

Report from Workshop 5: A Framework for Discussion: Parliaments Executives and Integrity Agencies: How can agencies (auditor-general, ombudsman, anti-corruption commissioners) be more effective?¹

The group commenced its discussion by recognising the premise that all such agencies are funded by government and that they are therefore potentially subject to influence through the control of funding levels relative to the extent and scope of inquiries they may seek to pursue. It was acknowledged however that in regard to basic statutory duties most agencies did not come under overt influence.

With two exceptions the group was made up of New Zealand participants. This allowed a fairly close examination of New Zealand institutions with a commentary on Australian similarities and differences by the two external members of the group. The observation was made that perhaps the composition of the group represented a greater interest in the functioning of accountability agencies in New Zealand than in Australia.

In New Zealand the Executive does not have direct control of those officers who come under the jurisdiction of the Officers of Parliament Committee chaired by the Speaker. Current Officers of Parliament are the Auditor-General, the Ombudsman and the Parliamentary Commissioner for the Environment. The Committee provides parliamentary control of their budgets to ensure independence from the government, recommends appointments, develops codes of practice and may also consider

¹ Report from Australasian Study of Parliament Group, 28th Annual Conference, Wellington, New Zealand, 28–30 September 2006, Parliamentary Control of the Executive: the People and the Money, Rapporteur: Kevin Rozzoli, President, ASPG, long-time Speaker, New South Wales Legislative Assembly.

proposals for the creation of new Officers. Committee recommendations to the Parliament on budgets are developed with advice from the Treasury.

The group discussed the possibility of retaliation by the government in the event of too harsh criticism though this had not really happened to date. It was considered that the media had a fairly important role to point out cause and effect in the event of any heavy handed reprisal. The process of recommendations to Parliament gave a transparency which could be picked up by the media. It was felt that transparency of process in the tabling of recommendations was essential if Parliament was to assert greater responsibility.

It was noted that internationally the importance of transparency was receiving greater emphasis with the emergence of such organizations as the International Institute for Democracy and Electoral Assistance based in Sweden which assists countries to build the capacity of their democratic institutions, provides a forum between policy-makers, academics and practitioners, promotes accountability, transparency and efficiency in election management and facilitates local democracy assessment, monitoring and promotion by local citizens and Transparency International, an apolitical global network set up to fight corruption by bringing together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business using its global network of chapters and contacts to mount advocacy campaigns lobbying governments to implement anti-corruption reforms.

It was noted that there are certain ‘pillars’ which support transparency and democratic integrity: an elected legislature, the role of the executive, an independent judicial system, Auditors-General, Ombudsmen, independent anti-corruption agencies and a Public Service to serve the public. As well as the role of local government, an independent and free media and civil society is also recognized. The Group also noted that anti-corruption agencies may include electoral commissioners, the police force and the processes of democratic audit now being instituted in many countries.

The group then discussed the New Zealand system in some detail. The term “Crown entity” covered the full range of government funded agencies which were then subdivided into Independent, Autonomous or Crown agencies. Categorisation was determined on such criteria as the power of appointment and dismissal, processes to review remuneration and the government’s power to direct the entity.

The basic distinction drawn by the group was between those agencies with power to direct government policy and those with a role to comment on the efficacy of government in the implementation of policy. It was observed that it is an important function of parliament to protect these accountability agencies and that this role extended to the media and the weight and force of public opinion, and that adequate resources are critical to the performance of these agencies.

The group concluded that the free and candid reporting of accountability agencies to parliament was essential and that those heading such agencies should be Officers of the Parliament reporting through the Presiding Officer/s and not through a Minister of the Crown.

The essential criteria were identified as: appointment and dismissal by parliament; reporting directly to parliament — both annual reporting and individual reports on specific matters of reference; having a role of commenting on government performance but not directing government policy; and funded by the parliament from a budget set independently by parliament.

The group regretted not having more time to pursue its discussion.

