



Appendix 1 – Frameworks of Ethical Principles - 1995

[DRAFT PROPOSED BY WORKING GROUP]

**A FRAMEWORK OF ETHICAL PRINCIPLES
FOR MEMBERS AND SENATORS**

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.

[DRAFT PROPOSED BY WORKING GROUP]

A FRAMEWORK OF ETHICAL PRINCIPLES FOR MINISTERS AND PRESIDING OFFICERS

All Members of the Commonwealth Parliament are obliged to meet a number of ethical and administrative requirements in respect of their behaviour and personal interests. A fundamental obligation in respect of ethical behaviour is to comply with the Framework of Ethical Principles for Members and Senators. In respect of the pecuniary interests of Ministers and public office holders, the Code of Conduct on Public Duty and Private Interest recommended by the Bowen Committee is accepted as the model for general application. Declarations of interest, dealing with lobbyists, hospitality, benefits and gifts are the subject of procedures laid down by successive governments. Guidance to Ministers on administrative procedures and requirements pertaining to Cabinet is provided in the *Cabinet Handbook*.

The Prime Minister enunciates standards and determines the penalty for any failings of Ministers, but it is to Parliament and, through it, the people, that Ministers and the Presiding Officers are accountable. Ministers and the Presiding Officers are responsible for the competence with which they handle their public duties, the relevant actions of their personal staff and their departments, and their personal conduct insofar as it affects their public role.

Because of the greater trust placed in them, and the power and discretion they exercise in the performance of their duties, Ministers and the Presiding Officers must also conform to a set of ethical standards more stringent than those required of Members and Senators. The principles which follow are intended to provide a framework of reference for Ministers and the Presiding Officers. This supplements the Framework of Ethical Principles for Members and Senators and the provisions of the Standing Orders of both Houses. For the purposes of this framework, "Ministers" includes Parliamentary Secretaries, and "Presiding Officers" means the Speaker of the House of Representatives and the President of the Senate.

Subject to action taken by the Prime Minister and Cabinet, each House of the Parliament may consider matters raised by Members and Senators under this Framework and a majority of two thirds of members of a House will be necessary to resolve a matter.

THE PRINCIPLES

1. Impartiality

In the performance of their public duties Ministers and the Presiding Officers must act impartially, uninfluenced by fear or favour.

2. Honesty

Ministers and the Presiding Officers must be frank and honest in their public dealings and in particular must not mislead intentionally the Parliament or the public. Any misconception caused inadvertently by a Minister or Presiding Officer must be corrected at the earliest opportunity.

3. Use of Influence

Ministers and the Presiding Officers must not exercise the influence obtained from their public office to further their personal interests, obtain any improper advantage or benefit for themselves or another, or any promise of future advantage.

4. Gifts, Benefits and Hospitality

Ministers and the Presiding Officers may accept gifts, benefits or hospitality offered in connection with their public office only if in doing so they conform and report in accordance with applicable procedures enunciated publicly by Parliament, the Prime Minister, or relevant Commonwealth Departments.

5. Public Property and Services

Ministers and the Presiding Officers must ensure that their use of public property and services is in accordance with the entitlements of their public office, and that the same standards are maintained by those under their authority who use public property and services.

6. Official Information

Ministers and the Presiding Officers must not use official information for personal gain.

7. Administrative Accountability

In the performance of their duties, Ministers and the Presiding Officers must:

- . be accountable to Parliament and to the public;
- . have proper regard to advice and guidance offered by their departments;
- . apportion discretionary funds on established principles and on the basis of legitimate public purposes; and
- . document and substantiate adequately their decisions.

8. Compliance by Staff

Ministers and the Presiding Officers must ensure that the actions of members of their staff are consistent with these principles.

9. Continuing Obligation

Ministers and the Presiding Officers must ensure that their actions after leaving public office are consistent with these principles. In particular they must not seek or appear to seek improper advantage from any influence they may retain with their former colleagues or public officials.