

SUBMISSION TO SENATE SELECT COMMITTEE ON A NATIONAL INTEGRITY

I am greatly concerned for the future of parliamentary democracy in Australia, therefore I write, as an individual, and not representing any group or agency, in response to the call for submissions to the above inquiry.

My purpose:

I am retired and have an abiding interest in politics that allows me to be in reasonably regular contact with my local Member for Fisher, currently Andrew Wallace. He is a first time member who aims to be a good local member, which he is. However, no matter how good a local member he is, I am plagued by the thought that when summing up how to cast my vote, I am confronted by a legion of wider issues that arise, in part, from the conduct of other members of the government of which he is part, and also in part by those on the other side of the House. My sense is that our political system is close to being irreparably broken.

Mr. Wallace is a man of personal integrity but the questions that arise for me are:

- How is a local member expected to maintain this level of integrity within the current political system in Australia?
- How can trust in this system, and in our elected parliamentarians, be re-kindled?
- How can issues be handled differently so not all are treated politically, with the main purpose being to entrench party positions and advantage, rather than what is in the best interest of the nation and its people?

I ask such questions as I consider the new world we inhabit:

- the world of ‘fake news’;
- the necessity for continual ‘fact checking’;
- the voter not knowing whose story to believe because of perpetual ‘political spin’;
- a ‘two party’ system that is broken to the point where an elected government has to always deal with a fractious Senate cross bench, many of whom have an infinitesimal primary vote;
- elected members can discard the party they represented at election time to pursue their own personal ambitions, leaving those who elected them high and dry, and to some degree unrepresented; and
- there being no redress for voters when a Government blatantly breaks promises, as was the case in the 2014 Budget

and I have come to the conclusion we need to look for new ways of doing business or we will end up in utter chaos.

I believe, as do many people I interact with, that the current ‘self regulation’ by our parliament is not working as there is very little independence in judgments made with the result everything becomes partisan political. When was the last time something positive for our nation occurred because of a bi-partisan agreement?

I submit that establishing a Federal Integrity Commission would be a positive step towards addressing these problems as it would help greatly in re-establishing a degree of trust between the parliamentary processes and the general public – something that, in my view, has been almost totally lost.

Terms of Reference:

Given the above, I would like to address section [b] of the Terms of Reference.

[b] Whether a federal integrity commission should be established to address institutional, organizational, political and electoral, and individual corruption and misconduct.

At the outset, I am not aware of how some of the terms involved are defined, but would suggest that any approach to establishing a Commission would demand careful attention to such definitions – especially what is meant by **corruption, misconduct and integrity** - and the inter-relatedness of all three outlined. None stands alone.

These definitions should be a living thing that can be altered easily with changing circumstances and new experiences to ensure there can be no doubt about whether some behavior fits within the definitions. The commission should overcome uncertainty.

My view is that the above Term of Reference is really way too embracing and if any commission were established to cover all these elements of endeavor, it would become too unwieldy and therefore ineffective.

So, I would recommend that a federal commission should cover only the Federal Government, its Parliament and its agencies. The work it would do, could depend on both referrals and self directed inquiries.

All other matters could be left to the States. e.g. Should a national company needed to be investigated, it could be examined within the state where its head office was located.

Basis of my Proposal:

Having argued that a federal integrity commission should be established with a view to supervising only Federal government matters, I suggest the following be considered when the commission is established:

- examining current parliamentary disciplinary processes to see which might more effectively be carried out by the commission rather than the parliament itself, where the numbers count rather than the integrity of the action. This would include such things as The Register of Pecuniary and other interests; lobbying registers and rules; post separation matters – all of which, over very recent times, have been the subject of public interest but have been dealt with by the parliament in such a way as those who oppose any particular action, do so very softly, as they know that when their turn comes, they would like things to be unchanged. At present, it's as though the fox is in charge of the hen house.
- empowering the commission to become a preventative body more than a retributive/curative one. What I mean here is that it could be charged with developing guidelines on all manner of things that would let people know in advance what was acceptable behavior. e.g. if a member jettisons her/his party mid term, that is considered unacceptable and either sanctions or some other penalty would be applied such as they should return to the party the cost of their election campaign [An interesting thought about integrity and openness in itself].
- establishing criteria for such things as the rules for running a plebiscite; the sorts of issues where it is acceptable/desirable for there to be a conscience vote – this would assist some members to act with integrity rather than be always bound by the party on things about which they hold strong views; no doubt there are other matters where the views of local members are subjugated to the party line, and these could also be addressed as I see this as the crunch point for local members who want to act with integrity, according to their own conscience, but the party always holds sway and crossing the floor can be the end of a career.
- addressing issues that arise in disagreements between a minister's office and the department. With the increasing size of parliamentary offices, and a concomitant pressure for decisions of a political nature rather than decisions for the good of the nation, there will be increasing tensions that will need to be able to be reconciled in an independent way.

These are but some of the matters that such a commission could consider – and, in my view, there is a need for independent scrutiny for them all. They all focus on the parliament and its immediate surrounds as I suggest problems with government agencies are, generally [with the exception of the current CentreLink matters], not so damaging to the public view of how we are governed and where our democracy is unraveling fairly quickly. That responsibility rests fully with the parliament.

Finally, I realize governments like to self regulate – but that is fraught in our current malaise. For example, there should be clear cut rules as to when ministers stand aside. This should not be the subject of political debate – “we’re tougher than you are” sort of stuff. It is demeaning and degrading for the individuals involved, our parliamentary processes and our nation. As if that is all we have to worry about as a nation. I do not know if there is a Code of Conduct. If there is, then it should be the responsibility of the Commission and not the parliament. If there is not, then a commission should establish one very early in its life.

Which brings me to my final point. I would recommend that the commission relook at the whole matter of Parliamentary Privilege which currently allows for unconscionable conduct that nobody else in the nation can get away with – yet parliamentarians, who are no longer respected as they once were, and all through their own doing, can get away with such behavior and this does not sit well with many in voter land. A commission could help change this perception by having some say in the way parliament behaves by taking a lot of the political nonsense away from the sittings that are broadcast to the nation.

Summary of Proposal:

I recommend an Integrity Commission be established that would cover only the Federal Government, its Parliament and its agencies. All other matters to be left to the States.

It should have the power to respond to referrals and to initiate its own inquiries and should be responsible for the majority of the ‘self regulation’ the parliament currently enjoys.

Its focus should be preventative but with powers to take remedial action as needed.

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Submission from

Graham Dempster

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