

**GOVERNMENT RESPONSE TO THE RECOMMENDATIONS OF  
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE'S**

**78<sup>th</sup> Report to Parliament on Strengthening Government and Parliamentary  
Accountability in Victoria**

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Pursuant to section 36 of the *Parliamentary Committees Act 2003*, this paper provides a response to the recommendations and other matters contained in the Public Accounts and Estimates Committee's (PAEC) 78<sup>th</sup> Report.

**Guide for readers:**

In this document:

Column 1 sets out PAEC's recommendation

Column 2 sets out the response to PAEC's recommendation – Noted, Support, Support in principle, Support in part, Defer consideration, Not Support

Column 3 sets out the explanation for the response to PAEC's recommendation

PAEC Recommendation	Response	Explanation
<b>CHAPTER 2: PARLIAMENTARY COMMITTEES</b>		
<p><b>Recommendation 1</b></p> <p>Adequate funds be provided to the parliamentary joint investigatory committees via the annual <i>Appropriation (Parliament) Act</i>.</p>	<p>Support in principle.</p>	<p>The Government supports adequate funding of parliamentary joint investigatory committees via the annual <i>Appropriation (Parliament) Act</i>.</p> <p>The amount of funds are a matter to be determined as part of the usual process by which funds are allocated.</p>
<p><b>Recommendation 2</b></p> <p>Joint investigatory committees ensure that four weeks be the minimum time provided for calls for public submissions.</p>	<p>Support.</p>	<p>The Government supports the general principle of a minimum period being provided between announcement of a call for submissions and the formal submission deadline.</p> <p>The Government notes that while a four week minimum period is ordinarily desirable, there are circumstances where that is likely to be impractical. For instance, adherence to the Parliamentary timetable may make it unworkable for the Scrutiny of Acts and Regulations Committee to provide the full four week period. Further, in exceptional cases committees may wish to dispense with that minimum period, bearing in mind that they are required to work within the overall time frame set by Parliament.</p> <p>The Government notes that implementation of this recommendation is a matter for the Committees and their respective Chairs.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 3</b></p> <p>The Victorian Government amend the <i>Parliamentary Committees Act 2003</i> so as to require that government responses to inquiry reports include individual responses to recommendations. Statements should indicate whether government supports the recommendation in question and detail the process for its implementation. An explanation should be provided for those recommendations not supported by government.</p>	<p>Support in part.</p>	<p>The Government agrees that responses to inquiry recommendations should be more detailed than they are at present where the response warrants such detail.</p> <p>The Government does not support a requirement for outlining the process for the implementation of a recommendation because that may not be known at the time the response is made; even where details of implementation are known there may be significant variables that prevent such details from being outlined. The Government agrees that an explanation should be provided for recommendations not supported by government.</p> <p>The Government does not support a legislative basis for giving effect to this recommendation but proposes to give effect to the same by way of guidelines.</p>
<p><b>Recommendation 4</b></p> <p>Where interim responses to specific Committee recommendations are provided by government, a further response should be provided within 3 months of the tabling of the government's reply. A final response by the government to any outstanding recommendation should be provided within nine months of the original tabling date.</p>	<p>Support in part.</p>	<p>The Government agrees that in these cases the responsible Minister should provide an additional response. However, the Government notes that three (3) months is likely to be too short a period to give the matter the subject of an interim response proper consideration.</p> <p>The Government proposes that responses to an interim response should be made within six (6) months of the date of that interim response. Therefore, a final response by the government should be provided within twelve (12) months of the original tabling date of the report.</p> <p>The Government will seek the advice of Parliamentary Counsel to determine whether the Act should be amended to allow for special circumstances arising out of a Report being tabled in Parliament within 6 months of an election.</p>

PAEC Recommendation	Response	Explanation
<b>CHAPTER 3: QUESTION TIME PROCEDURE</b>		
<p><b>Recommendation 5</b></p> <p>The Legislative Assembly Standing Orders Committee revise its standing orders to allow supplementary questions without notice.</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Standing Orders Committee of the Legislative Assembly reviewed its Standing Orders during the last Parliament and current arrangements are working effectively.</p>
<p><b>Recommendation 6</b></p> <p>The Legislative Assembly Standing Orders Committee revise its standing orders to allow questions without notice and questions on notice to be put to a member representing a Minister from the Legislative Council.</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Standing Orders Committee of the Legislative Assembly reviewed its Standing Orders during the last Parliament and current arrangements are working effectively.</p> <p>It should be noted that it is open to any Member to ask a colleague in the other House to ask the responsible Minister a question relating to her or his portfolio or to place a question on the notice paper.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 7</b></p> <p>The Legislative Assembly Standing Orders retain points of order during question time, but note a reduced tolerance for frivolous points of order in light of the availability of supplementary questions.</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Standing Orders Committee of the Legislative Assembly reviewed its Standing Orders during the last Parliament and current arrangements are working effectively.</p>
<p><b>Recommendation 8</b></p> <p>That the Legislative Assembly Standing Orders Committee revise the standing orders to incorporate time limits on replies to individual questions without notice (for example, four minutes).</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Standing Orders Committee of the Legislative Assembly reviewed its Standing Orders during the last Parliament and current arrangements are working effectively.</p>

PAEC Recommendation	Response	Explanation
<b>CHAPTER 4: STANDARDS OF PARLIAMENTARY BEHAVIOUR</b>		
<p><b>Recommendation 9</b></p> <p>The Victorian Government update reporting requirements for members of Parliament contained within the <i>Parliament (Register of Interests) Act 1978</i>.</p>	<p>Support in principle - for consideration by the Privileges Committees of the Legislative Assembly and Council.</p>	<p>The Government considers recommendations 9 and 10 should be given further collective consideration.</p> <p>The Government supports each House referring recommendations 9 and 10 to the Privileges Committees of the respective Houses in anticipation of joint meetings between the Committees, in order to provide further recommendations for possible Government action in relation to any necessary amendments to modernise the <i>Members of Parliament (Register of Interests) Act 1978</i>.</p>
<p><b>Recommendation 10</b></p> <p>The Victorian Government update the code of conduct for members of Parliament contained within the <i>Parliament (Register of Interests) Act 1978</i>.</p>	<p>Support in principle - for consideration by the Privileges Committees of the Legislative Assembly and Council.</p>	<p>See explanation to recommendation 9.</p>

PAEC Recommendation	Response	Explanation
<p><b>Miscellaneous</b></p> <p>PAEC 'considers it useful' that the Clerk of the Parliament provide training for members of Parliament in parliamentary behaviour, ethics and conflicts of interest.</p>	<p>Support in principle - refer to Speaker of the Legislative Assembly and the President of the Legislative Council.</p>	<p>The Government supports training for Members in relation to parliamentary behaviour, ethics and conflicts of interest, especially as part of the orientation programme for new Members. Further, refresher courses could be offered to all Members at the beginning of each new Parliament and Members could be invited to participate.</p>

PAEC Recommendation	Response	Explanation
<b>CHAPTER 5: OVERSEAS TRAVEL BY MEMBERS OF PARLIAMENT</b>		
<p><b>Recommendation 11</b></p> <p>Travel guidelines for parliamentary members be updated consistent with federal practice in order to allow:</p> <ul style="list-style-type: none"> <li>a) increased flexibility for allowable trips per parliamentary term;</li> <li>b) accommodation expenses to be met from international travel budget allocations; and</li> <li>c) a budget set at a rate of 21.5 per cent of the Category A electorate office budget.</li> </ul>	<p>Noted - approval of travel is a matter for the Speaker of the Legislative Assembly and the President of the Legislative Council.</p>	<p>The Government notes that approval of travel by Victorian Parliamentarians for Parliamentary purposes is a matter for the Speaker of the Assembly and the President of the Council (Presiding Officers).</p> <p>With regard to recommendation 11(c), the Government notes that the Presiding Officers have made changes to the travel guidelines effective from 1 July 2008. These changes allow Parliamentarians to use 25% of their Electorate Office Budget on overseas travel for Parliamentary purposes.</p>
<p><b>Recommendation 12</b></p> <p>The Presiding Officers of the Victorian Parliament amend the policy relating to overseas travel by members of Parliament to require all members to give prior notice to their Presiding Officer before expending a portion of their Category A electorate office budget on overseas travel.</p>	<p>Support in principle - refer to Speaker of the Legislative Assembly and the President of the Legislative Council.</p>	<p>See explanation to recommendation 11.</p>



PAEC Recommendation	Response	Explanation
<p><b>Recommendation 13</b></p> <p>The Presiding Officers of the Victorian Parliament amend the policy relating to overseas travel by members of Parliament to provide an appropriate report to the Presiding Officers within 45 days of their return from overseas.</p>	<p>Support in principle - refer to Speaker of the Legislative Assembly and the President of the Legislative Council.</p>	<p>See explanation to recommendation 11.</p> <p>The Government notes that this recommendation applies to travel funded by the Parliament's Departments.</p>

PAEC Recommendation	Response	Explanation
<b>CHAPTER 6: MODERNISATION OF PARLIAMENT</b>		
<p><b>Recommendation 14</b></p> <p>Regional sittings of each House of Parliament should occur at least once in the life of every Parliament.</p>	<p>Support.</p>	<p>Each House is responsible for determining its sitting dates and locations.</p> <p>At least one regional sitting in the life of every Parliament is a practice this Government has supported, and regional sittings have been held during 2001 (Assembly: Bendigo; Council: Ballarat), 2002 (Council: Benalla) and 2005 (Assembly: Geelong; Council: Colac).</p> <p>The pattern is that the Assembly and Council sit in different towns in a region. The next scheduled regional sitting is in Gippsland in October 2008. The Assembly will sit in Churchill on 15 October 2008, and the Council will sit in Lakes Entrance on 15 and 16 October 2008.</p>
<p><b>Recommendation 15</b></p> <p>Funding should be provided in the near future for the video webcasting of all sessions of the Legislative Council and Legislative Assembly. Video webcasting of other parliamentary proceedings (for example, committee meetings) could also be considered.</p>	<p>Support in part.</p>	<p>The Government has committed to the audio webcasting of all sessions of the Legislative Assembly and Legislative Council. The Government has funded this measure in the 2008 Budget and audio webcasting commenced on 19 August 2008.</p> <p>The funding will enable some of the infrastructure required for video webcasting to be made available from the outset of audio webcasting. However, prior to the introduction of video webcasting, there are significant resource and technology cost issues to resolve over the introduction of cameras and facilities for filming, which need to be balanced against the likely level of utilisation and the benefits over and above audio webcasting.</p> <p>Further, the Government notes its commitment is to webcast the proceedings of both Chambers. As other parliamentary proceedings (e.g. committee meetings) are usually advertised, open to the public, well attended and are conducted in venues which can adequately accommodate media representatives and members of the public, webcasting of such proceedings is unnecessary.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 16</b></p> <p>The Victorian Government amend Part Two Section 6 of the <i>Parliamentary Salaries and Superannuation Act 1968</i> (Vic) to allow the Opposition Leader of Government Business in the Legislative Assembly an additional salary of 11 per cent per annum of basic salary.</p>	<p>Not Support.</p>	<p>The Government believes that this recommendation can be accommodated by combining the 'Office of the Opposition Whip' and 'Manager of Opposition Business' offices.</p>
<p><b>Recommendation 17</b></p> <p>Consideration be given to the appropriate resourcing of other parties or formal groupings, including through the possible amendment of the <i>Parliamentary Salaries and Superannuation Act 1968</i> (Vic).</p>	<p>Noted.</p>	<p>The Government notes that the resourcing of other parties or formal groupings has been adjusted as part of the last two budgets.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 18</b></p> <p>The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee modernise and simplify the process for considering and passing legislation.</p>	<p>Support in principle - for consideration by the Standing Orders Committees of the Legislative Assembly and Council.</p>	<p>The Government notes the importance of all Parliamentary processes being accessible, relevant and functional.</p> <p>The Government supports each House referring this recommendation to the Standing Orders Committees of the respective Houses in anticipation of joint meetings between the Committees, and to determine whether a consensus can be reached for joint standing orders for consideration by each House.</p> <p>Underlying the current arrangements are substantive rules and important matters defining how Parliamentary debates on legislation, scrutiny by Committee and the roles of the two Houses operate. In addition, the <i>Constitution Act 1975</i> and other legislation specify certain requirements be met during the passage of legislation.</p> <p>The Government welcomes this recommendation and believes it is appropriate that it be the subject of further consideration so that the Government is in a better position to form a final view.</p>
<p><b>Recommendation 19</b></p> <p>The Legislative Assembly Standing Orders Committee revise its procedures for notices of motion so that they are lodged with the Clerk and incorporated in the notice paper.</p>	<p>Noted - for consideration by the Standing Orders Committee of the Legislative Assembly.</p>	<p>The Government notes that the Legislative Assembly may refer this recommendation to the Standing Orders Committee of the Legislative Assembly.</p> <p>The Government is keen to ensure that the procedures for Government notices of motion relating to the ordinary operating business of the Legislative Assembly are not impacted adversely by any revisions that may be made.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 20</b></p> <p>The Legislative Assembly Standing Orders Committee revise its standing orders so that Ministers who are not present in the Legislative Assembly when matters are raised during the adjournment debate relating to their portfolios are required to provide a response in writing within 30 days and that a copy of the response is to be given to the member who raised the issue and all responses be incorporated in <i>Hansard</i>.</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Government notes that Ministers currently respond to matters not dealt with during the adjournment debate and this appears to be working satisfactorily.</p> <p>Further, the Standing Orders Committee of the Legislative Assembly reviewed its Standing Orders during the last Parliament and current arrangements are working effectively.</p>
<p><b>Recommendation 21</b></p> <p>The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee revise their respective standing orders so as to modernise the opening of Parliament, whilst retaining traditional elements.</p>	<p>Support in principle - for consideration by the Standing Orders Committees of the Legislative Assembly and Council.</p>	<p>The Government supports each House referring this recommendation to the Standing Orders Committees of the respective Houses in anticipation of joint meetings between the Committees, and to determine whether a consensus can be reached for joint standing orders for consideration by each House.</p> <p>The Government notes that recent reforms were made to the opening of the Federal Parliament and would welcome the Committees' advice on how to make the opening of the Victorian Parliament more inclusive for all the people of Victoria.</p> <p>It is anticipated that new arrangements be put in place for when the opening of Parliament next occurs after the 2010 election.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 22</b></p> <p>The Victorian Government introduce legislation to amend the Second Schedule of the <i>Constitution Act 1975 (Vic)</i> to include an additional oath or affirmation of choice and incorporate the following wording:</p> <p><b>Oath</b> I swear by Almighty God that I will be faithful and bear true allegiance to Australia and the people of Victoria according to the law.</p> <p><b>Affirmation</b> I do solemnly and sincerely affirm that I will be faithful and bear true allegiance to Australia and the people of Victoria according to the law.</p>	<p>Support in part.</p>	<p>The Government agrees to amend the existing oath/affirmation of allegiance made by Parliamentarians to include additionally a reference to the people of Victoria.</p> <p>The Government believes that there should be a single oath/affirmation sworn by all Members of Parliament rather than an option between two different oaths/affirmations.</p>
<p><b>Recommendation 23</b></p> <p>The Legislative Assembly Standing Orders Committee revise its standing orders to allow for a fixed one hour adjournment in the event of the death of a member of the Legislative Assembly or a former member who was a nominated office holder.</p>	<p>Noted - current arrangements are working effectively.</p>	<p>The Government considers that the current arrangements are working effectively and any issues that may arise are best addressed by the parties in the House. The Government notes the importance of maintaining flexibility in this process and respect for the wishes of the family of the deceased.</p>

PAEC Recommendation	Response	Explanation
<b>CHAPTER 7: REFORM OF THE PROCESS OF DEALING WITH PETITIONS</b>		
<p><b>Recommendation 24</b></p> <p>The Legislative Assembly Standing Orders Committee revise the standing orders to allow petitions to be presented directly to the Legislative Assembly, through the Speaker as well as through individual members of Parliament.</p>	<p>Support in principle - for consideration by the Standing Orders Committee of the Legislative Assembly.</p>	<p>The Government considers that recommendations 24, 25, and 26 should be considered together to reform petitions procedures as a whole.</p> <p>The Government supports the Legislative Assembly referring recommendations 24, 25, and 26 to the Standing Orders Committee of the Legislative Assembly.</p> <p>With regard to recommendation 24, the Government supports allowing petitioners to present petitions directly to the Speaker. This overcomes the difficulty of the current requirement for petitioners to find a Member of Parliament to present their petition (which can be difficult if the local or other Member disagrees with the subject of the petition).</p> <p>The Committees may wish to consider methods for ensuring that the petition process is not burdened or does not operate unfairly.</p>
<p><b>Recommendation 25</b></p> <p>The Legislative Assembly Standing Orders Committee revise the standing orders to allow members to present petitions during the adjournment debates in the Legislative Assembly and the Legislative Council, and during the grievance debate in the Legislative Assembly.</p>	<p>Support in part - for consideration by the Standing Orders Committees of the Legislative Assembly and Council.</p>	<p>See explanation to recommendation 24 (first paragraph).</p> <p>The Government considers that the current arrangements, whereby the Clerks check the authenticity and form of petitions, are working effectively and are very important. It should be noted that Members already refer to petitions during adjournment and grievance debates.</p>

PAEC Recommendation	Response	Explanation
<p><b>Recommendation 26</b></p> <p>a) The Legislative Assembly Standing Orders Committee and the Legislative Council Standing Orders Committee consider revisions to the standing orders requiring the relevant Minister to give a response to a petition lodged or presented by a member to the Clerk of the House.</p> <p>b) Such ministerial responses should be provided to the Clerk of the House and should be published in Hansard within 90 days of presentation of the petition to the house.</p>	<p>Noted - for consideration by the Standing Orders Committees of the Legislative Assembly and Council.</p>	<p>See explanation to recommendation 24 (first paragraph).</p> <p>The Government supports each House referring this recommendation to the Standing Orders Committee of the respective Houses in anticipation of joint meetings between the Committees, and to determine whether a consensus can be reached for joint standing orders for petitions for consideration by each House.</p> <p>With regard to recommendation 26, the Committees may wish to consider what mechanisms can be put in place to filter vexatious or repetitive petitions before requiring Ministers to respond. For example, the Commonwealth House of Representatives' Petitions Committee considers whether or not a petition should be referred to a Minister for response. Once a petition has been referred by the Committee it must then be responded to within 90 days.</p>
<p><b>Recommendation 27</b></p> <p>The Legislative Assembly Standing Orders Committee, the Legislative Council Standing Orders Committee and the House Committee examine procedural and technical requirements for the implementation of an e-petitions facility in Parliament and produce a report describing how implementation of the facility might proceed.</p>	<p>Noted - current arrangements are adequate.</p>	<p>The Government believes that the current arrangements whereby the Clerks check the authenticity and form of petitions are adequate.</p> <p>The Government notes that the Standing Orders Committee of the Legislative Assembly is currently inquiring into this matter.</p>



PAEC Recommendation	Response	Explanation
<b>CHAPTER 8: SUPPLEMENTARY ISSUES</b>		
<b>Recommendation 28</b> The Premier of Victoria implement a ministerial code of conduct in line with the Commonwealth and other states.	Defer consideration.	The Government is currently considering this recommendation and will respond in due course.