforementioned *BMJ* study (Poulter *et al.* 2019) found that a higher proportion of members of the House of Commons had poor mental health than among the general population; they were unlikely to discuss mental health issues with their whips and were not aware of parliamentary wellbeing services. The potential for discussion about working practices is much less apparent in times of crisis, such as the expenses scandal in the UK parliament (Weinberg, 2013) and, by extension, the misuse of entitlements in the Australian parliament. Members of parliament inspire little sympathy or support from the public in carrying out their vital democratic role (Marr 2017). This is a problem that should in fact inspire them to 'develop a long-term culture to deal with long-term problems' and to acknowledge 'the perceived failure of the *status quo*' (Clarke 2014; Warhurst 2019).

Conclusion—'rules to go by' in serving the public interest

In this chapter I have sought to establish that procedure and management are not separate functions to be compartmentalised and prioritised. The ability to maintain procedural continuity and stability while simultaneously advocating, negotiating and implementing ongoing reform is a complex requirement for parliamentary effectiveness. It requires the retention of highly skilled procedural advisers. But it also involves a wide interpretation of procedural expertise to include a capacity to predict change and to identify and adopt parliament-wide cultural and behavioural reforms which cross internal boundaries. This discussion has, necessarily, covered a lot of ground. In the first place, I have defended the need for robust procedural rules, and the knowledge and expertise required to interpret and maintain them—an essential component of effective parliamentary administration. I have acknowledged the challenges and limits to procedural reform in the context of the tensions between government and opposition—a traditional approach for parliamentarians and parliamentary scholars. The principal purpose of the chapter, however, has been to demonstrate the pressing need

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is heightened by the difficulties of constitutional change; on the other hand, in the UK the Brexit referendum has demonstrated that the apparent ease of changing an unwritten constitution has not turned out to be at all easy and the lack of a formal constitution is not a panacea for political and institutional reform.

[260]Defined as an 'imaginary basket in which papers coming into an office are placed if the recipient finds them difficult and wishes to delay making a decision (see Slang Dictionary 2013).

for parliamentary reform to meet public expectations and address societal norms. I have addressed three associated dilemmas: maintaining a workplace culture that meets public expectations; public participation and engagement; and a failure to tackle difficult problems. First, to change workplace culture requires significant management intervention, amply illustrated by the examination of incidents of bullying and harassment in both parliaments, and a willingness to adopt, and be seen to adopt, behavioural change. Secondly, the concept of public engagement has become far more complex than merely broadcasting information about parliament and its proceedings to a largely disengaged public. More participatory approaches are required with implications for forms of direct and representative democracy; adequate resourcing of public engagement is likely to require greater internal and external collaboration to harness efficiencies. Thirdly, parliamentary actors cannot avoid tackling difficult problems; they need to look outside the parliamentary box rather than recede within it. In the next chapter I relate findings in the areas of governance, management and procedural/cultural reform to the underlying research questions in the thesis and highlight different perspectives of what it means to parliamentary actors to manage a parliament effectively. I then discuss the benefits of public management approaches to resolving these seemingly intractable dilemmas.

Chapter 8 — By design, not accident: making the case for a public management approach to parliamentary administration

Introduction

In Chapter 1 I highlighted contemporary concerns arising from the governance and administration of the UK and Australian national parliaments (Winetrobe 2013, 2014; Mulgan 2014; HOCGC 2014; Hansard Society 2015). These pointed to a lack of managerial expertise and/or competence; inadequate and/or complex governance arrangements; inherent conflict between specialist procedural and management roles; resistance to change; an absence of strategic thinking; and, particularly in Australia, management failures and a limited appreciation of parliamentary norms (SFPALC 2012a, 2012b, 2015a, 2015b; Senate Committee of Privileges 2014; ANAO 2015). I also noted evidence of a continuing decline in public trust in parliamentary effectiveness and a lack of understanding about how parliament works.

In Chapter 2 I discussed the antecedents to these reported management problems, dating from the mid-twentieth century, citing calls for reform from scholars and practitioners in both countries, and I introduced the public management reforms associated with this period. Chapters 3 and 4 traced the evolution of management and structural reforms within the two parliaments, and in chapters 5 to 7 I presented a series of continuing dilemmas which beset parliamentary actors, illustrating how different values, traditions and beliefs have influenced what it means to parliamentary actors to manage a parliament effectively. In the following sections I highlight briefly what is still perceived to be 'wrong' with parliament. Addressing the first three research questions I discuss factors which have contributed to these ongoing dilemmas. Finally, I propose some practical reforms and theoretical public management approaches which may help to tackle parliament's overarching dilemma—balancing the conflicting demands of efficiency and effectiveness while meeting public expectations—a dilemma which I argue requires a long-term strategic and collaborative management response. My thesis does not rise or fall on these propositions—rather, in my personal evaluation they are the most preferable responses to my analytical diagnosis. Some of these responses may be 'courageous' or 'adventurous' but they reflect strategic reform trajectories that could be attempted to redress perceptions of a continuing malaise in parliamentary effectiveness.

What is still 'wrong' with parliament?

Despite the tenor of this thesis, suggesting deficiencies in the long-term management of parliament, it is clear in both parliaments that significant procedural and managerial changes *have* occurred in

terms of efficiency and effectiveness. In the UK these have included advances in the effectiveness of select committees and greater influence for backbench members of parliament (Kelso 2009; Russell 2011; HCPCRC 2013). With some caveats, these reforms meet Norton's conditions for reform—a window of opportunity, a coherent reform agenda and political will (Russell 2011). Indeed, in the context of the Brexit negotiations, Norton (2018) has suggested that the UK parliament may have become too powerful, although this outcome is likely associated with a minority government and controversial decisions by the Speaker and is not necessarily the product of a coherent reform agenda.[261] Not all of the potential outcomes of the Wright reforms were achieved (HCPCRC 2013) and at the time of writing the House of Commons Liaison Committee was inquiring into the effectiveness and influence of the select committee system. Citizen-centred public engagement initiatives, including electronic petitioning and citizens' juries, are still being evaluated.

Notable efforts have also been made to engage members and peers in administrative issues and, on the face of it, there has been a greater acceptance of responsibility. The House of Lords has followed the new governance model adopted by the House of Commons and both Houses have engaged external experts to advise on administrative matters, with the objective of pre-empting further management problems. But comprehensive institutional reform of the House of Lords has remained in the too-difficult box and the restoration and renewal of the Palace of Westminster remains a significant dilemma with serious consequences for public value (Flinders *et al.* 2019). In terms of parliamentary culture, members of both Houses have been criticised for behaving inappropriately in their treatment of staff. External scrutiny of the UK parliament's administration has increased but so too has public disaffection with politicians and institutions.

In Australia, effective scrutiny of the executive is normatively associated with a powerful Senate which includes minor parties and independent candidates and is not subject to executive control. The House of Representatives has been considered by some to be a 'rubber stamp' for the executive, although members are more vocal and deliberative in the secrecy of their regular party room meetings. Nevertheless, crossbench members have become more prominent in the lower House opening up the possibility of procedural and cultural reform as occurred during the 2010-13 period of minority government. The power of the Senate has been evident in its ability in past years to thwart administrative reform across the parliament. The Senate committee system also has its critics and

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[261] Note also the recent decision of the UK Supreme Court on the UK Parliament's prorogation which strongly supports the UK parliament's constitutional role but which is also the product of an exogenous intervention following a critical event.

questions have arisen about the effectiveness of committee reports. An absence of formalised governance arrangements in the Australian parliament has done little to encourage a coherent or strategic reform agenda or ameliorate diffused management authority and responsibility in ways which might optimise its effectiveness. Yet there appears to be no appetite for strengthening governance arrangements in the Australian parliament and little evidence of a collective strategic approach, with greater engagement by members and senators. Management oversight appears mostly confined to criticism rather than constructive engagement, principally through Senate Estimates committees. Whilst such criticism may not be excessive in some eyes it can be unhelpful, as the current President of the Senate, Senator Ryan, acknowledged in a recent Estimates hearing (SFPALC 2019a). At the same time, however, we have seen that the formalised governance structures in the UK parliament have not been a panacea for improving parliamentary effectiveness or meeting societal expectations.

In both jurisdictions, the opportunities to communicate the work of the parliament through multiple media platforms are almost limitless, although it appears that the public's ability to see more of what parliament does has contributed little to improve its public standing. The rapid advances in information and communications related technology, in particular, have revolutionised public engagement, and members have far greater access to resources, including information and research services, to perform constituency and committee work and to scrutinise the executive. Hill and Whichelow (1964); Crick (1968); and Rush and Shaw (1974) would likely be well satisfied in this regard. Electronic petitioning in both parliaments has seen greater numbers of digital signatories to petitions and in some cases has led to meaningful debates. The House of Representatives Petitions Committee (2018) before its dissolution in 2019 had recommended reforms emulating practices in the UK parliament. Other procedural reforms, whilst appearing to be relatively straightforward, have been resisted—electronic voting is one example.[262] Despite some procedural changes aimed at women, such as proxy voting for women on maternity leave, cultural change has been slow and the representation of women is still a problem. Both parliaments have failed to meet societal expectations of a modern workplace; members' behaviour is still in the spotlight; issues have been left in the too-difficult box; and public resentment and cynicism appears to be growing. Planning for the maintenance and preservation (and, in the UK, restoration) of the parliamentary buildings is fraught. The problem is less critical in the Australian parliament with its modern structure, but, as we saw from the Baxter report (2015) and

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[262] Although there are moves afoot in the Australian parliament (DPS 2018).

from the views of those who have been closely associated with the building from its inception, opportunities may have been lost.[263]

The thesis has argued that taking an historical institutionalist approach to management over many decades has seen management occur by accident rather than design, often with *ad hoc* reforms of the 'something must be done' variety emerging from crises. Even where a seemingly coherent reform agenda might have existed, including in the regular reviews of management in the UK parliament, a number of factors, including a lack of political will, have led to a failure to achieve effective or timely outcomes. There appears to be an excessive concern from parliamentary actors with precedent, process and preservation, and a strict observance of procedural rules and conventions, rather than effective problem-solving. In the public's mind this can be equated with political self-interest and we have observed evidence of increasing dissatisfaction with the democratic system in both the UK and Australia. Despite continuing calls for the reform of parliament, including, increasingly, options which lean towards systems of direct rather than representative democracy, we have not seen much evidence of the public's willingness to engage with or contribute to improving the parliamentary institution, rather than denouncing it. This could be construed as a continuing 'dereliction of parliamentary duty', if one accepts the view of Jennings (1961) and Menhennet and Palmer (1967).

But we have also come to a better understanding through chapters 5 to 7 of the dilemmas relating to governance, management, and procedural and cultural reform faced by all parliamentary actors as they navigate their way through myriad expectations, often with little public or institutional support and excessive, sometimes undeserved, criticism. A summary of these continuing dilemmas is in Table 8.1.

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[263] A Smith 2017, pers. comm., 27 October.

Table 8-1 Dilemmas of parliamentary management

Governance dilemmas	Management dilemmas	Procedural and cultural dilemmas
Who speaks for parliament? Authority, advocacy and institutional representation.	**Multiple roles and identities** Responsibilities to internal and external stakeholders, crossing organisational boundaries.	**Meeting public expectations** Demystifying procedure, reforming the parliamentary workplace.
Financial independence Securing appropriate funding for supporting parliamentary effectiveness.	**Business as usual v strategic management** Preservation or innovation? Should the 'shoemakers stick to their lasts'[264] or reimagine public value?[265]	**Speaking or listening?** Opportunities for participatory approaches to democracy.
Engagement by members Ensuring collective responsibility for parliamentary governance.	**Abundance of scrutiny or excess of criticism?** Ensuring critical and constructive *ex ante* engagement.	**Leaving reforms in the too-difficult box** Amassing political will for change.

As we have seen, the complexities of managing the parliamentary institution are manifold; they include diffused responsibility for governing parliaments, including the authority and political will to advocate for reform and garner resources; conflicting commitments in serving the institution, its members or the public; a lack of constructive strategic engagement; the influence of changing societal mores on procedural rules and culture; and how to effectively engage with the public and the media. At the highest level, and common to both procedural and management reform, is the ongoing challenge to balance the goals of efficiency, effectiveness and meeting public expectations. Arguably, when taken together, they constitute parliament's very own 'wicked problem' (Rittel & Webber 1973).

The tendency for the public (and some practitioners in studies of democracy) to conflate perceptions of the parliamentary institution with government and politicians generally in itself is a sign that parliaments are less relevant than their place in their respective constitutions would imply. If trust in democracy is low, as the evidence cited in the thesis would suggest, parliament is less likely to be able to pursue effectively its role in providing a forum for deliberation and sharing of ideas. I argue that without agency and innovation by parliamentary actors, parliament is in danger of being overlooked, sidelined or marginalised. An institution which heralds its independence and its importance as a political institution is in danger of ceding to others its capacity for action.

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[264] J Bercow 2016 pers. comm., 11 May.
[265] As envisaged by Moore (1995).

Where the fault lies: some contributing factors

At this point it is worth repeating the underlying research questions which the thesis has addressed:

1. How do competing beliefs about the relative value of procedural and management skills influence effective management in the UK and Australian parliaments?
2. Do members of parliament engage constructively in managing their parliaments?
3. How do structural and other differences between the two parliaments inhibit or facilitate effective management and governance?
4. Is managing parliaments similar to managing other complex organisations, and can contemporary public management principles be usefully applied?

By providing examples throughout the thesis I have sought to demonstrate that the preferment of procedural over management expertise has negatively influenced effective management in both parliaments over decades. I acknowledge that there are signs of change and that most parliamentary officials have recognised the need for greater management attention, particularly at the operational level, but the focus of members is inevitably on the political and tactical aspects of their role. With some notable exceptions in the UK,[266] from my discussions with interviewees in both parliaments there appeared to be little interest amongst members generally in playing a constructive management/administrative role and even less so when it comes to planning for future management challenges. This was particularly the case in the Australian parliament where there are no formal governance mechanisms and the roles of the Speaker and President are not considered to be independent of the executive, despite the efforts of the current Speaker, Tony Smith, and the (relatively) new President, Scott Ryan.[267] The Senate Estimates committees perform a highly regarded scrutiny function but their potentially conflicted role in critically scrutinising *their own institution* is rarely challenged. The relegation by some of the concept of management to routine and operational tasks overlooks the more forward looking, public facing, cultural and behavioural aspects of parliamentary administration. As we noted in Chapter 7, the inquiries into bullying and harassment in the UK parliament provided striking illustrations of management shortcomings which had their

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[266] These included, in the UK, the Speaker and former Lord Speaker and members of the House of Commons and House of Lords governance bodies as well as some reform minded members including Charles Walker MP. Many members gave evidence to the House of Commons Governance Committee hearings in 2014, where support for precedence of management versus procedural skills appeared to be evenly divided.

[267] These include Speaker Smith's actions in releasing to members of the House the advice of the Attorney-General on the Medevac bill (see Australian House of Representatives, 2019) and Senator Ryan's support of his officials at Senate Estimates hearings; (SFPALC 2019).

antecedents in an elitist insular culture with profound implications for parliament's reputation and future administration (Cox 2018; Ellenbogen 2019).

Whilst the findings in relation to the first two questions appear to be broadly similar in both parliaments, different structural arrangements do have some influence on management effectiveness. The fact that management support services are collocated with procedural services within each House in the UK parliament might have been expected to facilitate greater collegiality (or equality) in relationships between procedural and management service providers; however, the evidence did not support this expectation. Indeed, the HOCGC (2014) exposed the higher priority accorded to procedural skills over management skills, amply supported by other sources (for example, Crewe 2010, 2017; Silvester & Spicer 2014; Cox 2018 and Ellenbogen 2019). This has occurred despite the series of regular management reviews described in Chapter 3. The HOCGC was established as a result of a disputed decision by a controversial and independent Speaker to elevate the management role. The House of Lords—a considerably weaker institution than the Australian Senate—has played a less decisive role in administrative reform and has generally followed the lead of the House of Commons although it has been reluctant to lose its voice and has resisted some, but not all, attempts at working jointly with the House of Commons.

In the Australian parliament, with support services provided by joint departments (and latterly by the single Department of Parliamentary Services) the principal focus of management has appeared to be confined to operational and financial efficiency, rather than strategy, even if the former has not always been achieved. This outcome has been exacerbated by executive control over funding, accelerated by the introduction of the efficiency dividend. Rivalries between the parliamentary departments and competition for funds have also been well-documented (see Chapter 4). Loss of functions was also seen by the Senate as a disincentive to management reform (Evans 2004); but in fact, the continuing operation of the efficiency dividend does appear to have led to a 'hollowing out' of the responsibilities of the chamber departments and a loss of functions apart from core procedural services and their associated management, and their joint role in overseeing parliamentary education and relations with other parliaments. [268] There has been little public discussion about the need for 'professional' management skills, including at the time of the amalgamation of the joint departments (Podger 2002);

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[268] Provided by the Parliamentary Education office located in the Senate and the Parliamentary Relations Office located in the House of Representatives.

indeed, the inaugural head of DPS appointed by the then presiding officers was a specialist lawyer without experience in managing a large and complex organisation.

The evidence which the thesis has uncovered does not point to a best practice organisational design for a parliament.[269] Rather, it has emphasised the need to find the best way to ensure effective governance and oversight by parliamentary actors, including members, and to find the optimal balance between management and specialist skills. This is crucial if parliament is committed to regaining people's trust and ensuring its own relevance. This commitment appears to be more evident within the UK parliament, with its formalised governance arrangements and more advanced public engagement activities, as demonstrated in Chapter 7.

Parliamentary administration and public management: the same or different?

This thesis has highlighted the tendency for parliamentary actors to view management as operational and routine, focussing on precedent and efficiency while neglecting strategic management challenges. I have posited that parliamentary administrators could draw effectively on public management approaches (research question 4). Principles of 'new public management'—including efficiency, accountability, responsiveness (to members), business planning, performance measurement and reporting and contract management—are already entrenched in both parliaments, notwithstanding some criticism about their implementation (see Chapter 5). Operational management skills, including in human resources and financial management, have been emphasised and designated 'professionals' in these fields have been recruited to both parliaments at the same time as longstanding parliamentary officials have been encouraged to forsake 'amateurish' approaches. Ideas of public value, including its pragmatic successors, and formalised methods of collaboration and co-production with citizens are to date less evident; in later sections I discuss the potential relevance of public value, collaboration and co-production approaches. Firstly, however, in the interests of making the argument more persuasive, I examine perspectives from parliamentary actors about the similarities and differences between parliament and other public sector organisations.

Parliamentary actors from across the spectrum in both parliaments have acknowledged the similarities between their own and all public organisations: common requirements include good governance, accountability, professionalism and expertise. When interviewed, their principal focus was on operational management—'administration is administration'; parliament was 'not fundamentally

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[269] When one notes that it took more than a century to change the departmental structure in the Australian parliament it would seem ill advised to suggest one (see Chapter 3).

different'; or 'not completely different'[270]—although some also cited a capacity for change and a need for continuing internal and external review. Many actors noted that the differences could be overplayed; that parliaments like to think they are unique when they actually have more in common with other organisations; differences are created as a protection; independence can be taken advantage of. In Table 8.2 I analyse responses to interview questions about the differences and similarities between parliament and other public organisations.

Table 8-2 Perceived similarities and differences between parliament and other public organisations

Feature	Characteristics
Similarities	
Accountability, governance	Leadership; generalists can be effective if context is understood; same decision parameters, different operating environment.
Capacity to change, internal and external review	Differences overplayed but 'guild' or 'club' approach makes change difficult;[271] change frustratingly slow, parliament has not kept pace. Comparisons with other institutions included the Royal Family, English Football, National Health Service, local government, hospitals and universities.[272]
Operational management	No difference in non-member facing roles, but can be too much political meddling.
Differences	
More stakeholders, complex relationships,	Need to support members, including in constituencies as well as public; no control over demand; but accountable to whole nation—an 'abstract collective.'[273]
Historical, traditional, constitutional	Historical legacy, custodial relationship, independent funding; exclusive cognisance; status conscious, hierarchical; devotion to institution, impartiality, specialised knowledge.
Locus of authority, decision making	No binary relationship or single authority as in government; self-regulating; no single agenda, each member equal.
Political context, divides, interests	Different '*dramatis personae*'; some administrators 'don't get it',[274] capacity to interpret political context required; administrators can work across divides if they have political capital but evidence of a lack of trust.
Media and public scrutiny, sensitivity	Media scrutiny, very public; tensions between houses; risk of exposure; lack of visibility, conflation with government.

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[270] S Parry 2017, pers. comm., 15 June; A Walker 2015, pers. comm., 23 September; I Ailles 2016, pers. comm., 9 May.

[271] C Mills 2017, pers. comm., 11 May.

[272] R Fox 2016, pers. comm., 10 June; I Ailles 2016, pers. comm., 9 May; P Beresford 2016, pers. comm., 2 June; R Mulgan 2017, pers. comm., 7 June.

[273] E Crewe 2016, pers. comm., 21 September.

[274] R Fox 2016, pers. comm., 10 June.

Most parliamentary actors, whether members, managers, clerks or observers cited differences between parliament and other public organisations as summarised in Table 8.2. An important distinction, however, is the way these differences were interpreted. To some interviewees they reinforced the 'uniqueness' or 'independence' of the parliament. To many others, they represented public management challenges common to other public organisations within their own particular contexts—all organisations are different to some extent. The following quotations, taken from a full range of parliamentary actors, support my argument that differences, or challenges, should not be barriers to effective strategic management reform within parliament. In fact, these views are indicative of a willingness to entertain it:

… there are plenty of people with their own issues out there. They may not be quite the same because of the member angle but it's not as if they are all uniform elsewhere—they are also different (D Beamish 2016, pers. comm., 24 May).

I'm not sure that I would buy into the differences … In many ways there is nothing that we do that is completely unique and different from any other organisation. I think those who argue that it is tend to use that as a blanket reason for not learning from outside ... One of our weaknesses is that we don't learn enough from what happens in the real world. To a certain extent we exchange with other Commonwealth parliaments and things but there is a reluctance to look at simple and best HR practices in the public sector and to learn from them (A Kennon 2016, pers. comm., 24 May).

I am much more towards the line of similarities than differences. In the end, we are all human beings. We all behave, we all project, we all have our own inadequacies, we all like warm fuzzies, we don't like cold pricklies, and I don't think that's any different from anywhere else other than the fact that we have allegiance to parties (C Bryant 2016, pers. comm., 23 May).

… too often everyone says 'Oh, it's completely different.' Actually, quite a lot of it is not completely different. There are not enough people inside the railings with experience outside the railings because there's a perception in here that it's so different that nobody could make the crossing. Having said that, some of the differences are startling, along the lines of how MPs operate or don't operate, the lack of organised activities, the fact that everyone is so individually distinct (I Ailles 2016, pers. comm., 9 May).

It may be unique in a sense, but I don't know that it is the only kind of bureaucracy that is unique. I think all bureaucracies probably are unique in their own way, which does not detract from the proposition that they're also alike in a lot of ways (H Penfold 2017, pers. comm., 19 July).

… in some ways the differences are perhaps not so great. Ninety-five per cent of my career was in the parliamentary service, but I know that the federal sphere is also characterised by a lot of very dedicated people in lots of executive departments who have great cultures of professional expertise and pride in

all sorts of areas…Parliament is a special service, but there are lots of other services that are also characterised by a lot of idealism, professionalism and long-term traditions of neutral service (B Wright 2017, pers. comm., 25 May).

This thesis argues that the effective management of a parliament in the current environment goes beyond searching for the optimal internal structure; beyond minimising (as opposed to justifying) every expenditure; beyond hierarchical elements of control; and beyond fiercely defending the *status quo* or becoming indifferent to the challenges at hand. Rather it calls for consultative and collaborative relationships across organisational boundaries and with external organisations. In particular, it requires a rethinking of the parliament's internal and external relationships to achieve an effective balance between the dilemmas of both enabling and scrutinising a government's program and maintaining public confidence and trust in the democratic system. My discussions with parliamentary actors strengthened this argument. Acknowledgment of the many similarities between parliament and other public organisations affords an opportunity to look outwards from the parliamentary environment and learn from public management as well as parliamentary practice and scholarship.

Something must be done! What could help to manage a parliament effectively?

A key management challenge for both parliaments is how to place more focus on promoting and sustaining parliament into the future rather than guarding the present and preserving the past. This may require a greater reliance on strategic and collaborative public management skills and expertise, practised both internally and externally. A further problem lies in engaging members more constructively and strategically in managing their parliaments, rather than simply criticising management activities within 'star chamber'-like Estimates committee hearings or avoiding responsibility altogether. A third management challenge is how to develop collaborative mechanisms with potential external contributors.

This research has illustrated an inherent conflict in traditional beliefs around the concept of parliamentary 'independence' (or exclusive cognisance) and a parliament's capacity to meet societal expectations. I present five examples of this conflict: first, as in the aversive constitutionalism argument of Flinders *et al*. (2018a), the independence argument can be used to thwart reform in order to protect individual and political interests (we have seen evidence in earlier chapters of this occurring in the Australian parliament). Such a use is not directed towards meeting Crick's (1968) or Reid and Forrest's (1989) test of parliament as a broker of ideas and deliberation with the assumed outcome of a 'better informed public'. Secondly, when the independence concept is considered only in the scrutiny

or investigative context its use tends to encourage adversarial or pejorative perceptions of the 'we need to keep the bastards honest'[275] type; rather than collaborative or constructive outcomes. It does little to encourage public confidence.[276]

Thirdly, advocates for the independence of presiding officers from their political parties[277] typically mean to free incumbents from the constraints of political affiliation and allow them to act at all times impartially; however, this may in reality be unachievable. When an independent Speaker exercises authority over a parliament's proceedings, their actions are not always considered to be impartial[278] and may even be seen as an abuse of their independence (see Chapter 7). Fourthly, as we saw in Chapter 5, the constant call for the Australian parliament to take control of its own finances in line with the somewhat misplaced doctrine of the separation of powers within Australia's 'Washminster' system is, to some, another myth to be dispelled. Fifthly, the traditional belief that parliament is 'unique' may in fact bolster an inherent tendency for parliamentary actors to prefer not to rely on external influences, including those which may actually help to improve parliament's effectiveness. The concept of independence may in reality militate against effective parliamentary administration when it is used to signify exclusion, rather than inclusion. However, when used in the context of authorised and legitimate agency directed to the interests of the parliament, it may engender a greater appreciation of the public value concepts discussed in Chapter 2 and in the following sections.

Turning to practical solutions, and notwithstanding earlier comments rejecting a 'one best way' approach to organisational design, in the case of the Australian parliament an ability to balance the competing interests of multiple actors in parliamentary administration would be enhanced by an overarching governance structure—a parliament commission—which had a degree of political independence and whose decisions were publicly accessible. Such a body, designed along the lines of the House of Commons and House of Lords commissions, but more radically structured to operate across both Houses, would engage external members and provide not just assurance but also strategic advice and assistance directed in particular towards restoring and strengthening the public perception

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[275] Attributed to Don Chipp 1980, former leader of the Australian Democrats (Parliament of Australia 2017c).
[276] This concept was usefully illustrated in the context of policy development by Wilkins and Phillimore (2019). In the context of the Hayne Royal Commission into the banking industry they questioned how well suited are royal commissions to the dual roles of uncovering wrongdoing and contributing to policy reform.
[277] See the discussion on an independent speaker for the House of Representatives in Chapter 5.
[278] See the discussion in Chapter 7 (p. 180) on Speaker Bercow's selection of amendments during the business debate on the *European Union (Withdrawal) Act 2018 (No. 2).* But see also evidence given to the House of Commons Public Administration and Constitutional Affairs Committee (2019) which discussed the concepts of 'neutrality' and 'impartiality' in the context of the 'unusual' circumstances of the House of Commons post the Brexit referendum.

of parliamentary effectiveness. In terms of efficiency there is no reason why the two existing appropriation and administration committees could not meet simultaneously, (as envisaged in their respective governing *Standing Orders*, but not currently practised). Their chairs—*ex officio*, the Speaker and the President of the Senate—could represent each House's interests on the commission, and issues of priority funding could be addressed. These could include the maintenance, promotion and re-purposing of the parliamentary building during the remainder of its 200-year life to avoid the pitfalls of decades, if not centuries, of neglect as evidenced in the Palace of Westminster.

A formal governance structure would provide the 'authorising environment' for strategic, politically independent and decisive action on the management of the Australian parliament. As with any other committee its advice should be public even if its deliberations are conducted privately. It would give presiding officers and other parliamentary actors the authority to work more effectively in the 'purple zone' between the administrative and the political, acting in the interests of the parliament while cognisant of the interests of their parties. Indeed, such a body may also have leverage in promoting party based reform to meet societal expectations, such as the effective representation of women in the parliament. Of particular importance to this thesis, the proposed commission would both encourage and require the presiding officers and other members to take a more evident degree of interest in and provide leadership and support to the Department of Parliamentary Services. Whilst the commission's decisions would be open to scrutiny by the SFPALC in as much as they related to the Senate itself, the Speaker and members of the House of Representatives would not be answerable to that committee; on the other hand, greater transparency in decision making could make estimates hearings more constructive and attract fewer 'shouty' media episodes (Wroe 2019), provided members refrained from political point scoring. Of greater importance still, such a body would be in a position *as a whole* to argue for effective funding, including by departments preparing persuasive business cases and working in concert—an outcome that would mitigate attempts by the Department of Finance to 'play off each department against the other' (Reid & Forrest 1989). To take up a recent proposal that the Australian Public Service Commissioner should be head of the APS (Podger 2018), there is no reason why the Parliamentary Service Commissioner should not be a prominent figure on the proposed parliament commission, particularly if that position became a separate appointment, not merely an additional role for the Public Service Commissioner. This 'important' role would not need to be played 'intermittently' (Parliamentary Service Commissioner 2018). At present, the existing position

of joint Parliamentary Service Commissioner/Public Service Commissioner seems to serve little parliamentary purpose, other than to save parliament the cost of funding it.[279]

There will be objections to this proposal. Firstly, the potential promise of a formalised governance structure and a more unified parliamentary service would inevitably be viewed in the Australian parliament against the spectre of awakening previous proposals for a single parliamentary department (Reid & Forrest 1989; James 1996; National Commission of Audit 1996, Malcolmson 1999). An alternative approach would be to view a formalised whole-of-parliament governance structure (even if it did lead to a single administrative department) as an opportunity for the parliament to refocus its administration and harness its own efficiencies pre-emptively rather than await external intervention. As we have seen, the independence of the clerks and the Parliamentary Librarian is now enshrined in the *Parliamentary Service Act 1999*, effectively mitigating potential concerns, and the clerks I interviewed (in both parliaments) have not been unwelcoming of the transfer of non-procedural administrative functions to managers, leaving them with more time to exercise their procedural expertise.

Secondly, as we have noted, the effectiveness of the UK parliament's formalised governance structures has been widely criticised, both internally and externally (see, in particular, Cox 2018; Ellenbogen 2019). It would be simplistic however to point to these perceived failures as a reason for not persisting with a structure designed to bring better governance rather than to look to ways of improving it. Indeed, the House of Lords has only recently established the House of Lords Commission and its members have supported moves to address arguably its most pressing management reform in terms of its public standing, that of its size and constitution (Lord Speaker 2017, 2018). At the time of writing the House of Commons Public Administration and Constitutional Affairs Committee (HCPACAC 2019) was hearing differing views on the administrative role of the Speaker and the future role of the House of Commons Commission.[280] Leaders in the UK parliament could also redouble their efforts to engage their own

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[279] Recent commentary by the Peter Woolcott, current Parliamentary Service Commissioner, would suggest that his call for a cultural and organisational shift for the Australian Public Service, away from hierarchical rules that discourage innovation and risk, would be similarly useful in the Australian Parliamentary Service. In particular, he advocates career paths for both generalists and specialists, valuing expertise and management capability (Jenkins 2019).

[280] For example, Lord Lisvane advocated the removal of the Speaker as Chair of the Commission, which was reported as an attempt to curb the Speaker's power after John Bercow's tenure (Webber 2019). However, further evidence from the Institute for Government, the Hansard Society and Lord Norton favoured further review of the wider governance role post the HOCGC recommendations and argued for a more strategic role for the Commission, and greater responsibility for all members, including in the restoration of trust in the House of Commons, in line with key arguments in thesis.

members and encourage their officials in restoring public trust and confidence. In Norton's terms they need 'to come [back] out of the bunker, guns firing' (2017). In particular, they need to address not just the structures of effective management but also the skills (see also HCPACAC 2019). Rather than resisting proposals such as strengthening management capacity and establishing a single cross-parliament human resources function (Ellenbogen 2019), these should be seen as an opportunity for effective administrative reform. The mechanisms are already in place.

The evidence provided in Chapter 7 suggests that effective public engagement requires more than statesmanlike visits by presiding officers and other members to schools and regular internal discussions between parliamentary actors within parliamentary associations (Atkins & Goodwin 2018). Practical steps to harness opportunities to tell parliament's story could include working more closely with non-parliamentary pro-democracy and citizen-based organisations. In the Australian parliament it may also include placing responsibility for information and communications within the single services department, with outposts in the two House departments to decide and coordinate content, bringing it closer to the UK model. The UK parliament's digital engagement structures are complicated but integrated (Nisbett & Leston-Bandeira 2019). In particular, the links between the public engagement and participation function and the House of Commons Library appear to be bearing fruit and could offer a model for a less 'independent' or 'siloed' Parliamentary Library in the Australian parliament which could make its specialist research more widely available to the public. In light of the history of previous attempts to reform library management, caveats around resourcing and confidentiality would need to apply, although there is room for a discussion on the balance between public resources directed towards the public interest and those serving political interests. The Joint Standing Committee on the Parliamentary Library, a defender of the library's independence and separateness would not be prevented from making its case to the proposed commission; in fact there should be no reason why the library could not benefit from greater collective advocacy and innovation.

The case for less independent and defensive thinking which can also manifest as insular and siloed can be seen too in the context of calls in both countries for wider changes to the way democracy is practised.[281] Parliament should not relinquish any opportunity to re-establish itself as the major player in the democratic space. The practical reforms suggested above are designed to allow both parliaments, through their members and officials, to advocate more effectively to meet the societal challenges they

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[281] See, for instance, Gruen (2019) who advocates the establishment of a standing citizens' assembly as an antidote to the partisan self-interest of elected politicians and a departure from the Schumpeter view of electoral democracy as a competition by a political elite for the consent of the governed.

face in collaboration with other democratic institutions, including executive government departments. A notable features of this research has been the discovery of the symbiotic relationships between the UK parliament and external organisations including the Hansard Society, the UCL Constitution Unit and the Institute for Government, as well as the increasing academic interest in parliamentary administration. Both parliaments can work with such organisations to build links with the community more broadly. I now turn to public management approaches to parliamentary administration.

Finding public value in parliamentary administration

Put simply, Moore's 'strategic triangle' (1995), the basis of voluminous literature on public value and therefore a logical starting point, requires a balance to be struck by public managers between judging the public value of what they do; seeking political legitimacy and support; and improving organisational capacity in order to deliver it. Any organisational strategy to deliver public value needs to be 'substantively valuable', 'legitimate and politically sustainable' and 'operationally and administratively feasible' (pp. 70-71). This sounds like common sense but might not be easily achievable within parliament in light of factors I have discussed in the thesis including the plurality of roles, identities and purposes amongst parliamentary actors; an unwillingness or lack of expertise to negotiate for resources to increase capability and, most importantly, the lack of an authoritative parliamentary advocate.

Dealing firstly with the latter, I argue that the absence of an overarching authoritative figure makes it imperative to establish a cohort of parliamentary actors who will engage intellectually with their public management roles, think long term and look beyond the narrow and sometimes bureaucratic nature of those roles (Moore, 2016). I refer in particular to the inherent capacity of the presiding officers to act as principal advocates (not merely spokespersons) for the parliament, putting aside any party affiliations that would deter them from arguing primarily for causes of the parliament (Wishart 2019). [282] There are risks, of course, particularly to the Speaker and President in the Australian parliament who do not stand down from their party, but current Speaker Smith has demonstrated during his tenure his intention to remain impartial,[283] and current President Ryan, also expressed similar sentiments following his election (Murphy, 2017b). Former Speaker Bercow in the UK

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[282] This is what was proposed by Scottish National Party member Pete Wishart in signalling his intent to seek the Speakership of the House of Commons when it next became vacant.

[283] See, in particular, Murphy (2017) and the Speaker's decision to ignore a request from the Attorney-General and table legal advice which the Government had received about amendments to the *Home Affairs Legislation Amendments (Miscellaneous Measures) Bill 2019* to the effect that they were unconstitutional under section 53 (Australian House of Representatives 2019).

parliament was renowned for his independence from the executive (Graham 2019)[284] although his actions were sometimes seen as not being impartial (whether anybody's actions can be truly impartial is not easily resolved).[285] The role of Lord Speaker, an office established only in 2005, is also without party and therefore executive affiliation. But while the presiding officers meet Moore's (1995) definition of 'public manager' and, arguably, the Rhodes and Wanna (2007, 2009) requirement for 'elected' authority they do not necessarily have the authority or inclination to act on behalf of all members unless such authority is specifically delegated to them. An internally elected body, such as the House of Commons and House of Lords commissions, would seem to go some way towards 'legitimising' parliamentary authority. Moore also suggests that legislators and staff on legislative oversight committees could be considered as important managers of public enterprises (p. 2) and it is clear that members of scrutiny committees in both parliaments see themselves as playing an important role in the management of public enterprises. I deliberately 'stretch' this concept towards administrative oversight within the parliamentary context, and by adding a public advocacy role.

The more common interpretation of Moore's call for public managers to exercise their value-seeking imaginations appears to fall to those who are unelected and this is where the complications of the 'purple zone' come into play (Moore 1995; Shergold 1997; Rhodes & Wanna 2007, 2009; Alford *et al* 2017b). Hartley *et al.* (2015) found that these concerns can be overplayed: the political astuteness of senior managers enables them to better understand the respective domains; they are generally sensitive to the prerogative of politicians and adept at dealing with the political environment, and this is certainly an attribute recognised by most parliamentary actors, if not always displayed.[286] Problems of overstepping the line or being trapped within the political-administrative divide can also be ameliorated when advice is tendered publicly, when expertise is shared and when opinions are debated. For example, the statement by former Clerk of the House of Commons (Natzler 2019a) defending the role of Commons clerks in providing drafting expertise to members on opposing procedural devices would have been welcomed by those favouring transparency and accessibility, although disclosure of procedural advice is not without its political risks.[287] A pragmatic approach

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[284] Graham provides a comprehensive illustration of Bercow's controversial speakership.
[285] See, for instance, Gamertsfelder 1928, who claims that if 'disinterested reason' is accepted as a philosophical ideal it must be interpreted as a reason constituted out of a coordination or organisation of relevant interests (p. 52).
[286] See Chapter 4.
[287] Former Senate Clerk Evans, noted that disclosure of advice was a matter for senators receiving it and was not discouraged; however, he warned against an increasing tendency for the advice itself to become part of the public discussion and for the provider to lose his or her anonymity. He regarded this as a potential erosion of the authority of elected representatives (Evans 1991). Note also Speaker Bercow's refusal to divulge the advice he received from the Clerk on allowing the Grieve amendment to a government business motion (HC Debates

would attempt to shift the balance between informing individual members and informing the public; in the UK House of Commons it appears that the balance has swung towards the latter through the joint roles of its participation and information and research departments. We should note also that the problem of confidential advice becoming politicised is by no means unique to parliament.[288]

Putting aside the complexities of Moore's 'authorising environment' for the time being, I now turn to the need to ensure that management strategies and activities are operationally and administratively feasible. This is the point at which management theory has been most influential, even if unacknowledged, within the parliament. Talbot (2008) talked of an amalgam of 'managerialist' ideas focussed on achievement and performance, and evidence I have noted from management reviews, annual reports, audits and media scrutiny point to an inevitable, if reluctant, take-up of at least a form of managerialism and a shift from the amateurish approach of the past. Chapter 6 compared strategic and business plans within the two parliaments and noted that strategic planning alone was no guarantee of performance, particularly in areas of cultural change and building management. It drew attention to continuing concerns with planning and implementation in both parliaments as evidenced by the protracted history of restoration and renewal of the Palace of Westminster and in the continuing criticism of building management and security planning in Senate Estimates committee hearings, the Baxter review (2015) and in the Australian media. Even when management activities appear to be operationally and administratively feasible, securing resources and ongoing political support continues to be challenging but cannot be avoided.

Lastly, and to complete the triangle, we come to the judgment of what is substantively valuable to, and appreciated by, the public. As the thesis has argued (see Chapter 7, in particular) this is the point at which the greatest risk to the future of parliament materialises. In defining public value, Moore (1995) distinguished between *collective* value for all citizens, not just those who are recipients of a particular product, and *individual* value such as that which might be purchased in the market. He suggested that legislative and political mandates setting out normatively compelling collective purposes establish the presumption of public value. This is problematic for determining the public

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2019a). Sir Lindsay Hoyle, who was elected Speaker of the House of Commons on 4 November 2019 has pledged to publish clerks' advice (Elliott 2019). This could make it more difficult for a Speaker to depart from convention but I argue that it could also enhance the quality of the debate.

[288] See ongoing debate in Australia about the alleged politicisation of advice which governments might seek from public service departments; for a useful illustration of where Treasury advice has been sought in relation to an opposition's proposal see Burgess (2019).

value of parliament's activities when the process of establishing a mandate is increasingly divisive;[289] when politically mandated outcomes are delayed or blocked, or barely discernible; and when the functions of parliament appear to be inextricable from those of government. How can a parliament exert greater influence over the deliberative process, including the election and conduct of its representatives and the evaluation of its activities? I suggest three broad areas for consideration—(i) expanding the role of the relevant electoral and constitutional committees to consider public proposals for strategic electoral reform (see McAllister, 2019); (ii) seeking public input to and acceptance for at least minimum standards of support for members of parliament; and (iii) directing resources towards greater public engagement and participation, including by working more collaboratively intra-organisationally and with external organisations.

Such aspirational propositions, whilst contextual to parliament, are not new nor are they unique in terms of public management. Stoker suggests that public value management could be a new narrative for 'networked governance' amid claims that 'legitimate democracy and effective management are partners' and that 'politics and management go hand in hand' (2006b, p. 56). These claims tend to support the efficacy of a formalised governance structure in both parliaments comprising elected politicians, officials and external parties. But while Stoker tells us that the strength of the public value paradigm is in redefining the challenges of efficiency, accountability and equity and in pointing to a motivational force for reform that does not rely on rules or incentives, he is also aware of its pitfalls: limits to the extent to which politics can be managed and remain legitimate; talk rather than action; and the need for regular critical review by all parties. These are hurdles to be overcome; we have already encountered levels of cynicism from parliamentary actors towards management reform and the House of Commons Commission has not been without its critics.

Hartley *et al*. 2017 defended Moore's strategic triangle against its detractors by arguing that it could be seen as a pragmatic and heuristic tool (see also Rhodes & Wanna 2007, 2009) which assists managers to get things done strategically and practically by effectively aligning its three points without postulating 'any particular social mechanism, scope conditions or set of variables' to bring this about (p. 673). They also pointed out that public value is primarily a theory of human agency in institutional, organisational and whole system contexts; and that public value research has sometimes failed to properly appreciate perspectives of politicians, citizens and other stakeholders, including trouble

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[289] Moore (1995) also concedes that distrust in the integrity of politics requires assurances through minimal standards of fairness and competence in deliberations and objective ways of measuring and challenging public outcomes.

makers. This criticism resonates when applied to parliamentary actors of all varieties. Prebble (2012) found that managers 'who manage upwards, outwards and downwards, with appropriate democratic and legal authority, can add to public value' and should be encouraged to do so (p. 401), but he later questioned Moore's concept of a 'reflective' and 'knowledgeable' public as a whole, capable of changing its mind, as the arbiter of public value (Prebble 2018). There is no 'one size fits all' ideological approach of the type said to have plagued traditional bureaucracy and new public management (Hood & Peters, 2004); to be successful, public value propositions for the parliament would require a pragmatic approach aimed at restoring trust, legitimacy and public interest (Osborne 2006; Alford & Hughes 2008; Williams & Shearer 2011; Bryson *et al*. 2014; Crosby *et al.* 2017. (See also Kelly *et al*. 2002; O'Flynn 2007; Talbot 2009; Bromell 2012; and Ballintyne & Mintrom 2018 for practical approaches).

The difficulty of measuring public value outcomes is a common criticism (see Chapter 2). It is not dissimilar to the problem of measuring the value of any of a parliament's activities, particularly public engagement and deliberation. We can turn to Russell's evidence to the House of Commons Liaison Committee's inquiry into the effectiveness of select committees which suggests that one answer may be to consider the counterfactual (Russell 2019c). In other words, what is the likely cost of not restoring public trust and legitimacy to parliament? Faulkner and Kaufman (2018) have also made a significant contribution to overcoming the lack of appropriate mechanisms for its measurement. Following a systematic survey of available literature, they concluded that almost all dimensions of public value could be captured in four themes—outcome achievement, trust and legitimacy, service delivery quality and efficiency—and be included by practitioners in public value measures.

In summary, the public value approach can be seen to have some identifiable advantages for parliamentary actors, principally by encouraging officials *and* members to think of themselves as public managers rather than solely (or uniquely) parliamentary custodians; establishing an authorising environment in an institution where no one is formally in charge; focussing on strategic as well as operational tasks; and identifying and responding to public perceptions of parliament. As Talbot (2008) concluded, these are not 'either/or' propositions; they require an integrative approach. In the next section I turn to newer approaches to public management which have both encapsulated and evolved from the public value paradigm.

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The potential for engagement, collaboration and co-production—a bridge too far for parliament?

I have dealt with a fraction of the literature on public value in seeking legitimate connections with parliamentary administration. The problem is the same with the evolving scholarly discussion on collaboration within the public sector and with citizens in designing or coproducing public services (see also Chapter 2). To tackle this 'oversupply' I have concentrated on literature which is likely to be most relevant to the overarching parliamentary dilemmas that are influenced by the traditions and beliefs of parliamentary actors (Bevir *et al*. 2003, 2006). The usefulness of new management approaches to parliamentary actors will be determined in large part by these traditions and beliefs but will also be influenced by the extent to which those actors are motivated to exercise individual agency outside the traditional rules and incentives (Stoker 2006b). We need therefore to look for ways to encourage parliamentary actors to think of themselves as public managers, to work across organisational and political boundaries, and to engage more effectively with the public in achieving what is arguably the highest form of co-production—an effective parliamentary democracy. By tackling first the proposition that each parliament could rectify the absence of a legitimate authorising environment by establishing and/or maintaining a governance structure with both representative and independent external members willing to take on a public management role, I have drawn on public value and public value governance literature. The next logical step has been to examine the literature on collaboration, including collaborative governance, to look for useful connections with parliamentary administration and to enhance public engagement, while also avoiding the pitfalls to collaboration discussed in Chapter 2.

I have already dismissed the idea of a 'one best' design or model for parliament. I suggest instead that the key to collaborative public management is to facilitate multi-organisational arrangements (McGuire 2006). Procedures for scrutinising and enabling the legislative process in both parliaments are well-established and largely beyond the scope of this thesis other than in acknowledging (again) the valuable role of committees. But securing adequate financial resources to effectively manage parliament and its relationship with the public is problematic in both the UK and Australia. The UK parliament is not subject to externally imposed stringent efficiencies, as is the Australian parliament, but does suffer from constant public pressure, often engendered through traditional and social media platforms, to justify its public spending in two areas in particular: restoration and renewal of the Palace of Westminster and individual support of members. Internal resistance to change has also stymied

attempts to achieve further efficiencies through joint working initiatives (Petit & Yong 2018).[290] Members' entitlements in the Australian parliament are also a source of criticism, and parliamentary departments have traditionally competed with each other to reduce the effect of budget cuts or to acquire additional resources. Public engagement functions do not appear to be as well coordinated as they are in the UK.

Ansell and Gash (2008) noted the way collaboration has bubbled up often in reaction to previous governance failures (there is a parallel here with the recruitment controversy embroiling both parliaments which introduced the thesis). As knowledge has become more specialised at the same time as institutional infrastructure has become more interdependent Ansell and Gash suggested that collaboration may be an alternative to adversarialism and excessive managerialism within interest groups. Emerson *et al.* (2012) also noted that interdependence (when individuals and organisations are unable to accomplish something on their own), is a broadly recognized precondition for collaborative action. There appears to be room for more concerted cross-parliament deliberations in both the UK and Australian parliaments and, arguably, this can be achieved without introducing the 'superfluous management layers' which underpinned concerns of former Senate clerks. Existing governance bodies can (and sometimes do) meet collaboratively to discuss matters of mutual interest. There appears to be no reason why this could not become the norm rather than the exception as part of an overarching and transparent governance authority and a commitment to a culture of organisational learning.[291]

Key features of collaborative governance, as defined by Ansell and Gash (2008), are the participation of non-state actors in public agency-initiated forums with a focus on consensus-oriented decision-making (even if this is not actually achieved). If the Australian parliament chose to follow this definition an overarching and authorising governance body would include external participants, such as an independent parliamentary service commissioner or, as in the House of Lords and House of Commons commissions, those with transferable skills in areas such as health, housing, procurement, accountancy, management, finance and law (UK parliament 2019d, 2019e). Such a body would also provide the independent voice or guidance which, arguably, the Australian parliament has lacked; instead, as we have noted, the concept of parliamentary independence has been traditionally interpreted to mean the individual independence of its internal components and of the parliament itself from other parts

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[290] See also D Natzler 2018, pers. comm., 12 September; I Ailes 2018, pers. comm., 18 September.

[291] Theories of organisational learning, culture and behaviour are beyond the scope of this thesis but would provide fertile ground for further studies of effective parliamentary administration. See for example, Martins and Terblanche 2003; Basten and Haamann 2018.

of the democratic system. Using McGuire's (2006) definition collaborative management would include also strengthening relationships between the presiding officers and other members, non-elected parliamentary officials, external agencies with a mandated role in parliamentary governance[292] and other organisations intent on enhancing democracy.[293]

The broader and widely accepted view of collaboration involves the representation of key groups and joint problem solving between agencies and concerned citizens (Reilly 1998; Connick & Innes 2003; Aschhoff 2018). Specifically, Emerson *et al*. (2012) suggested that collaborative arrangements could be used to inform participatory governance and civic engagement, whilst recognising that the extent of involvement by the public in collaborative governance can vary considerably (p. 3). Proposals for a form of collaborative *parliamentary* governance would be radical but not particularly unusual. Indeed, in terms of policy making, parliamentary committees regularly call for evidence from key interest groups who contribute to consensus decision-making. A basis for collaboration is already in place and can be expanded, as we saw in Chapter 7 in the form of the citizens' assembly on adult social care in the UK (Betts & Wollaston 2018).[294] The UK Parliament's Liaison Committee, a committee of all select committee chairs, is inquiring into the effectiveness and influence of the select committee system. Its chair, Sarah Wollaston (2019), has asked whether select committee structures and procedures are still appropriate and flagged the possibility of more joint working and greater accountability to the electorate.[295] Using the already well-established forums of committees would seem an ideal way to build the parliament's citizen-centred collaborative capacity, as well as its organisational collaborative capacity to work across party lines (Aschhoff 2018).

The case for greater collaboration in parliamentary administration is therefore twofold—internally and externally focussed. I have already suggested that the Australian parliament could formalise a collaborative governance structure across the parliament while the UK parliament could strengthen its collaborative governance across both Houses—the mechanisms are already in place. The proposal is

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[292] Examples include the Independent Parliamentary Standards Authority and the Parliamentary Commissioner for Standards (House of Commons) and the Commissioner for Standards (House of Lords) in the UK and the Independent Parliamentary Expenses Agency in Australia.

[293] Such as the Hansard Society in the UK and, in Australia, the partnership between the Institute for Governance and Policy Analysis and the Museum of Australian Democracy.

[294] Also, Allen and McKee (2019) from the UCL Constitution Unit discuss the benefits and mechanisms of citizens' assemblies in light of evidence from the Brexit and social care experiences; see Taylor (2019) for an introductory guide to citizens' assemblies.

[295] The final report (House of Commons Liaison Committee 2019) called for greater strategic planning, improved behaviour, greater engagement with research and public engagement centred on 'listening' rather than 'broadcasting', themes which resonate with the evidence uncovered in this thesis.

aimed principally at the efficiency and effectiveness dilemmas, including reducing intra-organisational rivalries, maintaining or improving hard won resources for effective scrutiny, and ensuring transparent and timely decision-making. An efficiently run parliament would no doubt also contribute to restoring public confidence. The second, externally influenced, proposition includes increasing calls for greater citizen engagement and participation in the democratic process; a greater parliamentary reflection of wider society (Childs, 2016); and proposals for improving the quality of public information and discourse.[296] Less ambitious than advocating a form of direct democracy in terms of policy making, a process of collaboration would encourage greater participation in how democracy works, and specifically how parliament itself works. In short, it calls for an extension of outreach and engagement activities and greater cross-sector collaboration to involve both the general public and other democratic organisations in restoring trust and confidence in parliament. Problems with citizens' trust in institutions is widespread and parliaments may benefit from the expertise of more experienced communicators. Mechanisms already exist within the committee system; the obvious candidates are the respective procedure committees and those involving electoral or constitutional change. Some would argue that these committees are already on task. But greater public involvement could be garnered, including through citizens' assembly-type arrangements. Parliament would move closer to Crick's ideal of parliament as a broker of ideas and forum for public deliberation, including the raising of grievances, and perhaps even towards a co-producing role in democratic reform. Crick himself saw value in 'hybrid' committees on which politicians could serve with experts, allowing parliament to broadcast information relevant to political decisions rather than only obstructing government business (Crick 1968). At the very least such participation could lead to a new way to tackle issues in either parliament's too-difficult box—electoral reform, support and entitlements for members, House of Lords and Senate reform, eligibility and representativeness of parliamentary candidates; strategic maintenance and renewal of parliamentary buildings; restoring public trust—by experimenting in collaboration with other organisations with forms of public discussion before, rather than after, the next crisis emerges.

What then would be the main pitfalls of such an approach in the parliamentary context and how could these be overcome? We saw in Chapter 2 concerns about collaboration including that its proponents

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[296] See, for instance, Renwick and Palese 2019 who argue for better information and discourse around referendum and election campaigns, or the call from Moran, a former public service head, for a parliamentary policy office to evaluate new policy ideas (in Trounson, 2016). Moran proposed a parliamentary policy office akin to the Parliamentary Budget Office. He argued that the public would be well served by policy proposals that had been tested through a 'professional policy process' and that joint parliamentary committees would be ideal to 'thrash out policy ideas'.

take little account of differences in motivation or the influences of politics and public administration on the effectiveness of partnerships and networks (Prebble 2015); that collaboration is merely a fad 'that everyone believes but few practice' (O'Flynn 2009, p. 112); that making collaboration work is 'highly resource consuming and often painful' (Huxham 2003, p. 420); and that there is a need to overcome blind spots (Wegrich, 2019). Gruen (2019) argues that the 'accountability trap' can militate against collaboration and lead to an environment of low trust and low performance when actors shift responsibility and protect themselves. However, few authors appear to dismiss the benefits of collaboration altogether.

Butcher *et* al. (2019) found that collaboration often occurs as a response to failure; exists in tension with the dominant organisational culture; and can easily be smothered by traditional governance arrangements. These observations are all relatable to dilemmas of parliamentary administration, as are potential solutions, including a secondary operating space for collaboration, adequate resourcing and a supportive authorising environment. The concept of a collaborative space is visible in the context of the post-2014 governance structure in the House of Commons. The Director-General's review team comprising ten work streams managed by staff from across the House Service worked alongside the existing hierarchical structure; the review itself recommended an outward looking organisational structure focussed on outcomes and comprising functional centres of excellence to set professional standards and provide guidance to practitioners located elsewhere in the organisation (House of Commons, Director-General's Review 2016). It must be noted, however, that the review did not escape a cynical response in some quarters and disillusionment amongst some staff towards the language and direction of change as well as limited actual inter-organisational collaboration.[297] Paradoxically, continuing internal and external criticism of both the dominant, normative operating culture as well as any attempts to change it also threaten the success of collaboration.[298] We have seen the emergence of recently forged collaboration in the Australian parliament but little sign of an authorised and supported collaborative space for its continuation or the type of collaborative governance which could provide oversight and assurances.[299]

What further characteristics and skills are thus likely to be required for collaboration to succeed in parliamentary administration, beyond establishing a formal governance structure with senior

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[297] R Fox 2016, pers. comm., 10 June.
[298] Examples include the external criticism of the culture of bullying and harassment (Cox, 2018) and criticism of Speaker Bercow and the House of Commons clerk for breaking longstanding conventions and rules, see Chapter 7.
[299] R Pye 2017, pers. comm., 12 April; R Stefanic 2017, pers. comm., 10 April.

leadership support? Butcher *et al*. (2019) also noted strong structural relationships, clear objectives, shared commitment, mutual respect and trust, governance mechanisms with decision making authority, agreed rules and accountability. Good collaborators will exhibit 'bridging', 'mobilising', 'persuasive' and 'adaptive' skills and collaborative intelligence (pp. 78-83). Of particular relevance to perceptions about parliamentary administration and public management is the assertion that although all collaborations are unique *in some respects*, the fundamentals of successful collaboration are equally applicable regardless of the sector in which it occurs. The benefits of collaboration are 'sector agnostic' (p. 86) and therefore applicable in the parliamentary environment.

Bartelings *et al*. (2017) also found that contemporary management activities still fall within the ten traditional managerial roles identified by Mintzberg (1973) in his seminal study on managerial work: figurehead, liaison, leader, monitor, disseminator, spokesperson, entrepreneur, disturbance handler, resource allocator, negotiator. Bartelings *et al*. added a new role—orchestration—which emphasises the inter-organisational aspects of management while focussing on the individual manager rather than the networks usually associated with collaboration. Whereas Mintzberg described the manager above all as a leader, Bartelings *et al*. defined the role as a spokesperson—an observation which resonates with the governance dilemmas considered earlier. Scott and Thomas (2017) claimed that managers are more likely to turn to collaboration when the legitimacy of their organisations is low; but to return to the public value discussion, collaboration also requires strategic leadership or agency, which is best exercised before, rather than after, an organisational crisis, as this thesis has argued.[300]

To complete the journey through public management approaches that may provide utility to parliamentary administration I turn briefly to the concept of co-production. I noted in Chapter 2 that the concept remains 'woolly' or 'muddled' (Osborne *et al*. 2016; Nabatchi *et al*. 2017). Dewey *et al*. (2018) cited a wide level of confusion amongst academics and practitioners as to what co-production actually means and where it could be usefully applied. They concluded that co-production is a process entered into collaboratively, but how it is constituted depends on different factors. From the parliamentary perspective co-production is best viewed as a systems approach where the focus shifts from participation in a single service—this could be a vote, a constituency matter, a single policy issue or a one-way communication—to value gained from interactions across the system as a whole (Thomsen & Jakobsen 2015; Dewey *et al*. 2018). Drawing from this approach the value to users is

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[300] See also Page *et al.*2015, who argue that democratic responsiveness and process legitimacy are important criteria in collaborative undertakings; Innes and Booher, 1999 on consensus building; Crosby *et al.*2017, on legitimacy through sponsorship; and Sullivan *et al.*, 2012 on the relationship between agency and collaboration.

created through their interactions within the system, 'nothing emerges until users actually use or touch the service and bring with them their lived experiences and subsequent responses to the service'. The value they are co-creating is in enhancing the 'adaptability, survivability and well-being of the service' rather than the narrower interests of either provider or user (p. 14). Esoteric as this may sound, parallels can be drawn with some of the public engagement efforts afoot in the UK Parliament, such as *Your Story Our History* (see Prior 2018). To put it more simply, Bryson *et al.* (2017) highlighted the role that politicians, political leadership and politics can play in public value production in a democratic society and the need to explore how politicians seek and gain authorisation from citizens. Both can offer advantages in the face of challenges from the media, including oversimplification and immediate or 'gotcha' journalism (p. 649). Alford (2016) supported the contention that co-production is actually unavoidable in services management and, of relevance to us, suggested that citizens derive value from the opportunity to participate in deliberative processes and share in shaping society— the greater the skills and knowledge they possess the more likely the extent and quality of their co-production (see also Jennings 1941). Fledderus *et al.* 2014 found that trust based on identification can be restored through co-production provided self-efficacy is increased (see also Thomsen 2017). In short, citizens need to identify more closely with parliament and feel that they are influential, confirming the findings in regular Hansard Society audits. Efforts at making parliament more representative are therefore crucial.

In Chapter 2 I also noted some of the pitfalls to co-production; it is important, as with collaboration, to be aware of these, particularly in light of confusion over definitions. These include: difficulty identifying its benefits, particularly when distinguishing self-interest from common interests, and the need to establish and maintain citizens' interaction which requires more effort than merely providing information (Thomsen & Jakobsen, 2015; Bryson *et al.* 2017; Dewey *et al.* 2018). Fledderus *et al.* (2014) argued that there is no guarantee that co-production automatically leads to greater trust, particularly when those with low levels of political efficacy, who are more likely to gain from a greater sense of control or trust, are harder to reach (having perhaps already disengaged from politics). They also imply that compliance should not be regarded as co-production. In relation to parliament this further implies that the act of voting, either voluntarily or by compulsion, is not of itself a guarantee of increasing the efficacy of voters. Williams *et al.* (2016) provided a list of the 'costs' of co-production including conflicting values, institutional rigidity, risk aversion, lack of accountability and inherent conflicts in all group processes. But they also held out some hope for its success if managers can reflexively and critically review their professional norms, institutional processes and past practices; appreciate the

environmental interactions that impact their daily operations and refrain from resenting the emergence of new co-producers.

Conclusion: relating public management approaches to parliamentary administration

Just as this thesis does not propose one best organisational model for parliament, neither does it suggest a 'one size fits all' management approach. A major purpose of the thesis has been to demonstrate the complex management requirements of all parliament's roles and the dilemmas arising from the traditional beliefs and practices of its actors. But as we have seen in Chapter 7 applying new approaches to management problems requires a balance between preservation, continuity and change. Table 8.3 depicts existing and potential relationships between parliamentary administration and the public management approaches discussed throughout the thesis.

In presenting evidence and analysis on what is still wrong with parliament I again acknowledge that management reforms *have* occurred in both parliaments over several decades, principally in response to calls for greater efficiency, transparency, accountability and responsiveness. These could be classified as 'new public management' reforms, and they relate principally to the more routine aspects of operational management. More elusive, however, have been the strategic cultural and behavioural reforms designed to reduce perceptions of incompetence, self-interest, inertia or unrepresentativeness and to win ongoing support and approval for parliamentary democracy while parliament continues to fulfil its primary purposes. The problem is not new; as we have seen, the question of parliament's public standing has been raised through the decades. I have demonstrated that most members are not actively engaged in advocating for institutional reform, either administrative or procedural; that in some instances they are excessively critical; and that traditional parliamentary administrators are reluctant to cross the political-administrative line into the 'purple zone' at least publicly.

I have also sought to demonstrate that the problems of both determining and providing public value and seeking public consensus are common to both the public/civil services and parliamentary services and there appears to be little to gain in continuing to proclaim that parliament is 'unique' as a defence against reform whether internally or externally driven. On the contrary, parliament's willingness to seek out ways of making the institution more representative of society as a whole; to collaborate with other actors in the public network to gain the resources it needs; to maintain the highest ethical standards; to work more closely with citizens in representing their collective aspirations and enhancing

their efficacy; and, indeed, to 'co-produce' an effective parliamentary democracy may be the key to its ongoing relevance.

Table 8-3 Relating public management approaches to parliament

Principal roles	Actors	Functions/forums	Issues	Management approaches/ characteristics	Outcomes/success criteria
Scrutiny/ oversight	Presiding officers Members Clerks Library researchers Parliamentary Budget Office	Parliamentary debates Question time Standing committees Select committees Estimates committees Procedure committees Research outputs	Executive control: resourcing, financial and programming Individual and collective agency Authority and advocacy	**Old public administration:** respect for rules/hierarchy; separation of politics and administration; efficiency, accountability, impartiality; professional 'craft'; political astuteness. **New public management**: performance, efficiency, discretion, citizen participation. **Public value**: dialogue and exchange, prioritising relationships over rules and incentives; transparency, fairness, justice; collective social outcomes.	Efficient, effective and impartial scrutiny and oversight mechanisms Adequate resourcing and programming 'Order decency and regularity' (Evans 2014) Efficiency Citizen knowledge and engagement Agency/advocacy by presiding officers, members, committee chairs; constructive criticism and engagement
Governing/ legislating	Presiding officers Ministers Members Clerks	Parliamentary debates Question time Standing committees Select committees Public bill committees Procedure committees	Executive control: resourcing, financial and programming Individual and collective agency Authority and advocacy	**Old public administration** as above **New public management** as above **Public Value** as above	Effective and efficient administration, legislation and policy impact
Deliberation Public engagement *Policy development* *Parliamentary support and development*	Presiding officers Ministers Members Clerks Officials Public External organisations	Parliamentary debates Standing committees Select committees Collaborative spaces eg citizens' assemblies, mini-publics	Public participation Policy impact	**Public value**: legitimate authority, feasibility and value **Collaboration**: facilitation, tackling intractable problems, inter-organisational; non-adversarial; consensus-building **Co-production**: citizen efficacy and engagement **New public management**: business and strategic planning; efficiency	Reduced democratic deficit Increased trust in parliament and other political institutions Public input to policy/parliamentary development, collaboration with external organisations Reforms to workplace culture, representation, electoral systems, how parliament works Efficient and effective management support
		Procedure committees Governance and domestic committees Collaborative spaces	External and member participation Authority and advocacy Strategic planning		
Assumptions: political partisanship, media and public scrutiny, budget limitations, public disengagement					
Risks: perceived lack of impartiality arising from agency, public scepticism, cynicism, lack of political judgment, defining public interest/benefits, conflicting actor motivations, dominant traditional cultures					

Chapter 9 — Conclusion: findings and implications for practice, theory development and future studies

Overview

The UK and Australian parliaments are perceived as agonistic institutions defined by contest, whether between political parties, factions, government and opposition, or between members of parliament and parliamentary officials. A gain by one group is usually seen as a loss by the other, limiting the potential for the institution as a whole to win. Much of the scholarship devoted to parliamentary reform has concentrated on the internal tensions between two of parliament's principal roles: government and opposition. On the one hand parliaments implement a government mandate through legislation, on the other they facilitate effective scrutiny of legislation and hold government to account. Reforms have been characterised as efficiency reforms (those favouring, or favoured by, an incumbent government in terms of achieving its legislative goals) or effectiveness reforms (those which facilitate greater scrutiny, favoured by opposition members [Kelso 2009]). Inevitably, competition—for status, resources, influence and control—has also pervaded the practice of parliamentary administration and impeded reform. One recurring theme throughout this thesis is the contest among parliamentary administrators exemplified by relationship tensions, competing beliefs about what it means to manage a parliament effectively and the values and priorities attached to particular functions and processes.

In the context of a third key role for parliament—as a deliberative forum and broker of ideas and information—the thesis also addresses parliament's external relationships, including its capacity for deliberation and its engagement with the public (Crick 1968). In this respect, contest should not be seen as a competition among parliamentary actors for resources, status or control but as a contest of ideas with a representative and respected parliament facilitating informed public engagement in policy deliberation and development. This 'Crick-oriented' perspective on parliament emerged from historic scholarly literature reviewed in early chapters and was further explored in Chapter 7. It adds a new dimension or lens through which to view parliamentary administration: the ongoing management of procedural and cultural reform, balancing the need for continuity and change. I argue that a second recurring theme—managing public expectations—remains a principal challenge for future parliamentary management and for all parliamentary administrators, elected and non-elected.

A third recurring theme in this thesis is the tendency for parliamentary actors to be defensive and insular, clinging to claims for parliament's 'uniqueness' when considered against other public institutions and public management approaches, emphasising differences over similarities and

reducing potential for learning. Claims of parliamentary sovereignty have been broadly interpreted (or sometimes misinterpreted) to distinguish the parliamentary workplace from operating as other workplaces are expected to do. Paradoxically, this has led in recent years to greater external scrutiny of parliament's operations, a diminution of internal control and continuing reputational decline. In turn, the effectiveness of parliamentary representation is increasingly questioned and external actors are seeking to redress the void in public confidence, potentially further reducing parliament's influence.

A fourth recurring theme is that many members of parliament appear not to concern themselves with sustaining and enhancing the long-term capacity and effectiveness of the institution which nurtures and supports them from the moment of their election. Most are disengaged from parliamentary administration; their loyalties are with their party and their constituents. A lack of constructive engagement with management issues, has led to a vacuum of leadership in an institution where no one person has overall authority. Non-elected officials are reluctant to cross the political divide in the absence of political authority; such political authority is not always forthcoming. More often than not, administrative initiative is followed by intense political scrutiny and criticism, particularly when these responses are fuelled by the media. It is no wonder, then, that administrative and procedural reform has tended to suffer from inertia and risk aversion, even benign neglect. Such an environment has not been conducive to a collective parliamentary identity or ethos which could transcend limitations imposed by a narrow focus of attention (Simon 1977) and arrest perceptions of parliament's decline. These recurring themes are evident in both parliaments, notwithstanding structural and constitutional differences.

In exposing many of the dilemmas involved in managing a parliament effectively, the thesis has focussed on the nature of the relationships among groups of parliamentary actors and with their external environment. This involves movement from the agonistic, and sometimes antagonistic, to the symbiotic—a mutually beneficial association supported by structures, processes and learning opportunities which encourage collective outcomes. I have argued that the public management approaches discussed through the thesis—public value, collaboration and co-production—provide an appropriate pathway towards relationships which cross organisational boundaries and interests, and towards a greater appreciation by parliamentary actors, elected and non-elected, of their roles as public managers.

Research problem and findings

The thesis has addressed inherent dilemmas in managing two vital and politically charged public institutions in Australia and the UK. It argues that an ongoing management challenge for the national parliaments of these countries is how to focus on promoting and sustaining parliament into the future as well as guarding and preserving the past. This would require a greater reliance on strategic and collaborative public management skills and expertise, practised both internally and externally.

This doctoral study began from the premise that, historically, in both parliaments insufficient regard has been paid to the importance of inculcating effective management skills, particularly in sustaining productive relationships across organisational boundaries and anticipating and responding to internal and external pressures for change. I argued that management has been viewed as a separate and subsidiary function, less significant than the accumulation of knowledge required to master centuries of precedent in parliamentary debates and complex rules and procedures within a specialised parliamentary culture. Chapters 1 to 3 provided the context for the research problem and chronicled historical reform attempts. Chapter 4 cited critical events in each parliament, including parliamentary expenses scandals and questionable management performance, to demonstrate a failure of parliamentary management to live up to expectations. Chapter 7 included evidence of a poor workplace culture also failing to meet public expectations.

Chapters 5 to 7 were heavily influenced by the views expressed by interviewees about how they perceived their roles and those of other parliamentary actors. To better understand the 'problem' of effective parliamentary management I sought to establish the beliefs and meanings guiding parliamentary administrators and the practices to which those beliefs and meanings lead (Hay 2011). Asking almost 90 parliamentary actors to express their views in response to a series of semi-structured management-related questions produced a trove of observations, many of which were conflicting. Using the concept of 'dilemma' as an interpretive framework allowed me to analyse particular aspects of governance, management and procedural and cultural reform (Bevir & Rhodes 2003, 2006). The selection of dilemmas was driven partly by the frequency of mention and partly by the empirical evidence I had already uncovered; they afforded an in-depth understanding of the management 'problem' and exposed some differences which have influenced management outcomes in the two parliaments, although, as noted, the recurring concluding themes were evident in both.

The three governance dilemmas in Chapter 5 confirmed a lack of political authority and advocacy in both parliaments; and a lack of collective responsibility for governance. The holy grail of financial

autonomy has been a long sought-after goal for the Australian parliament, driven by a powerful Senate, yet the argument appeared to be over-emphasised. The UK parliament is also under pressure from public opinion to restrict its spending and both parliaments are required to make persuasive cases for new funding which recognise and promote their public value. However, the research did find that the executive's influence on the Australian parliament's funding adds to the challenges of effective management and reduces co-operation among parliamentary departments.

In Chapter 6, the management dilemma of multiple identities, roles, stakeholders and relationships threw up some interesting comparisons between the two parliaments, suggesting that tensions between a traditional 'procedural' view and a newer 'management' view were greater in the UK parliament. However, this may have been more a product of the deliberative approach taken by the HOCGC (2014) and subsequent governance reforms which provided more opportunity for exposure and discussion of the differences. Also, management reform in the Australian parliament has been accelerated by legislative requirements such as the *Parliamentary Service Act* and the *Public Governance, Performance and Accountability Act*. Conversely, the inclusion of management support services within each UK House, under the auspices of the clerks, could have been expected to engender a greater respect for the management function and its potential to contribute to parliament's outcomes, and a more cohesive parliamentary identity than is the case in Australia. The evidence was not conclusive in this respect. In both parliaments the 'procedural' has traditionally been preferred over the 'managerial' although this appears to be changing. In relation to the second management dilemma—business as usual versus managing for the future—a comparison of strategic planning frameworks indicated that the Australian parliament places greater emphasis on 'core ' business as usual rather than taking a strategic approach, as the UK parliament appears to do. Again, this may also be a reflection of the more unified organisational structures in the UK parliament, and the thesis makes no claims about the relative success of each parliament's strategic approach, concluding that it remains problematic in both institutions.

In the context of the final management dilemma—the relative levels of scrutiny of each administration—it is clear that both parliaments face an abundance of intense media and public scrutiny. Officials are also subjected to regular complaints from members about the quality of services; it appears that administrative issues become important only when something goes wrong. In the Australian parliament the detailed micro-scrutiny of the Department of Parliamentary Services by Senate committees, suggests a level of attention that could be seen as excessive and an *ex-post*

engagement by some senators that is not always constructive and may in practice inhibit rather than facilitate effective management performance.

Chapter 7 incorporated a wider discussion of procedural issues than originally envisaged by the study. New and emerging evidence mandated widening the definition of the term 'procedure' to 'the accepted way of doing things' and the inclusion of behaviour and culture. Continuing evidence of declining trust in democracy, government, politicians and parliament elevated the importance of public engagement and meeting societal expectations as a function of parliamentary administration. This evidence also offered useful links with historical material emphasising the insularity of parliament. In both parliaments changes to behaviour in response to societal expectations (the first procedural/cultural dilemma) are slow, and allegations of bullying and harassment in both parliaments have again brought the parliamentary workplace into the media spotlight. In responding to the second dilemma of how to engage effectively with the public, the UK parliament is ahead of the Australian parliament. Some interviewees suggested this could be attributed to a relative shortage of funding in the Australian parliament but there is also much evidence of greater advocacy for public engagement in the UK parliament, including especially from former Speaker Bercow, who was seen as a strong advocate for parliament. The final dilemma could be seen as encompassing all the others. Both parliaments lack political will (or agency) and a coherent reform agenda—two of Norton's conditions for reform (2000). Issues are left in the too-difficult box (or the too-hard basket).

Chapter 8 acknowledges that many management reforms *have* occurred in both parliaments (although principally of a routine kind) and that management amateurism has given way to a more professional approach with the appointment of suitably qualified managers in areas such as finance, human resources and information technology. However, attempts at taking a more strategic, collaborative and public facing approach, with greater involvement by members, have been less evident and the value of such an approach is still contested. A prevailing argument for the independence of the parliament—while justified in terms of maintaining an effective scrutiny capacity—and claims to being 'unique' have militated against collaborative parliamentary reform and capacity building. A scarcity of agency from members of parliament, in favour of party loyalty and/or political ambition, has perpetuated an absence of authority or leadership. Consequently, with some notable exceptions, the roles of parliamentary actors have often been driven by narrow and routine interests rather than those which would benefit parliament as a whole, and the people parliament exists to serve.

Implications for parliamentary practice

Parliamentary actors and approaches to management

Without established precedent and formalised procedures to provide 'order, decency and regularity'[301] when parliaments are sitting chaos would ensue. This thesis does not diminish the importance and value of procedural knowledge, although it does suggest, in concert with many others, that it could be demystified and made more accessible to the public. Neither does it prioritise effective management skills over procedural skills, argue that 'parliamentary administration' is obsolete (Hughes 2012) or convey a lack of respect for constitutional foundations of governance (Rosenbloom 1998, in Lynn 2012). Rather, it argues that the supremacy of procedural knowledge over management or technical knowledge has been overstated in reform proposals and that procedural expertise versus managerial knowledge and competency should not be seen as a zero-sum argument when both are imperative in meeting modern day challenges—they should be equally respected (Chapter 7). In this regard, acquiring greater managerial knowledge and competency is not limited to routine management skills, important as these are. Explication of the governance, management and procedural dilemmas points to a need to go beyond routine management skills towards leadership, relationship management and 'orchestration' skills (Bartelings *et al*. 2017). The thesis also provided evidence from both countries that senior managers have not always been well-supported, and have suffered serious consequences for missteps and oversights, both actual and perceived. Notwithstanding that the consequences might have been deserved, the thesis has argued that a better appreciation of management complexities, greater co-operation between parliamentary departments, and between members and officials, greater collaboration on the resourcing of parliaments, and greater engagement by all members in decision making could have helped to prevent such mishaps in the first place. The consequences of mishaps and failures are likely to be a greater number of complex problems being left in the too-difficult box.

These observations have implications for future intra-organisational relationships and practices within both parliaments, particularly in the Australian parliament, and the thesis has provided a strong normative argument for strengthening governance arrangements and/or establishing forums (or repurposing existing ones) for greater intra-and inter-organisational collaboration. As I observed in Chapter 8, the proposal to establish a parliamentary commission in Australia is likely to be resisted notwithstanding more recent evidence of greater co-operation between parliamentary departments. The bones of a whole-of-parliament governance structure are already in place in each House's

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[301] Hatsell, in Evans (2014), see chapter 7.

administration committees and their respective *Standing Orders* if each House were prepared to use them in this way. Alternatively, the two House committees could be reinvigorated and established as a permanent joint committee, or commission, to oversee parliament's future administration. The governance arrangements in the UK parliament provide a useful model for the Australian parliament, notwithstanding criticism about their effectiveness. Importantly, they provide a collaborative space and an opportunity for all parliamentary actors, elected and non-elected, procedural experts and managers, to exercise agency within a transparent authorising environment and with greater administrative leadership from the presiding officers. The criticisms of UK parliamentary culture and practice, and similar reports in the Australian media, provide a stark illustration of what is still wrong in both parliaments in terms of their failure to prevent a toxic workplace culture. Ironically, the Cox (2018) and Ellenbogen (2019) reports also provide an opportunity, and guidance, for the UK parliament to take the lead in improving parliamentary conduct, rather than leaving it to political parties or external bodies. Whilst Australian parliamentary actors might question the effectiveness of the UK parliament's governance arrangements in light of reported failings, or argue that such arrangements would be superfluous or unnecessary in light of structural and other differences (see Chapter 4), the Australian parliament has no formal and transparent 'in-house' mechanisms for dealing with its own management and cultural failings. To set up a parliament commission would require political will and agency, particularly from the presiding officers. We know from all the evidence that this is easier said than done but a worse outcome for the parliament would be to ignore opportunities for greater internal and external co-operation and collaboration.

In terms of collaboration, the greatest benefits would appear to come from reinforcing traditional management skills while emphasising the intra- and inter-organisational aspects of parliamentary administration through the auspices of 'situated agents' acting as 'general managers', who could bring together diverse parliamentary subgroups to maintain internal cohesion and harness wider opportunities by engaging with external bodies. In the UK parliament the governance structures—or collaborative spaces—to achieve this are already in place. The obvious choice for this 'orchestration' role is the presiding officers, acting either jointly or separately, with appropriate delegations to parliament's officials. Ideally, they would be supported by cross-party members and officials with the authority afforded by their governance and procedural roles in strengthening coordination and information sharing and enhancing personal relationships and trust, regardless of the particular characteristics and short-term interests of incumbents. Although in the Australian parliament the current organisational structures may work against the appointment of a single specialist CEO or director-general, following the UK model would permit the inclusion of specialist management skills

and input to collective decisions by including external members. Presiding officers may need a new job description which would include the complexities of effective parliamentary administration. There are risks to this approach: as we have seen in the UK many accusations of political bias have been levelled at Speaker Bercow, not least in his interpretation of precedent in the Brexit debate in circumstances which are unlikely to be encountered within the Australian parliament. However, accusations of political bias are not unknown within the Australian parliament[302] and on administrative and cultural matters, including allocation of resources, bias is less likely to be perceived when decisions are well-informed, arrived at through open and transparent processes and where their benefits can be widely demonstrated. As Crick (1968) observed (see Chapter 2) the introduction of a political element can be constructive provided it involves and carries with it those who are affected.

Co-production as a concept or tool for improved democratic representation and parliamentary renewal would require a step-change in thinking to provide more opportunities to citizens to participate in deliberative processes not just through the practices of referendum or plebiscite, but through increasing the deliberative capacity of existing parliamentary committees and extending the emerging concept of citizens' juries or mini-publics to shaping parliamentary and constitutional processes. It would require interventions by members at both the governance and management level; a willingness to relinquish traditional control in order to engage with a diverse range of external actors; and greater experimentation, advocacy and leadership in designing models for co-production.[303] Again, influencing parliamentary actors to exercise greater agency in governance, management, and procedural and cultural change is challenging, particularly in view of the strong evidence that members are not sufficiently engaged in such issues and a tendency for officials to excuse themselves from crossing the political divide. It would require the presiding officers to exercise strong leadership skills and, by extension, a greater recognition of the importance of their 'pseudo-ministerial' role.

Engaging with external organisations

Many of the parliamentary actors I interviewed, particularly in the UK, acknowledged a benefit in engaging with and/or learning from other organisations—not just from other parliaments but from a variety of disparate bodies including the Royal Family, English Football, the Royal Opera House, the National Health Service, universities, hospitals, local government and other public institutions. The House of Commons and House of Lords commissions include appropriately skilled external members

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[302] See Coorey (2015).

[303] Evans et al (2019) found a divergence in Australia between the aspirations of citizens and those of politicians with regard to more control for citizens; however, they claimed 'a degree of alignment' between the reform agendas of citizens and politicians.

(Chapter 8). I have noted the symbiotic relationships which the UK parliament has with academics and other organisations interested in governance, and its efforts to link with the community more broadly (chapters 7 and 8). These relationships are not so evident within the Australian parliament, and, as the JSCNCET (2019) inquiry revealed, public engagement activities could be better coordinated. Parliament has also tended to be ignored by the wider Australian Public Service which I have argued has implications for its resourcing and public standing, particularly when it relies on government officials to support its funding requirements (see Chapter 5). To borrow from Norton (2018) parliamentary actors need to come out of the bunker, join the debate on public management *and* parliamentary reform and advocate in a wider context for a stronger parliament.

There is also a danger that the 'public' initiative will be seized by external non-parliamentary actors advocating new forms of direct democracy removed from the current representative system.[304] I have highlighted the emerging influence of external institutions promoting new forms of democracy and an increasing interest in citizen participation. Again, the UK parliament is ahead of the Australian parliament in its efforts to engage with new forms of participation, particularly through its committee activities, as I have noted (Chapter 7). Mechanisms also exist within the Australian parliament's procedure committees to look for further ways of enhancing the public's role in policy deliberation, beyond the usual contributors and the usual methods, and in parliamentary administration. Again, this would require political will and agency and there are promising signs in the recent call by the House of Representatives Procedure Committee for public comment on how question time could be improved, particularly in making it easier for the public to engage (House of Representatives Procedure Committee 2019).[305]

Implications for theory development and a pathway to future studies

This thesis has built on historical scholarship in parliamentary reform by focussing on the influence of administrative issues on parliament's effectiveness. It has addressed a large gap in the literature by analysing the complexities and challenges of the many aspects of managing a parliament and the relationships between parliamentary actors. Rather than approaching the subject from an historical institutional perspective, which might have sought to explain administrative reforms using a path

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[304] For example, the Brexit 'crisis' in the UK, while beyond the scope of the thesis, exemplifies how a failure to plan for and manage the implications of a referendum result that no one expected has had a profound influence on the UK parliament's role vis a vis the executive and created major tensions between direct and representative democracy (UCL Constitution Unit 2019).

[305] Forty one submissions were received, many reinforcing the perception that current practices have a negative influence on public engagement and limit accountability.

dependent approach, I have used Bevir and Rhodes' concept of dilemma (2003, 2006) to demonstrate and interpret the effects of conflicting beliefs and practices of parliamentary actors on parliamentary governance, management, and procedural continuity and reform. I have taken the research further by advocating public management approaches which could assist in resolving parliament's management dilemmas, directly challenging a conventional claim that parliament is a unique institution for which these approaches may not be appropriate. I have suggested that when parliamentary management is viewed through lenses of public value, collaboration and co-production, and not solely from a perspective of relentless 'efficiency', opportunities exist to improve strategic management, build symbiotic and productive relationships, internally and externally, and work collaboratively across organisational boundaries. Competition between actors, or situated agents, is then likely to be reduced, even in a public institution which is defined by contest. Consequently, parliament may be in a better position to fulfil Crick's ideal of parliament as a deliberative forum and a broker of ideas, engaging with an informed public. Further study may help to validate (or moderate) these claims.

Bringing the study of parliament under the public management 'umbrella' opens up a range of theoretical opportunities for further studies. The boundaries of this research, including time and thesis length, have not permitted an exhaustive analysis of all the public, or non-public, management approaches which could assist parliament's strategic management, neither have they allowed for a detailed historical and comparative study of management reforms across the parliamentary and public spheres (see Chapter 2). But my findings suggest a direction for further research as to how public management practice could help to build a more representative democratic process, with parliament as the key actor. This could include wider studies of the success or otherwise of governance and management arrangements in other parliaments, outside of the often narrow confines of parliamentary research. Studies in the burgeoning field of democratic governance and citizen participation could focus specifically on the parliament, thus avoiding the tendency to conflate parliament, politicians and government within public judgments of democracy. Further research could include studies on organisational behaviour in parliaments and contribute, for example, to limited work on the characteristics and psychological well-being of politicians (Flinders *et al*. 2018b). The roles of parliamentary actors, including elected officials, would also provide a rich source for case studies in public leadership. At the very least, surveys of satisfaction with public institutions should include parliament in its own right to assist in evaluating its efforts at public engagement and education. Advocates of democracy could learn from the UK's Hansard Society in this regard.

There is a role, too, for public administration/management scholars to take a greater interest in parliamentary administration and parliament's continuing and potential contribution to public deliberation and subsequent policy development. Again, I note many examples in the UK such as the Crick Centre, the Hansard Society and the Institute for Government, and collaborations between scholars and practitioners addressing how the UK parliament is managed and led (HOCGC 2014; HCPACAC 2019). There is little evidence of attention to parliamentary administration in Australian studies of public administration and management, despite its potential to offer a rich field of study in leadership and management. Organisations such as the Institute of Public Administration Australia, the Australasian Study of Parliament Group and the Australia and New Zealand School of Government have great potential to forge new relationships between parliamentary and public management scholars. There is an opportunity for parliament's internal discussion forums to be more open and inclusive.[306] Future public service reviews would ideally include parliamentary departments, as would recently mooted calls for a specialist APS college (Easton 2019).

Final reflections

Where does this doctoral study differ from other manifest calls for parliamentary reform? It places public management capability squarely within the parliamentary context. It has argued for a parliamentary agenda of strategic management and for procedural and cultural reform to be determined within a transparent and collaborative authorising environment, driven by the collective agency of both officials and members within parliament, drawing on external engagement where possible. This is indeed an 'aspirational constitutional' proposition which would require both parliaments to define themselves in terms of their future, their goals and their dreams rather than focussing on what to avoid (Scheppele 2003). It identifies parliament's poor public standing as satisfying at least some of the conditions for classification as a 'wicked problem' (Rittel & Webber 1973; Peters 2017) and calls for a reframing of the concept of management in the parliamentary environment.

When I commenced the study in 2015, there was little evidence of academic interest in the topic of parliamentary administration or management, although there was a large body of scholarship on procedural and political reform, some of which I have drawn on. As we saw, public interest was piqued temporarily by the 'Mills affair' but this was largely stimulated by media embellishment of hostile relationships and a struggle for supremacy between parliamentary actors rather than being of genuine public interest. In the course of the study I was encouraged by the increasing attention paid to

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[306] Such as the Society of Clerks-at-the-Table and presiding officer and clerks conferences.

parliamentary administration by parliamentary scholars, particularly in the UK, and an implicit acknowledgment that administrative outcomes were inherently related to parliamentary outcomes and parliament's public standing.

Close observers of parliamentary affairs may not have anticipated that the unexpected and unplanned-for result of the Brexit referendum in the UK would highlight the stark contrast between the role of the government in seeking to implement a perceived mandate, and that of the parliament in protecting the perceived public interest, or that it would increase tensions between representative and direct democracy. [307] Nor may they have predicted the continuing instability of Australia's coalition government and its subsequent re-election, or the increasing number of independent members, misuse of parliamentary entitlements and heightened criticism of members' personal behaviour. The knock-on effects of these events on the perceptions of an already disenchanted public, combined with accompanying revelations of unacceptable workplace cultures, have influenced the direction of travel of this interpretive study away from a more routine performance-related concept of parliamentary administration towards the more encompassing dilemma of how to manage parliament's long term internal and external relationships and purposes. Increasingly, through the duration of the study, other writers have addressed these issues. For instance, a newly released study by the Institute for Government (Thimont Jack & White 2019, p. 7) finds that in the UK parliament, following the Brexit referendum, 'where strategic direction is absent and no one is sufficiently in charge to drive it', people with sufficient political capital and buy-in from both government and opposition need to establish new processes, and address fundamental questions about parliament's relationship with government (p. 7). They advocate establishing a joint committee to do just that, as I have advocated a joint parliamentary commission for the Australian parliament to bring a cross-party approach to addressing strategic administrative issues which cannot be entirely divorced from the political arena. Evidence to the current HCPACAC inquiry into role of the Speaker (2019) has lent further support to claims made in this thesis. As well, more attention is being paid to parliament's capacity for deliberation and its relationship with the public, more than half a century after Crick expounded these themes.

This thesis has sought to make a positive contribution to future parliamentary administration from the perspective of a former practitioner who is interested in reflecting on its challenges rather than placing taking a narrow, critical and evaluative lens over specific management outcomes. It has adopted a

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[307] At the time of submitting this thesis the UK parliament is facing a general election which may be fought on a premise of 'parliament versus the people' with worrying implications for the institution's future (Russell 2019d).

narrative approach which seeks to engage with all parliamentary actors, whatever their individual roles, views and approaches. I hope they can associate themselves with the examples and stories I have recounted. To borrow from Prior (2018), my discussion of parliamentary administration (and the means of strengthening it) has tried to take account of parliamentary actors' contextualised and situated knowledge of the parliamentary sphere (p. 85). I have suggested opportunities for further scholarly collaboration which could lead to a more nuanced and sophisticated understanding of parliament's capacity to serve its elected representatives and those who elect them. It could contribute to building a more effective and sustainable parliamentary institution. Most importantly, it could help to ensure that effective parliamentary administration is achieved by design, rather than by accident.

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Appendix 1

UK parliament interviews*

No.	Interviewee	Date	Recorded/ transcribed
01	Mfanwy Barrett Finance Director, House of Commons	15 September 2015	Yes
02	Lorraine Sutherland Editor of Debates, House of Commons Hansard	15 September 2015	Yes
03	Oonagh Gay Former official House of Commons Library	16 September 2015	Yes
04	Emma Crewe Anthropologist, SOAS, University of London	21 September 2015	Yes
05	Andrew Walker Director-General, HR and Change	23 September 2015	Yes
06	John Borley Director-General, Facilities, House of Commons	23 September 2015	Yes
07	Jo Silvester Organisational Psychologist, Cass Business School	22 September 2015	Yes
08	Paul Evans Clerk of the Journals	17 September 2015	Yes
09	House of Commons clerk (unattributed)	23 September 2015	Yes
10	Journalist (unattributed)	23 September 2015	Yes
11	Tom Goldsmith Secretary, House of Commons Commission, Head of Governance Office (HC)	4 May 2016	No
12	Ian Ailles Director-General, House of Commons	9 May 2016	Yes
13	Robert Rogers (Lord Lisvane) Former Clerk of the House of Commons Member of the House of Lords	11 May 2016	Yes
14	John Bercow Speaker of the House of Commons	11 May 2016;	Yes
15	Tom Goldsmith Secretary, House of Commons Commission, Head of Governance Office (HC)	12 May 2016	Yes
16	Janet Gaymer External member, House of Commons Commission	16 May 2016	Yes
17	Martyn Atkins Secretary, HC Procedure Committee	17 May 2016	Notes only
181	Catherine Fogarty Deliverer of the Vote, House of Commons	18 May 2016	Yes
19	Ken Gall President, Trade Union Side, House of Commons	20 May 2016	Yes
20	Chris Bryant MP Member, House of Commons Commission	23 May 2016	Yes

No.	Interviewee	Date	Recorded/transcribed
21	Andrew Kennon Clerk of Committees, House of Commons	24 May 2016	Yes
22	David Beamish Clerk of the Parliaments	24 May 2016	Yes
23	Bernard Jenkin MP Chair, HC Public Administration and Constitutional Affairs Committee	25 May2016	Yes
24	David Natzler Clerk of the House of Commons	25 May 2016	Yes
25	Paul Silk Former House of Commons clerk	25 May 2016	Yes
26	Rob Greig Director, Parliamentary Digital Service	27 May 2016	Yes
27	Paul Beresford MP Chair, Administration Committee, member, House of Commons Commission	2 June 2016	Yes
28	Paul Silk Former House of Commons clerk	2 June 2016	Yes
29	David Clark Head of Education and Engagement	3 June 2016	Yes
30	Paul Evans Clerk of the Journals (HC)	6 June 2016	No
31	Nick Brown MP Chair Finance Committee, member House of Commons Commission	7 June 2016	Yes
32	Jane McCall External Member, House of Commons Commission	8 June 2016	Yes
33	John Bercow MP Speaker of the House of Commons	8 June 2016	Yes
34	Tom Brake MP Member and spokesperson, House of Commons Commission	8 June 2016	Yes
35	Penny Young Librarian and Managing Director, Research and Information and Participation	9 June 2016	Yes
36	Baroness D'Souza Lord Speaker	9 June 2016	Notes
37	Ruth Fox Director, Hansard Society	10 June 2016	Yes
38	Lord Laming Chairman of Committees, House of Lords	13 June 2016	Yes
39	Ian Ailles Director-General, House of Commons	13 June 2016	Yes
40	Mark Davies Clerk, House of Lords Leaders Office	14 June 2016	Yes
41	Charles Walker MP	14 June 2016	Yes

No.	Interviewee	Date	Recorded/ transcribed
	Chair, House of Commons Procedure Committee		
42	Alex Newton & John Vice Editors of debates, House of Commons and House of Lords Hansard	14 June 2016	Yes
43	Andrew Makower House of Lords Clerk and Finance Director	15 June 2016	Yes
44	Cristina Leston-Bandeira Professor, Leeds University	10 September 2018	Yes
45	David Natzler Clerk of the House of Commons	12 September 2018	Yes
46	John Bercow MP Speaker of the House of Commons	17 September 2018	Yes
47	Ian Ailles Director-General House of Commons	18 September 2018	Yes
48	Penny Young Librarian and Managing Director, Research and Information and Participation	19 September 2018	Yes

Two members of the House of Commons Commission were unavailable for interview. Note: I also conducted informal background discussions with clerks, officials and academics on 30 and 31 March, 1,13, 15 and 16 April and 4 May 2015 and attended a culture change workshop with House of Commons staff and CASS Business School on 23 April 2015. I attended a staff meeting on the House of Commons Director-General's review on 5 May 2016 and a briefing on a digital strategy for the UK parliament on 1 June 2016.

Appendix 2

Australian parliament interviews*

No	Interviewee	Date	Recorded/ transcribed
1.	Andrew Podger, former Public Service Commissioner	4 August 2015	Yes
2.	Phil Bowen, Secretary Parliamentary Budget Office	30 March 2017	Yes
3.	David Elder Clerk of the House of Representatives	7 April 2017	Yes
4.	Dianne Heriot, Parliamentary Librarian	10 April 2017	Yes
5.	Rob Stefanic, Secretary DPS	10 April 2017	Yes
6.	Richard Pye Clerk of the Senate	12 April 2017	Yes
7.	Tony Smith Speaker, House of Representatives	19 April 2017	Yes
8.	Mr Tony Pasin MP Chair Procedure Committee	10 May 2017	Yes
9.	Carol Mills, former Secretary DPS	11 May 2017	Yes
10.	Russell Chafer Clerk Assistant Committees (HoR)	12 May 2017	Yes
11.	Ms Fiona Knight, Assistant Secretary Building Services DPS	15 May 2017	Yes
12.	Ms Myra Croke Chief Operating Officer DPS	19 May 2017	Yes
13.	Ms Christine White, Assistant Secretary Recording & Reporting DPS	24 May 2017	Yes
14.	Maureen Weeks Deputy Clerk, Senate	24 May 2017	Yes
15.	Bernard Wright, former Clerk of the House of Representatives	25 May 2017	Yes
16.	Luke Hickey, Assistant Secretary Parliamentary experience	26 May 2017	Yes
17.	Catherine Cornish Clerk Assistant Procedure (HoR)	26 May 2017	Yes
18.	Ms Julie Owens MP Deputy Chair, Appropriations & Administration Committee (HoR)	30 May 2017	Yes
19.	Richard Mulgan, Emeritus Professor ANU	31 May 2017	Yes
20.	Mr Chris Hayes MP member, Appropriations & Administration Committee (HoR)	1 June 2017	Yes
21.	Anthony Albanese, MP former Leader of the House	1 June 2017	Yes
22.	Claressa Surtees Deputy Clerk, House of Representatives	6 June 2017	Yes

No	Interviewee	Date	Recorded/transcribed
23.	Mr Ian McKenzie Chief Information Officer DPS	6 June 2017	Yes
24.	Roxanne Missingham, former Parliamentary Librarian	8 June 2017	Yes
25.	Ms Nola Marino MP member Appropriations & Administration Committee	14 June 2017	Yes
26.	Senator Katy Gallagher, member, Senate Procedure, Appropriations, Staffing & Security, Finance & Public Administration committees	14 June 2017	Yes
27.	Stephen Parry President of the Senate	15 June 2017	
28.	John Hogg former President of the Senate	20 June 2017	Yes
29.	David Kenny, former Deputy Secretary DPS	27 June 2017	Yes
30.	Quinton Clements, former adviser to Senate President	7 July 2017	Yes
31.	Alan Thompson, former Secretary DPS	13 July 2017	Yes
32.	Neil Andrew, former Speaker of the House of Representatives	18 July 2017	Yes
33.	Hilary Penfold, former Secretary DPS	19 July 2017	Yes
34.	Trevor Fowler, Hansard editor	3 August 2017	Yes
35.	Senator Sue Lines, Deputy President of the Senate	15 August 2017	Yes
36.	Chris Paterson, former adviser to Speaker of the House of Representatives	17 August 2017	Yes
37.	Ken Baxter, author of independent review into DPS	21 August 2017	Yes
38.	Don Morris, former adviser to Senate President	23 August 2017	Yes
39.	Rosemary Laing, former Clerk of the Senate	7 September 2017	Yes
40.	Peter Gibson, former adviser to Speaker of the House of Representatives	12 September 2017	Yes
41.	Andrew Smith, former DPS official	26 October 2017	Yes

*Senator Wong and Senator Fifield declined interviews. Christopher Pyne MP and Noel Towell, *Canberra Times* journalist, did not respond to invitations.

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Appendix 3

Sample Interview questions

United Kingdom

1. What do you think is the fundamental nature/purpose of parliamentary administration?

2. What do you think are the major challenges faced by parliamentary administrators?

3. There's always much talk about parliamentary management being different from public management generally. What do you see as the main differences?

4. A lot of attention has been given in the Straw report and elsewhere about the importance of the constitutional advice provided by the Clerks, particularly in the case of the UK which has an unwritten Constitution. Can you elaborate/are you able to comment on that?

5. Could you summarise how you think the roles of parliamentary administrators have changed? What do you think have been the main drivers of change?

For members only:

6. What services/management activities would you like to see more/less of?

7. What do you think is/isn't working well?

8. How actively do you engage with the providers of parliamentary services?

9. Can you provide examples of where you think parliamentary functions have been managed effectively/ineffectively?

To clerks/managers only

10. What value do you think you offer in your role as…..?

11. Who are the beneficiaries of your management activities?

Australia

1. What do you think is the fundamental nature/purpose of parliamentary administration?

2. What do you think are the major challenges faced by parliamentary administrators?

3. There's always much talk about parliamentary management being different from public management generally. What do you see as the main differences?

4. (a) In terms of the management of parliament what are your expectations from the heads of the three departments and their staff, particularly in respect of innovation and reform as against maintaining institutional values? (presiding officers)

   (b) In terms of the management of parliament what is expected of you? I'm particularly interested in your role in respect of innovation and reform as against maintaining institutional values? (officials)

5. (a) What have been your greatest achievements (in the role of Speaker/President /governance committee member/official?

6. In what ways would you actively seek to engage members on issues of parliamentary administration?

7. (a) What do you believe to be the constraints on your authority as head of the Parliamentary Service? (presiding officers)

   (b) What do you believe to be the constraints on your authority as a head of department/senior manager? Who do get your 'mandate' from? How 'proactive' are you? (officials)

8. Could you summarise how you think the roles of parliamentary administrators have changed? What do you think have been the main drivers of change?

9. What changes would you like to see in the ways in which the Australian Parliament is managed?

10. Where do you see the greatest tensions emerging between the various bodies responsible for administering aspects of parliament?