



Ecological Sustainability - Social Justice - Peace and Non-violence - Grassroots Democracy

## **TRANSPARENCY INTERNATIONAL 2013 FEDERAL ELECTION SURVEY**

### **Q1. Strengthen Commonwealth Parliamentary integrity**

The Australian Greens have long been committed to a suite of legislated codes of conduct for both Members of Parliament and Ministers. We are also committed to including within this ministerial code of conduct that ministerial staff are obliged to report to Parliament through its committees when a minister denies any knowledge of an event that one of their staff may have information or knowledge of.

The Australian Greens have had legislation before the last two Parliaments that would create the office of a Parliamentary Integrity Commissioner to provide advice to Parliamentarians, investigate and make recommendations to the Privileges committee (to whom the office is accountable) on practices, investigations or sanctions for breaching the Codes.

The Greens also believe they should also be responsible for administering a new comprehensive lobbyist code of conduct legislation.

### **Q2. Strengthen oversight of non-criminal misconduct matters across all Commonwealth agencies**

The Australian Greens believe the biggest gap in Australia's public service accountability framework is the absence of an anti-corruption commission covering all agencies and statutory corporations - this also includes intelligence agencies. Not only would the commission investigate allegations of corruption, but they would have a statutory duty to guide and support agencies and entities in establishing processes to report and deal with misconduct and conflicts of interest. The Greens *National Integrity Commissioner Bill* is ready to be passed into law once the major parties are ready to support it.

### **Q3. Strengthen the capacity to review and report on alleged failures in corruption prevention**

The Australian Greens believe the anti-corruption commission should provide education as well as investigations and reviews on any failure of corruption prevention. While the Greens support this remit across all government agencies, MPs, Ministers and their staff, in honouring the doctrine of the separation of powers we are wary of the commission having oversight of the Judiciary without their involvement and consent. This is not to say that a body should not be externally overseeing the judiciary, but it should be done with the acceptance and from the initiative of the judicial branch.

### **Q4. Continue the momentum towards strong and effective national whistleblower protection laws**

Now that we have comprehensive whistleblowing protection in place for the public sector, the Greens will move further develop our policy on how a comprehensive whistleblowing scheme covering employees and contractors to the private sector should operate. Given the

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recent high-profile cases of private sector whistleblowers being denied assistance or had their investigations pursued, the Greens think this should be a matter of priority in the 44<sup>th</sup> Parliament.

Senator Milne and Adam Bandt MHR both moved amendments to the *Public Interest Disclosure Act 2013* to include Ministers, MPs and their staff within the scheme so that protected disclosures could be made by them. Because the Labor and Liberal parties did not want the standards they imposed on the public service imposed on themselves, these amendments were voted down. Similarly, Senator Milne and Mr Bandt also moved to restrict the exemption that intelligence agencies receive under the Act. The Greens believe exempting intelligence agencies makes them weaker, not stronger by allowing misconduct or corruption to be smothered and not publicly exposed. If the Commonwealth Ombudsman makes representations to the Parliament that more funding is required because of their new responsibilities under the Act, the Greens will support that funding to be provided so that the Act is working to the best of its ability.

#### **Q5. Introduce best practice anti-bribery laws and enforcement practice**

The Australian Greens see no room for corruption in a democratic society. We will protect Australia's stature as a place where bribery and corruption are relatively low. Our commitments include requiring Ministers not to profit from their appointments through private enterprise, and strong protection for whistleblowers.

We advocate stronger parliamentary and public scrutiny of government-funded programs, to enhance transparency and accountability. In this global marketplace, we will ensure that Australia's international commitments remain on the domestic agenda, so that all pro-integrity and anti-corruption measures that Australia has committed to at an international level are ratified in Australian law. This includes completely removing the limited defence of 'facilitation payments' to international bribery charges that the mining industry is defending. The Greens will work hard to ensure that the Liberal and Labor parties do not cave into miner's demands for exemption to global bribery laws.

#### **Q6. Reform the existing donation, disclosure and funding laws for political parties and election campaigns**

The Australian Greens have played a key role in exposing the corrupting influence of donations on Australian politics. In NSW, the Greens in association with community groups organised a successful campaign to amend the state electoral funding law. This resulted in far reaching reform banning corporate political donations and putting strict limits on the amount individuals can donate. The Greens democracy4sale.org website has been widely recognised for the leading role it played in these achievements.

At a federal level reform has been slow. The Greens voted against the Howard government when it moved to increase the threshold level for donation disclosure to \$10,000 with adjustments for CPI. The disclosure for political donations made at the national level is now up to \$12,400. The Greens support a \$1000 disclosure level.

The Greens support -

- public funding of political parties and candidates for election campaigns and for the administration of political parties, to be set at a level that ensures proper democratic participation by voters and reduces corporate influence on political decisions; and
- bans on political donations from for-profit corporations and caps on individual political donations, excluding bequests, and donations from not for profit organisations; and
- caps on electoral expenditure by parties and candidates and strict limits on third party expenditure: and
- prompt, comprehensive public disclosure of political donations and funding on a public website.

#### **Q7. Strengthen the disclosure requirements on lobbying**

The federal lobbyists register and lobbyists' code of conduct is a first step, but more work is needed to strengthen regulation and disclosure requirements.

The Greens were successful in gaining support in the Senate to establish an inquiry into the operation of the Lobbying Code of Conduct and the Lobbyist Register.

The Greens are working for a range of reforms including:

- An independent body similar to the Canadian Commissioner of Lobbying. This independent body would report direct to federal parliament and have auditing and investigative powers and a mandate to enforce a new Lobbying Act and Lobbyists' Code of Conduct.
- A legislative framework for the regulation of lobbying.
- Expanding the scope of lobbying to include corporations and organisations employing in-house lobbyists, many of whom are in a position to influence government policy.
- Strengthening disclosure requirements so that it occurs in a timely manner, and covers when the lobbying occurred, who stood to benefit, who was lobbied, the subject matter of the lobbying and the meeting outcome.
- Enhanced compliance and review that requires the proposed Commissioner for Lobbying receiving and investigating complaints; strengthened and meaningful sanctions applying to MPs, public servants and lobbyists and proper appeal rights.
- Stronger post separation employment provisions that required a five year ban on ex-ministers working as lobbyists.
- A ban on the payment of success fees to lobbyists.

#### **Q8. Strengthen FOI laws to enable the anti-corruption function of government to be adequately discharged**

The Australian Greens opposed legislation to exempt the Parliament from freedom of

information legislation when it was passed by the Government and Opposition earlier this year. Greater disclosure about the workings of government and parliament is crucial to a healthy democracy. Parliamentary departments spend hundreds of millions a year in public money, and they should be open to public scrutiny.

Australia's representative democracy will be enhanced by increasing public participation in government processes and increasing scrutiny, discussion, comment and review of government's activities.

The Greens are working for a range of reforms including:

- Additional funding for the Australian Information Commissioner so his office can properly meet the objectives of the federal FOI legislation.
- Government action to promote culture change within government agencies to proactively publish information about their activities. (Consideration should be given to making it mandatory for agencies to publish information on their agencies that is currently optional, including information about agency priorities, finances, lists including agency contracts, grants and appointments, and links to data sets, submissions to other bodies, and policies.)
- Websites of all parliamentary departments to include up to date, easily searchable records of expenditure by MPs.
- An end to the current exemption granted to intelligence agencies from FOI coverage.
- Wherever possible information should be provided free of charge in an online public forum and this should be the principle that guides any government response to the OAIC review of fees and charges.

#### **Q9. Strengthening Australia's laws and practices in addressing safe havens and illicit financial flows**

The Australian Greens are committed to ratifying Australia's international obligations. It is not enough for Australia to sign up to sweeping international agreements, if we do not walk the talk and implement these in domestic laws. Accordingly, the Greens will ensure that all of Australia meets all of its obligations in relation to safe havens and illicit financial flows, by keeping these on the parliamentary agenda.

The Greens moved in the Senate last year for Australia to crack down on tax havens (which enable international criminal conduct and facilitate the plundering of developing nation's economies) and support tax information sharing treaties, however this motion was not supported by the government or opposition. We are firmly committed to cooperating with other nations for a zero-tolerance approach to corruption.

#### **Q10. Supporting ongoing independent and expert monitoring of the strength and effectiveness of Australia's national integrity systems**

The Greens fully support Australia participating in a National Integrity System Assessment so that recommendations from that assessment can be implemented.

13 August 2013