

ACCOUNTABILITY – Election 07

Countless reasons to vote Australian Democrats in the Senate

Accountability and integrity is the Howard Coalition Government's Achilles heel. After eleven years in office, the challenge is to actually name anything at all that the Howard Government has done to permanently lift political integrity and standards.

It has been contemptuous of accountability and transparency in government, especially since taking control of the Senate. Its ever-growing desire to retain political advantage has undoubtedly eroded the way our democracy operates, and eroded public trust in their politicians.

Nonetheless, the Australian Democrats have persisted with the fight for a more accountable and transparent democracy. This work has earned the party considerable parliamentary recognition and has involved placing enhanced accountability measures on the parliamentary record. We have achieved some successes, such as substantially curbing secrecy in government contracts and initiating the first ever review of parliamentary entitlements in 100 years.

It is vital that the practice of politics is cleaned up because a government without effective checks and balances is a dangerous government. The Democrats intend to continue our campaign to achieve higher standards of propriety in public life through a comprehensive accountability platform that covers:

- the accountability of ministerial staff;
- a ministerial code of conduct;
- politicians salaries and entitlements
- post-ministerial appointments;
- appointments on merit;
- freedom of information;
- government advertising;
- minimising secrecy;
- restraining incumbency; and
- whistleblower protection.

Another vital component of this platform is the fight to:

Clean up corruption in political donations

The financing of political parties in Australia is without doubt a skewed and secret system. It is skewed because the corporations and trade unions have undue influence over the major parties through the donations they provide.

And it is a secret system because donations can be made without disclosure of the donor's identity by donating through front organisations such as clubs, trusts and foundations.

While these flaws have existed for some time, their reform has become even more pressing since the Government rammed the *Electoral Integrity and Other Measures Bill* through Parliament in June 2006, part of which raised the political donations disclosure threshold from \$1 500 to \$10 000.

This now means that multiple donations of \$9,999 can be made to the separate national, state and territory branches of the same political party. In other words, an amount of close on \$90 000 can now flow into their coffers without triggering disclosure requirements.

Additionally, another flaw is that Australia's democracy is open to overseas funded political activity. Unless made by Australian citizens living overseas, these donations represent a level of foreign influence in domestic politics that is ethically and democratically unacceptable.

As long as the powerful mix of money and politics remains loosely regulated, democracy will continue to be undermined because the potential for corrupt or undesirable influence will continue. Voters are right to wonder why such large sums of money are donated if there is no influence to be gained.

Voters are also right to expect that government ministers and other members of parliament are subject to rigorous standards of honesty and behaviour. To minimise increasing public cynicism in politicians, the Democrats believe that there is an urgent need to:

Develop a comprehensive ministerial code of conduct

When controversy arises because of alleged misconduct, impropriety or conflict of interest amongst ministers and members of parliament, it must 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 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. The Democrats intend to persist with the push for the establishment of a Committee of both Houses of Parliament to develop a comprehensive code of conduct for ministers and other MPs. Such a code would include rules on the avoidance of conflicts of interest and strong penalties for transgressions.

Closely linked to the development of this code of conduct, is also the need to:

Bring back ministerial responsibility

While all MPs require personal staff to fulfil their duties, many ministers need additional advisers to assist them with their extensive portfolio responsibilities. The danger is if partisan advisers exercise executive functions without having commensurate safeguards of accountability under the Public Service Act and to Parliament. To sustain ethical government and to safeguard against any further controversies such as the 'children overboard' or 'weapons for wheat' scandals, parliament should be able to hold ministerial staffers to account. The Democrats will continue to campaign for the implementation of the recommendations of the 2003 Senate inquiry into parliamentary staffers, especially the adoption of a code of conduct for ministerial staff.

Furthermore, when ministers, ministerial advisers and departmental heads either retire or lose office, the Australian Democrats are of the strong opinion that we need to:

Legislate for a post-ministerial 'cooling-off' period

We believe that ministers and ministerial advisers should not enter the commercial sector for a period of two years if their new tasks are directly related to their former duties. The insights gained from their public service should not be used in the private sector for extensive private gain. To this end, the Democrats will continue to try to secure the passage of our Ministers of State (Post-Retirement Employment Restrictions) Bill, which imposes a two-year 'cooling off' period should positions of potential conflict of interest arise.

We will also continue our persistent campaign for the independent statutory body to set the salary and retirement packages against better criteria:

Politicians salaries and entitlements

Parliamentary salaries, allowances and benefits generate high public and media interest. There are essentially three categories of entitlements afforded to MPs: their salary package, which includes benefits such as a car; the resources required to do their job, including electorate allowances, office expenses and staff allocations; and their retirement packages, including superannuation and entitlements available under the Life Gold pass for qualifying MPs.

The Life Gold Pass should be scrapped. The Remuneration Tribunal should benchmark the resources parliamentarians need to do their job against relevant standards, and should conduct public hearings. The Auditor General should audit parliamentarians offices, including benchmarking to detect unusual usage of entitlements.

Similarly, the Australian Democrats would like to see the setting up of a:

Merit-based appointment process

We are concerned that whenever appointments are made to institutions set up by legislation, independent statutory authorities or quasi-government agencies, the processes by which these are made should be, and be seen to be, transparent, accountable, open and honest. It is still the case that appointments made to public authorities are left largely to the discretion of ministers with the relevant portfolio responsibility. This entrenches the public perception of 'jobs for the boys/girls'. We will persist with our campaign for umbrella legislation that sets standard criteria and processes to guarantee appointments on merit. We will also continue to move appointments on merit amendments to relevant legislation.

Another significant component of our accountability campaign is to:

Minimise secrecy

Fundamental to the realisation of openness, accountability and the public's right to know is the minimal use of secrecy by government. Blanket secrecy is unacceptable in government if Parliament is to fulfil its oversight function and if government is to remain open and accountable to the people. Secrecy is only necessary for genuine reasons of national security and privacy. Ensuring that 'commercial confidentiality' clauses in government contracts are genuine and not just designed to avoid scrutiny is vital to limiting secrecy.

We will continue to ensure that there be support for and compliance with the Democrats-initiated Senate Order concerning the use of confidentiality provisions in government contracts, and publication of key contract details.

Another aspect of the vital fight to minimising secrecy is in the area of:

Freedom of Information

In 1982, the *Freedom of Information Act 1982* established a regime for Australians to access government documents. At that time, there were few limitations on what could be accessed. However, over the last 25 years, the ability of individuals and organisation to access information held by Government departments has been slowly eroded. Effectively, we now have a Freedom **from** Information Act.

To reflect the concerns of the Australian Law Reform Commission and the Commonwealth Ombudsman, the Democrats introduced the *FOI Amendment (Open Government) Bill 2003*. However, the major parties have not supported any change. Australian citizens must have the ability to access and independently scrutinise government information; this is central to a genuinely deliberative and participatory democracy. We intend to continue our efforts to establish an effective independent oversight of the Act's administration and to minimise the culture of secrecy that exists in some government agencies.

And, we intend to campaign for the control of

Strong whistleblower protection legislation

Genuine whistleblowers play a vital role in ensuring the accountability of government, and in detecting wrongdoing in the public or private sectors. Without them, much corruption and impropriety would go undetected. However, when they make disclosures, their careers and livelihoods are often put at risk, particularly if legislative protection is weak or lacking as it is for Commonwealth public officials who are virtually unprotected.

The Democrats will continue to press our case through securing the passage of our *Public Interest Disclosures Bill 2007*, which draws on the drafting and implementation successes and shortcomings of previous federal, state and territory legislative frameworks. This Bill incorporates three principles: it establishes a framework to facilitate the disclosure of information in the public interest; it creates a process to ensure that disclosures are properly dealt with; and it provides practical protection for people who disclose information in the public interest.

Government Advertising

The Democrats support information and advertising designed to inform Australians of taxpayer-funded government programs and services. However, we oppose outright the abuse of budgetary discretion by governments to put out party political propaganda under the guise of legitimate government advertising.

To reflect recommendations of the Australian National Audit Office and Senate committee, in October 2003 the Democrats and Labor jointly moved a Senate Order to enforce much higher standards and controls on government advertising. However, it has been consistently ignored by the Howard Coalition Government. We will continue to support its enforcement. Through private senators' bills, parliamentary debate, media work and Senate committees we will push for much tougher restraints on this form of advertising.

The final part of our accountability platform for 2007 is our plan to:

Restrain the advantages of incumbency

Any sitting Member or Senator benefits from incumbency. They have a natural advantage over any challenger, an advantage that is even more so if they are in a safe seat or hold high office. However, when that incumbency advantage is artificially boosted so that it becomes much more expensive or difficult for a challenger to contest the seat, it becomes a real problem.

Despite our representative democracy being a plural one, in which numbers of political parties and independents can contest elections, there is a strong tendency towards dualism, which favours the Liberal and Labor parties.

The financial barriers to entering politics have now become even higher as the Howard Government has taken every opportunity to boost the incumbent at taxpayer's expense with new staffing, printing, postal and communications allowances. Any contestant with less than \$350 000 per seat is at a hopeless disadvantage.

To enhance the principle of political equality, the Democrats will campaign to cap expenditure by candidate per constituency in elections. We will also move to disallow any further increases or changes to parliamentary entitlements and allowances that can be used for political party purposes.

The Australian Democrats promise is this. We will continue our tireless and proud history of demanding openness and accountability in government. We are indeed Australia's only genuine accountability party.