

Victorian Election - ART Commitment requests and Party responses and additional proposals as at 21 November 2014

ART request:

1. The IBAC legislation should be amended to give IBAC the same ability as NSW's ICAC to investigate corruption and to deal with the uncertainties and problems created in the handling of "protected disclosures" identified by the IBAC Commissioner and the Ombudsman.

Government response	ALP response	Green's response
<p>If re-elected, the Coalition will reintroduce the Integrity Legislation Amendment Bill 2014 to</p> <ul style="list-style-type: none"> include misconduct in public office as a common law offence that can constitute corrupt conduct; - empower IBAC to undertake preliminary investigations; amend the threshold for conducting investigations by IBAC using co-ercive powers to make clear that it can undertake investigations when ever: <ol style="list-style-type: none"> it is satisfied that the conduct would, if proven, constitute serious corrupt conduct, and it suspects on reasonable grounds that the relevant conduct is occurring or has occurred. <p>It maintains its position that it is appropriate that the extensive and far-reaching coercive powers vested in IBAC be focused on serious corruption and that other instances of possible corruption can be referred by IBAC to other integrity bodies for investigation.</p>	<p>Will lower the IBAC investigatory threshold to ensure that IBAC does not need to be satisfied (prima facie) of the existence of serious corrupt conduct before commencing an investigation. Propose to include misconduct in public office in the list of relevant offences and to resolve jurisdictional issues between IBAC and other integrity bodies.</p> <p>Labor also notes that it indicated a willingness to pass the Integrity Legislation Amendment Bill 2014, had the Government brought it forward for debate.</p>	<p>Support for both proposals. Also propose that the law be amended to allow disclosures relating to MPs be made to the IBAC and a separate body be established to investigate police misconduct, including injury and death as a result of police contact.</p> <p>Further information is also provided in our initiatives on transparency, integrity and accountability: http://greens.org.au/initiatives/vic/transparency-integrity-and-accountability</p>

ART request:

2. **Political funding: The State lacks appropriate mechanisms for ensuring that funding of political parties does not lead to anti-democratic, if not corrupt, outcomes. An Inquiry into the political funding in Victoria of parties, members of Parliament and candidates should be referred to the Joint Electoral Matters Committee.**

Government response	ALP response	Green's response
<p>The Coalition refers to the Fundraising Code of Conduct introduced by it in 2011, and provisions in it including:</p> <ul style="list-style-type: none"> ◦ A Minister ,Parliamentary Secretary, Government Member must not solicit or receive direct donations; ◦ They are not permitted to operate bank accounts for the receipt and distribution of campaign and political fund-raising purposes; ◦ Ministerial offices and apartment facilities must not be used for politically fund-raising purposes; ◦ corporate fundraising events must not represent or claim privileged access to Ministers or other decision-makers ◦ public disclosure to the Australian Electoral commission within one month of receiving \$100,000 or more (singly or aggregated) in any one financial year. <p>If elected, it will consider the Reports of the Royal Commission into Trade Union Governance and Corruption with a view to determining whether it raises issues that should be referred to the Victorian Electoral Matters Committee.</p>	<p>Labor will review and, where necessary, revise the Fundraising Code of Conduct to ensure improved transparency of disclosure and to minimise any perceived or actual conflict between fund raising activities and the duties of the holders of public office.</p>	<p>Committee Inquiry supported. Accept that Victoria lacks mechanisms for ensuring that funding of political parties does not lead to undemocratic outcomes and undue influence by donors. Reference made to their past and recent attempts to seek amendments to legislation to prevent parties receiving donations from developers and organisations that are or may be affected by government decisions, to limit the size of donations from individuals, and to limit donations to and spending by parties and candidates.</p> <p>Further information is also provided in our initiative on this issue: http://greens.org.au/initiatives/vic/funding-political-parties</p>

ART request:

3. FOI: The State’s freedom of information legislation falls well short of best practice. The Queensland Solomon Report should be adopted by enacting the Right to Information legislation in place in Queensland and Tasmania.

Government response	ALP response	Green’s response
<p>The Coalition refers to the reforms it made to the Freedom of Information Act and system, in particular:</p> <ul style="list-style-type: none"> • establishing the independent F OI Commissioner, thereby introducing an independent umpire for applicants dissatisfied with the initial agency or department review, • introducing professional standards, • establishing the Accountability and Oversight Committee of the Parliament , and • providing additional resources and two Assistant Commissioners to assist in handling reviews and complaints. <p>Referring to the Solomon Report, and its recommendation for proactive, routine release of information and maximum disclosure of non-personal information, the Coalition draws attention to the Victorian Government ICT Strategy Update: 2014-2015 (released on 20 May 2014 to lay the foundation and promote open access to Victorian public sector data to the community which set a target of 3000 data sets online at data.vic.gov.au by December 2014, and there being in fact close to 3500 data sets and tools now available.</p>	<p>Propose that, if elected, the Information Commissioner’s (to be renamed “Office of the Public Access Counsellor (OPAC) powers be increased to include power to review claims of “Cabinet –in-confidence” and decisions by Ministers’ officers, Departmental heads and Agency heads and will allow the OPAC to set enforceable standards for departmental FOI officers (currently in the hands of the Attorney General). And to reduce the permitted response time from 45 to 30 days. Also the time limit for an agency to consider the OPAC’s decision to be reduced from 60 to 14 days (see also Media Release: 091014)</p> <p>Also propose, if re-elected to reintroduce legislation mandating quarterly online publication of ambulance response times and cardiac arrest response times, hospital performance data (Statements of Priorities) and CFA and MFB response times.</p>	<p>Accept that Queensland has the best practice system and Victoria falls well short of that. Recognise that the Solomon Report shows what is best practice and this should be reflected in amending the FOI Act. Specific proposals advanced are</p> <ol style="list-style-type: none"> 1.the narrowing of the scope of the exempt categories of documents in the following sections of Part 1V of the Act 28. Cabinet documents 30. Internal working documents 31. Law enforcement documents 32. Documents affecting legal proceedings 33. Documents affecting personal privacy 34. Documents relating to trade secrets etc. 35. Documents containing material obtained in confidence 36. Disclosure contrary to public interest <p>and that the overall objects and purposes of the legislation be rewritten to strengthen the presumption of public release of documents and encourage more proactive release.</p>

ART request:

Other open and accountable government proposals

Government response	ALP response	Green's response
<p>Auditor-General Prepare legislation after consultation with the Auditor-General and the Public Accounts and Estimates Committee (PAEC) to give “follow the dollar” powers to the Auditor-General and to provide for sharing information by the Auditor-General with other Auditors General and to streamline provisions for consultation between the Auditor-General and the PAEC.</p> <p>Control of political Advertising by Government.</p> <p>Maintain the Advertising Oversight Committee (AOC) it established to ensure that public funds are not used for government advertising campaigns that are party political and to promote transparency and accountability for advertising expenditure.</p> <p>The AOC audits all government advertising campaigns with paid media expenditure of \$150,000 or more. For its full Terms of Reference go to - http://www.dpc.vic.gov.au/images/documents/dpc_resources/Communications/aoc_terms_of_reference.pdf</p>	<p>Auditor-General:</p> <p>Give the Auditor-General effective “follow the dollar” powers unfettered by Executive Government or Parliament. Simplify requirements for consultation with the Parliament and Executive Government. Reform Victoria’s Integrity system to ensure the effectiveness and independence of the Auditor General. Give the Auditor General the power to undertake collaborative</p> <ul style="list-style-type: none">◦ audits with other Auditors-General, and◦ investigations with other integrity bodies.◦ and greater discretion as to what may be included in Reports to Parliament <p>(Letter to the Auditor- General 29.10.2014)</p> <p>Control of political Advertising by Government.</p> <p>Television advertising will be limited to health and safety, community wellbeing and behavioural change. The Premier will issue advertising guidelines and the Auditor-General will have oversight.</p>	<p>1. Amend the Audit Act 1991 to enable the Auditor-General to fully scrutinise private companies contracted to the government.</p> <p>See our initiative on this issue for further information: http://greens.org.au/initiatives/vic/transparency-integrity-and-accountabilityhttp://greens.org.au/initiatives/vic/transparency-integrity-and-accountability</p> <p>2. Establish an Independent Prison Inspectorate to oversee all prisons and correctional facilities to ensure staff and prisoner health and safety.</p>

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	<p>Reasonable examples of Government television advertising include TAC, anti-smoking campaigns, SunSmart, fire readiness and problem gambling campaigns.</p> <p>A Labor Government will put new advertising standards into legislation. (Media release - 051114)</p> <p>Reform Parliamentary procedures (Media release 161014)</p> <ul style="list-style-type: none"> ◦ Introduce supplementary questions in the Legislative Assembly. ◦ Abolish Dorothy Dixier questions in both chambers, instead providing Ministers with the ability to make two minute Ministerial Statements where new initiatives, projects and achievements can be briefly explained or announced. ◦ Reduce time limits for answers to questions. For the substantive questions, three minutes, and for the supplementary questions, one minute. ◦ Ensure that Government Members are still able to raise questions to Ministers on behalf of their electorates. At the conclusion of Question Time, both Government and Opposition Members will be able to ask questions of Ministers, the answers to which will be provided on notice. ◦ Provide the Speaker and the President with the power to find that a Minister's answer has been non responsive to the question and to require the 	

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	<p>Minister to provide a written response – to the satisfaction of the Presiding Officer – by the next sitting day.</p> <ul style="list-style-type: none"> ◦ Abolish verbal Notices of Motion, to be replaced with written Notices of Motion provided to the Presiding Officer. Motions will be able to be read out only if they are brought on for debate. ◦ Introduce a 30-day time limit for the answering of Questions on Notice and enforce the 30 day time limit for Adjournments response in the Legislative Assembly. ◦ Make Consideration in Detail (committee stage) a standard feature for the passage of Bills in the Legislative Assembly (as it is in the Council). Labor will give consideration to the creation of a Legislative Assembly Committee Room for the purpose of the detailed consideration of Bills. ◦ Provide a non-Government chair for the Accountability and Oversight Committee of the Parliament. ◦ Review sessional and standing orders, looking at a range of other matters including sitting hours and the scheduling of more time for MPs to raise matters on behalf of their communities in Parliament. ◦ Reform the Parliamentary Estimates and Accounts Committee to ensure that Budget hearings are more rigorous, akin to the Senate Estimates process 	