



**Senate Finance and
Public Administration Committee**

**Inquiry into the
Lobbying Code of Conduct**

CPSU (PSU Group) Submission

10th June 2008

CPSU Recommendations

1. The CPSU supports the establishment of a code of conduct for lobbying the Commonwealth.
2. The *Lobbying Code of Conduct* should apply to Ministers and Parliamentary Secretaries.
3. The *Lobbying Code of Conduct* should not apply to MOPS staff.
4. The *Lobbying Code of Conduct* should apply to persons engaged in lobbying activity as defined in Section 3.
5. Ministerial staff need a code of conduct that will provide them with an objective accountability framework both for their conduct and their actions. A code of conduct would improve transparency and accountability of ministerial staff.
6. The conduct of Ministerial staff when interacting with lobbyists should be considered as an element in a separate code of conduct, not as part of the *Lobbying Code of Conduct*. This separate code of conduct should reflect the different roles and responsibilities of MOPS staff.
7. The CPSU objects to the post employment constraint on MOPS staff contained within the *Lobbying Code of Conduct*. Generally post employment constraints only operate to the extent deemed necessary to protect an employers' commercial interest and without detriment to an employee's capacity to follow their trade or calling. The *Lobbying Code of Conduct* proposes no compensation or consideration for this constraint.
8. A comprehensive ministerial staff code of conduct should be discussed in detail with the CPSU and considered by staff as part of the next Collective Agreement. It should only be implemented after agreement is reached between the parties.
9. All references that attempt to regulate the behaviour of MOPS staff in relation to lobbyists should be removed, particularly from clauses 4 and 7. Any retrospective application of the *Lobbying Code of Conduct* must be removed.

Introduction

The Community and Public Sector Union is the major union representing employees engaged under the *Members of Parliament (Staff) Act 1984 [MOPS Act]*.

In preparing this submission CPSU asked members for their views on the *Lobbying Code of Conduct* through an online survey and through attendance at union meetings.

This submission concentrates on the changes in employment conditions of staff engaged under the MOPS Act [MOPS staff] resulting from the *Lobbying Code of Conduct*.

In part, the submission addresses the following Inquiry Terms of Reference:

- (a) *the Lobbying Code of Conduct issued by the Government;*
- (b) *whether the proposed code is adequate to achieve its aims and, in particular, whether:*
 - (i) *a consolidated code applying to members of both Houses of the Parliament and their staff, as well as to ministers and their staff, should be adopted by joint resolution of the two Houses,*
- (c) *any other relevant matters.*

Is the proposed code adequate to achieve its aims?

CPSU believes the *Lobbying Code of Conduct* is not adequate to achieve its aims.

Five codes merged into one

The first issue identified by CPSU members in the *Lobbying Code of Conduct* is the use of the collective category “government representative” to refer to Ministers, Parliamentary Secretaries, MOPS staff, APS employees and contractors and ADF members alike.

The use of the category “government representative” may well be appropriate in the context of the *Lobbying Code of Conduct* which deals with the behaviour of lobbyists when conducting their lobbying activities.

However, the *Lobbying Code of Conduct* is not limited to regulating the behaviour of lobbyists. It also seeks to dictate the behaviour of “government representatives” in an attempt to further increase the degree of restriction imposed on lobbyists.

The *Lobbying Code of Conduct* determines that “government representatives” cannot be engaged as lobbyists within various time frames. It also determines the nature and permissible circumstances of a “government representative’s” contact with lobbyists. The onus of responsibility is placed on the “government representative.”

The CPSU believes transparency and accountability can be better achieved if a revised Code deals solely with the conduct of lobbyists and not the conduct of “government representatives”.

As a matter of good governance, to provide administrative ease and avoid unnecessary duplication the CPSU supports the development of a *Lobbying Code of Conduct* that regulates lobbyists and a separate ministerial staff code of conduct. The *Guide on Key*

Elements of Ministerial Responsibility deals with ministerial conduct and the *APS Act*, *APS Code of Conduct* and *APS Values* already apply to APS employees.

The collective category of “government representative” is cause for confusion and duplication because various legislation and regulatory instruments already exist in regard to the diverse membership of this group. For example, staff are already covered by the provisions of the *Crimes Act 1914* and other legislation that prohibits the unauthorised disclosure or use of information they come across in their official duties.

Can the Code be enforced?

The second matter raised by CPSU members relates to the question of enforcement of certain aspects of the *Lobbying Code of Conduct* which regulate “government representatives”.

The APS Code of Conduct requires public servants to disclose and take reasonable steps to avoid conflict of interest. APSC Circular No 2008/4 raises questions about whether thorough consideration was given to the implications of extending the *Lobbying Code of Conduct* to “government representatives”:

“16. Agencies could reinforce this system by seeking assurances from staff on separation that they will adhere to the restrictions, but such assurances would rely primarily on goodwill and may not be legally binding. Obtaining declarations from staff when they join an agency would have greater legal force, but agencies may need to consider any extra administrative burden that this might involve”.

The CPSU supports the establishment of a code of conduct to ensure that all MOPS staff are accountable both for their conduct and their actions, consistent with the codes that apply to parliamentarians and officers in the APS.

However, we believe it would be unfair to current MOPS staff to make any retrospective alteration to their role and responsibilities. Any departure from current terms and conditions should first require the development and implementation of such a code of conduct for staff, including setting appropriate workplace guidelines and a comprehensive training program.

These changes would need to be reflected in amendments to the MOPS Act.

It is also the view of the CPSU that any resulting change to the existing employment arrangements should take place within the context of negotiations over all aspects of MOPS staff employment.

Significant change in employment conditions for MOPS staff

One of the key concerns expressed by CPSU members about the *Lobbying Code of Conduct* is that the post-separation employment restriction represents a fundamental change in employment conditions for MOPS staff.

Namely:

7. PROHIBITION ON LOBBYING ACTIVITIES

- 7.2 Persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the *Members of Parliament (Staff) Act 1984* at Adviser level and above, members of the Australian Defence Force at Colonel level or above (or equivalent), and Agency Heads or persons employed under the *Public Service Act 1999* in the Senior Executive Service (or equivalent), shall not, for a period of 12 months after they cease their employment, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months of employment.

The nature of MOPS staff employment is fundamentally different to APS employment. MOPS staff employment is tenuous. There is no job security and under the MOPS Act Part III & IV staff can be terminated at any time.

At the same time, if a Minister is demoted his or her employment continues, the DLO returns to the Department but the Ministerial Advisor has to find a new job to put food on the table.

The effect of applying the post-separation employment on all "government representatives" fails to acknowledge the disparate job security and superannuation entitlements that exist between Ministers, APS employees and MOPS staff.

CPSU members are deeply concerned that their employment opportunities post-separation have been severely curtailed without their prior knowledge or agreement. Post-separation restrictions most commonly exist in the private sector and these restrictions on trade have been strictly defined at common law. They are a condition of employment at the point of accepting the job offer, detailed in writing as part of the employment contract, and are reflected in the remuneration package.

The *Lobbying Code of Conduct* as it stands changes the employment conditions of ministerial advisors retrospectively, without individual agreement and in the absence of increased remuneration.

CPSU members' comments on the *Lobbying Code of Conduct*:

"It would act as a significant deterrent to other folks being encouraged to work as advisors for the government on the basis of their skills/experience, which would be contrary to the governments policy intent of attracting the best qualified people for the positions. It was not made clear to me on taking up the position that this limitation would be retrospectively applied and it raises the question of imposing the requirement without reasonable compensation."

"The lobbying restriction penalises those who come from the non-government or private sector to work as advisors. Those who come from the public sector, i.e. Departments are seconded and can return there when their employment ceases, for whatever reason but those who don't come from Departments have only the private sector to rely on for future employment, and often at short notice."

Neither the *MOPS Act* nor the MOPS Collective Agreement 2006 – 2009 contain any reference to a code of conduct or a set of guiding values. The CPSU believes the elements of the *Lobbying Code of Conduct* that represent a change in employment conditions appear to be inconsistent with the terms of the MOPS CA, which is a closed agreement with a no extra claims clause:

“4 Agreement to be Comprehensive

4.1 This Agreement exhaustively states the terms and conditions of employment of the Employees covered by this Agreement other than terms and conditions applying under a Commonwealth Law.

4.2 ... no further claims may be pursued in respect of terms and conditions of employment by a party to the Agreement or an Employee ... whether or not those terms and conditions relate to a matter that is expressly covered by this Agreement.”

The retrospectivity of section 7.2 of the *Lobbying Code of Conduct* could not have been reasonably anticipated by MOPS Staff at the time the CA was negotiated. Nor could it have been reasonably anticipated by individuals when they accepted an offer of employment with the new Labor Government in December 2007.

Neither Labor’s pre-election promise of a lobbyist register nor the release of the Prime Minister’s Ministerial Code in December 2007¹ make mention of the ministerial advisors.

Neither long term MOPS staff nor those engaged after 3rd December 2007 could have agreements in writing between the Member and the Employee in accordance with section 13 or 20 of the *MOPS Act* that foreshadow or contain such a post-separation employment constraint.

CPSU notes other parliaments within Australia² such as Victoria and Queensland have developed codes of practice for members’ staff. The *Parliament of New South Wales Code of Conduct for Members’ Staff* was developed in full consultation with the public sector union (PSA) and is reviewed periodically in consultation with the PSA. MOPS Staff do not have any of these provisions.

The NSW code addresses values, personal and professional behaviour, confidentiality, use of official information, conflict of interest and outside employment. Importantly an “employee declaration³”, is included as a condition of employment at the point of engagement, and is incorporated into the induction training for new staff. Clause 4.3 of the code specifically deals with “post-separation employment”:

4.3 Post-separation employment

You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside the Parliament, which give rise to or a perception of a conflict of interest where your integrity, and that of your Member or the Parliament, is at risk.

¹ Appendix 2 Prime Minister’s announcement Dec 2007.

² Also in the UK “special advisors” to members are temporary civil servants. They are exempt from requirements of appointment on merit, political impartiality and objectivity but otherwise must abide by the Civil Service Code.

³ Appendix 3 employee declaration from the *Parliament of New South Wales Code of Conduct for Members’ Staff*.

The NSW legislation and employment agreement covering members' staff provide detail about standards of ethics & conduct including conflict or perceived conflict of interest and not taking improper advantage of his or her position.

The employment arrangements in NSW give formality to these issues by outlining dispute resolution procedures and discipline. It strengthens the employee/employer relationship by the provision of procedures for hearing grievances and appeals.

The ACT Government Standing Committee on Administration and Procedure conducted an Inquiry into the Appropriateness of a Code of Conduct for Members and their Staff⁴. In his submission, Mr Harry Evans, Clerk of the Australian Senate, strongly recommended a code of conduct for members' staff. Mr Evans based his suggestion on the number of "incidents" that have occurred with particular reference to the "children overboard" incident and inquiry. This was clear recognition that ministerial advisors needed a code of conduct.

The CPSU supports the ACT Government Report's recommendations:

- The code be reviewed after 3 years,
- Members to ensure that their staff are aware of and abide by the relevant codes of conduct,
- "conduct as employer" be added to the proposed code,
- The completion of an Induction Information Checklist to ensure staff are aware of this obligation,
- Obligations for conduct to be specified in their employment contract, and
- Disciplinary procedures to be specified in the ACT Members' Staff Collective Agreement.

By contrast, CPSU members report that the *Lobbying Code of Conduct* was not circulated to staff. There has been no consultation with staff, the Employee Consultative Group or CPSU representatives over the content relating to MOPS staff.

The other aspect of the *Lobbying Code of Conduct* that represents a change in employment conditions is Section 4.

4. NO CONTACT BETWEEN GOVERNMENT REPRESENTATIVES AND UNREGISTERED LOBBYISTS

4.1 A Government representative shall not knowingly and intentionally be a party to lobbying activities by:

- (a) a lobbyist who is not on the Register of Lobbyists
- (b) an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities whose name does not appear in the lobbyist's details noted on the Register of Lobbyists in connection with the lobbyist, or
- (c) a lobbyist or an employee of a lobbyist, or a contractor or person engaged by a lobbyist to carry out lobbying activities who, in the opinion of the Government representative, has failed to observe any of the requirements of clause 8.1(e).

⁴ <http://www.parliament.act.gov.au/downloads/reports/ap06codeofconduct.pdf> August 2004.

The CPSU supports the need to improve public accountability. However, in respect to Ministerial Advisors the *Lobbying Code of Conduct* does not contain a transparent process for reporting inappropriate activities, investigation, oversight, record keeping, decisions and sanctions to be imposed on “government representatives” or the right of review.

One CPSU member raised the following scenario to demonstrate the extent to which ordinary behaviour of MOPS staff could be construed as inappropriate in regard to clause 4:

“Lobbyists take clients to Canberra drinking holes like the Holy Grail or the Press Club with the purpose of bumping into ‘government representatives.’ The reason they do this is to show their clients the personal rapport and relationships the lobbyist has... after all that’s the nature of their business. The employee of an unregistered lobbyist approaches a Ministerial Advisor says ‘hi’ shakes hands with them in front of the client – lobbyist mission accomplished and the damage is done.”

For MOPS staff the only sanction mentioned in their terms of employment is termination for misconduct based on refusal to carry out a reasonable instruction in the view of the minister.⁵ The lack of any codification or an accountability framework for ministerial staff leaves a significant area of ambiguity over the critical issue of transparency. It also leaves ministerial staff subject to a level of personal accountability that is not transparent or necessarily appropriate, as is detailed in a previous submission to this Committee by the Department of Prime Minister & Cabinet, which states:

“...there have been incidents where MOP(S) Act staff have been held more immediately accountable (through dismissal) than public servants.”⁶

This will continue to be the case where ministerial responsibility for any particular action of ministerial staff is not assured and where ministerial staff are not subject to an objective accountability framework.

Consideration should therefore be given to the establishment of a code of conduct to ensure that ministerial staff are subject to an objective and transparent accountability framework both for their conduct and their actions, consistent with that applicable to parliamentarians and officers in the Australian Public Service.

Should a consolidated code apply to members of both Houses of the Parliament and their staff, as well as to ministers and their staff?

The CPSU supports the development of a comprehensive ministerial staff code of conduct to be discussed in detail with the CPSU and considered by staff as part of the next Collective Agreement. It should only be implemented after agreement is reached between the parties. The *Lobbyist Code of Conduct* should not be extended. It should be simplified to regulate the ethics, activities and behaviour of lobbyists.

⁵ MOPS CA section K Termination of Employment clause 55.

⁶ PM&C submission to the Senate Finance and Public Administration Committee Report in to Staff employed under the *Members of Parliament (Staff) Act 1984*, October 2003.

http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/submissions/sublist.htm

The broad issue of ministerial accountability and the role of ministerial advisors arises regularly for our members. The issue generally only draws public attention in connection with highly controversial political issues, including the Children Overboard Inquiry and the Australian Wheat Board Oil for Food Inquiry.

The CPSU has long been concerned about the lack of an adequate accountability framework for ministers and their advisors. However, the CPSU believes the only appropriate measure should be the introduction of a ministerial staff code of conduct separate to the *Lobbying Code of Conduct*.

The often controversial role of ministerial staff has raised a number of public accountability issues that are now well documented. Many of these were canvassed in the Senate Finance and Public Administration Committee Report into Staff employed under the *Members of Parliament (Staff) Act 1984* [“MoPS Act”] in 2003.⁷

The CPSU supported the recommendations of this 2003 Senate Report⁸ as a reasonable and workable model for how ministerial staff might be made more accountable while preserving the primacy of ministerial responsibility in our parliamentary system.

The key recommendations in this 2003 Senate Report⁹, if implemented, would lead to a much improved framework with some certainty about the role of ministerial advisors including through the development of a code of conduct.¹⁰

There is a clear inconsistency between the existence of rules and guidelines governing public servants, and the lack of any guidelines or framework for ministerial advisors which creates uncertainty and provides a “grey” area of public accountability.

While the CPSU acknowledges the Labor Government is attempting to address this in the *Lobbying Code of Conduct*, the combining of Lobbyists and MOPS only muddies the water further rather than providing clarity of responsibility and obligations.

Conclusion

The CPSU has long been concerned about the increased politicisation of the Commonwealth public service and the lack of an adequate accountability framework for ministers and their advisors.

Ministerial advisors should be required to comply with a code of conduct. This code should be compatible with the APS Code but reflect the different role that ministerial advisors play.

Ministerial advisors are not public servants. They are not bound by the PS Act, the APS Code of Conduct or the APS Values. They are not appointed on the basis of merit or transparency. They are political appointments and their principal role is to advise the minister and protect his or her political interests.

⁷ Senate Finance and Public Administration Committee Report into Staff employed under the *Members of Parliament (Staff) Act 1984*, October 2003.

⁸ Ibid see Appendix One attached to this document

⁹ Ibid

¹⁰ Ibid, recommendation 9.

The CPSU submission recommendations:

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2. The *Lobbying Code of Conduct* should apply to Ministers and Parliamentary Secretaries.
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5. Ministerial staff need a code of conduct that will provide them with an objective accountability framework both for their conduct and their actions. A code of conduct would improve transparency and accountability of ministerial staff.
6. The conduct of Ministerial staff when interacting with lobbyists should be considered as an element in a separate code of conduct, not as part of the *Lobbying Code of Conduct*. This separate code of conduct should reflect the different roles and responsibilities of MOPS staff.
7. The CPSU objects to the post employment constraint on MOPS staff contained within the *Lobbying Code of Conduct*. Generally post employment constraints only operate to the extent deemed necessary to protect an employers' commercial interest and without detriment to an employee's capacity to follow their trade or calling. The *Lobbying Code of Conduct* proposes no compensation or consideration for this constraint.
8. A comprehensive ministerial staff code of conduct should be discussed in detail with the CPSU and considered by staff as part of the next Collective Agreement. It should only be implemented after agreement is reached between the parties.
9. All references that attempt to regulate the behaviour of MOPS staff in relation to lobbyists should be removed, particularly from clauses 4 and 7. Any retrospective application of the *Lobbying Code of Conduct* must be removed.

APPENDIX 1

Senate Finance and Public Administration Committee Report in to Staff employed under the Members of Parliament (Staff) Act 1984, October 2003

http://www.aph.gov.au/Senate/committee/fapa_ctte/completed_inquiries/2002-04/mops/report/report.pdf

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“The Committee concludes that the most appropriate way to strike a balance between the competing principles is to have parliament amend the MOPS Act to require that the PM promulgate a code, while leaving the policing of the code as a matter for the Prime Minister and the employing ministers.

This approach will preserve traditions of ministerial responsibility. A position of ethics adviser should be created to provide education and advice for ministerial staff to help them adhere to the code.

A code of conduct for ministerial staff needs to cover similar issues as the code governing public servants. It also should specifically address the roles that ministerial staff can and cannot perform, and how they are to relate to the public service and party organisations.”

Recommendation 1

The Committee recommends that the disciplining of MOPS staff should not be allowed to detract from ministerial responsibility for staff actions.

Recommendation 2

The Committee recommends that the government should make ministerial staff available to appear before parliamentary committees in the following circumstances:

- a) A minister has renounced, or distanced him or herself from, a staff member’s action that is relevant to the committee’s Terms of Reference;
- b) A minister has refused to appear to answer questions regarding the conduct of a member of their staff;
- c) Critical or important information or instructions have emanated from a minister’s office but not from the minister;
- d) Critical or important information or instructions have been received by a minister’s office but not communicated to the minister; or
- e) A government program is administered to a significant extent by government MOPS staff.

Recommendation 3

The Committee recommends that guidelines be developed by the government in consultation with the Parliament, based on the Government Guidelines for Official Witnesses, to provide a framework to guide the appearance of ministerial staff. Without in any way detracting from the Senate’s powers to call any witness and ask any questions, the guidelines should indicate that:

- the scope of questioning should be confined to the circumstances which led to the appearance of the ministerial adviser;
- advisers will not be asked to give opinions on matters of policy;
- advisers will not be asked about the content of any advice they may have given to a minister; and
- the Chair of any committee will make a statement encapsulating these points prior to an adviser giving their evidence.

Recommendation 4

The Committee recommends that the MOPS Act be restructured to define the different categories of MOPS employment, in such a way as to distinguish between government staff (particularly ministerial staff), non-government officeholder staff, and electorate staff.

Recommendation 5

The Committee recommends that an annual report on MOPS staffing should be prepared, and should contain, at a minimum:

- The existing information called for under section 31 of the MOPS Act in its current form;

- A summary of the structure of MOPS employment arrangements, along the lines of the Attachment prepared by DoFA to the PM&C submission to this inquiry;
- Any determinations, arrangements, or terms and conditions issued under the statutory provisions of the MOPS Act;
- A report of any significant changes to the structure of employment arrangements in the preceding year (for example, reforms to engagement procedures, introduction or extension of special salary categories, creation of a new category of employee);
- The numbers and levels of staff employed by all office holders (essentially in the same form as tables currently provided by DoFA in the estimates process), and an indication of changes since the previous year;
- The salary ranges under which all MOPS staff are employed, and the numbers employed in each range;
- The total salary costs of MOPS employment, broken down into the major categories of employment (ministerial, opposition, minor parties, electorate staff);
- The total non-salary costs of MOPS employment, broken down into the major categories of employment (ministerial, opposition, minor parties, electorate staff); and
- All information on staffing as currently required of agencies under the Joint Committee of Public Accounts and Audit Guidelines section 12.3 on the management of human resources.

Recommendation 6

The Committee recommends that a staff and employer survey be conducted by the APS Commission and / or DoFA, and a report be published that outlines and analyses the results.

Recommendation 7

The Committee recommends that responsibility for ensuring proper record keeping in ministers' offices should be allocated to a senior staff member, and that record keeping should be identified in that staff member's duties and relevant performance review procedures.

Recommendation 8

The Committee recommends that, once the ANAO has completed its current MOPS-related audit, the government move swiftly to implement any recommended administrative reforms, and develop and implement a new management framework for ministerial staff.

Recommendation 9

The Committee recommends that a code of conduct for ministerial staff be developed and implemented.

Recommendation 10

The Committee recommends that ultimately a code for non-ministerial MOPS staff should be developed and implemented. The content and administration of such a code should be considered by the Senate Finance and Public Administration References Committee following response of the government to the recommendations in this report and the report of the Certain Maritime Incident Committee.

Recommendation 11

The Committee recommends that the MOPS Act be amended to include a statement of values for all MOPS staff.

Recommendation 12

The Committee recommends that the MOPS Act be amended to require that the Prime Minister promulgate a code of conduct for ministerial staff.

Recommendation 13

The Committee recommends that the Prime Minister take a leadership role in education and training of ministerial staff in regard to the code of conduct, and that resources be publicly committed to this objective.

Recommendation 14

The Committee recommends that a position of ethics adviser be created to educate and advise ministerial staff on their responsibilities under the ministerial staff code of conduct. It recommends that the position be either a statutory position under the MOPS Act, or a position in the Parliamentary Service.

Recommendation 15

The Committee recommends that the MOPS Act be amended to indicate that ministers must write to each staff member upon appointment outlining their responsibilities, including that they must uphold the MOPS Values and the ministerial staff code of conduct.

Recommendation 16

The Committee recommends that a code of conduct for ministerial staff cover similar issues as the code governing public servants, but that it also specifically address what roles ministerial staff can and cannot perform, and how they are to relate to the public service and party organisations.

Recommendation 17

The Committee recommends that a survey be conducted three years after the introduction of the code of conduct, to test employee knowledge of and attitudes toward the code.

Recommendation 18

The Committee recommends that departmental secretaries and agency heads be given a greater degree of security of employment than is currently the case, through:

- longer-term contracts of employment;
- abolition of the maximum length for contracts for currently contained in the Public Service Act;
- insertion of a minimum length for contracts in the Public Service Act; and
- establishment of a protocol for the management of conflict between a minister and their secretary or agency head that focuses on resolving conflict in the first instance, on finding an alternative position for the secretary or agency head if the conflict cannot be resolved, with the termination of the person's services occurring only as a last resort.

Recommendation 19

The Committee recommends that the numbers, locations, and seniority of Departmental Liaison Officers be published annually, preferably as an appendix to the annual report recommended by the Committee in Chapter 5.

Recommendation 20

The Committee recommends that all departments provide written guidance to staff regarding interactions with minister's offices, and that all senior staff receive adequate training in this area.

Recommendation 21

The Committee recommends that the level and intensity of training for ministerial staff be increased, and be given a significantly higher priority by ministers. It recommends a mandatory induction training process for staff commencing in ministers' offices, which focuses on political ethics, relationships with the APS, and record keeping responsibilities.

APPENDIX 2

Standards of Ministerial Ethics issued by the Prime Minister Kevin Rudd in December 2007:

"These Standards of Ministerial Ethics will replace Chapter 5 of the Guide on Key Elements of Ministerial Responsibility, last issued in December 1998, which deals with ministerial conduct. The Guide will be revised and reissued as a whole when the Parliament resumes in 2008.

The Australian people are entitled to expect the highest standards of behaviour from their elected representatives in general and Ministers in particular.

These Standards give a clear indication of my expectations of Ministers. They clearly state that Ministers are required to act with integrity and fairness, be responsible for the way they exercise their powers and accept the full implications of the principle of ministerial responsibility.

In several important aspects, the Standards will require Ministers to accept higher levels of conduct than has been the case in the past. In particular:

- Lobbyists will be required to register their details publicly on a Register of Lobbyists to be established by the Department of the Prime Minister and Cabinet before seeking access to Ministers or their offices;*
- Ministers will be required to undertake that, when they leave office, they will not seek to have business dealings with members of the Government, the Public Service or the Defence Force on any matters that they dealt with in an official capacity in the preceding 18 months.”*

APPENDIX 3

PARLIAMENT OF NEW SOUTH WALES

CODE OF CONDUCT FOR MEMBERS' STAFF

12.0 EMPLOYEE DECLARATION

I have received and read the Code of Conduct for Members' staff. I agree to abide by this Code.

Print name

Signature

____/____/____

Date