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Joint Select Committee on Parliamentary Standards  
Parliament House  
Canberra  
Sent via email: [parliamentary.standards.joint@aph.gov.au](mailto:parliamentary.standards.joint@aph.gov.au)

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Dear Committee Members,

Transparency International Australia is pleased to engage with the consultation process regarding a code of conduct for all Commonwealth parliamentarians and their parliamentary staff.

We have long promoted the benefits of a code of conduct for all Commonwealth parliamentarians and we welcome the progress of this important reform.

Please find attached our submission to the Committee inquiry.

Sincerely,

Clancy Moore  
CEO, Transparency International Australia

# SUMMARY

Transparency International Australia supports a robust and enforceable code of conduct for all Commonwealth parliamentarians and parliamentary staff so that they act with the highest degree of respect and integrity.

A robust and enforceable code of conduct plays will help mitigate the risk of conflicts of interest and ensure decisions are always, and only, made in the public's best interest. It will also ensure our elected representatives, and those employed by the public to support them, act with fairness, honesty, openness and respect.

We support the recommendations of the Australian Human Rights Commission's Review, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*.

We also endorse the *National Integrity (Parliamentary Standards) Bill 2018* and Dr Helen Haines MPs' equivalent *Commonwealth Parliamentary Standards Bill 2020*. Together, this legislation and the principles of the *Set the Standards* report provide an excellent model on which to develop a code of conduct that effectively strengthens the integrity of parliamentary offices and public decision-making.

Our submission contributes to this broader discussion with a specific focus on our priorities for a code of conduct.

In conjunction with this submission, please find attached in the Annex a chapter from our 2018 report *Australia's National Integrity System: The Blueprint for Action*. This chapter, *Open, trustworthy decision making*, explains why we need a code of conduct for all parliamentarians and their staff, and details a list of recommendations.

## SUMMARY OF RECOMMENDATIONS

1. We need a single, holistic code of conduct for all Commonwealth parliamentarians and their parliamentary staff.
2. The code of conduct should be legislated and continuously renewed by each parliament.
3. The code of conduct should be overseen and enforced by an independent Parliamentary Integrity Commissioner.
4. To ensure a high level of integrity in public decision making, the code needs to establish stronger rules to mitigate any real or perceived risks of conflict of interest.

# OUR POSITION

## **1. The Australian Parliament should establish a single, holistic code of conduct for all Commonwealth parliamentarians and their parliamentary staff**

A code of conduct for all Commonwealth parliamentarians and parliamentary staff should be a positive and holistic code that sets the standards for integrity, honesty and respectful behaviour in all aspects of the discharge of parliamentary duties.

The code should establish rules and principles to foster a safe and respectful workplace *and in addition* rules and principles to ensure parliamentarians and their staff serve the public's best interest honestly, fairly and accountably.

The Australian Human Rights Commission recommended in its *Set the Standard* report a code that 'at a minimum' addressed the issues of bullying, sexual harassment and sexual assault. The Commission recognised that the Houses of Parliament 'may choose to combine integrity matters into a consolidated code'.

Establishing a consolidated code also presents a clear opportunity to bring the proper use of resources, including parliamentary expenses, under one regime. The Independent Parliamentary Expenses Authority should therefore come under the office of a comprehensive Parliamentary Integrity Commission (see recommendation 3 below). This would create a more efficient and seamless regime for all parliamentarians and their staff, rather than having them operate under multiple codes with multiple internal regulators.

## **2. The code of conduct should be legislated and continuously renewed by each parliament.**

Currently, the Ministerial Code is amended by the Prime Minister. While recent amendments to the code have sought to strengthen the integrity of Ministerial offices, this is an ad-hoc arrangement that gives too much control to the Prime Minister and Government of the day to amend the code as they see fit and when they see fit.

A new code of conduct for all Commonwealth Parliamentarians and their staff should be legislated at the beginning of each new term of parliament. This ensures there is broad consensus across parliament in favour of the tenets of the code; the code keeps up with public expectations about appropriate behaviour; and parliament is engaged in continuously strengthening its integrity.

**3. The code of conduct should be overseen and enforced by an independent Parliamentary Integrity Commissioner**

The Parliament should establish a Parliamentary Integrity Commissioner to ensure the code is understood, respected and enforced. This role would provide independent and confidential advice to all parliamentarians and their staff on compliance.

This Commissioner should be responsible for investigating breaches of the code and reporting its findings to a Parliamentary Committee. Its investigations could be supported by a National Anti-Corruption Commission (NACC) when needed, or report to a NACC if appropriate. The Parliamentary Integrity Commissioner would provide an important function in resolving complaints before they escalate to a NACC and supporting its workload.

The Commissioner should be able to receive complaints from any parliamentarian, parliamentary staff, or member of the public.

The Commissioner should have a full range of sanctions to ensure appropriate action in the event of confirmed breaches of the code. This role should have the power to report publicly as needed, via the Standing Committee on Privileges and Members' Interests, via presiding officers or directly where necessary after due process has been satisfied.

A Parliamentary Integrity Commission should be understood to provide a valuable support function to parliamentarians and their offices. It would assist them by promoting a culture of integrity, thus preventing corruption and misconduct; and it would outline appropriate processes to follow in case of misconduct, avoiding an escalation into a public scandal and/or further trauma for any victims.

**4. To ensure a high level of integrity in public decision making, the code needs to establish stronger rules to mitigate any real or perceived risks of conflict of interest.**

The current Ministerial code of conduct includes provisions to mitigate conflicts of interest. Transparency International Australia recommends some specific areas to strengthen in order to mitigate real or perceived conflicts of interests.

- **A ban on secondary employment**

No members of parliament should be allowed to undertake secondary employment or receive fees for their service.

**In addition, certain rules pertaining to Ministers should be strengthened:**

- **Ministerial diaries should be public**

Ministers and Assistant Ministers should record and proactively publish all diary events, reasons and processes relating to ministerial decisions.

- **The cooling off period should be lengthened to three years**

There should be an enforceable minimum three-year 'cooling off' period before a former Minister or Assistant Minister may accept any relevant appointment or benefit from any entity with a commercial interest in their former portfolio.

# CONCLUSION

Transparency International Australia is pleased to offer our expertise to support the design of an effective code of conduct for all Commonwealth parliamentarians and parliamentary staff.

This is a landmark opportunity for the Australian Parliament to strengthen the quality of public decision-making and the integrity of parliamentary work. It is a valuable reform that ensures the Australian Parliament is a safe, respectable and respected workplace; and its work is honest, open and fair.

We welcome the opportunity, as always, to discuss our position with you further.

Yours sincerely,

Ciancy Moore  
CEO, Transparency International Australia

## ABOUT TIA

TI Australia (TIA) is part of a global coalition to fight corruption and promote transparency, integrity and accountability at all levels and across all sectors of society, including in government.

TIA believes that corruption is one of the greatest challenges of the contemporary world. Corruption undermines good government, distorts public policy, leads to the misallocation of resources, harms private and public sector development and particularly hurts the poor. It drives economic inequality and is a major barrier in poverty eradication.

Tackling corruption is only possible with the cooperation of a wide range of stakeholders. We engage with the private sector, government and civil society to build coalitions against corruption. Coalitions against corruption will help shape a world in which government, politics, business, civil society and the daily lives of people are free of corruption.

TI Australia is the national chapter of Transparency International (TI), the global coalition against corruption, with a presence in over 100 countries. TIA was launched in March 1995 to raise awareness of corruption in Australia and to initiate moves to combat it.