



Office of the
Victorian Privacy
Commissioner

Office of the Victorian Privacy Commissioner

Submission to
Law Reform Committee

on its

***Review of the Members of Parliament (Register of
Interests) Act 1978***

May 2009

The Privacy Commissioner wishes to acknowledge the work of Scott May (Policy and Compliance Officer) in the preparation of this Submission.

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1. Introduction and current operation of the Act

Privacy law and privacy rights are intended to protect the personal information of individuals from misuse and disclosure. Privacy is an important human right, recognised both in Victoriaⁱ and internationallyⁱⁱ. However, as with many human rights, the right to privacy is not absolute. There is a strong and important public interest in having open accountability of elected officials, to ensure a robust and responsible political system.

The current form of the *Members of Parliament (Register of Interests) Act 1978* ('The Act') requires Members of Parliament ('Members') to lodge annual statements ('Returns') with the Clerk of the Parliaments ('The Clerk')ⁱⁱⁱ. The Returns contain information relating to Members' pecuniary interests and assets, gifts exceeding \$500, directorships of and interests in corporations, and membership of parties and associations^{iv}. Disclosure is also required regarding interests of a Member's spouse or children residing with them^v.

A summary of this information is then compiled by the Clerk of the Parliaments and tabled in Parliament^{vi}. The summary information is currently accessible via application to the Parliament, or by application to the Clerk of the Parliament.

The Act, in its current form, strikes an acceptable balance between the public interest and accountability, and that of privacy concerns of Members and their immediate families. Although publication of such information for ordinary citizens would be somewhat onerous, Members of Parliament should be expected to be held to a higher degree of accountability and public scrutiny, which can only be achieved through the disclosure of personal information.

2. Issue of Residential Addresses

Although the Clerk of the Parliaments is instructed to prepare a summary for tabling^{vii}, within this summary there are significant differences between the detail provided by Members; for example, whilst certain Members provide their full residential address (under beneficial interests in land), others provide simply the suburb.

Whilst certain Members may have little qualms about providing residential addresses, they may be unaware of the security risks and concerns to Members and their families surrounding such a practice. The Act is unclear as to whether the actual residential address is required, particularly when the suburb and street name would most likely suffice for conflict of interest purposes.

Recommendation

The Act specify that Members need not state their full residential address in their return, or alternatively, specify that the Clerk of the Parliaments be directed to not include the full residential address in the summary of returns.

3. Recommendation against increased access

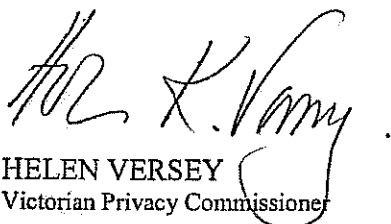
Access of the summary of the Register of Interests requires attending Parliament directly for a copy, or an application to the Clerk of the Parliament. Although openly available to the public, such a system does add a layer of complexity in terms of access.

Any moves to increase access to the summary of returns, for example, allowing online access, would be a detrimental move, if full residential addresses remain attached to the summary (as discussed above). Such a move would be likely to increase potential security and privacy issues. The current system is an appropriate balance of access (for those who require it) and protection.

Recommendation

The current method of accessing the Summary of Returns is retained.

If residential addresses continue to be included in the Summary of Returns, no move is made to provide online access to the Summary of Returns.



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Victorian Privacy Commissioner

ⁱ S.13 *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

ⁱⁱ Article 7, *International Covenant on Civil and Political Rights, 1966*.

ⁱⁱⁱ S.5 *Members of Parliament (Register of Interests) Act 1978*. S.5 states requirements re: date for submission of returns.

^{iv} S.6, *Members of Parliament (Register of Interests) Act 1978 (Vic)*. S.6 also requires information relating to contribution to travel and beneficial trusts.

^v S. 6(i), *Members of Parliament (Register of Interests) Act 1978 (Vic)*

^{vi} S. 7, *Members of Parliament (Register of Interests) Act 1978 (Vic)*

^{vii} S. 7(4), *Members of Parliament (Register of Interests) Act 1978 (Vic)*