

Ministerial Code of Conduct

AUSTRALIAN DEMOCRATS ACTION PLAN MINISTERIAL CODE OF CONDUCT ACCOUNTABILITY

The conduct of ministers and members of parliament is often controversial. If it is merely robust political combat it may raise issues of personal standards, character and judgement, but those are for voters to reflect on when re-election is desired. However where controversy arises because of misconduct, impropriety or conflicts of interest, it needs to be policed, and dealt with through penalty and enforcement mechanisms. However, seldom are ministers (of all political persuasions) held responsible for much at all. The tendency is to claim ignorance (the 'Sergeant Schultz' defence'), or to disclaim responsibility and point to the actions of advisors or departments who are often unaccountable to anyone except the minister. This approach has generated deep cynicism in the public.

Our Action Plan

"We want politicians who see engagement in public life as a vocation and not just a game. We want politicians who will speak the truth – even when it harms them to do so. We want politicians who respect us as citizens and not just as voters."

Dr Simon Longstaff
St James Ethics Centre

Continue our campaign for the establishment of a Committee of both Houses of Parliament to develop a comprehensive code of conduct for ministers and other members of parliament. Such a code would include rules on the avoidance of conflicts of interest and strong penalties for transgressions.

The Issues

The following is an excerpt from the 1996 Prime Minister's code:

It is vital that ministers and parliamentary secretaries do not by their conduct undermine public confidence in them or their government.

Ministers must be honest in their dealings and should not intentionally mislead the Parliament or the public. Any misconception caused inadvertently

Sounds good doesn't it? But how good is it? Accountability is Prime Minister Howard's achilles heel. Even though he introduced the ministerial code of conduct in 1996, it is not a law and does not even have parliamentary authorisation. As author of the document, the PM can alter or amend it, and interpret it as he sees fit. He can choose to ignore it or interpret it very loosely and from a partisan perspective, which he mostly seems to.

Despite the Code, ministerial controversy has dogged the Howard government. There is a general sense of lower standards and insufficient integrity. This is not helped by an ingrained resistance to higher political standards and governance. Indeed, after over eleven years in office, the challenge is to name anything at all that the PM has done to permanently lift political standards and accountability.



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In any case, Prime Ministers are just too busy to properly oversee ministerial codes of conduct, and worse, they shouldn't have oversight at all, because it always represents a conflict of interest.

What is required to allay the ever-increasing public concern about the practice of politics is for Parliament itself to set ethical standards for all of its members, including ministers. The Democrats' Charter of Political Honesty Bill 2000 dealt with these matters and was referred to the Senate Finance and Public Administration Legislation Committee for inquiry.

The Committee fully endorsed the broader objectives of the Bill that the Commonwealth Parliament should take responsibility for establishing its own standards of conduct, and adopt an ethics regime for ministers and members that would have as its cornerstone a workable and enforceable code of conduct.

The PM just ignored the Bill and the Committee.

What would a code of conduct achieve?

Other countries have independent parliamentary ethics commissioners or processes, and better systems for requiring and maintain standards of conduct. Australia can do much better.

A code of conduct would:

- clarify what is required of parliamentarians in the exercise of their duties;
- act as a public statement of the minimum standards of behaviour that the public and the media can and should insist upon;
- establish the Office of Commissioner for Ministerial and Parliamentary Ethics to enforce the Code; and
- allow any breaches of the Code to be reported to parliament by the Commissioner along with any appropriate disciplinary recommendations.

The establishment of such a Code is an important step towards increasing openness and accountability in political party and government processes. It would replace the current ministerial guide to conduct, which is not only insufficient to ensure that parliamentary ethical standards are of the highest order, but also inadequate to lift public trust in our system of government.

When professionals such as Mr Kevin Hammond, the former head of Western Australia's Corruption and Crime Commission, recently stated that holders of public office "wouldn't recognise a conflict of interest if it walked up and kicked them in the backside", it is certainly time for action.

Politicians need to acknowledge that the restoration of their credibility needs greater professionalism, and is about personal honour just as much as being of profound importance to the proper functioning of our representative democracy.



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