

PARLIAMENT OF WESTERN AUSTRALIA

CLERK OF THE LEGISLATIVE COUNCIL AND CLERK OF THE PARLIAMENTS



POSITION DESCRIPTION and ACCOUNTABILITY STATEMENT

1. POSITION DETAILS

Position Title:	Clerk of the Legislative Council and Clerk of the Parliaments
Department:	Legislative Council
Location:	Parliament of Western Australia
Accountable to:	President of the Legislative Council

2. POSITION OVERVIEW

The position of Clerk of the Legislative Council and Clerk of the Parliaments has 3 broad areas of responsibilities:

- 2.1 The *Clerk of the Legislative Council* (the Clerk) is to ensure the provision of expert and authoritative advice and counsel to the President, Ministers and Members of the Legislative Council (the Council) on parliamentary law, practice and procedure relating to Parliament's role in making laws, scrutiny of the Executive Government, and debate and investigation of matters of public interest.
 - 2.2 The *Clerk of the Parliaments* responsibilities are covered in the Joint Standing rules of both houses. This includes ensuring Bills as passed by both houses are prepared as Acts of Parliament for assent by the Governor of Western Australia.
 - 2.3 As *Head of Department* the Clerk undertakes all aspects of senior management responsibilities relating to the leadership, planning, development, direction and management of staff and all aspects of the operations of the Department of the Legislative Council.
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3. MAJOR ROLES AND ACCOUNTABILITIES

The Clerk:

- is accountable to the President and the Council for the effective functioning of the House and must ensure that all matters that are brought before the Council are dealt with according to law and the procedures and conventions of the Council.
- acts as the principal adviser to the President, the Leader of the Government and Leader of the Opposition, Ministers and all Members of the Legislative Council on issues of parliamentary law, procedure and practice and on the statutory and inherent powers and functions of the Council. In this regard the Clerk provides advice as to what action is permitted and definitive advice on procedural mechanisms to be followed. This role requires absolute impartiality, integrity, reliability and validity, as well as excellent communication and interpersonal skills. The advice of the Clerk is highly critical to the effective functioning of the Council and its Committees and has significant implications in terms of the outcomes of bills passed by the Council and reports of Committee inquiries.
- co-ordinates and administers the passage of Bills through the Council in a timely manner by ensuring that sittings and business are scheduled, and that rules, forms and procedures are observed to ensure that bills are passed according to law.
- liaises with and advises Ministers and Chief Executive Officers of Government agencies regarding the passage of legislation and procedural mechanisms in relation to matters that are brought before the Council. Liaises with the Parliamentary Counsel regarding the form and content of amendments to Bills.
- plans and implements procedures of the Council, based on precedent and research of parliamentary practice, and reviews and interprets procedures in the context of a modern House of Parliament to enable the Council, its Committees and Members to perform their role and functions.
- ensures that procedural advice, staffing, and administrative support including the production of business papers and maintenance of the records and archives is provided to the Council in session, the Council Standing and Select Committees, and Joint Committees.
- provides resource management and industrial relations, corporate planning, Members' allowances and entitlements, formulates, implements and monitors budgets for works and services of the Council, industrial relations and information technology. The management accountability limits of the Clerk are similar to a Chief Executive Officer of public sector agencies and are subject to meeting legislative and internal and external auditing.
- manages all the resources of the Council, including financial resources, to achieve strategic goals and directions and ongoing efficiency and effectiveness within the framework of legislative and government fiscal policy and accountability and develop policies and procedures responsive to the needs of the Council and the Parliament as a whole.

- recruits, leads, motivates and develops staff of the Council to ensure a high level of expertise in the delivery of services and advice, especially in parliamentary law, practice and procedure.
- develops and facilitates the implementation of strategic policies and plans in a cohesive and integrated fashion, a modern, relevant and adaptable parliamentary service which is able to meet the demands of Members and the public.
- participates as a leading member of the Heads of Departments Committee (HODS) and the Management Executive Committee (MEC) of the Parliament of Western Australia. The Management Executive Committee is the peak management committee of the Western Australian Parliament comprising the two Presiding Officers and three heads of parliamentary departments and makes recommendations to the Presiding Officers for decision.
- contributes to the development and implementation of organisational initiatives including the promotion and support of a healthy and safe work place and the identification and minimisation of organisational risks.
- develops and implements strategies to promote the image of the Council and the Parliament in the community.
- provides support to Presiding Officers and Clerks of other Parliaments, in Australian and overseas jurisdictions, visiting Heads of State and their officials, visiting Regal and Vice Regal representatives and their officials, and the media.

4. MAJOR CHALLENGES OR CONSTRAINTS

The Clerk can face many challenges and constraints that are unique to the parliamentary institution. The challenges of the position must be considered in the context of the structure of the membership of the Legislative Council and provide apolitical and impartial advice and information to all Members.

Due to the political sensitivity of the parliamentary environment there is a requirement to operate under pressure for decision making and advice under an extremely tight time frame. In this environment creative solutions must be identified. Highly developed interpersonal including negotiation skills must be utilised to enable agreement to be reached.

Procedures are traditionally based upon precedent, but in a political environment it is common that a direct precedent is not available. In this context the Clerk ensures that adequate research is conducted and all reasonable possibilities are explored in the search for analogous cases, and exercises judgement in advising the President on a course of action which provides a solution to the problem. The Clerk must also keep abreast of developing parliamentary procedure and practice innovations in similar legislatures.

To perform this function, the Clerk requires a strong knowledge of parliamentary law, practice and procedure and the ability to interpret and apply this to new situations. Advice given by the Clerk can have serious implications for the operations of the Council including the possibility of the Government being defeated on a major issue. This advisory role requires extreme sensitivity, confidentiality and integrity and the ability to provide impartial, accurate and reliable advice. The sensitive nature of the tasks performed and the utmost

urgency with which they must be dealt when the Council is sitting make the work both demanding and difficult.

The Clerk requires a broad understanding of current political and community issues and an appreciation of the impact that decisions of both the Government and the bureaucracy has on the community. The Clerk must be able to distil both the Government and Opposition policies in the context of proposals placed before the House. These challenges and constraints are complex in circumstances where numerous parties are represented in the Council.

The Clerk is the principal adviser to the President on all matters including those relating to Members' services and entitlements and general policy matters including the impact of Government policy initiatives on the Council. The Clerk is required to remain abreast of Government policy to provide strategic direction and vision with respect to services to both members and the public.

A critical challenge of the Clerk is to recruit and train staff, and to provide leadership and development of staff in an environment where career opportunities may be limited.

5. STRUCTURE

The Clerk is accountable to the President and the Legislative Council and is assisted and supported by the Deputy Clerk, Clerk Assistants (House and Committees), Usher of the Black Rod and an Executive Officer.

Total FTE staff of the Department of the Legislative Council is approximately 34.

Budget: approximately \$6m

6. SELECTION CRITERIA

- 6.1 Demonstrated significant experience in the Chamber operations of a House of Parliament and a sound knowledge of the principles of the Westminster-style system of Parliamentary democracy, together with an excellent knowledge of the relevant Acts and their application to parliamentary procedure and the practice of the Legislative Council.
- 6.2 Substantial experience and a track record of success leading and managing a diverse and multi-disciplinary team to ensure the smooth and effective operation of the Department.
- 6.3 Highly developed relationship management and influencing skills and commitment to working collaboratively as a member of an Executive Team.
- 6.4 Proven ability to analyse, interpret and provide impartial advice on policy within tight timelines in a highly sensitive environment.
- 6.5 Highly developed communication, interpersonal and negotiation skills combined with a tactful, confidential and diplomatic manner to deal with Parliamentary office holders, Members of Parliament, senior public sector officers and key

stakeholders.

- 6.6 Understanding of current management tools and methodologies and the requirements as an employer as required by relevant legislation.
- 6.7 A tertiary qualification in politics, history, law or another relevant discipline and/or considerable experience at the Table of the House of a Westminster Parliament is highly desirable.
- 6.8 Candidates are generally expected to be Australian citizens or permanent residents, and either possess or be able to obtain relevant security and police clearances.
- 6.9 The successful candidate will be subject to reference checks, both professional and character, national police clearance checks and provide evidence of COVID vaccination status.

7. REMUNERATION PACKAGE. As determined by the Salaries and Allowances Tribunal *Section 6(1)c of SAT Act 1975.*

- Salary:** \$220,380 per annum
- Tenure:** Seven (7) years performance based subject to Key Performance Indicators (KPIs).
- Superannuation:** Employer contributions of 10%
- Motor vehicle:** Provision of a fully maintained motor vehicle that is available for private use.
- IT equipment:** Assistance with home internet, provision of a mobile phone, portable computing device (eg laptop).
- Other:** This position offers generous employment conditions including six (6) weeks leave, access to a gym and designated free parking.

8. OTHER RELEVANT INFORMATION

This position will involve working outside the normal spread of hours particularly during Legislative Council sittings.

A uniform is provided and is expected to be worn on ceremonial occasions and during sittings of the Legislative Council.

This position description is indicative of the position. The job comprise other duties as directed.