



## Modernising Parliament: Rethinking Parliament for the Next Generation Conference Paper

### Title: Making Parliamentary Ethics Relevant for the Next Generation.

If confidence in political processes and faith in democracy is to be sustained into the future, an increasing part of the modernisation of parliaments will include proactive programs for pre-empting ethical conflicts. Codes of conduct, ethics advice, education and training programs aimed at alerting parliamentarians to potential ethical dilemmas and conflicts of interest are frequently situated in a wider context of National Integrity Schemes. Our question is what factors and organisational structures capture the attention of parliamentarians and enhance ethical conduct? Aspects of pre-emptive ethical best practice have been incorporated into the recent *Benchmarks for Codes of Conduct applying to Members of Parliament*, published in April 2015 by the Commonwealth Parliament Association. We discuss the various approaches to ethical conduct in different legislatures and highlight the features of better practice that make them effective. We also explore the relationship between the public trust principle, parliamentarians' codes of conduct and ethics advice.

Authors: Ken Coghill & Julia Thornton

.....

Note. This paper draws on: Ken Coghill & Julia Thornton (2015) "Trust, Legislatures and Codes" presented at the *2015 International Congress of the International Institute of Administrative Sciences (IIAS)*, 22 to 26 June 2015, Rio de Janeiro; Ken Coghill, Cristina Neesham, Abel Kinyondo & Julia Thornton (2015) "Parliamentary Integrity Systems" personal and ethical dimensions of anticorruption measures in the most senior levels of public service" presented at the *2015 IASIA Annual Conference* 6 to 10 July 2015, Paris, France; and, Ken Coghill, Cristina Neesham, Abel Kinyondo & Julia Thornton (2015) "Parliamentary Codes of Conduct and the Accountability of Parliamentarians" presented at *The Twelfth Workshop of Parliamentary Scholars and Parliamentarians* 24<sup>th</sup> -26<sup>th</sup> July 2015, Wroxtton, UK.

Correspondence to: Associate Professor the Hon Dr Ken Coghill, Monash University,  
ken.coghill@monash.edu  
PO Box 197, Caulfield East Vic 3145, Australia

## National Integrity Schemes

Modernising and rethinking parliament for the next generation is a multifaceted task as revealed by the range of papers presented to this conference.

This paper concerns ethical conduct in the context of parliament as the first column supporting the National Integrity System (NIS) i.e. the system of structures and functions intended to reduce the risk of corrupt activities and sustain ethical behaviour (Sampford 2014) (Figure 1.)

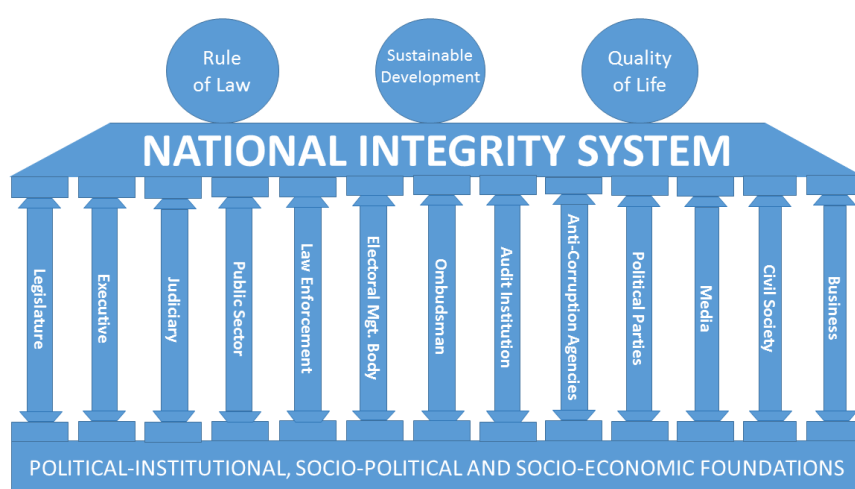


Figure 1. National Integrity System (Source: Transparency International 2009)

If the parliament's performance of any of its legislative, budget setting, oversight and representation roles {Coghill, 2012 #4647} is weakened, that flows through to weaken the quality of legislation, budget economy and efficiency, oversight of executive government efficiency and effectiveness, citizens' perceptions of the legitimacy of the political system, and confidence in justice and fairness in the law. The parliament's performance is dependent on the performances of its elected members in fulfilling their roles and responsibilities.

It is clear that citizens of democracies expect parliamentarians to act in the public interest at all times (Lewis 2014). This is often expressed as trust in parliamentarians – a concept different from that other use: entrusted with responsibility.

This paper focuses on the latter understanding of public trust: entrusted responsibility. Fundamental to the modernization of parliament is revival of the role of parliamentarians as public officers, entrusted with responsibilities to act as fiduciaries in the interests of their parliament's jurisdiction i.e. in the public interest (Fleishman, Liebman et al. 1981, Finn 1995, Aagaard 2008, French 2011, Brennan 2013). This paper argues that failure to act in accordance with a public officer's entrusted responsibilities is to breach ethical conduct.

## Fiduciary duty and Entrusted Responsibility

In a sense, this is "back to the future": it is reviving ancient principles to provide solid foundations for the future of parliamentary democracy.

The simple ethical and legal principle at stake can be traced back to Plato. It is

.. Much the most fundamental of fiduciary relations in our society "being that which exists between the community ... and the state and its agencies that serve the community" (Finn 2012, 31).

The importance of trust to the performance of democratic parliaments was recognised in the *Benchmarks for Democratic Parliaments* (Commonwealth Parliamentary Association, UNDP et al. 2006).

More recently, Sir Gerard Brennan, the former Chief Justice of the High Court of Australia, stated that:

"It has long been an established legal principle that a Member of Parliament holds 'a fiduciary relation towards the public' and 'undertakes and has imposed upon him a public duty and a public trust'.

After noting that "the duties of a public trustee are not identical with the duties of a private trustee" he made the point that they are both subject to "an analogous limitation" namely that "all decisions and exercises of power be taken in the interests of the beneficiaries and that duty cannot be subordinated to, or qualified by the interests of the trustee".

There is a nexus between peoples' trust in public institutions such as parliaments and parliamentarians acting in a fiduciary capacity in caring for the public interest. The Edelman *Trust*

*Barometer 2015*, while not making this connection explicit for governments, does point to this relationship in business;

"Delving a layer deeper, the Barometer reveals that approximately half of respondents attribute increased trust in a business to the fact that a business enabled them to be a more productive member of society. Forty-seven percent say it is because the business contributed to the greater good." (Edelman 2015). It can be extrapolated that the same can be said of the public's trust in political institutions.

The setting up of a good National Integrity System is in itself an example of exercising a duty of care to the public interest. It serves the broad needs and interests of the polity over individual or party benefit or other sectional interest.

## The research problem - parliamentary structures and norms

A key element in a general integrity system is the behaviour of parliamentarians in carrying out their responsibilities as public officers. This entails their understanding of where they must exercise fiduciary responsibilities, and a sensitivity to situations that may involve particular pitfalls and may compromise acting in the public interest. Good intentions and moral sentiments are only part of the picture. Agency and structure act together, so that the norms of affiliate groups, general cultural priorities and organisational structures also profoundly influence parliamentarians' behaviour. In addressing the need to improve ethical conduct, our question is: what factors and organisational structures enhance parliamentarians' ethical conduct? Aspects of pre-emptive ethical better practice have been incorporated into the recent *Benchmarks for Codes of Conduct applying to Members of Parliament*, published in April 2015 by the Commonwealth Parliament Association (CPA).<sup>1</sup>

---

<sup>1</sup> Coghill was the lead author.

## Research

This paper builds on research into how parliamentarians acquire and enhance capabilities that contribute to the performance of the parliament's functions. (See Appendix 1.) The most recent project aimed to assist national, state, provincial and territory Commonwealth parliaments to implement the *Benchmarks for Democratic Legislatures* recommendation:

*Benchmark 10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts (Commonwealth Parliamentary Association, UNDP et al. 2006).*

The project comprised an initial literature review, a questionnaire survey and analysis, document collection, interviews with key informants, preparation and circulation of draft benchmarks and a workshop which reviewed the revised draft and adopted the final set of Benchmarks.

The questionnaire was sent to all national, state, provincial and territory parliaments affiliated with the CPA, i.e. almost 200 Houses when bicameral parliaments are taken into account. 140 Houses returned a completed questionnaire, of which 98 reported that their House had provisions for some type of code.

### Codes of conduct found and broad results.

Each House was requested to provide any current Code of Conduct or other legal instrument intended to guide the conduct of members of the House, as an electronic file, or hardcopy. There is now a database of approximately 40 Codes and like instruments in CPA member parliaments.<sup>2</sup>

The returned questionnaires and documents were analysed to identify houses which had a code or like instrument and the significant features of codes. These features are summarised in Appendices

---

<sup>2</sup> These codes and like instruments are all public documents in their home jurisdictions; access to the database is available on request.

2, 3, 4, & 5. These show that although all codes have provision of declaration of pecuniary interests, there are wide variations in what is required to be disclosed. Only about a half to two thirds disallowed improper use of their positions as public officers e.g. offering or accepting bribes and other forms of inducement.

Forms of sanction or penalty for breaches also varied widely. Virtually all had provision for some mild form of action such as admonition, censure, rebuke or reprimand, most allowed withdrawal of mandate (i.e. expulsion from the house) or imprisonment, and some codes provided for both.

This analysis was used to frame questions for approximately 40 interviews with parliamentarians and Clerks at the 60<sup>th</sup> Commonwealth Parliamentary Conference (October 2014, Yaounde, Cameroon).

A consultation draft Benchmarks for Codes of Conduct for Parliamentarians was emailed to CPA parliaments and legislative studies and legislative strengthening experts and posted on the Commonwealth Connects website. Several suggestions were incorporated in the revised draft debated at a three day workshop with participants from each of the CPA's global regions, several Clerks, academics, the US Office of Congressional Ethics co-chair and a legislative strengthening expert.

The Benchmarks highlight the roles and functions of the parliament and its parliamentarians as public officers in a democracy and set out founding principles drawn from the 'Nolan' Principles of Standards in Public Life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership (Committee on Standards in Public Life (UK) 1995). The actual Benchmarks provide guidance to a House on provisions to include in a new or revised Code of Conduct.

These Benchmarks indicate the effect that the Code should achieve, having regard to the number of members in the house, the human, physical and technical resources available to it, and other factors such as cultural norms affecting the functioning of the house.

The Benchmarks are structured to: indicate the types of conduct to which a code would apply; provide for ethics advice; indicate processes for investigating complaints; suggest appropriate sanctions; indicate processes for making and amending codes; and canvas sustaining a culture of ethical conduct.

### Conduct affected

The types of conduct subject to these Benchmarks focus on parliamentarians giving precedence to the interests of the polity ahead of interests of self, family, friends, businesses, campaign donors, political party, donors of foreign travel or any other source of influence. A code should require all parliamentarians to immediately and continuously disclose all assets, income, liabilities and gifts. These continuous disclosures are to be published by the parliament and should be liable to verification if doubts arise as to their accuracy.

The offer or acceptance of gifts are not banned (Kania 2004). Rather, gifts are disclosed whenever a risk of influencing behaviour may be perceived. The exchange of gifts does generate a relationship in which favoured treatment is more probable (Axelrod, 2006), even if of no material value (Malmendier & Schmidt, 2012. Gifts (including hospitality) are particularly problematic where the exchange of gifts is customary and to decline may cause offence. Some parliaments may find it appropriate to allow a low value threshold below which disclosure is not mandatory.

Other types of conduct covered by the Benchmarks include the misuse of public property and inducements such as cash for questions or other payment for performing a parliamentarian's role.

### Enhancement of Ethical Competence

Members of parliaments may face ethical issues uncommon in their prior occupations. They should have ready access to expert advice on potential ethical problems. The adviser should be: independent of influence; appointed by a non-partisan process; safe from unjustified removal; and, be barred from investigating complaints about the conduct of any member.

The adviser should be readily available and accessible, so that talking to him or her is routinized.

## Enforcement

One or more investigators must be fully independent and appointed through a non-partisan process.

All complaints must be directed to the investigator and remain confidential. The investigator must determine the facts of the allegation and if s/he finds evidence of a breach, must report to the parliament.

If a breach of the law is suspected, the complaint must be referred to either the police or the corruption control agency as appropriate.

## Sanctions & Penalties

The Code must include graduated sanctions (penalties). Where a breach is found to have occurred, the House decides the sanction - ranging from an admonition to expulsion from parliament.

## Culture

The culture among parliamentarians is fundamental to compliance with acceptable standards of conduct. There are some aspects of ethical culture which can be captured in a code and others which can only be invoked through wider social relationships. While the latter will be addressed later in this paper, the Integrity System and Code should provide:

- Introductory and continuing education to assist Members to enhance their skills in ethical deliberation;
- Induction which includes mentoring and experience-sharing activities involving both new and experienced Members;
- Exemplary behaviour by those in leadership roles;
- Endeavours to detect and act to deter even minor breaches from which serious breaches may develop;



- Members being encouraged to consult with the ethics advisor before acting on a matter that may raise ethical issues;
- Members acknowledging and accepting provisions of a Code of Conduct when swearing an Oath or making an Affirmation;
- Publishing and making available the Code to both Members and the public;
- Ensuring that newly elected members receive induction in the Code of Conduct, and engaging in self-assessment of their individual ethical competence;
- Encouraging discussions with the ethics adviser which shall be treated as routine and normal, with frequent informal contact between the ethics adviser and Members;
- Requiring every Member to participate in activities to enhance their ethical competence on a regular basis (preferably online);
- Requiring Members to provide evidence on a regular basis that they have read and understood the provisions of the Code; and
- Endeavouring to adapt the code to changing expectations of society with regard to ethical conduct.

## Making and re-making a Code

The Code should be developed with opportunities for every parliamentarian to participate and be adopted by resolution of the House. It should also be reviewed periodically as a matter of course and revised accordingly, again involving all parliamentarians, thus helping to sustain a culture of ethical conduct.

## Complementary provisions

A Code of Conduct for Parliamentarians is part of a broader integrity system. Other measures include:

- integrity system structures and functions;

- regulation of election campaign donations and expenditure;
- a Ministerial Code of Conduct;
- a Code of Conduct for parliamentary officers and staff;
- regulation of post-parliamentary employment by former parliamentarians;
- regulation of lobbyists, and lobbying;
- actively enabling monitoring and reporting by civil society organisations of compliance with the Code of Conduct;
- political parties' roles in fostering a culture of ethical conduct; and
- awards to recognise exemplary conduct.

## Instilling trustworthiness beyond codes

We now turn to the relevance of this research to trust.

Beyond the provisions of codes of conduct, the climate or culture of ethical conduct in a parliament enhances trustworthy behaviour. Also, the mere existence of a code can positively influence the ethical culture of a parliament. Interviewees with rigorously enforced codes of conduct perceived it enhanced the performance of their parliament and stated that they would not be without it.

Conversely, members with no code or weakly enforced provisions seemed unperturbed by the risks of undermining the performance and reputation of both the house and its parliamentarians.

Members' behaviours must develop and sustain a culture of ethical conduct and an orientation towards compliance and enforcement. What follows is an indicative rather than an exhaustive list of cultural influences on ethics. It is intended to spur further thinking about elements of political culture and relationships that serve to guide ethical behaviour

Cultures of ethical conduct are primarily affected by three conditions of a parliament that are epiphenomenal to codes. These are: state-wide cultural conditions; institutional climate; and induction and training for parliamentarians.

### State wide cultural conditions

The first of these is the general political climate and culture of the state. Overall, cultural differences in understandings of the meanings of 'representation' or 'conflict of interest' can mean that one state's norms are another's transgressions. For instance, constituency representation in Australia can mean taking up a particular constituent's grievance or assisting them materially. An example might be helping them find public housing, or providing a reference. In at least some states in South America, this was seen as a misreading of the idea of representation, which should be for the population as a whole, not the individual, where-as to assist an individual was a form of corrupt influence in that it advantaged that individual over others.

The practice of constituency development funds (CDFs) was another example. To many the idea of allocating a CDF to a parliamentarian to distribute in his or her constituency at his or her own discretion could lead to conflict of interest and corruption. For poor states, however, it could be seen as a matter of necessity because there was little functioning institutional infrastructure. There are frequently very few other funds or means of distributing them, for material infrastructure like housing or roads.

Variations in press intrusiveness and restraint or otherwise of reporting is another factor in creating a national climate affecting perceptions of trustworthiness, as well as actual ethical behaviour. The relative aggression with which the press can act can be a civil brake on unethical behaviour.

However, it can provide a rationale for government secrecy and unwillingness to institute transparency regimes.

Political scandals occur at specific times which create state-wide conditions particular to that period.

Political scandals can act as incentives for trustworthy behaviour by heightening awareness of the stakes of unethical behaviour. They also create a conducive atmosphere for the development of codes of conduct and other elements of integrity systems.

### Institutional climate

Institutional climate is peculiar to each parliament. However, there are some recognisable patterns that influence ethical climate.

### Size

The number of members of a parliament is a factor but its significance is not a matter of a simple arithmetical progression in size, making things progressively more complex. Rather, size of social groups has some critical threshold numbers. The number of people with whom we can maintain a personal relationship, or the extent of acquaintanceship (Dunbar's number) is approximately 150 (Dunbar 2010, p 24-8). Affiliate groups smaller than this also exist as 'natural' social numbers.

Innermost groups consist of three to five close relationships. Above this there is another natural grouping of between seven and twelve that optimises around ten. Eleven small Commonwealth parliaments are within this range. A third grouping is of around thirty to forty five individuals, the size at which a group can maintain itself without factionalising. Twenty Commonwealth legislative houses are in this range.

Cultures of ethical conduct appear to be easier to achieve in smaller parliaments, suggesting that greater efforts may be needed in large parliaments in which smaller sub-cultures may more readily emerge and which are more self-referential and thus less influenced by a general commitment to integrity. The National Assembly of Wales, at 60 members, appeared to be a great deal more cohesive as a single entity than the Westminster House of Commons, at 650. In the UK House,

members find it difficult to recognize, much less know, all fellow members (Interview 9 (HoC UK), 2014).

Size has a potentially insulating effect. Large parliaments can be a world unto themselves and this may serve to insulate the parliamentarians from public standards of ethical behaviour. A good example of this occurred with the Westminster allowances scandal. As a tactic for political appeal, Prime Minister Thatcher had refused to increase parliamentarians' salaries. However, this was done with at least tacit acknowledgement that these limits would be topped up by allowances for parliamentarian-related expenses (Interview 4 (HoC UK), 2014; Interview 5 (HoC UK), 2014).

Parliamentarians found that, when making claims to the office handling allowances, they would be reminded of possible expenses claims that they had not made, which were allowable. Further, some old hand MPs would advise or remind other parliamentarians of allowable expenses. Surrounded by such normalising reassurance, claims became more and more extensive. A few parliamentarians were able to remain outside the normative pressure, but a great many were caught up in a claims normalcy that only became questionable when compared with public standards, as happened when more egregious claims were reported (Interview 2 (HoC UK), 2014). However, in a development that illustrates the ambiguous role of the press as a moral arbiter, a number of parliamentarians were "exposed" merely for clarifying whether certain expenses could be claimed – which is behaviour that a good ethical culture should encourage.

### Institutional lines of influence.

#### 1. Staffers and Parliamentary officers.

Most parliamentarians have a small trusted inner circle which might include a secretary or office manager, parliamentary advisors and contact with parliamentary officers. Trust in and perceived alignment of interest were factors in trusting staffers and officers for advice. The inner circle of advisors with whom parliamentarians have most regular contact were of all parliamentary

relationships, those most likely to influence the approach of a parliamentarian. In some parliaments, parliamentary staffers and advisors either attended training sessions as well as, or instead of parliamentarians themselves. This made them valuable conduits of ethical culture. Frequently office managers while not being expected to offer the same types of advice, were also amongst the most highly trusted and therefore influential influences on parliamentarians. Their influence came by way of their daily tasks in managing financial claims and diaries and similar day to day activities.

Parliamentary officers held a more ambiguous trust relationship with parliamentarians. In some settings they commanded a high level of trust and influence. In others, they were not trusted as confidants on ethical matters as they were suspected of leaking to the press about such matters. This was regardless of whether or not this was actually occurring. The way officers understood the overall purpose of their role may have had some influence on this relationship with parliamentarians, although this understanding requires further research. It appears to vary between parameters of assisting parliamentarians in their role, to upholding the institution of parliament, to creating as one officer put it an "arena" on which parliamentarians performed their duties (Officer 1, UK, July 2015).

## 2. Affiliate groups

The institutional ethical climate can also be affected by the rationale around which parliamentary affiliate groups form. Mid-level affiliate groups can form around parties and sub-party factions. Alternatively, the basis for the grouping can be non-partisan - for example, gender, as has occurred in Westminster, with the formation of an informal cross party women's group. Similarly, 'year of first election' affiliate groups which reflect a particularly big intake of neophyte politicians after a given election can also be cross party. Another basis found for affiliation is religion. "Every Wednesday night we have a Catholic mass down here.... And there is the Parliamentary Christian Fellowship,

there's the prayer circle, there's a group of people with us at the moment, because it's Lent, we meet early in the morning for a small prayer circle and we have the prayer breakfast" (Interview 2 (HoC UK), 2014). The importance of these groups is twofold for ethical culture. First, they are highly influential in passing on information about 'how things are done around here'. Second, they act as educational and emotional support, placing them in a powerful position of influence.

However, finding an appropriate affiliate group can simply be a matter of serendipity: "... so there is nothing that encourages them to become part of an established group, whether that group is good or bad. And I was talking to one member who is quite a long-standing member, about a new colleague of his who'd come in through a by-election. And he was talking about the efforts he was making to make sure that that colleague had some links. But that was his personal view because he knew what it was like" (Interview 3 (HoC UK), 2014).

Similar factors can influence whether members are able to find a mentor. Mentorship grows from a trust relationship, and is fostered by proximity. This means that there must be opportunities to act together. Physical and social distance in various forms can militate against these relationships.

However, it is clear from interviews that for many, though not all politicians, a mentor can be a really valuable ethical guide. Other potential sources of influence are peers (fellow parliamentarians) on a one to one basis, and advisory staff. However, mentors' influence may not always be benign: they may transmit poor conduct.

### Age of institution

Recency in the establishment of a parliament can also be a factor in the formation of an ethical culture. Old parliaments can trail a long series of previous cultural habits. Even under conditions of major change, such as the large turnover of members at the UK 2010 election, institutional culture stuck. The UK Commissioner of Parliamentary Standards, House of Commons, spoke of "the hope that there was going to be a change in culture because so many new members had come in. But

what seems to have happened is that the prevailing culture was able to infiltrate that group as well" (Interview 3 (HoC UK), 2014). For some new parliaments, the opportunity to remedy the perceived failings of older related parliaments can be a goad to consciously developing ethical and collegiate systems. For other new parliaments, in nations with little history of democracy, the absence of a previous shared democratic culture can be an impediment to ethical systems and trust.

The predominant type of party structures, whether stable two party settlements or fluid multi party coalitions, did not appear to make a difference to ethical culture in the parliaments investigated.

### Enhancing Ethical Competence

Parliaments often do not have a separate section providing induction and further training for parliamentarians. It is often attached to the work of senior staff of the parliament or other offices. These arrangements differ widely in their institutional foundations, their primary focus and the approach they take to influencing behaviour. Few understand their work to be providing a foundation for parliamentarians' ethical conduct.

Parliamentary capacity building programs can take a number of forms. Most often the education of parliamentarians is thought of in terms of formal training programs. These can take several forms. Orientation programs are usually relatively simple programs designed to introduce new members to practical aspects of the institution and to their occupational community. Induction programs are distinguished by being more extensive and, unlike orientation programs, tend to be seen as developmental, attempting to educate or train parliamentarians in skills required to perform effectively (Coghill Forthcoming). Refresher programs are more varied and might include regular seminars, study tours, or other more elaborate forms of training such as role plays. Formal programs may also include programs with specific staff allocated to assist particular new MPs, such as that set up by the UK parliament for the post 2015 election intake of members.



Informal learning is on the whole less considered by parliamentary training officers. However this does not mean that such consideration does not exist. A good example of building in informal and incidental learning can be found in the Welsh National Assembly, where "pop-up" booths featuring training materials and promotion of the range of services offered by parliamentary officers have been used. These officers are also aware of the opportunities offered by the fact that there is a single dining room for all people within the parliamentary building, regardless of their status. Some training units also use the trust relationships between staffers and parliamentarians to deliberately include staffers in training programs so that they pass on accurate information. Finally, parliamentarians tend to be great autodidacts. Where information is missing they will often research it themselves. Here parliamentary libraries are often used. Parliamentary libraries are also often overlooked as a source of training as well as information. All of these approaches may be used to alter ethical cultures.

## Conclusion

In this paper we have argued that rethinking parliament for the next generation requires making parliamentary ethics relevant for the next generation. In some ways this requires going back to the future – reviving ancient understandings of the fiduciary responsibilities of those elected, as public officers, that they exercise a public trust and must put the public interest ahead of self, family and party.

The concept of a National Integrity System, of which a Code of Conduct for MPs is a key pillar, is a valuable means of identifying and implementing parliamentary structures and norms to support parliamentarians in their roles and responsibilities as public officers. The paper has outlined key necessary structures and norms.

This re-thinking of parliamentary ethics can help re-create parliament for the next generation.

## References

- Aggaard, L. (2008). "Fiduciary Duty and Members of Parliament." Canadian Parliamentary Review (Summer): 31-38.
- Brennan, G. (2013) Presentation of Accountability Round Table Integrity Awards.
- Coghill, K. (Forthcoming) Learning to be Learned in Lewis, C. & Coghill, K. (eds) Parliamentarians Professional Development: The Need for Reform Springer.
- Committee on Standards in Public Life (UK) (1995) The 7 Principles of Public Life.
- Commonwealth Parliamentary Association, et al. (2006). Recommended Benchmarks for Democratic Legislatures. A Study Group Report Commonwealth Parliamentary Association: 11.
- Dunbar, R. (2010). How Many Friends Does One Person Need?: Dunbar's Number and Other Evolutionary Quirks, Faber & Faber.
- Edelman 2015, Executive Summary, Trust Barometer, p 10. Retrived from <http://www.edelman.com/2015-edelman-trust-barometer-2/trust-and-innovation-edelman-trust-barometer/executive-summary/>
- Finn, P. D. (1995). A Sovereign People, a Public Trust. Sydney, The Law Book Company.
- Fleishman, J. L., et al. (1981). Public Duties: The Moral Obligations of Government Officials. Cambridge, Havard University Press.
- Finn, P (2012) " Public trust and fiduciary relations' in Coghill, Sampford and Smith (eds) Fiduciary Duty and the Atmospheric Trust, Ashgate, 31,
- French, R. (2011). Public Office and Public Trust. Seventh Annual St Thomas More Forum Lecture. Canberra.
- Hulten, M. v., et al. (2011) Parliamentary Ethics A Question of Trust. Retrieved from: [http://www.agora-parl.org/sites/default/files/codes\\_of\\_conduct\\_final-enforweb.pdf](http://www.agora-parl.org/sites/default/files/codes_of_conduct_final-enforweb.pdf)
- Kania, R. R. E. (2004). "Ethical Acceptability of Gratuities: Still Saying Yes after All These Years." Criminal Justice Ethics **23**: 54-63.
- Lewis, C. (2014) Politicians Forget What Public Trust Means - We Must Remind Them. The Conversation
- Sampford, C. (2014). Integrity Systems: Some History. Assessing National Integrity Systems in the G20 and Beyond (A workshop with Transparency International). The Ship Inn Function Room & Brisbane Convention and Exhibition Centre, Brisbane.

## Appendix 1

- The research programme has included several projects, the most significant of which was *Parliamentary Careers: Design, Delivery and Evaluation of Improved Professional Development* funded by the Australian Research Council Linkage Project grant LP0989714, in which industry partners were the Inter-Parliamentary Union and AusAid (the Australian Government's former development aid agency). Other projects in this program include *Protecting the reputation and standing of the institution of parliament: a study of perceptions, realities and reform* (ARC SPIRT C00106808); *Pilot study of parliamentary career skills development: The 2005 Senate induction program* (Monash University); *International review of induction and professional development programmes for parliamentarians* (Inter-Parliamentary Union); *Parliamentary Career Skills Development: since Senators' 2005 Induction Program* (Monash University); *Parliamentary Career Skills Development: House of Commons since 2010 Induction Programme* (Monash University); and *Parliamentary Codes of Conduct* (Commonwealth Parliamentary Association Head Quarters) (Coghill, 2012, 2014; Coghill, Donohue, et al., 2008; Coghill, Donohue, et al., 2009; Coghill, Donohue, & Holland, 2008; Coghill, Donohue, & Lewis, 2014; Coghill, Holland, Donohue, & Lewis, 2009; Ken Coghill, Holland, Donohue, Richardson, & Neesham, 2008, 2009; Coghill, Holland, Donohue, Rozzoli, & Grant, 2006; Coghill, Holland, Donohue, Rozzoli, & Grant, 2008; Coghill & Kinyondo, 2015; Coghill, Thornton, et al., 2014; Donohue, Lewis, Coghill, Neesham, & Holland, 2010; Kavathatzopoulos, Coghill, & Asai, 2014; Lewis & Coghill, 2004a; Lewis & Coghill, 2004; Lewis & Coghill, 2004c; Neesham, Lewis, Holland, Donohue, & Coghill, 2010).

APPENDIX 2. Codes of Conduct - Frameworks (Houses of Commonwealth parliaments)

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
Framework for regulation (Gay 2008) i.e. provision for application to Members of:	Parliamentary privilege		14
	Parliamentary immunity		12
	Criminal law		11
	Filtering of Complaints		8
	Statutory		15
	Statutory regulation of donation		16
	Codes of conduct		54
	Legal Processes		25
	Investigation		20
	Investigative Procedure		21
	Ombudsman role		15
	Procedures for Commissioners/ Advisers		43
	Enforcement Powers for Inquiries		23
Code proposed but NOT adopted		21	

APPENDIX 3. Codes of Conduct – Disclosure Requirements (Houses of Commonwealth parliaments)

Category of provisions	Sub-category of provisions	Specific provisions	Number of codes with such provision
Rules on Registration and Declaration (Stapenhurst & Pelizzo 2008)	Tax returns	Tax returns	17
	Wealth &/or income sources	declaration of pecuniary interests	82
		declaration of criminal history	75
		conflict of interest (undefined)	98
		Fees and honoraria	17
		Retainers	21
		Sources of patrimonial income	28
		Financial interests of spouse.	30
		Names of immediate family members	26
		Private employer or nature of private employment	33
		Identification of trusts by trustee	28
		Identification of trusts by beneficiary	32
		Professional services rendered	33
		Real estate interests	30
Ownership interest in a business	38		

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
		Investments	39
		Offices and/or directorships held	35
		Sources of income of business of a partner or shareholder	39
		Deposits in financial institutions	41
		Cash surrender value of insurance	37
	Debt	Creditor indebtedness	37
	Private donations	Reimbursement of travel expenses from private sources	42
	Benefits from public entities	Compensated representation before public entities	41
		Leases and other contacts with public entities	39
	Regulated occupational licences	Professional or occupational licenses held	44
	Other (describe)		38

APPENDIX 4. Codes of Conduct – Restricted Activities (Houses of Commonwealth parliaments)

Category of provisions	Sub-category of provisions	Specific provisions	Number of codes with such provision
Restricted activities include the following items (Stapenhurst & Pelizzo 2008)	Obtaining undue advantage	use of public position to obtain personal benefit	52
		competitive bidding	49
		nepotism	50
		outside employment or business activities by public officials or employees	53
	Offering and accepting bribes	providing benefits to influence official actions	63
		receipt of gifts by officials or employees above a certain value	65
		receipt of fees or honoraria by public officials or employees	60
	Acting against the public interest	representation private clients by public officials or employees	57
		political activity by employees	56
	Misuse of confidential information	use of confidential government information	63

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
	Using public property for personal gain	travel payments from non government services	53
	Gain of post-MP employment by political means	post-governmental employment for 2-years	53
	Obstructing the course of justice (hiding information, providing false/misleading information, destroying evidence, obstructing investigators/ investigations)		61
	not declaring conflicts of interest	financial conflicts of interest	72
	not declaring private interests		84
	misuse of freedom of speech		68
	Other (describe)		57



APPENDIX 5. Codes of Conduct – Sanctions for Breaches (Houses of Commonwealth parliaments)

Category of provisions	Sub-category of provisions	Specific provisions	Number of codes with such provision	
Sanctions (Stapenhurst & Pelizzo 2008)	Private letter to the member concerned drawing attention to the breach and advising the member to avoid such conduct in the future	Private letter to the member concerned drawing attention to the breach and advising the member to avoid such conduct in the future		
	Public report or statement giving details of the breach but not recommending any further sanction	Public report or statement giving details of the breach but not recommending any further sanction		
	Rectification (MP to deal with complaint)	Rectification (MP to deal with complaint)		
	Apology demanded	Apology demanded	56	
	Warning/ Caution	Warning/ Caution	69	
	Admonition/ censure/ rebuke/ reprimand	Remark		58
		Censure		61
		Reprimand		62
		Admonition; Admonition to abide the standards of conduct		60
		Rebuke		61

	Admonition to refrain from presenting at the House for a certain period of time; suspension (from office)	Admonition to refrain from presenting at the House for a certain period of time; suspension (from office)	64
	Severe rebuke	Severe rebuke	63
	Fine	Fine	76
	Loss of salary	Loss of salary	72
	loss of seniority	loss of seniority	69
	Order to withdraw	Order to withdraw	72
	Disqualification from membership on ground of defection	Disqualification from membership on ground of defection	80
	Expulsion	Expulsion	81
		Loss of mandate	73
	Committal	Committal	74
	Imprisonment	Imprisonment	83
	Other (describe)		73

- 
- APPENDIX 6. Benchmarks for Codes of Conduct



**Recommended Benchmarks  
for  
Codes of Conduct  
applying to  
Members of Parliament**

