

Integrity and Transparency in Politics legislative package



The Australian Greens believe that integrity, accountability and openness in politics are vital to a healthy democracy. While there have been some moves to increase scrutiny and set codes of conduct for the activities inherent in the political process, these changes have been predominantly in the form of policy decisions by governments. History shows how readily these policies can be modified as deemed necessary by an incumbent government and the political vagaries of the electoral cycle.

The Greens have a legislative package to ensure that key aspects of the political process – independent oversight of the activities of parliamentarians and public servants; the conduct of lobbyists; and spending on government advertising - are enshrined in law and can only be changed with parliamentary approval.

The Greens legislative package will:

1. *Establish a national independent integrity and anti-corruption commission*

The National Integrity Commissioner Bill establishes a National Office of Integrity Commissioner, which will comprise of a new National Integrity Commission, the existing Australian Commission for Law Enforcement Integrity (ACLEI) and a new Office of the Parliamentary Advisor. It will have independent oversight functions for: the investigation and prevention of misconduct and corruption in all Commonwealth departments, agencies, federal parliamentarians and their staff; as well as the Australian Federal Police and The Australian Crimes Commission. It will provide written advice to parliamentarians on matters relating to ethical conduct, interpretation of the departmental guidelines. Senator Brown introduced this bill in June 2010.

2. *Legislate a code of conduct for lobbyists, ministers and ministerial staff*

The Lobbyists and Ministerial Accountability Bill requires public registration and regulation of all lobbyists, including 'in house' lobbyists and covers all lobbying activity. It requires ministers to divest themselves of all shares or move them to a blind trust and prohibits for two years former ministers and their advisors from employment as lobbyists to companies with a

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direct interest in their former portfolio areas. The standards for lobbyists and ministers will be enforceable and penalties will apply for breaches. Senator Brown first introduced this Bill in 2007 and will reintroduce it in the next Parliament.

3. Set out in legislation the guidelines for government advertising expenditure over \$250,000

The Preventing the Misuse of Government Advertising Bill 2010 establishes a framework for accountability of expenditure on government information and advertising campaigns. The Greens' Bill sets out clear guidelines and a process for all advertising campaigns with a budget in excess of \$250,000. It provides for comprehensive and continuous review of these campaigns by the Auditor-General, and a full transparency and reporting mechanism by the relevant minister and the Auditor-General to allow scrutiny of the parliament. The guidelines can only be changed after extensive public consultation. Senator Brown introduced this bill in June 2010.

Background

Why we need a national integrity and anti-corruption commission

There is currently no national anti-corruption agency with the powers or the jurisdiction to investigate claims of misconduct and corruption in the Federal Parliament or Commonwealth agencies. The National Integrity Commission will protect the integrity of the Federal Parliament, parliamentarians and all Commonwealth departments. This is an essential component for the prevention of corruption and maintenance of integrity in the toolkit of all jurisdictions.

There is a well recognised need of independent oversight of the activities of politicians and public servants. Four states currently have anti-corruption agencies – NSW; Queensland, WA and Tasmania. Victoria has recently announced it will establish one. South Australia remains the only state without an anti-corruption commission. The South Australian premier, Mike Rann has called for a national anti-corruption commission funded jointly by the states and the commonwealth.

The Parliamentary Advisor will provide written advice to parliamentarians in instances where the guidelines are unclear, or where claims of misconduct are made against a parliamentarian who has sought to follow the guidelines.

Integrity and Transparency in Politics legislative package



Why we need a legislated code of conduct for lobbyists, ministers and their staff

Currently accountability for lobbyists and ministers rests on insufficient codes of conduct – one for ministers and one for lobbyists. The current Code of Conduct for Lobbyists is inadequate as it does not cover all paid lobbyists and does not require details of lobbying activity to be made public. The Standards of Ministerial Ethics are inadequate in that they are made by and enforced by the Prime Minister alone. We have seen many examples in past parliaments where such standards have been relaxed or not enforced at the Prime Minister's whim. To ensure public confidence in our parliamentary system of government these standards must be expanded and be legislated.

Why we need legislation for accountability in government advertising expenditure

Public concern and criticism of the use of government advertising for allegedly political purposes goes back to at least the early 1990s. A report from the National Audit Office in 1998 noted pre-election 'spikes' in government campaign advertising expenditure before the 1990, 1993, 1996 and 1998 federal elections.

In 1998 the Auditor-General developed advertising guidelines in the wake of widespread criticism of the Howard government's tax advertising campaign which was screened just before the federal election campaign. The Howard government ignored those guidelines for a decade and continued the practice of using public funds for government advertising campaigns which were generally agreed to contain party political content. The Rudd government came to power after the 2007 federal election with a strong commitment to address this 'long term cancer on our democracy'. However, the recent controversy over the government's decision to soften the guidelines to allow them to spend \$38.5 million on an advertising campaign to explain the new mining tax proposal highlights the need to address this important issue in legislation.