

Member	Michael O'Brien	Electorate	Malvern
Period	01 July 2023 to 30 September 2023		

Regulation 6 - Expense allowance and electorate allowance	
Total amount paid to member for electorate allowance	\$10,354.14
Total amount paid to member for expense allowance	\$2,863.68

Regulation 7 - Motor vehicle allowance	
Total amount paid to member for motor vehicle allowance	\$5,341.26
Member did not receive the motor vehicle allowance in the previous quarter and member has elected to receive the motor vehicle allowance for this quarter	No

Regulation 9 - Parliamentary accommodation sitting allowance	
Total amount paid to member for parliamentary accommodation sitting allowance	\$0.00
Suburb in which the member's parliamentary accommodation is located	n/a

Regulation 10 - Travel allowance claims					
Date from	Date until	Reason for travel	Total amount paid	Town or city in which accommodation was located	Value of the accommodation
Total number of nights for travel allowance claims			0		
Total amount paid to member for travel allowance			\$0.00		

Regulation 11 - Commercial transport allowance claims					
Date from	Date until	Reason for travel	Total amount paid	Mode of transport	Value of transport
Total number of nights for commercial transport allowance claims			0		
Total amount paid to member for commercial transport allowance			\$0.00		

Regulation 12 - International travel allowance claims			
Date from	Date until	Reason for travel	Total amount paid
13/09/2023	24/09/2023	Internal Flights within USA for meetings and policy research relating to my roles as Shadow Attorney-General and Member for Malvern	\$879.23
13/09/2023	24/09/2023	Internal Flights within USA for meetings and policy research relating to my roles as Shadow Attorney-General and Member for Malvern	\$1,528.12
Total number of nights for international travel allowance claims			11
Total amount paid to member for international travel allowance			\$2,407.35
See attached travel report for further details			

**PARLIAMENTARY REPORT UNDER THE PARLIAMENTARY
SALARIES, ALLOWANCES AND SUPERANNUATION
REGULATIONS 2019**

VISIT TO UNITED STATES OF AMERICA

**THE HON. MICHAEL O'BRIEN MP
STATE MEMBER FOR MALVERN
SHADOW ATTORNEY-GENERAL**

13-24 SEPTEMBER 2023

EXECUTIVE SUMMARY

During my visit to the United States of America I conducted meetings across three states (Illinois, Indiana and New York) during which I was able to undertake policy research related to anti-corruption and integrity policy, equal opportunity and anti-discrimination law as well as public expenditure and procurement policies.

Personal relationships built with public officials, academics and other experts have already proven beneficial in terms of ongoing engagement and exchanges of ideas and information.

As some of the discussions and exchanges conducted during this visit will be considered by the Liberal Nationals as part of the policy process ahead of the next Victorian election, this report will be to some degree circumspect on certain specific policy details, however the opportunity to compare and contrast integrity architecture and procurement processes operating in large US states – notably Illinois and New York – with those operating in Victoria identified a number of opportunities for significant improvement.

In particular, the capacity of US integrity bodies to access information appears to be significantly greater than integrity agencies in Victoria; a point recently made by the Victorian Ombudsman who noted “our investigations can be hampered by our inability to obtain Cabinet-in-confidence documents”¹. The level of transparency and access to information is a key area in which Victorian integrity agencies clearly lags behind the USA.

In my examination of a number of different state and city-based integrity systems, no one system stood out as an exemplar. However, there are aspects of many of these systems which, at an individual level, offer the prospect of significant improvement over what presently operates in Victoria.

This visit has been extremely valuable in assisting with the development of new policy initiatives which will, it is to be hoped, raise the level of public debate in important policy areas such as integrity, equal opportunity and public expenditure for the ultimate benefit of all Victorians.

¹ Victorian Ombudsman annual report 2022-23, p7.

REPORT

1. Dates in respect of which the allowance is claimed:
13-24 September 2023 (dates inclusive of travel to and from the USA).

2. Reason for the travel:
Meetings for research and policy development relating to my roles as Member for Malvern and Shadow Attorney-General.

3. The travel related to both parliamentary and electorate business, in that the meetings held and policy issues canvassed related both to a parliamentary office I hold (Shadow Attorney-General) and my role as the Member for Malvern. However, the bulk of the matters dealt with policy more closely related to my position as Shadow Attorney-General.

4. Accommodation in respect of the travel undertaken was in:
 - (a) Chicago, Illinois - Union Leagues Club of Chicago (2 nights, total cost including taxes and surcharges of A\$949.82);
 - (b) South Bend, Indiana – Motel 6 (2 nights, total cost including taxes and surcharges of \$661.86);
 - (c) New York, New York – The Penn Club (5 nights, total cost including taxes and surcharges of A\$3769.49).

NB: Any expenses incurred in excess of the allowable daily limits per city are not claimed and paid for personally.

5. Commercial transport used in respect of the travel included:
 - (a) Taxis to/from Melbourne Airport (A\$197.60);
 - (b) Taxis and/or Ubers in Chicago, South Bend and NYC (A\$541.53);
 - (c) Bus travel from Chicago to South Bend (A\$45.04);
 - (d) Subway in Chicago and NYC (\$35.42); and
 - (e) Airfares Melbourne to LA, LA to Chicago, South Bend to NYC, NYC to LA, LA to Sydney and Sydney to Melbourne (previously acquitted).

6. Statement of Member's Objectives

The primary purpose of the visit was to undertake policy research related to anti-corruption and integrity policy, equal opportunity and anti-discrimination law as well as public expenditure and procurement policies by comparing and contrasting US institutions and operations with those operating in Victoria. The aim was to identify policies and ideas in use in the USA that could be used to improve public policy in Victoria.

As Shadow Attorney-General, I am very interested in how Victoria can improve our levels of transparency and integrity, improve the operations of our justice system and reduce the level of fraud and waste in public procurement and expenditure. This visit was an opportunity to examine some of the USA's largest cities and states and how they tackle these important policy issues.

7. Brief Description of the Parliaments and other organisations visited (if any)

During my visit I met with/visited a number of organisations and representatives including:

- University of Illinois Chicago Law School
- Illinois Holocaust Museum and Education Centre
- Notre Dame Law School
- Religious Liberty Clinic, University of Notre Dame
- New York City Bar Association
- City Bar Justice Centre
- Office of the New York State Comptroller
- 9/11 Memorial and Museum
- Wall Street Journal

8. Persons met in relation to the reasons for travel

Documents or publications obtained or considered to be of interest in a Parliamentary sense

Brief summaries of the study areas pursued

Summary of the results achieved and any recommendations arising

(NB: These aspects have been combined for narrative purposes)

Chicago

Arriving in Chicago late in the day after travelling Melbourne to LA, then LA to Chicago, there was essentially one full day available in Chicago before taking a bus to South Bend early the next morning.

Public corruption is a serious issue in Chicago, as it is in most cities. That day's **Chicago Tribune** reported that a former police chief of a small-town police force had pleaded guilty to conspiring with the town's mayor to extorting business people out of tens of thousands of dollars for facilitating liquor permits for hospitality venues and otherwise threatening businesses with adverse consequences if bribes were not paid. Of interest is that this corruption was exposed by a Federal corruption probe, given that the mayor also served as a Cook County Commissioner – a powerful role associated with the Democratic Party's political dominance in Chicago.

The question of which level of government is best placed to investigate corruption and how different anti-corruption agencies interact with each other was something I explored further in my discussions with the Counsel to the NY State Comptroller during my visit to NYC.

During that day I visited the **University of Chicago Illinois Law School** which is located in the downtown city centre. It is a public law school with a diverse student enrolment and a strong focus on social justice. The Law School has a particular interest in restorative justice, which is becoming a perspective of increasing discussion in Victoria and Australia more broadly.

The UCILS operates a Restorative Justice Project that includes both classwork and a practical programme that involves visiting courts, correction facilities, schools and even lobbying legislators and public officials to promote restorative justice.

Restorative justice contrasts with what it regards as the adversarial and punitive/retributive philosophies underpinning traditional approaches to

criminal justice.

To quote from UCILS:

“Restorative justice holds the community, city, state and nation responsible for conditions that give rise to crime, including grinding poverty, lack of affordable housing, segregation, poor schools, lack of resources for mental health and substance abuse, and a police and court system that incarcerates a disproportionate number of African Americans, Latinos and individuals living in poverty”.

While it is claimed that restorative justice *“holds offenders accountable for their actions and repairs the harm done to the offender, to the victims or survivors, and to the community”* one of the main criticisms of the restorative justice approach is that it seeks to minimise individual responsibility for criminal actions, instead seeking to attribute causation and accountability to societal factors rather than individual decisions.

Under Victorian sentencing legislation there are a number of factors that a judicial officer must take into account. These include the rehabilitation prospects of the offender but also the principles of general deterrence (sending a message to the community that criminal behaviour of this nature will be punished so as to deter potential offenders) and specific deterrence and punishment (to punish the offender for their criminal conduct and to deter the offender from repeating such behaviour).

While the perspective of UCILS on restorative justice has support among various law reform groups in this nation (including Victoria), my assessment is that it is unlikely to achieve public support in the foreseeable future due to its diminution of the principles of individual responsibility and general and specific deterrence which are important to the maintenance of public confidence in the criminal justice system.

Notwithstanding this, the teaching of this view at a major public law school in Chicago demonstrates that debates over its place in criminal justice will continue in the US and, most likely, in Australia as well.

In the afternoon I visited the **Illinois Holocaust Museum and Education Centre** (IHMEC).

IHMEC is located in Skokie, Illinois, around 25 kilometres north of downtown Chicago. The siting of the centre in Skokie is highly relevant as the town has historically been home to a significant population of Holocaust survivors and was at the centre of a famous US Supreme Court decision: *National Socialist Party of America v Village of Skokie* 432 U.S. 43 (1977).

That case involved the NSPA seeking to march through Skokie, which was opposed by the town. Ultimately the NSPA, supported by the American Council for Civil Liberties, won its case in the Supreme Court with the court holding that where First Amendment rights are substantially sought to be curtailed by the state, strict procedural safeguards must apply including a right to immediate appellate review. Despite winning its case, the NSPA ultimately conducted its march through Chicago rather than Skokie.

The IHMEC (www.ilholocaustmuseum.org) is housed in an impressive building opened in 2009, having moved from its original site founded in 1981 in the aftermath of the *Skokie* litigation and protests. It receives over 300,000 visitors a year.

The volunteer guides at IHMEC are very knowledgeable about the exhibition as well as the **Take a Stand Centre**, which uses technology to promote human rights in a way which is very engaging and interactive.

To seek to describe all of the aspects of the IHMEC would be an exercise in futility, such is its size, scale and emotional impact. At the entrance to the exhibition is the following text:

“The Holocaust was the systematic state-sponsored murder of six million Jews by the Germans and their collaborators. Jews were the primary, but not the only Nazi victims, and all are remembered and honored in this Museum.

“The Shoah was unprecedented. Never before had a government, motivated by racial ideology, undertaken to murder an entire people. Spanning some 20 countries over 12 years (1933-1945), it is a defining event of the 20th century – with significant implications for our future.

“Murder did not just happen. People perpetrated it. And real people endured it.

“Through the words, voices, photographs, and artifacts of Chicagoland survivors and eyewitnesses, this Exhibition portrays the human dimension of the Holocaust, particularly the struggle of Jews to comprehend, cope, and resist. It empowers survivors to fulfil the promise they made to those whose lives and vibrant communities were destroyed: “Remember and Do Not Let The World Forget”.

The exhibition examines aspects of the European history of the Jewish people in laying the foundations for the horrific events of the Holocaust. A remarkable collection of personal items illustrates the people behind the stories, many of whose stories recur throughout the exhibition.

While the subject matter of the Holocaust is by its very nature horrifying, some aspects of the exhibition are especially gut-wrenching including vision of mass executions and an actual train car carriage used to transport people to concentration camps.

While the exhibition understandably focusses on Jewish victims of the Holocaust, other victims of the Nazis and their collaborators are also respected and remembered. Those who stood against the Holocaust,

including Jewish resistance in the ghettos and those brave individuals who put their own lives at risk to help persecuted people escape are also celebrated.

The exhibition is raw, powerful and provokes not only deep contemplation of the horrors of the Holocaust and what enabled it to occur, but also our own obligation to ensure that never again shall it be able to recur.

South Bend

On a cold and grey Chicago morn I boarded a Greyhound bus to South Bend, Indiana which is home to the highly regarded **University of Notre Dame** and its **Notre Dame Law School**.

South Bend is a “university town” with many of its residents apparently working for or otherwise associated with Notre Dame. There is nothing quite comparable that I have experienced in Victoria. The association of the Latrobe Valley with Victoria’s power industry was probably the closest comparison, however with government policy settings contributing to the sudden closure of the Hazelwood power station and the progressive closing of other large generators, that association is no longer what it was.

In 2020 the Dean of the Notre Dame Law School **G. Marcus Cole** founded the **Religious Liberty Initiative** (RLI). The RLI is an academic institution “*dedicated to promoting, protecting, and defending religious freedom*”. (www.religiousliberty.nd.edu)

Whilst the University of Notre Dame is a Catholic institution, all faiths are practised and welcomed. Similarly, the RLI seeks to promote religious freedom of all denominations in its work, which is undertaken by academic staff of the RLI and students of the Notre Dame Law School.

Some of the work of the RLI is directed to thought leadership and professional formation, while its main advocacy work is undertaken through the RLI Clinic. The Clinic advises individuals and organisations, both in the US and abroad, on matters related to religious freedom.

For example, the Clinic filed an *amicus curae* brief in a U.S. Court of Appeals case supporting Native Americans in their efforts to prevent an Apache sacred site from being destroyed as part of mining operations, arguing that the

destruction of the site “constitutes a substantial burden for the Apache’s religious expression”².

The RLI Clinic filed a Supreme Court *amicus curae* brief in a matter to assert that all people have a right to live in accordance with their religious beliefs, including those who are incarcerated.

In this particular matter Lester Smith, a Muslim man incarcerated in Georgia, has been fighting to be able to have a full-length beard as his faith requires.³

The work of the RLI Clinic is assisted by the fact that the US Constitution protects the right to freedom of religion, providing a legal basis for challenging state actions that interfere with that right.⁴

I had meetings with three of the key academic staff involved with the RLI: **John Meiser** (Director of the Religious Liberty Clinic), **Francesca Genova Matozzo** (Legal Fellow, Religious Liberty Clinic) and **Kimberlie Orr** (International Legal Fellow, Religious Liberty Clinic).

In wide ranging discussions we examined the similarities and differences between US and Victorian jurisprudence, legislation and legal activism, the legal protections for religious freedom in the US compared with those operating in our jurisdiction, the attitude of the community, media and others towards religious freedom.

Of note is that the US legal system offers greater opportunity and protection for those who seek to engage in what may be termed public interest litigation compared with the Australian legal system. For example, the use and acceptance of *amicus curae* briefs in US litigation is significantly greater than the case here. An *amicus curae* (“friend of the court”) brief allows an entity that is not a direct party to the litigation but has an interest or expertise that

² Apache Stronghold v United States of America

³ Smith v Ward

⁴ The First Amendment states in part “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

may assist the court, to make legal submissions. The practice of *amicus curae* submissions is far more common in the US.

Similarly, the operation of costs orders in the Australian legal system makes the cost of public interest litigation far greater than in the US. In the US costs orders are rare, especially in litigation involving matters that involve testing questions of law in the public interest. However, in Australia the general rule is that 'costs follow the event' so an unsuccessful party is liable in most cases to bear not only their own legal costs but also the costs of the successful party.

Thus, even where a litigant can source pro bono legal representation to test a question of law that affects their rights, the risk is that a loss could lead to an order for costs that could bankrupt an individual or an organisation.

For example, during Victoria's Covid lockdowns the Labor Government decided to implement a curfew. By any assessment this was an extraordinarily restrictive and blunt instrument that restricted the basic right of Victorians to leave their own homes.

A single mother who operated a small business which was adversely affected by the curfew orders challenged the legality of these orders in the Supreme Court of Victoria.⁵

The Court held that:

The Curfew was a major restriction of human rights and liberties of the free people of Victoria. No instance of a curfew being imposed in Victoria by the Executive exists in living memory. Curfews are normally imposed to control civil disturbances and widespread outbreaks of lawlessness.⁶

and

⁵ *Loiolo v Giles* [2020] VSC 722

⁶ *Ibid* at [2]

Although, Ms Loielo is the only plaintiff in the proceeding, the Curfew affected the human rights of all residents in the Restricted Areas.⁷

While the litigation was ultimately unsuccessful, the Court clearly established that the questions to be tried were relevant to the interest of not just Ms Loielo but all Victorians affected by the curfew orders.

Nonetheless, the Victorian Government then sought to have Ms Loielo pay the costs of the Government's army of senior counsel, junior barristers and instructing solicitors; a legal bill would have run into millions of dollars and would most likely have been financial ruinous.

However, his Honour Justice Ginnane rejected the Victorian Government's aggressive claim⁸ ordering that each party bear their own costs noting:

I do not accept that the plaintiff's litigation was purely self-interested. While the effect of the Curfew on her restaurant provided the basis for her standing, she also gave evidence of the effect of the Curfew on her mental outlook, on her children and her way of life. She would have shared those challenges with many others; indeed Associate Professor Giles acknowledged that she shared some of them. Equally many thousands of Victorian businesses, that usually trade during the Curfew hours, must have been affected as the plaintiff's was. While the plaintiff did not produce proof that others supported her stance in challenging to the Curfew, it is likely that many people were concerned or interested as to the legal basis for the Curfew, while at the same time, supporting measures to protect public health. To most people, personal liberty is a cherished right.⁹

From my discussions it seemed inconceivable that, in a similar position in the US, a government would seek costs against an unsuccessful plaintiff on what

⁷ Ibid at [6]

⁸ *Loielo v Giles* [2020] VSC 864

⁹ Ibid at [34]

was a substantial legal question dealing with fundamental human rights affecting millions of people.

While there are a number of community legal centres (including centres focussed on human rights) operating in Victoria, as well as private firms who profess an interest in protecting human rights, there are no obvious examples of such firms standing up for religious freedoms in any practical sense.

Indeed, during the Covid lockdowns and curfews in Victoria, there appears to be no examples of such law firms taking any interest in the residents of the North Melbourne public housing towers who were peremptorily locked up in their flats with no warning, let alone the infringement of the rights of those residents to practice their faiths.

Nor do any university law schools in Victoria appear to undertake the type of pro bono advocacy work that the RLI regularly pursues.

In such matters, the contrast with the US could not be more pronounced.

My discussions with the RLI Clinic staff was exceptionally informative. While religious belief or activity is nominally reflected in Victoria's Charter of Human Rights and Responsibilities¹⁰ and is a protected attribute in Victoria's Equal Opportunity Act¹¹, in practice there is little to no protection for the rights of people of faith in Victoria, especially when those rights could be seen to intersect with the interests of any other group.

This clearly provides an area for policy exploration as it should be possible (and is desirable) to better protect the legitimate rights and interests of people of faith without discriminating against others.

I am very grateful to Mr Meiser, Ms Genova Matozzo and Ms Orr for their valuable time and for the illuminating discussions.

¹⁰ Charter of Human Rights and Responsibilities Act 2006, section 14

¹¹ Equal Opportunity Act 2010, section 6(n)

New York City

Having visited NYC on a number of occasions in the past, one striking feature on this visit was the number of people on the subway and on the street who were wearing facemasks and were obviously highly conscious of Covid. There was a significantly greater proportion of people wearing facemasks than you would see at present on a Melbourne train or walking on a Melbourne street. There were also public health advertisements reinforcing messages about Covid, as well as Covid testing facilities on the sidewalk in the middle of the city.

This may have been quite prescient, as my New York schedule had to be adjusted due to people I had intended to meet having to cancel as a consequence of having Covid or being a close contact. Some personal illness (not Covid) also had an impact on scheduling for this leg of the trip.

My time in NYC coincided with a session of the United Nations General Assembly focussing on climate change which had attracted high level global political attendance. The manner in which numerous delegations were escorted through the city by NYPD and others – and the resigned way in which local drivers and pedestrians accepted the accompanying serious disruption – was to their credit.

During my visit to NYC I visited the headquarters of the **New York City Bar Association** (City Bar) on a number of occasions.

The City Bar (www.nycbar.org) represents some 23,000 lawyers in NYC. Similar to our own Victorian Bar and Law Institute of Victoria, it both represents its members (for example in offering continuing legal education) and has a public-facing role in actively supporting law reform, upholding the rule of law and the provision of pro bono legal services.

The City Bar operates a number of committees in different areas of law and policy. One active area of interest is election law, which is reflected in the **Election Law Committee** (ELC) of the City Bar as well as the **Rule of Law Committee** (RLC).

The Election Law Committee focuses on election law, policy, and procedures including voter education and voting rights. It is composed of practitioners from law firms, good government groups, political parties, and government boards and agencies, many of whom have worked in this area for decades.

The RLC has conducted a number of forums under the heading “New Frontiers in Federalism”. Whilst in NYC I observed a forum entitled “**Reconfiguring Governance: Navigating the Red-Blue Divide in America**”.

While this seminar was obviously focussed on US legal and political issues, there are a number of parallels with the political and legal issues increasingly confronting Australia which bear consideration.

For members wishing to view the panel discussion it is now available online:

<https://www.nycbar.org/media-listing/media/detail/new-frontiers-in-federalism-session-4-reconfiguring-governance-navigating-the-red-blue-divide-in-america>

One of the key issues examined in the discussion is the extent to which legal reforms and jurisprudential differences (notably regarding the Supreme Court) can empower the executive branch or the judicial branch at the expense of each other.

The forum also examined the US experience of the public service and politicisation – an issue which obviously has parallels in this state given the ongoing Victorian Ombudsman investigation into the politicisation of the Victorian Public Service under the current Labor government: <https://www.ombudsman.vic.gov.au/our-impact/news/politicisation-of-the-public-service-issues-paper-and-request-for-submissions/>

One of the ways in which the City Bar seeks to promote justice and the rule of law is through the promotion of pro bono legal services. The City Bar has a charitable affiliate – the City Bar Fund – which operates the **City Bar Justice Centre** (CBJC).

The CBJC (www.citybarjusticecentre.org) has had the greatest impact in relation to family, housing and consumer legal advice. In 2021-22 it delivered 18,500 hours of pro bono services utilising 1,800 attorneys and assisted clients to obtain over \$6.1 million in benefits and awards.¹²

As a practising barrister and member of the Victorian Bar before entering Parliament, I appreciate that there are a large number of Victorian lawyers who also donate their time to pro bono legal services to assist Victorians.

¹² City Bar Justice Centre Impact Report 2022

As a barrister I was personally involved in pro bono matters, including consumer affairs matters through the **Consumer Action Law Centre** and assisting on immigration matters for unrepresented litigants.

However, my observation of the CBJC operations is that its funding (which comes through significant donations among other sources) permits a level of administration support and coordination which better leverages the willingness of its large membership to offer pro bono legal services to those in the community who most need it. Whether such funding is available in a Victorian context is not clear, however it is an impressive operation which seems to serve its members and the broader community well.

Due to the cancellation of a proposed meeting, I utilised the time by visiting the **9/11 Memorial and Museum** which is located on the site of the former World Trade Centre buildings in Lower Manhattan.

The Memorial is spread over a large site and includes two large waterfall pools set deep below ground, representing the North and South towers of the World Trade Centre. The design of the Memorial is titled "*Reflecting Absence*".

The water in each pool drops 30 feet into a square basin, then a further 20 feet - out of the sight of observers.

According to the 9/11 Memorial website (www.911memorial.org):

"...to the architect, Michael Arad, the pools represent '*absence made visible*'. Although water flows into the voids, they can never be filled. The sound of the cascading water makes the pools a place of tranquillity and contemplation separate from the bustling noises of the city".

Surrounding each pool is a bronze parapet that lists the names of every victim of the 9/11 attacks, not only those killed at the World Trade Centre. It also commemorates those killed in the 1993 WTC bombing.

Attending the Memorial, and later visiting the Museum, was also an opportunity to remember the 10 Australian lives lost on September 11 to terrorist attacks.

While many of those in attendance at the Memorial and Museum were too young to remember 9/11 (or were not even born at the time) it remains a solemn and powerful experience for so many who have seen their nation and the world shaped through its consequences.

One of the highlights of my visit to NYC was the opportunity to meet **Nelson R. Sheingold, Counsel, Office of the New York State Comptroller**. The New York State Comptroller (the Comptroller) is an elected office mandated by the constitution of the State of New York. As such it has a level of power and independence that many other offices do not.

The current Comptroller is **Thomas P. DiNapoli** who is the 54th Comptroller. He is a Democrat who was first elected to the office (by the New York State legislature to fill a casual vacancy) in 2007 and was re-elected to the role in 2022 for a fifth term.

The role of Comptroller is, in a Victorian context, part Auditor-General, part Ombudsman, part IBAC, part DTF, part Victorian Funds Management Corporation and part Consumer Affairs. That is to say, it is a very different role to anything we have in our jurisdiction.

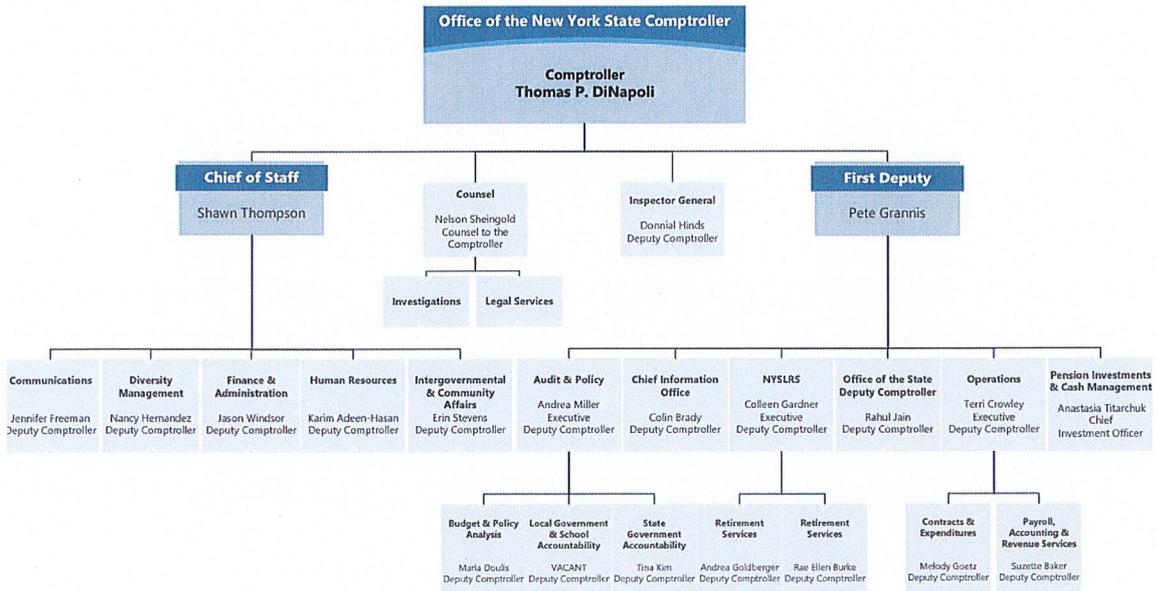
The Comptroller's website (<https://www.osc.state.ny.us/about/about-comptrollers-office>) describes his role in the following terms:

Office of the State Comptroller

As New York's chief fiscal officer, State Comptroller Thomas P. DiNapoli's responsibilities include:

- Managing the New York State Pension Fund, one of the best-funded and best-managed public pension plans in the nation.
- Administering the New York State and Local Retirement System for more than one million members, retirees and beneficiaries and employers.
- Protecting taxpayer funds by uncovering waste, fraud and abuse at all levels of government.
- Fighting public corruption and pension fraud.
- Returning millions in unclaimed funds to rightful owners.
- Providing independent fiscal oversight on State, New York City and local finances.
- Providing technical assistance and training to local government officials and school districts.
- Reviewing State contracts and auditing payments, maintaining the State's accounting system and administering the State payroll.

Office of the New York State Comptroller Organisational Chart



October 2023

In the organisational chart for the Comptroller's office, the position of Counsel reports directly to the Comptroller.

Mr Sheingold, as Counsel, leads the Office's Investigations and Legal Services divisions. A graduate of Yale Law School, he is a very experienced lawyer and previously served as chief counsel to the New York State Inspector General, as assistant attorney general in the New York State Attorney General's litigation bureau, and as an assistant district attorney in New York County.

In my discussions with Mr Sheingold, it quickly became apparent how much more transparent are financial dealings in NY compared with Victoria. The Comptroller's office operates Open Book New York – a website that provides a vast amount of financial detail as to how New Yorkers' taxes are being spent.

As the quote from the State Comptroller attests:

"New Yorkers pay among the highest taxes in the country. It's important to have transparency so citizens are empowered with information they need to hold their elected officials accountable." – Thomas P. DiNapoli

It is regrettable that despite Victorians paying *the highest* taxes in the country, we do not have anywhere near the same levels of transparency in order to hold our elected officials accountable.

I recommend that Members examine the Open Book New York website (<https://www.osc.state.ny.us/open-book-new-york>) and consider whether such an innovation would be very welcome here.

Mr Sheingold's investigators have uncovered over \$84 million in wrong or fraudulent payments. His team works with Federal, State and local police and other integrity agencies. As an experienced litigator who has worked at Federal, State and County level, Mr Sheingold has a great understanding of the need to build partnerships with other law enforcement agencies and the results suggest that his office has been effective in doing so.

Unlike our VAGO, the Office of the State Comptroller has sign off powers prior to NY State entities entering in to major financial contracts. Moreover, the Office can hear properly founded complaints by unsuccessful tenderers and determine whether contracts should be awarded as proposed. I did ask whether this slowed down procurement processes to a significant degree but was advised that this was not the experience.

Although the legislature had previously wound back some of these oversight powers, for example as they relate to public universities in New York, bills before the legislature looked likely to restore of Comptroller's role in this regard.

The operational capacity of the Office of the NY State Comptroller is quite different to anything that we have in Victoria. Nonetheless, I believe that there are some aspects of its structure that are worthy of further investigation as a means of reducing fraud, waste and corruption in the Victorian Government and associated agencies.

One of the most influential opinion pages in global media is the opinion page of the **Wall Street Journal**. I was fortunate to spend some time discussing US politics and the economy, Australia's reputation and strategic opportunities in the US, global political and economic trends and other issues with **Lena Bell** who is Managing Editor, Opinion for the WSJ.

As an Australian journalist who moved to the US a number of years ago Ms Bell offers a very interesting perspective on US-Australian relations, especially in light of the changing political colour of Federal governments in both Australia and the US in recent years and the recent AUKUS defence arrangements.

The geopolitical positioning of Australia as a mid-power in the Asia-Pacific at a time of significant tension in light of China's expansionist agenda will ensure that our nation, and our part of the world, will remain a key strategic ally of the US. How this relationship can translate into other opportunities involving trade, investment and defence materiel is yet to be determined. Domestic US political agendas will need to be carefully observed to determine whether there is a prospect of policy change or delay that might affect Australian interests.

However, Australia has a very good "brand" in the US, is regarded as a friend and strong ally with shared values which should assist in placing our national interests on the radar of senior US policy makers should this be necessary.