

Zali Steggall Policy for Honest Politics, 2019

The Parliament of Australia is the People's House, the highest authority in our nation, and the place where many aspects of how we live our lives are determined. It should be a place that all Australians respect and are inspired to contribute to, directly or indirectly.

Sadly, that does not seem to be the case for too many Australians. A 2016 ANU survey found that only 26% of people say that they trust their government, down from 42% in 1993.¹ Of 2,200 people surveyed by Griffith University, 62% believed politicians were using their position to benefit themselves or family, and 56% thought they were favouring businesses and individuals in return for political donations or support.²

I share the expectation that the Australian Parliament and public service meet the highest standards of integrity. That is how I have lived my life, and that is what I understand to be appropriate for the highest authority in our land.

I will work to hold politicians to greater account, so that the Parliamentary process is more honest, productive and inspiring that it has been in the recent past.

There are six things in particular that I will pursue:

1. A national anti-corruption body
2. The Westminster principle of ministerial responsibility
3. 'Without fear or favour' advice from our public service
4. Fixed four-year terms of Parliament
5. A Parliamentary Fact-Finding Office
6. 'Truth in advertising' laws in political campaigns

1. A national anti-corruption body

We urgently need an effective national anti-corruption body, and the current government proposal falls far short of what is needed.

There has been a string of failures in political integrity in recent months. They include a \$444m contract granted to the Great Barrier Reef Foundation without a tender or due diligence, a \$420m contract awarded to the unknown Paladin Group without tender or competition, and past and present politicians helping the Liberal Party donor Helloworld win a \$1 billion contract for federal government travel. Meanwhile, Labor is under fire for the influence of unions over its policy and direction.

Members of the federal government have real power. They have the opportunity for nepotism and favouritism in appointments and the granting of contracts, the misuse of confidential information, conflicts of interest, misuse of entitlements, decisions that favour political donors, and cross-over appointments between industry lobbying and parliament. Yet there is no criminal sanction against any of these actions. Currently, such conduct is self-regulated by Parliament and rarely results in real

¹ Cameron S & McAllister I (2016) Trends in Australian Political Opinion: Results from the Australian Election Study 1987-2016, Australian National University

² <https://app.secure.griffith.edu.au/news/2018/08/20/griffith-research-shows-trust-in-government-slides/>

action and investigations.

Sixteen of Australia's most senior judges have recently set out a model for what is needed, learning from the experience of NSW's ICAC and similar bodies in other states and overseas. They say that a national anti-corruption body must be an independent well-resourced statutory authority, with:

- broad jurisdiction to investigate any conduct that undermines honest and impartial public administration
- the investigative powers of a Royal Commission, including to hold public enquiries
- the powers to make findings of fact and referrals to the DPP, and
- appropriate Parliamentary oversight.

The independent MP Cathy McGowan has proposed a national body along those lines. Instead, the Morrison government has proposed a watered down version that is seriously flawed. Under the government's proposal, investigations would be limited to:

- criminal conduct only, not the conflicts of interest, misleading conduct and secret deals that we have to stop
- where there is 'reasonable suspicion' only, which in legal terms is so high a bar that nothing would be investigated
- public officials only, not the people attempting to influence them
- referrals of the public agency itself, when most whistle-blowing is from within an agency.

These limitations mean that there would rarely, if ever, be a full inquiry. The government fails even to propose public hearings, when we have all seen the power of hearings being in public as in the recent Royal Commissions.

Australia must have an anti-corruption body with real teeth. The experiments in Victoria and South Australia have shown that anti-corruption agencies with narrow jurisdictions or weak powers only serve to heighten public cynicism and undermine public trust in the political process.

Anything less would be a sham, seen for what it is: the appearance of probity rather than actual probity. A proposal should be drafted for consideration by parliament by senior professionals with expertise in the conduct of investigations by State commissions, in proceedings of the Administrative Appeals Tribunal, and in disciplinary actions in the private sector.

2. The Westminster principle of ministerial responsibility

The Westminster principle is that a Minister is personally accountable for any action of his or her staff or department. It means that the Minister can take the blame for an action that fails parliamentary standards, and if necessary resign, but the government is not directly affected. Many believe that the strict codes of conduct in the Howard government meant that too many Ministers had to resign. However, now the pendulum has swung too far the other way. It is not good enough for a minister to say that because they did not personally do or know about the issue, they are not accountable.

3. 'Without fear or favour' advice from our public service

Again, our parliamentary democracy relies on our senior public servants being respected and empowered enough to offer advice to their Ministers 'without fear or favour'. In recent times, however, heads of departments have been hired and fired on the basis of their perceived support for the government. They have become overly cautious in presenting objective advice to their minister, preferring instead the 'safe' path of supporting their ends. Departments have had to implement actions pursued for political rather than policy ends, leading them to lose morale and public trust.

4. Fixed four-year terms of Parliament

Australia's three-year term is very short by global standards. Of 77 countries with two houses of parliament, only Mexico, the Philippines and Australia have a three-year term.³ In practice, our terms average only 32 months. So the parliament and public service is regularly unsettled as it either waits for, prepares for or recovers from an election. Calls for four-year terms have often had bipartisan support. People in both major parties have argued that a four-year term would encourage longer-term decision making, create greater stability for business, preserve more time for actual governing rather than politicking, save costs, and align with the States and Territories (all of which are four terms).

5. A Parliamentary Fact-Finding Office

Speaking in Parliament is a powerful privilege: a national televised platform with a permanent record, protected against any action of defamation. To balance that privilege, a parliamentarian cannot deliberately mislead parliament. However, action against a parliamentarian is very rare: it almost only ever happens when the other side is seeking a political 'scalp'. Too often a parliamentarian just repeats facts that have been given to them without care for their correctness or factual basis. That falsehood is in Hansard forever, and is seen by many as factual. We deserve better. A very little known office called the Parliamentary Budget Office serves the purpose of costing the implications of any policy proposal by any parliamentarian. A similar Office could exist at little expense to confirm truths or expose false facts in Hansard. Publicising the results would be revealing, and make parliamentarians and their researchers think twice before relying on false facts and making false claims.

6. 'Truth in advertising' laws in political campaigns

Amazingly, truth in political advertising is not protected under any Australian law. The Australian consumer law against misleading and deceptive conduct relates only to trade and commerce. The Electoral Act only makes it a crime to mislead or deceive an elector about how to mark their ballot paper.⁴ Not even the Advertising Standards Board will review a political advertisement. Civil action can be taken only where the content is defamatory. While it may be impractical to have every poster, social media post and broadcast ad reviewed for truth, we must regulate for a minimum standard of truth in political advertising.

³ <https://electionwatch.unimelb.edu.au/australia-2016/articles/Three-year-parliamentary-terms-are-woefully-short>

⁴ Parliamentary Library, *Political Advertising in Australia*, 2004: <https://apo.org.au/sites/default/files/resource-files/2004/11/apo-nid504-1118206.pdf>