

# Strengthening Government and Parliamentary Accountability in Victoria

**Bob Stensholt MP\***

Since 1999, The Victorian Labor Government has moved to strengthen its democratic institutions. Some of the most important reforms it has enacted are: introducing fixed four-year terms for both houses of Parliament; restoring the powers of the Auditor-General and the Ombudsman; restoring the independence of the Electoral Commissioner, creating the Equal Opportunity Commissioner and the Director of Public Prosecutions; rebuilding the freedom of information system; ensuring the Premier and all Ministers attend estimates hearings; increasing the capacity of the opposition to ask questions during question time in parliament; and extending the parliamentary committee system.

## *Changes to Accountability in Legislative Council*

A particularly important reform, which deserves detailed explanation, was the reform of the Legislative Council. The reforms, which came into effect at the 2006 election, ended what was seen by many as the undemocratic nature of Victoria's upper house.

Members of the Council are now required to face the electorate every four years, instead of the previous eight, ensuring that its make up now more accurately reflects the current will of the Victorian people. This is an important democratic principle.

The new Council comprises eight, five-member electorates elected by Proportional Representation, reducing the number from 44 to 40. This will virtually ensure that no government will ever again enjoy a majority in the Upper House; and defends its traditional role as a true house of review. There is perhaps no greater accountability mechanism than an Upper House equipped to scrutinise the actions and legislative program of the government of the day.

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\* Chair of the Victorian Parliament's Public Accounts and Estimates Committee (PAEC).

### ***Extra Resources for PAEC***

Recently, we have moved again to strengthen Victoria's Parliamentary committees, which form a vital component of the Westminster Parliamentary system and an important — if sometimes underestimated — instrument of accountability and transparency, and public scrutiny.

Victoria's PAEC, which I currently have the honour of chairing, has an especially important role to play in ensuring accountability by scrutinising and assessing the financial administration of the public sector.

To support this, the former Premier, Steve Bracks announced in May this year, as part of the *Parliamentary Appropriation Act 2007*, an extra \$360,000 per year in funding for the PAEC. In addition an immediate injection of \$240,000 was made available from the Treasurer's advance. We look forward to using this funding to further improve the committee's work through an expanded secretariat with higher quality staff.

### ***Parliamentary Legislation Act 2007***

Earlier this year, Parliament passed the *Parliamentary Legislation Act*, which recognised the important role of the PAEC, as well as that of another Joint Investigatory Committee, the Scrutiny of Acts and Regulations Committee (SARC).

The Act increases the level of remuneration of the PAEC Chair to the same level as the Deputy Speaker and at a level higher than that received by a Parliamentary Secretary, as well as granting the Chair of SARC remuneration at the same level as a Parliamentary Secretary. For the first time, deputy chairs of both committees receive recognition through additional remuneration. The changes also add an additional member to each of the two committees so that a wider representation of minor parties can be achieved.

### ***New Premier***

I am happy to report that Victoria's new Premier, John Brumby has signalled his intention to further strengthen accountability in Victoria's Government.

On 7 August 2007 Mr Brumby announced a range of reforms to make Parliament and the Executive more accountable and accessible to the Victorian people. Two of the measures relate directly to the terms of reference of the inquiry currently being undertaken by the PAEC. These are: providing funding for the live audio web-casting of all sessions of the Legislative Assembly and Legislative Council, including question time; and releasing quarterly reports that detail the costs and benefits of all ministerial overseas travel.

The Premier also announced another four measures to make the work of the Victorian Parliament more transparent: prioritising the drafting of new legislation to reform the *Freedom of Information Act*; releasing an annual statement of legislative intent from 2008 outlining the year's major legislative program; publicising the remuneration band and identity of members of government boards and advisory committees; and posting transcripts of premier's media conferences on the website — [www.premier.vic.gov.au](http://www.premier.vic.gov.au) — as soon as they become available.

### ***Genesis of ALP 2006 'Strengthening our Democratic Institutions' Policy and the Current Inquiry***

Prior to the 2006 Victorian election, the government was happy to receive a discussion paper, *Why Accountability Must be Renewed*, prepared by an informal group led by Ken Coghill. The paper reviewed the state of government accountability in Australia and made a number of recommendations for improvement.

The paper, along with the government's ongoing commitment to accountable government, informed the development of the policy that Labor took into the 2006 election, *Strengthening our Democratic Institutions*, in which it pledged to further strengthen the accountability of government and Parliament.

An important commitment under the policy was to give a reference to an all-party parliamentary committee to inquire into the options for the next phase of strengthening government and parliamentary accountability in Victoria. Following last year's election, reference for an *Inquiry into Strengthening Government and Parliamentary Accountability in Victoria* was given in the Legislative Assembly on 1 March 2007.

### ***Terms of Reference***

I'll now quote the terms of reference from Hansard:

To the Public Accounts and Estimates Committee — for inquiry, consideration and report no later than the last sitting day in 2007 on the options for the next phase of strengthening government and parliamentary accountability in Victoria — and in particular the Committee is required to consider:

- (a) Parliamentary Committees;
- (b) question time procedure;
- (c) standards of parliamentary behaviour;
- (d) overseas travel by members of Parliament;
- (e) modernisation of Parliament including the permanent abolition of wigs and other archaic practices;
- (f) reform of the process of dealing with petitions.

As you'll note the terms of reference are fairly broad and, as the inquiry is in its early days, the PAEC is still in the process of defining its scope. In fact, I would be very interested in your views today in how we might best approach this important work.

### ***General Overview of Submissions and Suggestions***

So far, the PAEC has received 28 written submissions from a wide variety of people, including serving and retired parliamentarians, academics, lawyers, teachers and concerned members of the public.

We also held public hearings in the first week of August 2007, where a number of people who had made submissions were kind enough to give the committee their views in person. Over the next month or two, we will be in contact with more witnesses throughout Australia, as well as undertaking an extensive review of relevant literature and parliamentary practice.

I thought it would be worthwhile to provide you with a brief summary of the types of suggestions that were raised in the submissions received by the committee.

It certainly seems that Ken Coghill's group did a thorough job of disseminating its discussion paper, as many of the submissions mentioned its report, or echoed its major proposals. Two such proposals were to develop a Code of Ministerial Responsibility and to establish a Parliamentary Standards Commissioner.

Regarding the Code, the submissions varied in what it should include and how it should be enforced (by the Executive, by Parliament or by legislation). It was also noted that any Ministerial Code was the preserve of the Executive.

Various submissions supported a Parliamentary Standards Commissioner though opinions varied on what such a Commissioner would be responsible for and how his or her judgements would be enforced. Indeed, a number of submissions argued that the Commissioner should not actually make judgements, but rather bring any relevant matters to the attention of Parliament. Other submissions suggested the Commissioner could also provide training to new MPs on parliamentary behaviour and ethics. At least one witness strongly argued against appointing a 'stranger in the house' to oversee MPs.

Other proposals that were picked up in many of the submissions were: limiting freedom-of-information exemptions; registering political lobbyists; banning ministers, their staff and senior public servants from becoming lobbyists less than two years after finishing their previous employment; and requiring ministerial staff and senior public servants to assist parliamentary investigations.

### ***Parliamentary Committees***

I'll finish with a brief summary of other suggestions made in the various submissions relating to the Inquiry's terms of reference, including from the Clerks of the Victorian Parliament: legislation should be referred to portfolio committees before consideration by Parliament; parliamentary committees should be established to oversight major events and public infrastructure; days when committees sit should be designated parliamentary sittings days; committee recommendations, when adopted without amendment, should bind the Government; committees should be able to choose their own inquiries; committee Chairs should be allocated in proportion to the seats in the House held by each party; and a career in committees should be promoted as an alternative to a ministerial career (perhaps by greater research resources or salary).

### ***Question Time Procedure***

Suggestions for improving Question Time: the Opposition should have more questions than the government; ministers should be compelled to answer questions directly and succinctly and the Presiding Officer should be empowered to judge and enforce this; time limits should be applied to replies; points of order should be disallowed during question time; and ministerial statements should be introduced as part of question time.

### ***Standards of Parliamentary Behaviour***

It was suggested that independent Presiding Officers should be appointed, with security of tenure.

### ***Overseas Travel by Members of Parliament***

Suggestions were made that: the Presiding Officer should approve overseas travel by parliamentarians, who should table in Parliament a report on their trip; each MP should have at least one overseas trip of at least three weeks each parliamentary term; and there be more stringent reporting on overseas trips.

### ***Modernisation of Parliament including the Permanent Abolition of Wigs and Other Archaic Practices***

The following reforms were suggested: the adjournment debate should be reformed or abolished; due to safety concerns, Parliament should set an evening curfew, such as 10.00 pm; opening day procedures should be reformed, as could the Address-in-reply; a fixed period of one hour adjournment for condolence motions (as in the council) should be adopted; and parliamentary proceedings should be broadcast.

### ***Reform of the Process of Dealing with Petitions***

Suggestions were made that petitions should be responded to, either by the responsible Minister, Parliament or a committee established to reply to petitions; and that petitions should be discussed in Parliament, not just tabled.

### ***Conclusion***

As you can see, the PAEC has quite a task on its hands in undertaking this important inquiry. As its Chair, I look forward to working with the committee as the inquiry progresses and to making suitable recommendations to further strengthening government and parliamentary accountability in Victoria. ▲