

## **Additional comments on behalf of the Australian Greens**

The Australian Greens agree with the recommendations of the Senators' Interests Committee that any code of conduct which is adopted needs to be meaningful, workable and reasonable. In addition, we would add that any code must also be enforceable. However, we do not support the conclusion of the committee that a code of conduct should not be adopted. It is not our view that just because we cannot conclude what type of code, or the content of the code is difficult to develop, we can fail to act. The public expect more of their elected representatives and we should strive to meet those expectations.

The Australian Greens welcome the committee's in principle support for the role of a Parliamentary Integrity Commissioner.

The Australian Greens believe that integrity and accountability in politics are vital to a healthy democracy. As such, we have introduced a bill, the National Integrity Commissioner Bill 2010, which would establish a national anti-corruption body charged with overseeing public officials and Commonwealth agencies. We do believe that the establishment of such an office would go some way to assuaging the concerns and expectations of community members. More importantly, by its very existence and advisory functions, the standards of conduct would necessarily increase and this can only be viewed as positive.

The Independent Parliamentary Advisor, also proposed under that Australian Greens bill, would have the ability to provide written advice to Ministers and parliamentarians on standards, codes of conduct, entitlements, potential conflicts of interest, ethical issues and matters of propriety. It would be concerned with providing independent confidential written advice to ministers, parliamentarians, and former parliamentarians in relation to conflict of interest, ethics, proprietary and similar matters and providing advice on the development of codes of conduct. There are many instances where the rules or guidelines governing the conduct of federal parliamentarians are not clear or sufficiently detailed. Often the advice from relevant departments leaves it to the discretion of the parliamentarian. The lack of clarity and direction in these cases leaves parliamentarians unnecessarily vulnerable to inadvertent misconduct, with consequent serious penalties. We agree with the Committee's proposition that there is a need to bring together the raft of existing obligations and this could be the role of such an advisor.

Our bill provides for written advice on such instances where the guidelines are unclear, or where claims of misconduct are made against a parliamentarian who has sought to follow the guidelines. The existence of such a body would help Australian federal parliamentarians to avoid the type of systemic misconduct seen recently in parliaments overseas as well as increase the ethical standing of federal parliamentarians generally.

The Bill provides a definition of “corrupt conduct” as including any conduct that:

- adversely affects the honest or impartial exercise of functions by the Parliament, a Commonwealth agency or public officials by any person;
- involves the dishonest exercise of functions by a public official;
- involves a breach of public trust by a public official;
- perverts the course of justice;
- involves the misuse of information or material by a public official.

It lists kinds of “corrupt conduct”, such as blackmail, bribery and fraud, for the purposes of adversely affecting the exercise of functions by the Parliament, a Commonwealth agency or public officials, and provides for retrospectivity in that the National Integrity Commissioner can investigate corrupt conduct that occurred before the commencement of the Bill or before a person became a public official or outside Australia. A parliamentary code of conduct should include these points, and others, such as those outlined in Appendix 5 of the House Committee on Privileges and Members’ Interests.

The Greens bill for a Parliamentary Integrity Commissioner provides the legislative framework for a comprehensive proactive and responsive national approach to corruption and misconduct. At a time when the Australian public are increasingly sceptical and mistrustful of its federal parliamentarians and public servants, the National Integrity Commissioner Bill provides a bulwark against its concerns now and into the future. We look forward to the opportunity to debate this bill in the Senate, along with the committee’s other suggestions arising from this inquiry.

Senator Larissa Waters  
Australian Greens Senator for Queensland