



"Donohoe, Brendan"

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To <vplrc@parliament.vic.gov.au>

cc "Donohoe, Brendan"

bcc

Subject brendan donohoe submission

Dear Mr Sheffer,

Thank you for your invitation to comment on the Committee's review of the Members of Parliament (Register of Interests) Act 1979, (The Act). I have reported on the the Act for more than 20 years and have strong views about how it works, or doesn't work, in the public interest. The following is a short submission about how the Act can be improved.

Yours sincerely

Brendan Donohoe
State Political Reporter
Seven Network
160 Harbour Esplanade
Docklands 3008

SUBMISSION BY BRENDAN DONOHOE, STATE POLITICAL REPORTER FOR THE SEVEN NETWORK, TO THE VICTORIAN PARLIAMENT'S LAW REFORM COMMITTEE.

The Members' of Parliament (Register of Interests Act 1978 (the Act) should be part of the bedrock of Victoria's democracy, comforting the public that members of parliament do not have conflicts of interests, or at the least have declared them for public scrutiny.

Instead, in Victoria, the Register of Interests it is a misnomer. Put simply, it fails the test of being a "register" with many MPs paying lip service to the letter, spirit and intent of the law.

The most glaring example of this is the failure of many MPs to provide the addresses of the land they hold. Section 6 (2) (f) of the Act provides that MPs shall provide the "address or description of any land in which the Member has any beneficial interest other than by way of security for any debt;"

Some MPs accommodate the letter, spirit and intent of the clause by providing the full details of their properties, including, of course, the addresses, so the public can judge whether their interest in land holdings in any way conflicts with their public duties. (See David Hodgett's return as at September 2007)

Some MPs don't provide any details, other than "investment property, NSW," or "investment property, Queensland." Under this kind of non-declaration, an MP could be the biggest land holder in Victoria - or hold property that is crucial to government decision making - and the public would be kept in the dark and unable to judge what conflict of interest may or may not exist. (See Evan Thornley's return as at September 2007).

Some MPs provide addresses of their properties and then delete the details over the years, leaving just the towns or suburbs in which they hold property. (See John Brumby's return as at September 2007 and compare to previous returns which included addresses).

From my reading and research into the drafting of the Act, it was always intended that MPs include the details of addresses of the land they hold. The inclusion of the words "or description" were included in case the land did not have an official address or needed describing, such as "farm land, coast of Wonthaggi beach," or "swamp land, north of Anglesea national park." Over the years, a number of

MPs have failed to provide basic details - such as addresses - and therefore devalued the register of members' interests to the point that, for some, it is not a true register.

On the issue of transparency, the Register should be available on the internet, like most other government and parliamentary reports, for the public to access, read and consider. Unless you are a journalist, MP or political staffer, it is difficult to obtain a copy of the Register to view the MPs' declarations.

On the issue of shares, the Act should be changed so that MPs declare the number of shares held. Currently, MPs have to declare the name of the company they may have just one share in, - or five million shares. The public deserves to know if the share holding is a token or significant amount to affect the actions of the MP.

For the Register to have true relevance, MPs should have to declare the company name and the number of shares. Only then would the public be able to judge what potential conflict may or may not exist with their public duties and private investments.

One of the biggest problems with the Act is that it is overseen by MPs themselves. Politicians are their own judge and jury. There is no independent umpire or scrutiny of the MPs' declarations. The Clerks of parliament can only ask that MPs make a declaration within the timeframe of the Act. They cannot demand that the declaration be correct or in line with the Act.

I believe your committee should consider a system where an independent office - such as the Auditor-General, Ombudsman or Supreme Court judge - scrutinises the Act and the Register. Most functions in government are audited, but not the Register. That should change for the sake of public transparency and accountability.

Regards

Brendan Donohoe

State Political Reporter | News



Seven Network (Operations) Limited

160 Harbour Esplanade | Docklands VIC 3008 Australia
Postal Address: GPO Box 4477 | Melbourne VIC 3001 Australia



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