



22 January, 2019

Legal and Constitutional Affairs Legislation Committee
Parliament House, Canberra

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Submission to Inquiry: [National Integrity Commission Bill 2018 \[Provisions\], National Integrity \(Parliamentary Standards\) Bill 2018 \[Provisions\], and National Integrity Commission Bill 2018 \(No. 2\)](#),

by Adjunct Professor the Hon Dr Ken Coghill PhD.¹

This submission focuses its comments on the National Integrity (Parliamentary Standards) Bill 2018, drawing on my extensive experience as a parliamentarian (including as Speaker) and research as a university scholar, the latter funded by the Australian Research Council and the Commonwealth Parliamentary Association (CPA).

1. International standard for parliaments

The international standard for democratic legislatures was set by the “Recommended Benchmarks for Democratic Legislatures”, published by the CPA, the UNDP and the World Bank Institute (2006). A copy accompanies this submission. It recommends:

10. ETHICAL GOVERNANCE

10.1 Transparency and Integrity

10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.

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- Adjunct Professor, Swinburne University
- Civil society member, Australian Government Open Government Forum
- Director & Treasurer, Accountability Round Table
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- Former MLA & Speaker, Parliament of Victoria

10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.

10.1.3 Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.

10.1.4 There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.

2. International standard for parliamentary codes of conduct

The CPA commissioned my research team (then based at Monash University) to make specific recommendations on codes of conduct, so as to provide guidance to houses of parliament on the design and functioning of codes of conduct.

These recommendations were published in 2015 (I was the lead author; a copy accompanies this submission) . The recommendations were based on research drawing on practice and expert opinion from throughout the CPA's member parliaments and other international expertise. These recommendations have already been used by a number of parliaments in drafting new or revised codes of conduct – most recently the new Victorian parliamentary code of conduct, included in legislation currently pending re-introduction and passage.

3. International standard for integrity: Open Government Partnership

The third international standard relevant to the Australian Parliament is the Open Government Partnership, under which Australia is committed to enhancing the integrity of public institutions. Parliament is clearly a paramount institution.

The Australian Parliament lacks a code of conduct in either House. An attempt to adopt one failed in 2012 – it passed the House of Representatives but not the Senate. The House of Representatives did not take up the opportunity to adopt its own code of conduct which, I argue, would have been more principled than insisting that each House have an identical code.

The National Integrity (Parliamentary Standards) Bill 2018 addresses the failure of the Parliament to meet the recommended international standard providing that democratic legislatures should have a code of conduct and the CPA's recommendations for the design and functioning of such codes.

The Bill provides for a code of conduct largely in line with the CPA's recommendations. Accordingly, I strongly urge support for this Bill.

I would be pleased to elaborate on this submission or offer further comment should the Committee wish.