

Australian Greens Dissenting Report

The Australian Greens are firmly of the view that there is a strong need for a Parliamentary Code of Conduct. We are therefore disappointed that the Procedures Committee does not recommend its adoption.

As noted by the committee, the motion from November 2018 was not the first time the Greens had presented such a motion. Nor was it the first time that a code of conduct has been proposed.

Indeed there have been proposals made to adopt a code of conduct over a period of over 40 years.

Previous calls for a Code of Conduct

In September 1975, a Joint Committee on Pecuniary Interests of Members of Parliament stated that it ‘felt that a precise and meaningful code of conduct should exist’. It recommended that a Joint Standing Committee be established and be given the task of drafting a code, but this recommendation was not implemented.

Four years later, an inquiry into public duty and private interest, chaired by Sir Nigel Bowen, recommended that a code of conduct be implemented for officeholders, including members of parliament. Only a register of interests resulted from that process.

In 1991 the Prime Minister proposed that a working group of parliamentarians be established to develop a seminar on the standards of conduct expected of senators and members. This subsequently evolved into a working group looking to develop a code of conduct. That working group did not complete its task before the 1993 election.

Over the next two years, a working group was convened to develop a code of conduct for both Senators and Members and for Ministers. The working group proposed ‘A framework for ethical principles for Members and Senators’ and ‘A framework of ethical principles for Ministers and Presiding Officers’. Progress on these frameworks lapsed at the end of the 37th Parliament and they were not revisited.

Despite the welcome introduction of a Ministerial code of conduct in 1996 under Prime Minister John Howard and the subsequent Standards of Ministerial Ethics progressed in 2007 under Prime Minister Kevin Rudd, a code of conduct for all parliamentarians was not discussed again until 2008.

That year the House of Representatives Committee of Privileges and Members’ Interests stated that there were strong reasons for a code being established, not least of which were community expectations about standards of behaviour by

parliamentarians. The Committee indicated it proposed to review the question of a code of ethics for members and report back to the House.

The Committee had not completed its consideration of this matter at the conclusion of the 42nd Parliament.

As part of the process of negotiations for a minority government in the 43rd Parliament, agreements were made for a code of conduct to be implemented for Federal Parliamentarians and for the appointment of a Parliamentary Integrity Commissioner who would have responsibility for, among other things, upholding the code and investigating complaints in relation to the code.

The House of Representatives Committee of Privileges and Members' Interests was tasked with producing such a code and developing plans for a Parliamentary Integrity Commissioner. By November 2011, the Committee had explored a wide range of options on a code and its implementation and had taken evidence from other parliaments and experts around the world. However they presented their findings as a 77 page discussion paper, rather than recommendations for a code. Their findings were not adopted.

A Senate committee also investigated options for a code of conduct and reported in 2012. However they concluded that "[t]he committee is not convinced that there is any objective evidence showing that the adoption of an aspirational, principles-based code has improved the perceptions of parliaments and parliamentarians in other jurisdictions. Accordingly, the committee does not recommend that the Senate go down that path."

Recent calls for a Code of Conduct

Six years after the discussion paper was published, Senator Pauline Hanson wore a burka into the Senate. Her deeply disrespectful act was roundly criticised, but without a code of conduct, there were few consequences. At that time, the Greens proposed a code of conduct on respecting cultural diversity. That code was referred to the Procedures Committee and was ultimately prevented from progressing any further by Labor and Liberal Senators.

In February of 2018 Federal Independent Member for Indi, Cathy McGowan tabled a motion in the House of Representatives aimed at encouraging a discussion about the introduction of a Code of Conduct in the Australian Parliament.

The motion, seconded by the Member for Denison, Andrew Wilkie, asked the Privileges and Members' Interests Committee to develop a code of conduct for Members of Parliament and their staff. It took into account the previously endorsed draft code of conduct contained in a discussion paper to the House of Representatives in 2011. However it was not selected for debate and is still sitting on the notice paper.

The Greens subsequently introduced a motion in the Senate in late 2018 with the intention of creating a Federal Parliamentary Code of Conduct. The motion sought to:

- Uphold the honour of public office;
- Respect and value the First Nations peoples of Australia;
- Respect Australians' diversity;
- Respect gender equality and diversity; and
- Reject discriminatory and exclusionary statements.

Again, the motion was referred to the Procedures Committee and it is in relation to the committee's report on this most recent referral that the Greens have produced this dissenting report.

It is the view of the Australian Greens that the committee's conclusions do not take into account the strength of public opinion in favour of a code of conduct in the wake of the terrorist attack in Christchurch.

Public support for a Code of Conduct

The Islamic Council of Victoria, along with another 19 Muslim organisations, wrote to the leaders of the major parties in early 2019 calling for the adoption of a parliamentary code of conduct;

“As Australians we expect there to be vigorous debate in the parliament about the policies and issues that impact our nation. Lately however we have seen a spike in the politics of fear in federal parliament. We are concerned that the damaging rhetoric our political leaders are engaging with is driving a wedge between sections of our community. It is happening abroad with damaging consequences and Australia must resist this horrible trend. That is why we support the introduction of a Code of Conduct for all Parliamentarians, so that our parliamentarians can no longer use race baiting and fear mongering as a tactic for their own short-term political gains.”

Following the Christchurch massacre and the deeply offensive comments made by Senator Fraser Anning, the ICV began a petition in support of the calls for a code of conduct. As of April 2nd 2019, the petition had attracted more than 45,000 signatures.

Conclusion

In conclusion, it is the view of the Australian Greens that there is a compelling need for a Parliamentary Code of Conduct, as well as clear public support. Simply reminding members of Parliament that they should avoid using “unparliamentary epithets in debate” will do little to establish a set of clear expectations and standards,

nor will it provide the reporting and enforcement mechanisms required to uphold such standards.

Senator Rachel Siewert