



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

## ACCOUNTABILITY ROUND TABLE 2013 FEDERAL ELECTION SURVEY

**Q1.** The Greens have long been committed to Australia's active participation in the UN Convention Against Corruption, the G20 Anti-Corruption Action plan and the Open Government Partnership. Despite Australia's compliance with submitting these reports and implementing their requirements has been tardy, we have already seen the positive benefits that have occurred. For instance when the G20 reported that the AFP's investigations into foreign bribery had been very poor and incomplete, it applied pressure that resulted in several of these closed investigations to be reopened.

It is for reasons such as this that leads the Greens to view these multilateral anti-corruption and open government agreements as so important to our domestic law and compliance. The Greens want to see these reports and recommendations complied with promptly and within 12 months. We also want to ensure our domestic law is amended to reflect the best practice requirements expected under the agreements, such as prohibiting international 'facilitation payments' as a limited defence to bribery laws which the mining industry has recently been lobbying governments to retain.

**Q2a.** The Greens *National Integrity Commissioner Bill*, introduced in the past two Parliaments, is ready to be passed into law once the old parties are ready to support it. 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.

**Q2b.** The Australian Greens have played a key role in exposing the corrupting influence of donations on Australian politics, however at the federal level, reform has been very 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. We also voted with the Labor government when they attempted to reduce the level, however this was opposed by the coalition and Family First. The Greens support a total \$1000 disclosure level, well down on the current \$12,400 threshold.

The Greens also support -

- contemporaneous, transparent and comprehensive public disclosure of political donations and funding on the AEC website.
- 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

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democratic participation by voters and reduces corporate influence on political decisions; and

- bans on political donations from 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

In relation to lobbying, the federal lobbyists register and code of conduct is inadequate and 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 Parliamentary Integrity Commissioner who 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.

**Q2c.** The Australian Greens have long been committed to a suite of legislated codes of conduct for both Members of Parliament and Ministers. We believe a legislated ministerial code of conduct should also oblige ministerial staff 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. This accountability gap has been exploited by governments right around the country and the Greens want a legislated ministerial code to close this gap down.

Similarly we believe a Parliamentary Code of Conduct should be legislated, enforceable by the respective chambers, to apply to all Members of Parliament, including shadow Ministers. The office of the Parliamentary Integrity Commissioner would be responsible for providing MPs and Minister's advice and education on how to comply with the requirements.

**Q2d.** 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 and the legislation that governs the lobbyists register.

**Q2e.** 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.

Senator Milne and Mr Bandt also moved to restrict the exemption that intelligence agencies receive under the Act. Our amendments were to exempt only those disclosures that pose a direct risk to national security or compromise active investigations. The Greens believe blanket exemptions on intelligence agencies make them weaker, not stronger by allowing misconduct or corruption to be smothered and not publicly exposed.

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

**Q2f.** Australia's representative democracy will be enhanced by increasing public access to information. The power of information is manipulated when governments are able to control what information is put in the public sphere and what will be withheld from view. The Greens strongly support the public's right to know and we have been working for a range of reforms including:

- Additional funding for the Australian Information Commissioner so the 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. The Greens believe protocols should be established to make 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 blanket current exemption granted to intelligence agencies and Parliamentary departments from FOI coverage and an end to blanket exemptions for some private corporations in both federal and state law.
- 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.

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