6. Political integrity

6.1. The issues

Elected legislatures, executive government and political parties are core pillars of Australia’s public integrity systems. The legitimacy of democracy rests on the population feeling that it can rely on parliamentarians and councillors to discharge their responsibilities as public officers entrusted with responsibility for the public trust. As shown in chapters 1 and 3, however, the declining levels of trust in politicians recorded in many democracies threatens to undermine national stability and hence security – with Australia at a critical turning point.

Political integrity regimes in Australia are in disarray, with occasional islands of best practice and innovation, but many languishing areas, especially at a Commonwealth level. The result is fragmented, often incomplete and ineffective. For example, seven out of Australian’s nine jurisdictions still have no system of prompt or real-time disclosure of political donations. Rules and thresholds for donations, expenditure and disclosure vary wildly, inviting ‘laundering’ of donations through backdoor routes, and in some cases have been struck down by the High Court for being too piecemeal. One Australian State (Tasmania) still has no political finance disclosure regime at all.

This is just one of many problems eroding public confidence and weakening the fundamentals of democracy. This chapter deals with five key problems:

- Incoherent, inconsistent and ineffective political donation and finance regimes;
- Undue influence through unregulated or inappropriate lobbying and access;
- ‘Revolving doors’ or post-separation employment of ministers and senior staff;
- Risks of political cronyism in appointments, including to the judiciary and tribunals;
- Regulation of parliamentary expenses.

Fortunately, solutions are apparent, through extensive work by parliaments and others on standards and features of the parliamentary system that can contribute to integrity performance and help bring confidence back to Australian politics. These include:

- A focus on principles of public trust;
- Robust parliamentary and ministerial code of conduct regimes;
- Systematic review of existing rules in each of the above five areas, especially with a view to establishing greater national coherence and consistency; and
- Practical mechanisms for supporting compliance and enforcement with these principles, including prevention and advisory mechanisms, enforcement by parliaments and, when necessary, stronger integrity agencies.
6.2 The state of the debate

The complexity of political integrity

The complexity of political systems accounts for many of the integrity challenges they face. Their components lack the fixed interconnections of clockwork mechanisms. Rather, their interconnections are sometimes tight, sometimes loose, and in extreme cases break down completely. Particular components may at times dominate others, or become weak and lack influence. The rules that regulate the system may serve vested interests or serve the aggregate interests of the polity – the public trust. The rules are dynamic in that they may be widely practiced at one period, and lacking integrity in another period.

This highlights the continued, fragmented nature of the system, likely to continue to give rise to public integrity concerns. For a long time, there has been uncertainty about the degree of inconsistency between the types of integrity standards imposed by parliaments on other public officials and the wider community, on one hand, and the systems of ‘puzzling self-regulation’ maintained by parliamentarians and ministers towards themselves.1

As shown in chapters 1 and 3, the declining levels of trust in politicians means this complexity must now be addressed. – with Australia at a critical turning point. This is shown not only by the 2018 Global Corruption Barometer survey conducted as part of this assessment:

- While the Roy Morgan Image of the Professions survey has shown consistently low ratings for public views of the ‘ethics and honesty’ of federal and state parliamentarians since 1989, in 2017 they remained near the bottom of all occupations, with only 16% at ‘high’ or ‘very high’, down one percentage point from 2016;2
- During recent federal parliamentary expenses scandals, a ReachTEL poll showed high levels of opposition to wasteful travel expenditures by politicians, and 73.4 per cent support for ‘a new federal anti-corruption commission to oversee political donations, allowances and entitlements’, with 10.8% opposed;3
- A 2017 public opinion survey on improving Australian democracy, for the Centre for Policy Development, found 77 per cent support for ‘independent federal corruption commission’, but even higher support – 79 per cent – for ‘strengthening the code of conduct for parliamentary behaviour’.4

The current complexity is explained by the fact that more than in any other areas of the integrity system, relationships, duties and standards overlap the three functional sectors of society: state (or public); civil society; and market (or economic) social sectors (Figure 6.1). Political parties perform civil society functions, whilst members of parties elected to parliament or local

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1 John Uhr (2005), Terms of Trust: Arguments Over Ethics in Australian Government, UNSW Press, p.147.
government councils, and independent MPs and councillors, perform state sector functions, but with strong responsibility for ensuring the health of, and for regulating, market functions, while also serving the community – at multiple levels. Accordingly, political integrity concerns the manner in which MPs and councillors perform their functions, but these functions are inherently more diverse than those of any other type of public official.

Figure 6.1: Social Sectors

As discussed in chapters 2 and 7, in a democracy like Australia, the conduct and processes of the Legislative and Executive branches of government are also critically important to ensuring the integrity of the government system as a whole. This includes the health of the entire system of public administration and regulation controlled by the Executive, the Judicial branch through appointments and the allocation of resources, and oversight of the nation’s other ‘horizontal accountability’ or integrity agencies. Political integrity affects the operation of all other branches of government.

Political integrity in any part of the Australian federation can also affect the rest, because political parties, constituencies and government responsibilities are not separated by jurisdiction – the same political forces and risks, and often the same individuals, are engaged in all of them, to a higher degree than in other parts of the integrity system.

It is this complexity with its multiplicity of transactions that creates special opportunities for corruption to distort the operation of any level of the system and any actor or institution within it. As shown in chapter 3, while there are always risks of simple self-enrichment or “hard” corruption, the bigger problems are those of grey corruption, and especially undue influence - - the distortions that occur when transactions fail to serve their intended objectives and instead operate in the direct or indirect interests of the parties to those transactions. The interests actually served may be those of either the individuals conducting such transactions or organisations with which they are associated.
In Australia, these risks are playing out in five key areas – in all of which, standards and processes for managing these risks remain patchy or incomplete, especially at the crucial Commonwealth level.

1) Political finance and campaign regulation

Increasing attention is being given by scholars to practical solutions to problems, created by donations to candidates and political parties including examining the utility of overseas models in areas such as bans and limits on corporate donations.\(^5\)

Money paid to political candidates and parties remains one of the highest risks to both the reality and public perceptions of the integrity of the political system. The fact that the vast majority of businesses do not donate to parties or candidates raises worrying issues around the small minority that do. Here directors’ duties become relevant. The Corporations Act requires each director to act in the interests of their company – not corporations in general, but the corporation of which she or he is a director. Thus, if a board member authorises a donation, she or he does so, in the interests of the business, that is expecting the political party (or candidate) to act in the interests of that business – not necessarily the public interest.

However, the elected politician (whether or not the member of a party) is obliged to act in the public interest ahead of any private interest, such as that business. This brings us to the question of whether the donor-business is in effect attempting to bribe the prospective members of parliament. Alternatively, is the director authorising misuse of the business’s funds, other than in the interests of the company?

The extraordinary donation of almost $2 million by the National Australia Bank (NAB) in 2017-18 to the Liberal Party, then in Government, and facing demands for a Royal Commission into banking, illustrates the point. In what way was the donation in NAB’s interests unless as an attempt to block a rigorous inquiry? The other three major banks - ANZ, CBA and Westpac – also made donations, albeit rather smaller, in the same period.

These donations by businesses that operate in a highly regulated sector highlight the Incoherent, inconsistent and often ineffective political donation and finance regimes at national, state and territory levels. The NAB donation was over 300 times the cap on donations applying in NSW and 500 times the new Victorian cap. However, it was entirely free of any limit according to national or any other state or territory regulation.

Thresholds for disclosure extend from $1,000 (ACT, NSW, Qld, Vic), $1500 (NT), $2,300 (WA) $5,000 (SA) to $13,500 (national). Tasmania has no requirement whatsoever. More rigorous standards have spread through the three most populous states, but even then each differs from the other, for example donation disclosure periods are seven days (Qld), and 21 days (Vic and NSW).\(^6\) There is no coherence or consistency.


Notwithstanding diverse regulatory responses, there is widespread community concern over the price being paid by the public, and the public interest, by parliamentarians’ and political parties’ pursuit of campaign finance and other forms of electoral and campaign support – ranging from the corrupting influence of foreign political donations,\textsuperscript{7} to ongoing concern over real and perceived links between political donations and specific government decisions, especially business and developmental approvals,\textsuperscript{8} to concerns over the use of political fundraising vehicles and weak electoral laws to circumvent stronger campaign finance and disclosure laws in other jurisdictions.\textsuperscript{9}

As mentioned in chapter 4, private support for the political process can be positive, but in reality, accusations and suspicions of undue influence abound due to liberal political donations laws that lack adequate bans or limits on high-risk donors, are easily circumvented or not enforced, and lack real-time disclosures.\textsuperscript{10} Regulation such as that in NSW has sought to reduce the risks associated with high risk donors – overwhelmingly donors in industries subject to the creation of enormous wealth by the exercise of local government or ministerial discretion e.g. to re-zone land, award construction contracts or approve defence procurement. Queensland has followed suit.

However, while some of these restrictions have been upheld by the High Court, the latest NSW attempt to ban political contributions and restrict third-party electoral campaigning, directed against the union movement, was recently struck down by a unanimous High Court, on the basis that it infringed the Constitution’s implied freedom of political communication. The chief message of the decision was not that limiting or regulating such expenditure is impermissible, but that the approach taken was piecemeal as it could not be shown that it was proportionate to its purpose, or indeed reasoned in any way. This left it open to simply being capricious or partisan.

As publicly reported, the High Court said that while aiming to "prevent the drowning out of voices in the political process by the distorting influence of money" was a legitimate purpose, the lead judgment of Chief Justice Susan Kiefel and Justices Virginia Bell and Patrick Keane concluded that "no inquiry as to what in fact is necessary to enable third-party campaigners reasonably to communicate their messages appears to have been undertaken".\textsuperscript{11} As Professor Anne Twomey commented, "the court did not itself decide that the $500,000 cap was inadequate - just that it had not received sufficient evidence to be satisfied that it was

\begin{itemize}
\item \textsuperscript{7} See http://www.abc.net.au/news/2017-12-12/sam-dastyari-resigns-from-parliament/9247390, 12 December 2017.
\item \textsuperscript{9} See ABC Four Corners, ‘Democracy for Sale’, 23 June 2014 http://www.abc.net.au/4corners/democracy-for-sale/5546008.
\item \textsuperscript{11} Pelly, M 2019 Election boost for labor as High Court rejects NSW donation laws https://www.afr.com/business/legal/election-boost-for-labor-as-high-court-rejects-nsw-donation-laws-20190129-h1alqm.
\end{itemize}
necessary”, leaving the way open for the NSW government to “conduct an inquiry in the future that would provide sufficient evidence for it to justify a similar cap and to enact it”.  

In summary, seven out of Australian’s nine jurisdictions still have no system of prompt or real-time disclosure of political donations. Rules and thresholds for donations, expenditure and disclosure vary wildly, inviting ‘laundering’ of donations through backdoor routes. One Australian State (Tasmania) still has no political finance disclosure regime at all. In the State (NSW) where most attempts have been made to limit or ban unwanted political finance, these have been inconsistent and politically partisan, in some cases struck down by the High Court of Australia for being too piecemeal.

2) Lobbying and access

The risks of the integrity of the democratic system being undermined and compromised through undue influence associated with lobbyists’ access to politicians, by ‘purchasing access’ at expensive party funding raising events, and similar issues have been outlined in Chapter 4.

Tham’s recent article adds to our understanding of the insidious risks to political integrity (see Figure 6.4, below). 13 The Grattan Institute’s report Who’s in the room? Access and influence in Australian politics, also provides compelling evidence of the extent to which the public interest can be easily subverted by the privileged access granted to lobbyists seeking favourable treatment for the vested interests they represent. 14 The laxness of current Australian regulatory regimes for lobbying, especially at the federal level, are well laid out in these analyses.

3) Revolving doors

Whenever a retired MP is reported as taking a highly paid post-parliamentary position it raises suspicions that it is somehow improper and part of a “revolving door” in which it becomes legitimate for MPs to work for sectional outside interests who may have benefitted from their ministerial or parliamentary activities. 15 The movement of staff to and from ministerial offices and private sector offices in the same portfolio also raises concern.

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15 Examples include a position taken by former Minister Andrew Robb <https://www.smh.com.au/national/liberal-andrew-robb-took-880k-china-job-as-soon-as-he-left-parliament-20170602-gwje3e.html>, and a position accepted by former Minister Bruce Billson, reviewed in detail by the Senate Select Committee, pars. 2.324-2.331 & 4.159-4.162.
It must also be acknowledged that relatively few MPs remain in parliament until retirement age (often in the 70s) and that many leave parliament having acquired knowledge, skills and abilities which are valuable to employers and the economy more generally. It would be wasteful of human resources to deny them opportunities for employment that do not arise from improper actions or relationships.

*Figure 6.2. Federal ministerial employment after politics*

Notes: Includes 191 people who were either federal ministers or assistant ministers and left politics in the 1990s or later. Some have had more than one role since. ‘Big business’ is Top 2000 Australian firms by revenue in 2016.


However, there is the clear problem of perceptions of public office as a form of “revolving door” in which it becomes legitimate for elected or senior officials to use their official experience in service of sectional outside interests, post-employment but also possibly even while employed, or shortly before leaving employment, in ways that influence decision-making in ways it would not have otherwise been influenced.16

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16 Examples include a position taken by former Minister Andrew Robb -<https://www.smh.com.au/national/liberal-andrew-robb-took-880k-china-job-as-soon-as-he-left-parliament-20170602-gwje3e.html>, and a position accepted by former Minister Bruce Billson, reviewed in detail by the Senate Select Committee, pars. 2.324-2.331 & 4.159-4.162.
These issues apply more broadly than just politicians and their staff. It all a part of the broader challenge of regulating undue influence, discussed previously. But the issues become most acute and obvious, in terms of their corrosive impact on trust and the difficulty of enforcement, when it comes to ministers, parliamentarians and their staff.

Figure 6.2, reproduced from the Grattan Institute’s comprehensive analysis of this problem, demonstrates the reality and importance of addressing this challenge.

4) Political cronyism in appointments

Appointments to senior positions in which it is essential that they make decisions on merit are among the most important to the integrity of the democracy. Judges are crucial to judicial independence and the rule of law. Their appointments must be based on merit, and must not risk the erosion of actual or perceive independence from the executive.

The Law Council of Australia\textsuperscript{17} has recently explicitly criticised the federal government for politicisation of appointments to the Family Court and to the Administrative Appeals Tribunal. Family Court appointments have also been castigated by retiring Family Court Judge, Peter Murphy\textsuperscript{18}, who used the term “finger puppets” to drive home the point about perceived lack of independence of the appointees from the executive.

The political integrity of the judicial branch is rarely challenged in Australia, either in terms of direct financial undue influence or other corruption, or political corruption in respect of judges or their courts being subjected to pressure from political actors, or bending to political considerations. However, the process of judicial and tribunal appointment is important and could potentially affect political integrity. It would be particularly dangerous to Australian democracy for Australia’s to suspect that judicial appointments had become politicised and that accordingly decisions of the courts may be influenced by the Executive.

A flurry of recent appointments by Attorney General Porter, including some reported to have personal or political associations, has led to strong criticisms.\textsuperscript{19} The Law Council has endorsed a judicial commission process.\textsuperscript{20}

Similar concerns arise in relation to senior public service appointments such as heads of department.


\textsuperscript{18} Murphy, P. 2019 https://www.afr.com/business/legal/retiring-judge-blasts-finger-puppet-appointments-20190311-h1c8zg

\textsuperscript{19}Law Council of Australia 2019 AAT appointments must be transparent and merit-based https://www.lawcouncil.asn.au/media/media-releases/aat-appointments-must-be-transparent-and-merit-based

\textsuperscript{20}Law Council of Australia 2019 Increased judicial appointment transparency and intention to boost legal aid funding applauded https://www.lawcouncil.asn.au/media/media-releases/increased-judicial-appointment-transparency-and-intention-to-boost-legal-aid-funding-applauded-
5) Regulation of parliamentary and ministerial expenses

As mentioned in chapter 4, there is also the wider problem of abuse of political control over spending, to either influence political outcomes or repay political debts, including use of “government” advertising and “electorate” communication expenses as de facto party-political advertising, especially when ramped up prior to the official election period; and ‘pork barrelling’ involving excessive and unjustified promises intended to attract electoral support, without proper scrutiny of policy merits.

The Federal government has taken some action to provide greater public confidence that elected officials cannot abuse their expenses (formerly ‘entitlements’) through creation, in 2017, of the Independent Parliamentary Expenses Authority (IPEA).

However, there is a major design flaw in this model which flows from long-standing administrative arrangements: IPEA is an executive branch agency with no apparent recognition of the separation of powers. IPEA’s membership is the gift of the Governor General who acts as advised by the Executive and one member is selected explicitly by the Minister. There is no reference to either House or Presiding Officer. Furthermore, the IPEA has an ‘extremely limited mandate’ of advice, monitoring, reporting, and auditing relating only to expenses.

6.3. The way forward

Fiduciary duty and the public trust

The answer lies in a return to the public trust principle – the central objective of representative democracy in every Australian jurisdiction. This ancient principle, derived from Justinian law, remains a core pillar which fortunately is enjoying something of a revival. Members of the parliament and councillors who create laws and make public policy are public officers and they have “a fiduciary relation towards the public” and “undertake and have imposed upon them a public duty and a public trust”.

This fiduciary responsibility reflects a fundamental common law principle - the public trust principle, which stipulates that every person elected or appointed to a public position is appointed as a trustee and is responsible for the public trust, i.e. those things that the community holds in common. In other words, policy and law must be made and applied in the interests of the public in general, ahead of any personal or special interests. As trustees, public


officers must put the public interest ahead of private interests, whether those are their personal, family, business, political donor or even political party interests.

**Table 6.1: Nolan Principles and Fitzgerald Principles compared**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Selflessness</strong> - Members of Parliament should act solely in terms of the public interest.</td>
<td>Govern for the peace, welfare and good government of the State.</td>
</tr>
<tr>
<td><strong>Integrity</strong> - Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</td>
<td>Make all decisions and take all actions, including public appointments, in the public interest without regard to personal, party political or other immaterial considerations.</td>
</tr>
<tr>
<td><strong>Objectivity</strong> - Members of Parliament must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</td>
<td>Treat all people equally without permitting any person or corporation special access or influence.</td>
</tr>
<tr>
<td><strong>Accountability</strong> - Members of Parliament are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</td>
<td>Promptly and accurately inform the public of its reasons for all significant or potentially controversial decisions and actions.</td>
</tr>
<tr>
<td><strong>Openness</strong> - Members of Parliament should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</td>
<td></td>
</tr>
<tr>
<td><strong>Honesty</strong> - Members of Parliament should be truthful.</td>
<td></td>
</tr>
<tr>
<td><strong>Leadership</strong> - Members of Parliament should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</td>
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</tr>
</tbody>
</table>

The public trust principle is reflected in the values that MPs are expected to observe in practicing political integrity. These have been spelled out by the UK’s Committee on Standards
in Public Life (the Nolan Committee),\textsuperscript{24} and more recently, in Australia, in Tony Fitzgerald’s “Principles of accountability and good governance”.\textsuperscript{25} These authorities provide useful guidance on the principles that can and should underpin political integrity (Table 6.1).

**Robust code of conduct regimes**

The question becomes how such principles can be institutionalised. A third authoritative source on political integrity is the Recommended Benchmarks for Democratic Legislatures, published by the CPA, UNDP and World Bank Institute,\textsuperscript{26} which include:

10.1.1 *Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.*

10.1.2 *The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.*

10.1.3 *Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.*

10.1.4 *There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.*

These Benchmarks make clear that a code of conduct is a set of rules to be adopted by a house (or The chamber) of parliament by which MPs are bound to certain minimum standards of behaviour, for which they are accountable through transparency and enforcement instruments. To that extent, the house’s MPs would not be entirely unconstrained agents but could be held to those standards and could be penalised according to enforcement provisions for a breach of a provision of a code.

Whilst codes of conduct are intended to support the public trust principle, there is another more common use of the word trust which is relevant to political integrity: the extent to which the people accept, believe and respect the words and actions of political actors. As the Benchmarks provided no further guidance on the content or enforcement of codes of conduct, the CPA commissioned an investigation and further recommendations.\textsuperscript{27}

\textsuperscript{24} The Seven Principles of Public Life for holders of public office (“Nolan Principles”) (Committee on Standards in Public Life (UK), 1995.


As codes of conduct may be applied to houses of parliament from as small as St Helena (11 MPs) to as large as the UK House of Commons (650 MPs), these recommendations outline design principles to be adapted to local circumstances rather than highly prescriptive provisions. The recommended design features include: (1) a statement of the values and principles adopted by the house, (2) declaration by each MP of private interests that have potential to create a conflict of interest, (3) proscriptions on misuse of public office, (4) rules on accepting or donating gifts of material goods or services, (5) appointment of an ethics adviser whom MPs may consult confidentially, (6) provisions for independent, non-partisan investigation to determine the facts concerning alleged breaches, (7) imposition of penalties where the facts confirm breaches, and (8) measures to foster a culture of ethical conduct, the latter to include (9) periodic review of each code.

The separation of powers between Legislative and Executive branches (as well as the doctrine of parliamentary privilege) requires caution around establishment of any anti-corruption agency with jurisdiction over non-Ministerial members of parliament, unless the agency reports to the Presiding Officers of the Parliament.

Note the central roles of transparency (e.g. disclosure of private interests) and accountability (e.g. independent investigation of complaints of breaches) in the recommended features. These in turn are supported by provisions to inform and assist MPs to recognise and resolve ethical issues.

Of the codes provided by participating CPA parliaments, very few included comprehensive coverage of the nine features recommended. As shown in Table 6.2, most Australian houses of parliament do have a code of conduct.

The more recent codes are the most comprehensive and most consistent with the CPA recommendations. Victoria’s code adopted in 1978 was recognised as lacking many of the features recommended by the CPA. The new Victorian Code was enacted in February 2019 and reflects the CPA recommendations in most but not all respects; for example, the parliament is yet to appoint an ethics adviser.28

However, there are also exceptions, the most surprising being the House of Representatives and the Senate. The House of Representatives and Senate each have schemes for the disclosure of private interests, albeit flawed (entries may be hand-written, some are illegible, and are infrequently updated). However, neither House has a code of conduct.

A report on a possible code was published in 2011 by the relevant House of Representatives committee.29 The Report’s Appendix 5 provided a Draft Code of Conduct for Members of the House of Representatives. Its provisions were very general and aspirational, including “key principles”: Loyalty to the nation and Regard for its Laws; Diligence and Economy; Respect

28 Victoria, Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019 – pending final passage as at March 2019. Part 8 includes the new code of conduct.

29 House of Representatives Standing Committee of Privileges and Members’ Interests (2011) Draft Code of Conduct or Members Of Parliament. Discussion Paper. This paper is sometimes referred to by the title of Chapter 3: Should there be a code of conduct?
for the Dignity and Privacy of Others; Integrity; Primacy of the Public Interest; Personal
Conduct; and Registration of Interests. These principles were not ambitious.

The House of Representatives endorsed the Draft Code by a narrow majority (60:58) in 2012.
However, the Senate Committee reported that it “does not consider it necessary to put in place
a formal code in order to better articulate the standards expected of parliamentarians”.
The proposal did not proceed, leaving the Houses of the Australian Parliament out of step with
international standards.

Table 6.2. Australian parliamentary codes of conduct

<table>
<thead>
<tr>
<th>State/Territory parliament</th>
<th>Chamber e.g. House/Senate</th>
<th>Notes on codes of conduct (2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>Parliament of New South Wales (Legislative Assembly)</td>
<td>Code of Conduct for Members (Adopted 5 May 2015, Constitution (Disclosures by Members) Regulation 1983 includes disclosure of pecuniary interests)</td>
</tr>
<tr>
<td>New South Wales</td>
<td>Parliament of New South Wales (Legislative Council)</td>
<td>Code of Conduct for Members (Adopted 5 May 2015, Constitution (Disclosures by Members) Regulation 1983 includes disclosure of pecuniary interests)</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>Legislative Assembly</td>
<td>Code and Declarations are contained in the Standing Orders (</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Legislative Assembly</td>
<td>Legislative Assembly (Members' Code of Conduct and Ethical Standards) Act 2008</td>
</tr>
<tr>
<td>Queensland</td>
<td>Legislative Assembly</td>
<td>Code of Ethical Standards;</td>
</tr>
<tr>
<td>South Australia</td>
<td>Legislative Assembly</td>
<td>2002 CoC and in 2004 a Statement of Principles for MPs and in May 2016 both Houses of Parliament resolved to adopt the Statement of Principles - (2017)</td>
</tr>
<tr>
<td>South Australia</td>
<td>Legislative Council</td>
<td>2002 CoC and in 2004 a Statement of Principles for MPs and in May 2016 both Houses of Parliament resolved to adopt the Statement of Principles - (2017)</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Legislative Assembly</td>
<td>Adopted 2018; applies to MHAs &amp; MLCs</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Legislative Council</td>
<td>Adopted 2018; applies to MHAs &amp; MLCs</td>
</tr>
<tr>
<td>Victoria</td>
<td>Legislative Assembly</td>
<td>New Code of Conduct applying to MLAs &amp; MLCs substituted by Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</td>
</tr>
<tr>
<td>Victoria</td>
<td>Legislative Council</td>
<td>New Code of Conduct applying to MLAs &amp; MLCs substituted by Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Legislative Assembly</td>
<td>Members of Parliament (Financial Interests) Act 1992 (WA), Code Of Conduct For Members Of The Legislative Assembly Adopted by the House on 28 August 2003;</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Legislative Council</td>
<td>NIL</td>
</tr>
</tbody>
</table>

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Federally, publication of the Options for a National Integrity Commission paper gave new impetus to reform efforts. These came from cross-bench parliamentarians and culminated in a private members bill, the National Integrity (Parliamentary Standards) Bill, introduced by Cathy McGowan MP in late 2018. This bill closely reflects the CPA recommendations.31

**Enhanced and consistent regulatory approaches**

The second key element of the way forward, is upgraded rules and support or enforcement mechanisms on each of the issues listed earlier.

1) Political finance and campaign regulation

Muller provides an authoritative source on current regulation of electoral funding in Australian jurisdictions,32 having regard to all but the most recent (January 2019) High Court decision clarifying to effects of constitutional provisions. Tham’s recent article also provides a valuable review and recommends ten major reforms (Figure 6.2).33 Accordingly, this analysis draws on Muller’s data and Tham’s ten-point plan.

In summary, reform are needed which already have widespread acceptance and which could greatly improve perceptions and likely the reality of political integrity. Several State and Territory regulatory regimes, especially NSW, already have provisions with much greater capacity to enhance political integrity than the federal scheme. A robust package of reforms would include:

- A cap on the aggregate per annum on all donations and other payments or goods or services made by any donor to one or more candidates, political parties or associated entities, modelled on the NSW provision (currently $6,300 for parties; note that Victoria’s limit is $4,000 over a four-year parliamentary term).34

- Disclosure within two business days to the Electoral Commission and on the recipient’s website of all donations and other payments or goods or services valued at or above, say,

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31 National Integrity (Parliamentary Standards) Bill 2018
https://www.aph.gov.au/Parliamentary_Business/Bills_REFERences/Bills_Search_Results/Result?bId=r
eral 6233

32 Muller, D 2018. Election funding and disclosure in Australian States and Territories: a quick guide (updated 28 November 2018)


34 For details see: NSW Electoral Commission 2019 Caps on Political Donations
https://www.elections.nsw.gov.au/Funding-and-disclosure/Political-donations/Caps-on-political-
donations
$1000 made by any donor and/or to a candidate, political party (modelled on the NSW provision but with a shorter period).35

- A cap on expenditure in respect of each election by any candidate, political party (House of Representatives - $250,000 per electorate; Senate, if no HoR candidates endorsed – $1,250,000 for the most populous state & proportionate to population for each other state and territory; these sums are approximately equivalent to those applying in NSW.)36

- Disclosure within two business days to the Electoral Commission and on each candidate’s and political party’s website of all election-related expenditure incurred for goods or services valued at or above, say, $1000 (modelled on the NSW provision but with a shorter period).37

- Public funding of candidates and political parties capped at current levels ($2.74 per first preference vote), subject to refund to the Electoral Commission of any unexpended amount.

For such a scheme to withstand High Court scrutiny, and achieve a seamless national scheme, the obvious need, however, is for an inquiry that is national in scope, with support and commitment of all parties in all jurisdictions. A royal commission similar to those recently established on shared policy issues, such as into institutional responses to child sexual abuse or aged care, provide a model. This step is vital to generating the necessary political momentum to not only settle on agreed rules, but put them in place.

Figure 6.3. Ten-point plan for democratic regulation of election campaign funding

Figure 6.4. Ten-point plan for democratic regulation of political lobbying

Ten-point plan for democratic regulation of funding of political lobbying

1. Register of Lobbyists
   - Cover those regularly engaging in political lobbying (repeat players), including commercial lobbyists and in-house lobbyists
   - Require disclosure of identities of lobbyists, their clients, scope of lobbying and expenditure on lobbying

2. Disclosure of lobbying activity
   - Quarterly publication of diaries of ministers and shadow ministers and their chiefs of staff which includes disclosure of who these public officials are meeting with, and what lobbying-related activities they are carrying out
   - Lobbyists on register of lobbyists to make quarterly disclosure of contact with public officials including disclosure of identities of public officials and subject-matter of meetings

3. Improved accessibility and effectiveness of disclosure
   - Register of lobbyists and disclosure of lobbying activity to be integrated with disclosure of political contributions and spending
   - Annual analysis of trends in such data by an independent statutory agency (e.g., Australian Electoral Commission or federal anti-corruption commission)

4. Code of conduct for lobbyists
   - Code of conduct to apply to those on Register of Lobbyists
   - Duties under the Code to include duties of legal compliance, duties of truthfulness, duties to avoid conflict of interest, and duties to avoid unfair access and influence

5.  Stricter regulation of post-separation employment
   - Ban on post-separation employment to extend to lobbying-related activities (including providing advice on how to lobby)
   - Requirement on the part of former Ministers, parliamentary secretaries and senior public servants to disclose income from lobbying-related activities if they exceed a specified threshold

6. Statement of reasons and processes
   - A requirement on the part of government to provide a statement of reasons and processes with significant executive decisions
   - This statement should include: a list of meetings that are required to be disclosed under the Register of lobbyists and Ministerial diaries; a summary of key arguments made by the lobbyist; a summary of the recommendations made by the public service; and if these recommendations were not followed, a summary of the reasons for this action

7. Fair consultation processes
   - A commitment on the part of government to fair consultation processes (processes based on inclusion, meaningful participation and adequate responsiveness)
   - Guidelines to be developed to give effect to this commitment (e.g., the UK Cabinet Office’s Consultation Principles)
   - Statement of reasons and processes (above) should include details to which these guidelines have been met

8. Resourcing disadvantaged groups
   - Government support for advocacy on the part of disadvantaged groups including ongoing funding and dedicated services
   - Support should be provided in a way that promotes advocacy independent of government and ensures fair access to the political process

9. An effective compliance and enforcement regime
   - Education and training for lobbyists and public officials
   - Independent statutory agency (e.g., Australian Electoral Commission or federal anti-corruption commission) to be responsible for compliance and enforcement

10. An vigilant civil society
    - A network of media and non-government organisations committed to ‘following the money’ spent on political contributions and political lobbying
    - Public subsidies for such scrutiny
    - Strategic collaborations between statutory organisations and statutory agencies

2) Lobbying and access

A system of soft and hard regulation is needed to minimise those risks. There are two complementary aspects of a proposed system for reducing adverse effects of lobbying. The primary objective should be to encourage and facilitate acceptable voluntary behaviour by those involved in lobbying activity, whether in lobbying or as the targets of lobbying activities. However, the experience of lobbying in recent times indicates that voluntary behaviour must be under-written by regulation and sanctions where acceptable standards of conduct are breached.

Measures to curb the risks to integrity posed by lobbying should include registration of lobbyists, including in-house personnel, representing interests seeking policy or administrative intervention. Lobbyists must be required to subscribe to a code of conduct for lobbyists, based on self-regulation supported by a commissioner with investigative and disciplinary powers, including suspension or termination of registration e.g. similar to the Queensland regime.38 39

There should be specific reference in the Ministerial code of conduct to ministers’ obligations to comply with provisions affecting lobbying. Lobbying activity must be disclosed publicly, including (1) real-time publication of diaries of ministers, ministerial staff and other relevant public officials and (2) real-time publication by lobbyists of their lobbying activities.

It must be standard practice that a statement of reasons and processes is recorded and published for every significant exercises of ministerial authority.

Recognising that there may be valid public interest reasons for lobbying, information, training and other relevant support should be available to community organisations and other lobbyists with limited skills or other resources necessary to lobby in the public interest.

3) Revolving doors

To avoid the damaging impact of suspicions on political integrity, it should be a condition of appointment that, after ceasing to hold appointment as a minister or parliamentary secretary, he or she may not accept any substantial benefit relating to their role, for a substantial period. This should include not having any role as a lobbyist, above.

While period of 18 months are currently often mentioned, the whole principle is that such conflicting roles and positions should be deterred altogether if possible – not simply put off. Ministers and other senior officials receive the high salaries that they do, and generous superannuation, specifically to help ensure that their decisions are not impugned by the reality or appearance of improper interests. In our assessment, a period of 3-5 years would be more appropriate and effective.

The types of benefit precluded should include any significant benefit (e.g. employment, a directorship, provision of services pursuant to a contractual relationship, gift or other relationship):

- relating to contracting or accepting employment with, and making representations to, entities with which they had direct and significant official dealings, or, in the case of former ministers, contacting former Cabinet colleagues\textsuperscript{40, 41} or
- in relation to lobbying of the government or any other body for the exercise of government discretion, legislative authority or the allocation of public resources.\textsuperscript{42}

4) Political cronyism in appointments

The UK addressed the risk of personnel being appointed by the political executive according to personal or political associations or sympathies rather than merit, by creating the Commissioner for Public Appointments.\textsuperscript{43} This is a logical solution to the wide-ranging debates that Australian jurisdictions have experienced, particularly over improved mechanisms for judicial appointments.

The Commissioner’s responsibilities “include ensuring that ministerial appointments are made in accordance with the Governance Code and the principles of public appointments”.\textsuperscript{44} The Principles (Table 6.2) parallel the Nolan Principles (Table 6.1 above).

This type of arrangement should be adopted as the norm on the part of Australian federal and state governments, for all senior government appointments for which the reality and appearance of political independence is an important component, and/or in areas in which cronyism or the appearance of it appears to be an issue. For small jurisdictions, such a commissioner can cover all such appointments, preventing the need for separate judicial appointments commissions.

\textsuperscript{40} Taken directly from s.35, The Federal Accountability Act 2006 (Canada).
\textsuperscript{41} Approaches taken in other jurisdictions vary and were surveyed in Ian Holland (2002) ‘Post-separation Employment of Ministers’ Department of the Parliamentary Library available at http://www.aph.gov.au/Library/pubs/rn/2001-02/02m40.htm and Deirdre McKeown, (2006) ‘A survey of codes of conduct in Australian and selected overseas parliaments’ Department of the Parliamentary Library available at http://www.aph.gov.au/library/intguide/POL/conduct.htm. For example, where a Code approach is taken and bans imposed on related employment, it will be found that there is a general ban of two years in South Australia and a permanent ban prohibiting the changing of sides in the USA and Canada.
\textsuperscript{42} A five-year ban on lobbying was provided for in legislation passed in 2006 in Canada as part of the Harper Government’s election policy program (The Federal Accountability Act 2006).
\textsuperscript{43} Commissioner for Public Appointments 2019 https://publicappointmentscommissioner.independent.gov.uk/
Table 6.3. The Principles of Public Appointments

<table>
<thead>
<tr>
<th>The Principles of Public Appointments apply to all those involved with public appointments processes.</th>
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<tbody>
<tr>
<td>A. Ministerial responsibility-The ultimate responsibility for appointments and thus the selection of those appointed rests with Ministers who are accountable to Parliament for their decisions and actions. Welsh Ministers are accountable to the National Assembly for Wales.</td>
</tr>
<tr>
<td>B. Selflessness-Ministers when making appointments should act solely in terms of the public interest.</td>
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<tr>
<td>C. Integrity-Ministers when making appointments must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</td>
</tr>
<tr>
<td>D. Merit-All public appointments should be governed by the principle of appointment on merit. This means providing Ministers with a choice of high quality candidates, drawn from a strong, diverse field, whose skills, experiences and qualities have been judged to meet the needs of the public body or statutory office in question.</td>
</tr>
<tr>
<td>E. Openness-Processes for making public appointments should be open and transparent.</td>
</tr>
<tr>
<td>F. Diversity-Public appointments should reflect the diversity of the society in which we live, and appointments should be made taking account of the need to appoint boards which include a balance of skills and backgrounds.</td>
</tr>
<tr>
<td>G. Assurance–There should be established assurance processes with appropriate checks and balances. The Commissioner for Public Appointments has an important role in providing independent assurance that public appointments are made in accordance with these Principles and this Governance Code.</td>
</tr>
<tr>
<td>H. Fairness–Selection processes should be fair, impartial and each candidate must be assessed against the same criteria for the role in question.</td>
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5) Regulation of parliamentary and ministerial expenses

IPEA should be a federal parliamentary agency, integrated with the code of conduct described above, in recognition of the separation of powers IPEA should be managed in the same way as the Parliament’s Department of Parliamentary Services and responsible to the Presiding Officers.45 The IPEA have a comprehensive mandate including providing advice, monitoring, reporting, and auditing expenses.46 Expenses incurred by ministers in the conduct of their ministerial responsibilities are attributable to the associated appropriations and should be met from them. Ministers’ agencies should be responsible for administering those expenses in the same way as their other

45 Department of Parliamentary Services 2019

expenditure, and similarly subject to external audit by the Auditor General. Ministers would remain accountable to parliament in the same way as for their other responsibilities.

Presiding Officers’ expenses are analogous to ministers’ expenses and should be handled by their parliamentary departments in an equivalent manner.

**New or strengthened institutions to support**

The crucial third element, as reflected in the CPA recommendations on codes of conduct, is the significant shift from rules that are intended as statements of intent, or effectively voluntary, to rules designed for independent enforcement, and which are actually enforced.

This shift is occurring, because the parliamentary or political sphere has now become recognised as a distinct concentration of corruption risk, to a greater extent than previously, particularly at a federal level. The assessment showed that this risk is increasingly felt at senior levels of public administration and among independent integrity officers, where previously, the slow pace of political integrity reform has been left as solely a matter for parliament itself.

One senior Commonwealth official told the assessment quite plainly that there is ‘a gap around adequate oversight of parliamentarians and ministers and their staff’, given that existing integrity entities ‘don’t have coverage of that’, or at best, in some cases, only ‘limited coverage or limited reach’ (Interview 7).

This also confirms that addressing weaknesses in the regimes for political finance, disclosure, lobbying, outside employment, post-separation employment and improper influence, larger solutions are needed than simply an anti-corruption commission. Within the Parliament itself, there must be a willingness to stamp out unacceptable behaviour and non-partisan enforcement. Complaints alleging breaches of the code of conduct should be referred to the MP’s Presiding Officer who would immediately refer it to an independent investigator, except that if a breach of the criminal law is alleged, the complaint would be referred by the Presiding Officer to the police or corruption control commission as appropriate. The independent investigator would determine the facts of the alleged conduct and report to the Presiding Officer. If the facts appeared to support the complaint, the Presiding Officer would table the report for decision and penalty by the House.

As argued earlier, of the 10 key areas of action required for political finance reform, a crucial one is having ‘an effective compliance and enforcement regime’. This may include support from an anti-corruption body, as in NSW or elsewhere, but for the Commonwealth, it hinges first on ‘an adequately resourced Australian Electoral Commission which adopts a regulatory approach toward political finance laws’.

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48 Joo Cheong Tham (2017), ‘Ten-point plan to clean up money in federal politics’, *Accountability and the Law Conference*, Parliament House, Canberra, August 2017; see Figure 6.2.
The Senate Standing Committee of Senators' Interests identified key areas for improvement: the value of strengthening ethical support and advice for parliamentarians generally, for example through creation of a Parliamentary Integrity Commissioner to help prevent and resolve integrity issues. The latter part of this proposal is not desirable for the obvious reason that this could create a conflict in which Commissioner could find her or himself investigating a matter they had advised on. Advice must be separated from investigation of ethical conduct.

There is clear scope for increasing expertise and advice to parliamentarians and ministers to manage and prevent integrity concerns.49

However, the gap will remain the ability of the parliament and Prime Minister to demonstrate that when perceived breaches arise, they have been examined with sufficient independence and robustness. Police or anti-corruption agency involvement is appropriate if breach of criminal law or other corruption is suspected. In other cases, departmental review is a tepid option and may be adequate. However, it should be within the authority of a House to apply the code for MPs to a complaint alleging a breach of the ministerial code, including referral to police or an anti-corruption agency.

The Committee also proposed strengthening the processes available to the Prime Minister to help enforce the Statement of Ministerial Conduct.50 It must be remembered that all ministers would be bound by a code of conduct for MPs. The ministerial code should complement the MPs code. Ministers are already accountable for the performance of the responsibilities as members of the Executive Branch. Compliance with the ministerial code should be accepted as a key part of ministerial responsibility.

To be an effective solution, any option requires parliamentarians to establish a culture of compliance with clear standards, through their own codes of conduct, against which they are prepared to hold themselves and colleagues to account.51

This also requires addressing other gaps in the integrity system. Integrity and accountability arrangements also need to apply to ministerial and electoral staff.52 For example, at the Commonwealth level, the whistle-blower protections in the Public Interest Disclosure Act 2013 are not available to officials who disclose any wrongdoing on the part of parliamentarians, nor any of the staff of members of parliament. Anyone wishing to disclose even abuse of expenses to the IPEA would not have the benefit of those protections.

49 See for example, Queensland’s Integrity Commissioner Act, and the role of the Tasmanian Parliamentary Standards Commissioner including providing advice to MPs regarding conduct, propriety, ethics and codes of conduct: Integrity Commission Act 2009 (Tas), section 28(1)(a).


6.4. Conclusions and recommendations

The Grattan Institute’s analysis of access and influence in Australian politics succinctly summarised why it is time for a comprehensive suite of practical reforms:\(^\text{53}\)

Publishing ministerial diaries and lists of lobbyists with passes to Parliament House could encourage politicians to seek more diverse input. More timely and comprehensive data would improve visibility of the major donors to political parties. Accountability should be strengthened through clear standards for MPs’ conduct, enforced by an independent body. A cap on political advertising expenditure would reduce the donations ‘arms race’ between parties and their reliance on major donors. These reforms won’t cure every ill, but they are likely to help. They would improve the incentives to act in the public interest and have done no obvious harm in jurisdictions where they have been implemented.

As set out above, a range of integrity reforms are needed which will enhance the performance of the parliamentary system and the broader system of government. These simple but strong reforms would allay suspicions and improve public confidence in Australia’s political integrity.

Reform could go broader – and include the use of deliberative democratic techniques to resolve policy questions raising difficult, conflicting perceptions of the public trust. But what is certain here, is that we know what is needed to address the most basic concerns about integrity.

However, also consistency with a single, rigorous national standard is highly desirable as political integrity is a national issue that affects the entire Australian community. A uniform approach should also facilitate compliance with the Constitution’s implied freedom of political communication.

Seven out of Australian’s nine jurisdictions still have no system of prompt or real-time disclosure of political donations. Rules and thresholds for donations, expenditure and disclosure vary wildly, inviting ‘laundering’ of donations through backdoor routes. One Australian State (Tasmania) still has no political finance disclosure regime at all. In the State (NSW) where most attempts have been made to limit or ban unwanted political finance, these have been inconsistent and politically partisan, in some cases struck down by the High Court of Australia for being too piecemeal.

It’s time for a national public inquiry that engages the community in a deliberative process, to finally set the consistent, evidence-based rules that the community and High Court alike would support – and to generate the political commitment of all parliaments to legislate accordingly. Australia should take advantage of the demonstrated successes of well designed and conducted community engagement processes to address such issues.\(^\text{54}\) We need a national


\(^{54}\) For a recent review, see Department of Industry, Innovation and Science 2017 *Hidden in Plain Sight* https://ogpau.pmc.gov.au/sites/default/files/posts/2017/12/9a_-.discover_report.pdf
public inquiry that engages the community in deliberative process, and commitment to legislate accordingly, by all parliaments.

**Recommendation 9: National political donations and finance reform**

That the Commonwealth, States and Territory governments establish a high level, national inquiry (royal commission) to engage with the community to develop and recommend consistent principles for public funding of elections, expenditure regulation, political donation regulation and disclosure, with a commitment to legislate accordingly -- including:

- The lowest realistic caps on both political donations and campaign expenditure, as well as low, consistent and universal disclosure thresholds
- Real-time disclosure
- Consistent and fair regulation of third parties, and
- Clear statements of objectives to ensure new regulations are interpreted with reference to the fundamental goals of political integrity, public trust and prevention of ‘undue influence’ as described in Recommendation 4; and apply equally to all persons, including not-yet-elected political candidates.

*This recommendation relates to:* the **Commonwealth** government and to all States and Territories, especially **Tasmania**

**Recommendation 10: Lobbying and access**

That the Commonwealth, States and Territory parliaments each legislate to eliminate undue influence by vested interests in parliamentary and ministerial decision-making, through provisions including:

- Stronger, more enforceable, independently administered registration and code of conduct requirements for lobbying activities (including in-house personnel)
- Real-time publication of records of lobbying activities, including diaries of ministers, ministerial staff and designated officials
- Information, training and support for community organisations with limited skills or resources necessary to lobby in the public interest
- Prohibition on the purchase of ministerial access or use of government resources as part of political party fundraising or electoral campaigns
- Express requirements for compliance with lobbying rules in parliamentary and ministerial codes of conduct, including published records and statements of reasons for all significant ministerial decisions
- A quarantine period of 3-5 years after serving in executive office, during which a former minister may not accept any substantial benefit from any entity or related entity with which they dealt in their portfolio.

*This recommendation relates to:* the **Commonwealth** and **all States and Territories**.
Practical and effective precedents exist for official appointment processes to help remove the risk or appearance of politicization and cronyism in ministerial appointments – a prominent concern at both federal and state levels. They include the Commissioner of Public Appointments approach in the UK, which could be easily followed in Australia.

**Recommendation 11: Meritocratic political appointments**

That the Commonwealth and each State and Territory parliament legislate to establish an appointments commission, including civil society, to ensure independence, merit and public confidence in all appointments to:

- Senior positions in the public service
- Senior diplomatic and trade posts (e.g. head of mission)
- The judiciary and independent tribunals, and
- The heads of core integrity agencies.

This recommendation relates to: the Commonwealth and all State and Territory governments.

Already, every Australian house of parliament has or will soon have its own code of conduct – except the Western Australian Legislative Council, and both houses of federal parliament. The Victorian Parliament is the latest to legislate its codes, in 2019, following recommendations of the Commonwealth Parliamentary Association. The National Integrity (Parliamentary Standards) Bill 2018 demonstrates the feasibility of a best practice regime at federal level – a fundamental step towards restoring trust in legislatures and ministers, currently one of the weakest areas in the integrity system.

**Recommendation 12: Parliamentary and ministerial codes of conduct**

That every Australian House of Parliament and every Cabinet that has not already done so, adopt a regime for a code of conduct which includes:

- The values and conduct which each member is obliged to observe, including with respect to disclosure and management of interests – renewed and re-adopted after each general election or appointment of each administration
- Appointment of a parliamentary ethics or integrity adviser or commissioner, to provide confidential advice to any member or their staff, and with whom every member is required to meet at least once every year
- Professional development or training programs to assist new and continuing members and their staff with ethical decisions and challenges
- A legislatively-based process for ensuring a culture of compliance and rigorous, non-partisan enforcement of the code
- Appointment of a parliamentary standards commissioner or other independent investigator(s) to determine the facts of any alleged breach, and report to the House or First Minister where evidence of breach is found
- Mandatory notification of possible corrupt conduct or criminal breaches to the jurisdiction’s anti-corruption agency or Police, as the case may be.

This recommendation relates to: the House of Representatives, Senate and WA Legislative Council as the only Houses with no Code at all; and to all parliaments other than Queensland in respect of most other elements.