

# **APPENDIX 4**

## **A FRAMEWORK OF ETHICAL PRINCIPLES**

### **FOR MEMBERS AND SENATORS**

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[DRAFT PROPOSED BY WORK GROUP]

The principles which follow are intended to provide a framework of reference for Members and Senators in the discharge of their responsibilities. They outline the minimum standards of behaviour which the Australian people have a right to expect of their elected representatives. They incorporate some relevant ethical standards which should guide the considerations of Members of Parliament, and which should be a continuing reference point for former Members.

It is by adherence to such principles that Members of Parliament can maintain and strengthen the public's trust and confidence in the integrity of the Parliamentary institution and uphold the dignity of public office.

This framework does not seek to anticipate circumstances or to prescribe behaviour in hypothetical cases. While terms such as "the public interest" or "just cause" are not capable of definition in the abstract, over time, each House will develop a body of interpretation and clarification which has regard to individual cases and contemporary values.

Each House of the Parliament will consider matters which are raised by Members and Senators under the framework and a majority of two thirds of Members of a House will be necessary to resolve a matter.

### **THE PRINCIPLES**

#### **1. Loyalty to the Nation and Regard for its Laws**

Members and Senators must be loyal to Australia and its people. They must uphold the laws of Australia and ensure that their conduct does not, without just cause as an exercise of freedom of conscience, breach or evade those laws.

#### **2. Diligence and Economy**

Members and Senators must exercise due diligence, and in performing their official duties to the best of their ability, apply public resources economically and only for the purposes for which they are intended.

### **3. Respect for the Dignity and Privacy of Others**

Members and Senators must have due regard for the rights and obligations of all Australians. They must respect the privacy of others and avoid unjustifiable or illegal discrimination. They must safeguard information obtained in confidence in the course of their duties and exercise responsibly their rights and privileges as Members and Senators.

### **4. Integrity**

Members and Senators must at all times act honestly, strive to maintain the public trust placed in them, and advance the common good of the people of Australia.

### **5. Primacy of the Public Interest**

Members and Senators must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the requirements of public duty, and resolve any conflict, real or apparent, quickly and in favour of the public interest.

### **6. Proper Exercise of Influence**

Members and Senators must exercise the influence gained from their public office only to advance the public interest. They must not obtain improperly any property or benefit, whether for themselves or another, or affect improperly any process undertaken by officials or members of the public.

### **7. Personal Conduct**

Members and Senators must ensure that their personal conduct is consistent with the dignity and integrity of the Parliament.

### **8. Additional Responsibilities of Parliamentary Office Holders**

Members and Senators who hold a Parliamentary office have a duty to exercise their additional responsibilities with strict adherence to these principles. They must have particular regard for the proper exercise of influence and the use of information gained from their duties as Parliamentary office holders. They must also be accountable for their administrative actions and for their conduct insofar as it affects their public duties.

## **ADDITIONAL GUIDANCE**

In individually considering these principles, Members and Senators should also have regard to:

- sections 44 and 45 of the Constitution;
- provisions of the Parliamentary Entitlements Act 1990;
- standing and sessional orders of the House of the Parliament of which they are members;

- resolutions of continuing effect of the House of the Parliament of which they are members;
- decisions and determinations of the relevant Presiding Officer and the appropriate Minister concerning the obligations and entitlements of Members and Senators;
- determinations of the Remuneration Tribunal; and
- section 73A of the Crimes Act 1914.

## **Interpretation**

In this Framework, the term Parliamentary office holder includes Leaders of Parties, Shadow Ministers and Shadow Parliamentary Secretaries, Party Whips, Deputy President of the Senate and Chairman of Committees, Deputy Speaker, Second Deputy Speaker and Chairs of Parliamentary Committees.

