Helen Haines MP

Ms Sharon Claydon MP
Committee Chair
Joint Select Committee on Parliamentary Standards
PO Box 6100
Parliament House Canberra, ACT 2600

Submission to Joint Select Committee on Parliamentary Standards

Dear Ms Claydon,

Thank you for the opportunity to make a submission to this important enquiry.

The Australian Human Rights Commission's Review, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces;* brought into sharp relief the very real shortcomings of our federal parliamentary workplace culture and behaviour and the devasting impacts of those identified failings for the people working within it.

Like many MPs who came before me and after me and indeed in concert with the public, it was astonishing to me that no parliamentary standards legislation existed, nor any code of conduct for parliamentarians.

In October 2020, I introduced a private members bill to the parliament- the Commonwealth Parliamentary Standards Bill 2020[1]. It was a sister bill to my Australian Federal Integrity Commission Bill 2020[2], which I introduced on the same day.

My intention with that work was to establish a pro-integrity framework specific to the Commonwealth parliament. I wanted to see us do better and have a guiding set of standards that we could hold ourselves to, be held by others to and be measured against.

My Commonwealth Parliamentary Standards Bill 2020 provides what I hope is a useful starting point for statutory codes of conduct for parliamentarians and their staff, including a framework for independent investigation and enforcement of breaches of the codes. It was designed to include most of the elements around values, and integrity that are features of codes of conduct and arrangements in similar countries. It was developed ahead of the *Set the Standard* review and therefore does not include key elements around work health and safety.

I submit to the committee the following pages which outline the key components of my Commonwealth Parliamentary Standards Bill 2020.

My best wishes for your important work on this committee.

Yours Sincerely

19/9/22

[1] https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6598_first-reps/toc_pdf/20138b01.pdf;fileType=application%2Fpdf
[2] https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6597_first-reps/toc_pdf/20137b01.pdf;fileType=application%2Fpdf

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The Commonwealth Parliamentary Standards Bill 2020[3]

The Commonwealth Parliamentary Standards Bill 2020 followed on from the work of my predecessor, the former Member for Indi, Cathy McGowan AM who introduced a similar private member's bill in 2018 [4].

The aim of the bill is to strengthen public confidence in the Commonwealth Parliament by equipping it with the appropriate powers and resources to prevent, manage and resolve its own integrity issues where possible, and provide clear pathways for the assessment, investigation, resolution and/or referral of serious integrity issues – including through to a Federal Integrity Commission or National/Commonwealth Anti-Corruption Commission.

In particular, the Commonwealth Parliamentary Standards Bill 2020 creates:

- A statutory code of conduct for the Members of each House of Parliament, and their staff (under the *Members of Parliament (Staff) Act 1984*).
- a statutory basis for the existing parliamentarians' registers of interests.
- a Parliamentary Integrity Adviser to provide independent, confidential advice and guidance to Members and their staff on the interpretation and day-to-day application of the relevant codes of conduct.
- a Parliamentary Standards Commissioner who will be an independent office of the parliament, housed within the Department of Parliamentary Services to assist the Presiding Officers, the Privileges Committees, the Prime Minister with the assessment, investigation, resolution and/or referral of alleged breaches of the applicable codes of conduct that are sufficiently serious in nature.

The code of conduct in this bill is based on the global recommendations of the Commonwealth Parliamentary Association, of which the Australian parliament is a member. This code is specifically designed to protect robust debate on issues of public importance, ensure parliamentary officers and resources are used in the public interest and discourage political office holders from clear unethical behaviours that discredit the integrity of the Commonwealth parliament.

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[3] https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6598_first-reps/toc_pdf/20138b01.pdf;fileType=application%2Fpdf

[4] https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6233_first-reps/toc_pdf/18277b01.pdf;fileType=application%2Fpdf

This code of conduct has 10 simple components:

(1) MPs must prioritise public duties and democracy,

(2) MPs must declare and avoid conflicts of interest,

(3) MPs must never use their position for personal profit,

(4) MPs must ensure outside community or employment engagements are clean,

(5) MPs must refrain from accepting gifts and hospitality that create conflict issues, (

6) MPs must not use influence for private purposes or as an agent of a foreign power,

(7) MPs must comply with IPEA and Remuneration Tribunal rules around public resources, (8) MPs must not deliberately mislead parliament and must seek to act courteously without detracting from robust debate,

(9) MPs must not exploit confidential or personal information obtained as an MP and

(10) MPs must not take improper advantage of office for post-retirement activities.

Contraventions of the parliamentary code of conduct

The parliamentary standards commissioner will have the same powers of the Auditor-General to conduct investigations with appropriate safeguards to protect rights to procedural fairness, rights to privacy and the protection of personal reputation and the advancement of the public interest.

Part 5—Division 2 of the Commonwealth Parliamentary Standards Bill 2020 deals with alleged or suspected contraventions of the parliamentary code of conduct and Division 3 deals with alleged or suspected contraventions of a ministerial code of conduct.

The parliamentary standards commissioner will also be empowered to refer the most serious and systematic cases to a Federal Integrity Commission or National/Commonwealth Anti-Corruption Commission for stronger, objective investigation if necessary.