



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**National Integrity (Parliamentary
Standards) Bill 2018**

Second Reading

SPEECH

Monday, 3 December 2018

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Monday, 3 December 2018 Page 12161 Questioner Speaker McGowan, Cathy, MP</p>	<p>Source House Proof No Responder Question No.</p>
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Ms McGOWAN (Indi) (10:43): I move:

That this bill be now read a second time.

This bill, National Integrity (Parliamentary Standards) Bill 2018, is a part of a package of bills to promote public trust and confidence in the integrity of parliament, the public sector and our system of government. The package is about creating a culture of integrity, a proactive and solutions focused approach to preventing corruption. This package will implement option 3 of the Transparency International and Griffith University paper *Strengthening Australia's national integrity system: priorities for reform*. The bill will operate alongside the National Integrity Commission Bill 2018, which I introduced into this place last week.

The bill incorporates aspects and builds on the work of others. I'd particularly like to acknowledge the work of the Committee of Privileges and Members' Interests in their 2011 report *Draft code of conduct for members of parliament*, in the 43rd Parliament, and the work of the Commonwealth Parliamentary Association in their 2015 report *Recommended benchmarks for code of conduct applying to members of parliament*. The intent of this package is to create a nationally coordinated integrity framework, with an emphasis on prevention, supported by strong powers of investigation to enable criminal charges or other actions in response to cases of corruption.

What will the bill do? This bill focuses on values and a code of conduct. The bill sets out the values parliamentarians hold, as well as a code of conduct. This includes having respect for others regardless of background, dealing with conflicts of interest, using position for profit, outside employment, accepting gifts or hospitality, use of influence and use of public resources. The code requires that a parliamentarian must ensure that their conduct, as a parliamentarian, does not bring discredit upon the parliament.

The values and code of conduct are based on the recommendations of the Commonwealth Parliamentary Association (CPA), of which this parliament is a member. The CPA recommendations are based on extensive research, including by Queensland's Fitzgerald royal commission, the UK Nolan Committee on Standards in Public Life, and original research on codes of conduct, commissioned by the CPA, led by Adjunct Professor Ken Coghill.

The bill places the register of interests into legislation, and these are unchanged. This move is ahead of further reviews to lobbying and post-separation employment and regulation of donations and campaign regulation, that are established by this bill. The intent is to eventually have all parliamentary integrity functions operating under a single framework. The Parliamentary Integrity Adviser will be established as an independent office of the parliament. Their role will be to provide independent confidential advice to parliamentarians and our staff about ethics of integrity issues. This model is based on the work of the Committee of Privileges and Members' Interests in the 43rd Parliament and on the operation of the Queensland Integrity Act.

The Parliamentary Standards Commissioner will be an independent office of the parliament. Their role will be:

to investigate alleged or suspected breaches of a code of conduct, including a parliamentary code of conduct;

at the request of a minister, including the Prime Minister, investigate alleged or suspected breaches of the ministerial code of conduct; and

at the request of a presiding officer or a committee of a house of the parliament, investigate and report on any matters related to ethical and integrity standards among parliamentarians or our staff.

The commissioner will be independent and report through the relevant privileges committee or minister or the Prime Minister depending on the origin of the referral. The Parliamentary Standards Commissioner will have the power of the Auditor-General in conducting investigations. Any person will be able to make referrals to

the commissioners, but the commissioner can determine how to deal with the referrals. If there is a question of corruption beyond a breach of a code of conduct, the commissioner may refer the matter to the National Integrity Commission.

The drafting of this bill was a collaboration with some of Australia's leading thinkers strengthening the integrity of parliament. I acknowledge the assistance of the Hon. Dr Ken Coghill, born in Mansfield in my electorate and former councillor at Wodonga, both in the Indi electorate. He is an associate professor at Monash University and an adjunct professor at Swinburne University. Ken is a member of the government's Open Government Forum, founding member of the Accountability Round Table and former speaker of the Legislative Assembly of Victoria. He was lead author of the code of conduct recommendations adopted by the Commonwealth Parliamentary Association.

I also acknowledge the work of Professor AJ Brown and Transparency International and thank them for their support in pulling together this package of reforms. Without their support we would not have been able to put together such a simple but comprehensive package. I would also like to acknowledge House of Representatives legislative drafter Olivia Gossip. I cannot speak highly enough about the support given to us by drafters. But to Olivia Gossip: thank you for the hours, the time, the energy and the professional skill you have brought to this bill. I acknowledge my own staff, who have worked long and hard on this work, but I particularly acknowledge my political and parliamentary adviser, Jeremy. Thank you very much for your work. All the bills presented today, and the work, have been done with those two, in particular, excellent staff.

But, colleagues, what I really want to say in bringing my comments to a close is: what will it take for this parliament to introduce a code of conduct and surrounding legislation? We have been at this since 2012. We on the crossbench know how important it is. Our communities know how important it is. Industry knows how important it is. To think that we operate in this House without a code of conduct, without an understanding of what it actually means to be a politician and without the resources that we need to get advice on sometimes very tricky ethical issues and then, if need be, to take steps further on corruption! To me, it's an absolute no-brainer. I say to the government: what will it take for you, in this term of parliament, to do what everybody's asking of you—to step up to the plate and to give us the legislation we need? I know you find it difficult. I know, government, you want to argue with me about definitions, but we're up for that. We're grown-ups. We're happy to have the debate in this parliament, but we need our colleagues on the other side to step up and to front up to the fact that we haven't got a code of conduct and that we need one.

I'd now like my colleague from the crossbench, the member for Mayo, to make her comments in support of this as a seconder of the motion.

The DEPUTY SPEAKER (Mr Rob Mitchell): Is the motion seconded?