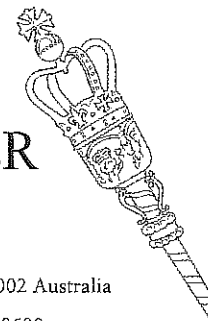


Submission No. MP/19  
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Law Reform Committee

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29 May 2009

Mr Johan Scheffer MLC  
Chair  
Law Reform Committee  
Parliament of Victoria  
Parliament House, Spring St  
East Melbourne 3002

Dear Mr Scheffer,

*Johan*

Thank you for your letter dated 19 April inviting me to make a submission to the Law Reform Committee's review of the *Members of Parliament (Register of Interests) Act 1978*.

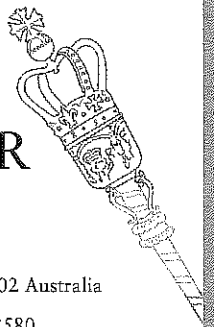
Please find attached my response to the specific aspects of the Act as requested.

Once again thank you for the opportunity to make a submission to the review and I look forward to viewing the recommendations of the Committee.

Yours sincerely

*Jenny Lindell*

Hon Jenny Lindell, MP  
**Speaker**



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29 May 2009

Mr Johan Scheffer MLC  
Chair  
Law Reform Committee  
Parliament of Victoria  
Parliament House, Spring St  
East Melbourne 3002

Dear Mr Scheffer,

Thank you for the invitation to make a submission to the Law Reform Committee's review of the *Members of Parliament (Register of Interests) Act 1978*.

Please find below my response to the aspects of the Act you have requested.

### **The standards of conduct expected of MPs in Victoria**

This is a difficult question to address as two opposite views exist in the community at the same time.

One view, in the most general of terms, is that Members of Parliament are expected to obey the law, to be moderate in their behaviour and language, to show respect to fellow parliamentary members, to show integrity in their dealings with their constituents, to uphold confidentiality and to declare pecuniary interest.

Similar to police officers, lawyers and judges, there is a higher expectation on Members of Parliament to do the right thing.

The second view is best represented by an email that I received in the wake of the UK MPs allowance scandal.

### ***The Hair Cut***

*One day a florist goes to a barber for a haircut. After the cut he asked about his bill and the barber replies, 'I cannot accept money from you. I'm doing community*

*service this week.' The florist was pleased and left the shop.*

*When the barber goes to open his shop the next morning there is a 'thank you' card and a dozen roses waiting for him at his door.*

*Later, a cop comes in for a haircut, and when he tries to pay his bill, the barber again replies, 'I cannot accept money from you. I'm doing community service this week.' The cop is happy and leaves the shop.*

*The next morning when the barber goes to open up there is a 'thank you' card and a dozen donuts waiting for him at his door.*

*Later that day, a college professor comes in for a haircut, and when he tries to pay his bill, the barber again replies, 'I cannot accept money from you. I'm doing community service this week.' The professor is very happy and leaves the shop.*

*The next morning when the barber opens his shop, there is a 'thank you' card and a dozen different books, such as 'How to Improve Your Business' and 'Becoming More Successful.'*

*Then, a Member of Parliament comes in for a haircut, and when he goes to pay his bill the barber again replies, 'I cannot accept money from you. I'm doing community service this week.' The Member of Parliament is very happy and leaves the shop.*

*The next morning when the barber goes to open up, there are a dozen Members of Parliament lined up waiting for a free haircut.*

*And that, my friends, illustrates the fundamental difference between the citizens of our country and the Members of Parliament"*

One of the limitations that I see is that the Code of Conduct for Members of the Victorian Parliament, as it is set out in the *Members of Parliament (Register of Interests) Act 1978*, is concerned almost completely with the declaration of financial or pecuniary benefit. There are much broader issues that could be canvassed in a Code of Conduct.

I refer the Committee to the Code of Conduct for Electorate Officers which is built on the values of responsiveness, integrity, impartiality, accountability and respect. The Code is designed to help electorate

officers understand the responsibilities and obligations of working as an electorate officer. The behaviours described in the Code are essential in each electorate officer's relationship with Members of Parliament, the community and other electorate officers.

A Code similarly based on these values may offer additional assistance to Members of Parliament than the narrowly based Code of Conduct present in the *Members of Parliament (Register of Interests) Act 1978*

### **The types of interests MPs or their families should have to disclose on the register.**

The range of interests currently outlined in Part II section 6 of the *Members of Parliament (Register of Interests) Act 1978* covers the matters I believe should be disclosed.

### **Whether there should be an independent person to advise MPs about ethical issues related to the code of conduct or the register of issues**

The media debate that arose in 2007 regarding whether the Minister for Sustainability and the Environment should have declared Departmental hospitality should be examined by the Committee. Much was made at the time that other Ministers had declared such hospitality, thus, it was argued, the Minister for Sustainability and the Environment should also have declared the accommodation.

It is clear under the Act that such hospitality does not need to be declared but many members have a view that "if in doubt, declare". This could be better handled with the development of a set of guidelines. I refer the Committee to recently published guidelines for Local Government councillors as an example of what could be made available to Members.

However a panel of suitably experienced and qualified people to advise MPs on ethical issues may be a worthy service for the Parliament of Victoria to offer Members. The Parliament of Victoria is currently looking at the development of an ethics component to the new Members of Parliament induction course. It is intended that all members would be offered the opportunity to undertake the ethics module post the 2010 State election.

### **The adequacy of current arrangements for lodging complaints about and investigating alleged breaches of the Act.**

Failure to comply with the financial disclosure sections of the Act should remain a matter for the House of Parliament in which the member sits. The

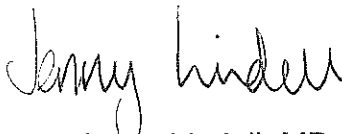
current arrangement of referral by the Speaker or President to the Privileges Committee ensures a consistent approach is taken with complaints and similar penalties applied.

Breaches of an enhanced values based Code of Conduct could be dealt with in a similar manner but allowing the appropriate Presiding Officer to deal with minor breaches with an escalation to the Privileges Committee for more serious matters.

The process could be strengthened with the incorporation of a mechanism by which there could be external oversight of the decision process. I believe that each House has the right to govern itself but there is also a need for the citizens of Victoria to have confidence that decisions made by Members of Parliament with respect to other Members of Parliament withstand external scrutiny.

To conclude I would like to take this opportunity to wish the Committee well in this important inquiry. When we look at the vibrant, harmonious and inclusive community that citizens of Victoria enjoy, it is clear that our system of democracy has served us well. It is essential though, that the laws that apply to our law makers must be relevant to our present day community and withstand public scrutiny.

Yours sincerely

A handwritten signature in cursive script that reads "Jenny Lindell".

Hon Jenny Lindell, MP  
**Speaker**