

RECOMMENDATIONS

Recommendation No. 1 **para 3.121**

The Committee recommends that Part 3 of the Charter of Political Honesty Bill 2000 [2002] not proceed in its current form because of a number of fundamental concerns about the proposed legislation that need to be resolved including, *inter alia*, the actual contents of the proposed codes of conduct and the functions to be conferred on the Commissioner for Ministerial and Parliamentary Ethics. The Committee also questions the need initially for legislation to meet the object of the Bill.

Recommendation No. 2 **para 3.124**

The Committee recommends that the Parliament establish a Parliamentary Joint Standing Committee on a Code of Conduct for Ministers and Other Members of Parliament whose establishment and membership is consistent with Part 2, Division 1, of the Charter of Political Honesty Bill 2000. The functions of the Parliamentary Joint Standing Committee should be:

- to conduct a thorough inquiry into the composition and content of a code of conduct for all members of parliament, involving calling for public submissions and conducting public hearings;
- to develop a code of conduct for all members of parliament for adoption by each House of Parliament. In drafting the code, the committee should have regard to—
 - the desirability of combining a statement of principles with specific provisions that would provide clear guidance to members on the standards of conduct expected of members,
 - existing obligations on members;
- once the code has been adopted, to inquire into and determine how best to enforce the code, taking into account the measures needed to prevent breaches, to investigate alleged breaches and to deal with breaches;
- to draw up the machinery for the code's implementation and enforcement for adoption by each House of Parliament;
- to monitor the implementation of the code of conduct and to review and report to Parliament on its operation;
- to develop a code of conduct for ministers which would allow for approval by the Prime Minister and adoption by each House of Parliament. The code is to include—
 - a code of practice for the making of appointments which stipulates that such appointments must be based on merit.

Recommendation No. 3 **para 4.117**

The Committee recommends that the Auditor of Parliamentary Allowances and Entitlements Bill 2000 [No. 2] not proceed because of significant flaws in the proposed legislation and because other options for ensuring compliance with the rules and regulations governing the use of parliamentary entitlements have not been fully considered.

Recommendation No. 4 **para 5.84**

The Committee recommends that the Electoral Amendment (Political Honesty) Bill 2000 [2002] not proceed because in its current form it does not present an effective or workable solution to prevent dishonest electoral advertising.

Recommendation No. 5 **para 5.110**

The Committee recommends that if the Electoral Amendment (Political Honesty) Bill 2000 [2002] were to proceed, the following matters should be addressed:

- amendment of proposed subsection 329(1A) to refer to a statement of fact that is ‘inaccurate *and* misleading to a material extent’ rather than ‘inaccurate *or* misleading to a material extent’;
- further consideration of the proposed penalties in light of the current review of penalties in the *Commonwealth Electoral Act 1918*, with particular reference to the general rule that maximum penalties for corporations are five times the maximum penalties for individuals and that statutory penalties are usually expressed in terms of penalty units;
- definition of the term ‘advertiser’ in proposed subsections 329(5A) and 329(5B);
- deletion of proposed section 329A concerning the heading to electoral advertisements, unless further explanation is offered about its purpose and its relationship with existing section 331; and
- amendment of the error in proposed subsection 329(5A)(b) to refer to an offence against subsection (1A).

Recommendation No. 6 **para 6.115**

The Committee recommends that Part 2 of the Charter of Political Honesty Bill 2000 [2002] relating to government advertising and the Government Advertising (Objectivity, Fairness and Accountability) Bill 2000 should not proceed because of fundamental flaws in both bills.

Recommendation No. 7 **para 6.120**

The Committee recommends that the *Guidelines for Australian Government Information Activities: Principles and Procedures* issued by the Government Communications Unit in the Department of the Prime Minister and Cabinet be amended to refer explicitly to the fundamental principle that government information programs should not be, or be liable to misrepresentation as being, party political, and should provide guidance as to how that principle is to be applied in practice.

Recommendation No. 8 **para 6.126**

The Committee recommends that the issue of appropriate guidelines for government advertising campaigns be referred to the proposed Parliamentary Joint Standing Committee on a Code of Conduct for Ministers and Other Members of Parliament for further consideration.

