

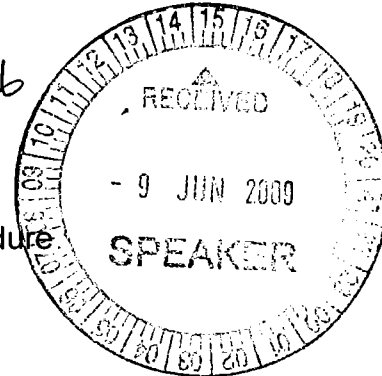


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Parliament House
East Melbourne Victoria 3002
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29 May 2009

Mr Shane Rattenbury MLA
Chair
Standing Committee on Administration and Procedure
ACT Legislative Assembly
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CANBERRA ACT 2601

	
A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	7
DATE AUTH'D FOR PUBLICATION	16 June 09



Dear Mr Rattenbury

Re: Inquiry into mechanisms for implementing Latimer House principles in the ACT

Thank you for your letter inviting me to make a submission to your Committee on the above mentioned inquiry.

I am happy to provide the following information for your Committee's consideration.

The Victorian Parliament has over the years enacted a number of laws and has established a strong Parliamentary Committee system that underpins many of the objectives espoused in the Latimer House Principles.

1. Parliamentary Committee System

For the most of the 19th century, the use of a committee system in the Victorian Parliament was restricted to the creation of Select Committees, Royal Commissions and Boards of Inquiry. Those bodies were appointed at the start of each session of Parliament to investigate or examine particular issues, both external or internal to parliamentary affairs, with subject matter ranging from the condition of Victoria's penal establishments to Aborigines and land settlement. The establishment of the Public Accounts Committee in 1895 signalled the start of retaining certain committees past the life of each parliamentary session. In 1916, an ongoing Statute Law Revision Committee was formed, and a Subordinate Legislation Committee was established in the 1950s. House Standing Committees overseeing areas such as the parliamentary buildings and the library were, by this time, also in place.

In 1982, the Parliament established 5 new Joint Investigatory Committees to replace the existing committees. Committee activities expanded

substantially in 1992 when 9 Joint Investigatory Committees were established to replace the previous 5. The structure of the committee system was again altered following the 1999 Victorian State election with negotiations between the new Government and Opposition resulting in a reduction to 7 Joint Investigatory Committees and one Select Committee.

In delegating work to Parliamentary Committees, the Victorian Parliament sets out the terms of reference, giving each committee clear guidelines as to the scope of its inquiry and deadlines for fulfilling tasks. Committees are seen as extensions of the House; therefore, the privileges attached to the Parliament continue to apply. This means that Members and others, such as witnesses, who are involved in a committee inquiry, are protected from being sued or prosecuted. Any written submissions received during the course of an inquiry are also protected by parliamentary privilege.

The work of these Committees strengthens the parliamentary process as they undertake important functions which cannot be performed in the debating Chambers. Government accountability is also enhanced, as government and public service activities are subject to committee examination.

The committee system is used as a means of achieving greater public input into issues being considered by the Parliament. The Parliament of Victoria has an extensive system of committees consisting of:

- Joint Investigatory Committees – appointed for the life of the Parliament;
- Select Committees – temporary committees appointed to undertake particular investigations; and
- Domestic Committees – appointed at the commencement of each Session to deal with matters concerning the operations of the Parliament.
- Legislative Council Legislation Committee – appointed at the commencement of each Session to consider in detail a Bill or series of related Bills referred to it by the Legislative Council.

In the current Parliament there are 12 Joint Investigatory Committees. These committees comprise Members of both the Legislative Assembly and the Legislative Council. Their roles, functions and terms of appointment are determined by the *Parliamentary Committees Act 2003*. Under this Act, the Joint Investigatory Committees are appointed at the commencement of each new Parliament. Through a resolution of either House of Parliament or an Order of the Governor in Council, each Committee is given terms of reference which set out what the Committee is to investigate and deadlines for reporting these investigations. A Committee may also initiate its own investigations, although these are limited to inquiring into any annual report or other document relevant to its terms of reference.

These Committees comprise Members from political parties represented in the Victorian Parliament and, in some cases, independent Members. Each Joint Investigatory Committee consists of not more than 10 Members, with a minimum of 2 Members coming from each House.

The Parliamentary Committees Act 2003 empowers Committees to call for persons, papers and records and to take evidence on oath if a committee so requires. Thus, in conducting inquiries, Committees can seek submissions, call for evidence, obtain the views of experts, conduct research, undertake inspections and hear the public's views. Public participation is a fundamental characteristic in the operations of the committees in Victoria.

Each Committee's terms of reference are advertised in the media before the inquiry commences and submissions from individuals and organisations are invited, promoting public participation in the process. It is usual for a wide cross-section of views to be sought and Committees also invite people and organisations with relevant specialist knowledge to contribute. Discussion papers are sometimes published identifying key issues in order to assist those wishing to make a submission. Research into the area is conducted and the Committee usually also hold public hearings that allow them to seek additional information. Unless there are special circumstances, Committees take evidence in public and hearings are frequently attended by the media, ensuring that the process is transparent. Upon completion of an inquiry, a report of findings and recommendations is tabled in Parliament. These reports are an important resource in the formation of government policy.

The work of committees contributes greatly to the functions of Parliament and may ultimately result in better governmental administration and policy making. Not only do committees enable Members of Parliament to be better informed on issues, thus improving their contribution to policy and legislative review, but committees also provide a forum for input from both individuals and community interest groups. Committees also generate an exchange of views across party political lines. Furthermore, Committees can be an important source of information themselves through facilitating public awareness of Parliament's activities.

The 3 Committees most involved in the scrutiny of government and general public sector accountability are –

- ***Public Accounts and Estimates Committee***

Established in 1895, the Victorian Public Accounts and Estimates Committee is the oldest in Australia. The Committee is made up of 6 Members of the Legislative Assembly and 10 Members of the Legislative Council. Of its 10 members, 5 are from the Government, 3 are from the Liberal Party (Opposition), 1 from the Australian Greens and 1 from The Nationals (in coalition with the Opposition).

Under the Parliamentary Committees Act 2003 the Committee has wide powers to carry out investigations and report to Parliament on matters associated with the State's financial management. This includes matters connected with public administration or public sector finances and the annual estimates or receipts and payments and other budget documents presented to Parliament.

The Committee's mandate includes the traditional public accounts and estimates functions. The public accounts function predominantly entails examination of issues raised in the reports of the Victorian Auditor-General, which have implications for public accountability.

The estimates function comprises a detailed analysis of the annual budget papers and any additional or supplementary estimates of revenue and expenditure presented to Parliament.

The Committee also has a consultative role in the conduct of performance audits and in reviewing the budget and annual plan for the Victorian Auditor-General's Office.

- ***Scrutiny of Acts and Regulations Committee***

The Committee's major areas of responsibility include the scrutiny of bills introduced into Parliament, the scrutiny of regulations and the review of redundant, unclear or ambiguous legislation. The Committee also receives references from Parliament or by Governor-in-Council Order. These references typically require the Committee to review an Act or issue concerning an Act and to report to Parliament.

The functions of the Scrutiny of Acts and Regulations Committee are –

- (a) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament as to whether the Bill directly or indirectly –
 - (i) trespasses unduly upon rights or freedoms;
 - (ii) makes rights, freedoms or obligations dependent upon insufficiently defined administrative powers;
 - (iii) makes rights, freedoms or obligations dependent upon non-reviewable administrative decisions;
 - (iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the *Information Privacy Act 2000*;
 - (v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the *Health Records Act 2000*;

- (vi) inappropriately delegates legislative power;
 - (vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;
 - (viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;
- (b) to consider any Bill introduced into the Assembly or Council and to report to the Parliament –
- (i) as to whether the Bill directly or indirectly repeals, alters or varies section 85 of the *Constitution Act 1975*, or raises an issue as to the jurisdiction of the Supreme Court;
 - (ii) if a Bill repeals, alters or varies section 85 of the *Constitution Act 1975*, whether this is in all the circumstances appropriate or desirable;
 - (iii) if a Bill does not repeal, alter or vary section 85 of the *Constitution Act 1975*, but where an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue;
- (c) to consider any Act that was not considered under paragraph (a) or (b) when it was a Bill –
- (i) within 30 days immediately after the first appointment of Members of the Committee after the commencement of each Parliament; or
 - (ii) within 10 sitting days after the Act receives Royal Assent – whichever is the later, and to report to the Parliament with respect to that Act or any matter referred to in those paragraphs;
- (d) the functions conferred on the Committee by the Subordinate Legislation Act 1962;
- (e) the functions conferred on the Committee by the *Environment Protection Act 1970*;
- (f) the functions conferred on the Committee by the *Co-operative Schemes (Administrative Actions) Act 2001*;
- (g) the functions conferred on the Committee by the Charter of Human Rights and Responsibilities;
- (h) to review any Act in accordance with the terms of reference under which the Act is referred to the Committee under the *Parliamentary Committees Act 2003*.

- ***Legislative Council Legislative Committee***

Sessional Orders adopted in 2006, and subsequently incorporated into the Council's Standing Orders later the same year, saw the establishment and appointment of an additional House Committee, called the Legislation Committee. The aim of this Committee is to provide a mechanism for more detailed scrutiny of legislation than may be possible in the House. It is the Legislation Committee's purpose to consider in detail a Bill or series of related Bills, and to report to the Council on its consideration of the Bill, including any recommendations for amendments.

Bills may be referred to the Legislation Committee at any time after the second reading and before the third reading stage. The Committee may meet at any time and must report back to the Council no later than the first sitting day that occurs 2 sitting weeks or 4 calendar weeks following the referral of the Bill(s), whichever is the shorter period.

The composition of the Committee is 7 Members, not being Ministers, who are appointed by resolution of the Council. A Member of the Committee may be substituted by another Member to consider all or part of a specific Bill or related Bills and, by leave of the Committee, may consider one or more bills at the same time. Members of the Council who are not Members of the Committee may participate in the public proceedings of the Committee, but cannot vote, move any motion other than an amendment to the Bill, or be counted for the purpose of a quorum.

2. Members of Parliament (Register of Interests) Act 1978

In 1978, the Victorian Parliament passed what was then unique legislation that not only required Members to disclose their pecuniary interests which would be recorded in a Register maintained by the Clerk of the Parliaments but it also included a Code of Conduct for Members of Parliament.

The Code states that Members of the Victorian Parliament are bound to observe a range of standards which cover confidential information, receipt of financial benefits, avoidance of conflict of interest, ad hoc disclosure and obligation as Ministers. Under the Register of Interests provisions, Members are required to provide information on income source, company positions and financial interests, political party membership, trusts, land, travel contributions, gifts, and other substantial interests. The Act also requires a Member to disclose any other substantial interest whether of a pecuniary nature or not of the Member or of his or her family and which the Member considers might appear to raise a material conflict between his or her private interest and their public duty as a Minister. Infringement of the Code constitutes contempt for which the Member may be fined up to \$2000 by his or her House. The non-payment of this fine renders the Members seat vacant.

A summary of the Members interests is prepared by the Clerk of the Parliaments and tabled in Parliament.

3. Auditor-General of Victoria

Members of Parliament are responsible for overseeing the performance of the Executive Government. To fulfil this role effectively, they need reliable and accurate information. The information needs to be examined by a suitably qualified, independent person to ensure that it is sound, accurate and complete. In Victoria, the person charged with this responsibility is the Auditor-General.

The Government is obliged to account to taxpayers for its management of public funds and services. It must ensure that funds are properly raised, protected from loss, and spent with maximum efficiency and effectiveness for the purposes approved by Parliament.

The Victorian public sector outlays around \$37 billion each year in delivering an extensive range of services for all Victorians. The Auditor-General, through reports to Parliament, provides an independent assessment on whether those services have been managed economically, efficiently and effectively. The reports also contain value-adding suggestions to Parliament on ways the Government, through public sector agencies, can improve resource management, such as reducing waste and eliminating inefficient practices.

The Auditor-General is an independent Officer of the Victorian Parliament, appointed under legislation to examine, on behalf of Parliament and Victorian taxpayers, the management of resources within the public sector. The Auditor-General is not subject to control or direction by either the Parliament or the Government.

The independence of the Auditor-General is enshrined in Victoria's *Constitution Act 1975*. This independence ensures that findings which arise from a range of financial statement and performance audits are communicated to Parliament without **interference, fear or favour**.

The *Audit Act 1994* is the main legislation governing the powers and functions of the Auditor-General. The Act provides the legal basis for the Auditor-General's access to all government information and the freedom to report findings from audits to Parliament. It provides the authority for the Auditor-General to:

- conduct annual financial statement audits of public sector agencies
- undertake performance audits within the public sector which encompass assessments of the economy, efficiency and effectiveness of the management of public resources by the Government or individual government agencies
- examine the use of public grants received by both private and public sector organisations

- utilise the Victorian Auditor-General's Office as the organisational and resourcing avenue available to the Auditor-General to assist in the discharge of the position's legislative functions.

In March 2003, the Victorian Parliament passed amendments to the *Constitution Act 1975* that, among other things, preclude any future change to the provisions relating to the Auditor-General other than by way of a referendum. With this action, Parliament has reinforced the importance it places on ensuring that the independence of the Auditor-General in Victoria is always adequately protected.

Further, in June 2003, Parliament approved a range of amendments to the Audit Act. These amendments significantly strengthen the legislation and include:

- a capacity for the Auditor-General to present reports to Parliament, and for the reports to be regarded as public documents, when Parliament is in recess
- widening of the Auditor-General's mandate to encompass all entities controlled by the State
- assignment of an explicit power to the Auditor-General to examine instances of waste, probity or lack of financial statements of a non-public body if invited, and the Auditor-General considers it is in the public interest to do so.

The Audit Act also addresses the special relationship of the Auditor-General with Parliament and with Parliament's Public Accounts and Estimates Committee. The Act assigns several statutory responsibilities to the Committee in relation to the work of the Auditor-General. These responsibilities include:

- review of the Auditor-General's draft annual work plan and annual budgetary needs
- a consultative role in the formulation of objectives and scope for all performance audits undertaken by the Auditor-General
- provision of recommendations to Parliament on the appointment of a financial statement auditor (annually) and a performance auditor (every 3 years) to independently examine and report on the quality of financial reporting and resource management within the Victorian Auditor-General's Office.

The legislative responsibilities of the Public Accounts and Estimates Committee represent the means by which Parliament protects and supports the independence of the Auditor-General and ensures that there is adequate accountability back to it on the ongoing use of that independence.

4. Ombudsman of Victoria

In 1973, the Victorian Parliament enacted legislation to appoint an Ombudsman whose main responsibilities include –

- resolving complaints concerning administrative actions taken in Victorian Government departments, public statutory authorities and by officers of municipal councils
- determining whether a disclosure of improper conduct under the *Whistleblowers Protection Act 2001* warrants investigation. These disclosures can be made against public goodies and public officers, including government departments, public statutory corporations, municipal councillors and members of Parliament
- ensuring compliance by designated agencies with the provisions of the *Freedom of Information Act 1982*

The Ombudsman is responsible and his deputy operates under a number of different pieces of legislation, the most relevant of these being the *Ombudsman Act 1973*.

The Ombudsman's jurisdiction extends across all arms of the State Government and its statutory authorities.

The Ombudsman is also able to investigate inadequate responses to Freedom of Information requests lodged with government departments.

5. The Victorian Office of Policy Integrity

First created in 2008, the Office of Police Integrity is an independent police anti-corruption and oversight organisation.

Its role is to ensure that Victoria Police maintains the highest ethical and professional standards.

The Office of Police Integrity detect, investigate and prevent police corruption and serious misconduct; examine police practices and procedures to ensure they work effectively; and monitor and review the way Victoria Police investigates or conciliates complaints. This work is carried out with a view to ensuring Victoria Police meets community expectations.

Through education, research and working with Victoria Police, the Office of Policy Integrity develop and implement corruption-resistant strategies.

An independent statutory officer, the Special Investigations Monitor, oversees the Office of Policy Integrity's use of investigative powers. As an independent body, the Office of Policy Integrity reports directly to Parliament.

A former Judge of the County Court was appointed as its first Director. Under the *Police Integrity Act 2008*, the Director has the power to conduct investigations into:

- the conduct of a member of Victoria Police;
- corruption or misconduct within Victoria Police generally; and
- any of the policies, practices or procedures of Victoria Police.

6. Director of Public Prosecution

In 1983, Victoria became the first jurisdiction in Australia to establish a Director of Public Prosecutions, following the enactment of the *Director of Public Prosecutions Act 1982*.

The Director of Public Prosecutions (DPP) is an independent statutory officer appointed by the Governor in Council and must be a person of no less than 8 years standing as a Barrister and Solicitor of the Supreme Court of Victoria.

The DPP conducts proceedings on behalf of the State of Victoria (also known as the Crown) in the Country Court, Supreme Court and High Court in relation to serious crimes committed in Victoria.

The DPP also conducts committal proceedings in the Magistrates' Court and assists the coroner in inquests. In addition, the DPP has the power to appeal against sentences in certain circumstances.

In deciding whether or not to prosecute, the DPP follows nationally agreed guidelines. In performing his functions, the DPP must also have regard to considerations of justice and fairness and the need to conduct prosecutions in an effective, economic and efficient manner. The DPP must also ensure that appropriate consideration is given to the concerns of the victims of crime.

All of Victoria's Directors of Public Prosecutions went on to become judges of the Supreme Court of Victoria.

7. Victorian Equal Opportunity and Human Rights Commission

In 1977, the Victorian Parliament enacted the *Equal Opportunity Act* which ensured that all Victorians, regardless of age, sex, race or any other attribute, have equality of opportunity to access public benefits and resources, such as employment, accommodation and access to goods and services. The Act was further strengthened in 1984 to meet the changing needs, beliefs and work patterns of Victorians.

In 1995, following a major review of the law by Parliament's Scrutiny of Acts and Regulations Committee, the Act was further amended and enhanced to promote the recognition and acceptance of everyone's right to equality of opportunity by prohibiting a decision maker from considering a person's irrelevant characteristics, such as sex, age status as carer, lawful sexual activity (homosexuals and lesbians), pregnancy, physical feature, industrial activity and personal association, when deciding whether to grant that person access to a particular benefit or resource.

The law was further strengthened in 2006 to provide better protection for human rights with the enactment of a Charter of Rights and Responsibilities to support the democratic system. Victoria was the first State to legislate a Charter of Human Rights and Responsibilities in Australia.

The Act also established the Human Rights Commission to independently monitor compliance with the Charter as well as promoting community education about human rights.

The Commission reports to Parliament each year on the operation of the Charter, including declarations made by the Supreme Court and on any declarations overridden by the Commission.

When requested by a Government department, the Commission may review a public authority to determine the consistency of progress and practices with human rights.

The Government chose a Parliamentary-based model for protecting human rights by including a mechanism whereby legislation being introduced into Parliament is certified as compatible with the jurisdiction's human rights obligations. The tabling in Parliament of a statement as to the compatibility of a proposed Bill with the charter is a key feature of successful human rights laws in the United Kingdom, New Zealand and the Australian Capital Territory.

Bills introduced into the Victorian Parliament must be accompanied by a statement of compatibility for the proposed legislation and indicate whether the Bills is inconsistent with the Charter of Human Rights.

Further Parliamentary scrutiny occurs with every Bill introduced into Parliament being examined by Parliament's Scrutiny of Acts and Regulations Committee and to report to the Parliament as to whether the Bill is inconsistent with human rights. Consistent with preserving the sovereignty of Parliament, the Act provides that in exceptional circumstances, Parliament can declare in an Act, that the Act or a provision within the Act will operate notwithstanding that it is incompatible with one or more of the human rights contained in the charter. 'Exceptional circumstances' may include threats to national security or a state of emergency which threatens the safety, security and welfare of people in Victoria.

8. Freedom on Information Act 1982

As part of the Government's commitment to "open Government", in 1982 the Parliament enacted the *Freedom of Information Act* which the Government claimed was closely connected with the fundamental principles of a democratic society in that –

- the individual has a right to know what information is contained in Government records about themselves;
- a Government that is open to public scrutiny is more accountable to the people who elect it; and
- where people are informed about Government policies, they are more likely to become involved in policy making and in government itself.

Under the legislation, the community can gain access to information in the possession of the Victorian Government and other public goodies established under Victorian law for certain public purposes by –

- (a) making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices;
- (b) creating a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

There are a number of documents which are exempt from the law such as documents which protect such interests as personal privacy, Cabinet discussions, trade and business secrets and law enforcement.

9. Independence of the Judiciary

In Victoria, two systems of criminal justice exists – the Federal criminal justice system based on offences against Commonwealth laws and the State system based on offences against Victorian laws. It is the statute and common law of the State that primarily governs the day-to-day lives of most Victorians.

Cases involving less serious offences in Victoria are heard by the Magistrates Court. The County Court hears more serious criminal and civil cases involving larger claims and cases on appeal from the Magistrates Court. The Supreme Court of Victoria hears the most serious criminal and civil cases, as well as appeals from the County and Magistrates Courts.

All Judges are appointed by the Governor-in-Council on advice of the Executive Council. In October 2003, the eligibility criteria to be a Judge of the Supreme Court of Victoria were broadened to be consistent with the eligibility criteria to be a Judge of the High Court of Australia and the Federal Court of Australia. The criteria provide that to be eligible for appointment as a Judge of the Supreme Court of Victoria, a person must be or have been a Judge of the High Court of Australia, or of a Court created by the Parliament of the Commonwealth or a Court of Victoria or another State or Territory or has been admitted to legal practice in Victoria, another State or Territory for not less than 5 years.

Judges must retire on attaining the age of 70 years, or 72 in the case of a Judge appointed prior to 1 July 1986.

At the time of appointment as a Judge, a Judge takes an Oath or Affirmation of Office. That Oath is, to '... at all times and in all things discharge the duties of my office according to law, and to the best of my knowledge and ability without fear, favour or affection.'

In the Supreme Court of Victoria, all criminal cases are heard before a Judge and jury. The jury gives the verdict based on the evidence presented in Court and the Judge imposes the appropriate penalty for those found guilty.

Some civil cases are heard before a Judge and jury. In these cases, generally the jury decides if the plaintiff has established its claim and determines the amount of money (damages) to be awarded, the calculation of which is in accordance with a formula.

Under the Constitution of Victoria, the Governor-in-Council may remove a Judge from office if the Parliament agrees by a special majority to pass a resolution praying for their removal on the ground of proved misbehaviour or incapacity.

Prior to the Parliament debating such motion, an Investigating Committee appointed by the Attorney General comprising three members (all judges) must investigate whether facts exist that could amount to proved misbehaviour or incapacity on the part of the judge.

To date, no judge in Victoria has been removed from office under these provisions in the Constitution.

10. Independence of Parliamentarians

The *Constitution Act 1975* bestows on the Parliament the same powers and privileges on the Legislative Council and Legislative Assembly, its Committees and the Members thereof enjoyed and exercised by the House of Commons and the Members as at 21 July 1855.

The most important of these privileges is freedom of speech. Like most other Westminster Parliaments, generally speaking, no action for defamation can be brought against a Member, nor can they be prosecuted for anything which they say in the House or any Committee of the Parliament or for anything contained in any written notice given by the Member. Similar protection is given to witnesses giving evidence or making submissions to either the House or its Committees.

Although Members have been given the ability to speak freely during Parliamentary proceedings (within certain restrictions Parliament imposes on itself, eg., sub judice matters) without the normal legal constraints, on occasions this freedom has allowed parliamentarians to refer to members of the public or organisations in a manner which may harm their reputation. In Victoria, the Parliament has adopted Standing Orders which gives individuals and organisations who believe that they have been adversely affected by statements made in the Parliament, the opportunity to make a 'Right of Reply' which, if approved, is then incorporated into Hansard.

The *Constitution Act 1975* also gives legal protection from prosecution to persons employed or contracted by the Parliament to publish, transmit or broadcast Parliamentary proceedings, including proceedings of Parliamentary Committees.

11. Production of Documents

Another mechanism recently introduced in the Victorian Legislative Council that ensures the Executive is held accountable to Parliament for its actions or inactions is rules concerning Orders for the production of documents.

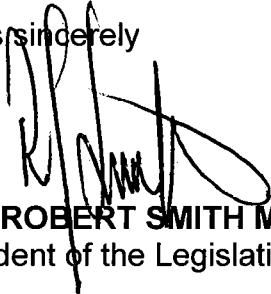
In 2007, the Legislative Council (in which the Government did not control) a Sessional Order was agreed to requiring the Executive to produce documents held by Government departments which record executive activities and the dealings of government with others.

To date, the Council has passed 19 Orders for the production of documents and has, on one occasion, suspended the Leader of the Government in the Council for failing to produce certain documents.

Overall, the Government has complied or partially complied with most of the Orders for the production of documents and where it has not, the reason given for non-compliance has usually been on the grounds of Executive Privilege.

I trust the above information indicates the extent to which, in my view, Victoria has in place many of the Latimer House Principles.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Smith', written over the printed name.

HON ROBERT SMITH MLC
President of the Legislative Council