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Guarding MPs' integrity in the UK and Australia

David Solomon

Following the 2010 federal election, Prime Minister Julia Gillard signed several agreements with various independents and the Greens that included undertakings to introduce a Code of Conduct for members of the Commonwealth Parliament and appoint a Parliamentary Integrity Commissioner who, under the supervision of the House and Senate Privileges Committees, would have functions that would include providing advice to MPs and Senators and investigating complaints against them. The proposals have not been implemented at the time of writing but are still alive. These and other integrity proposals were part of the policy agendas of the Greens and some of the independent MPs either before the election, or immediately afterwards. It is interesting to note that Parliament took its time to consider and debate their adoption: that there was no urgency suggests that there was little external pressure to settle the issues that had been raised. These proposals were not a response to public outrage over any scandalous events, of which there have been very few at the national level in Australia.

The same can be said about the slow implementation by the Baillieu Government in Victoria of changes to that State's integrity system. While the new Coalition Government had policies about these matters going into the election in 2010 it has been under little external pressure to put them into effect with any degree of urgency.

Recent history suggests that changes to integrity systems, particularly when they directly affect Ministers and Members of Parliament, are undertaken or expedited mainly in the wake of either public scandals or strongly growing concern at a diminution in public confidence about government, parliament and parliamentarians. I propose to look at such developments in Britain and in Queensland, their causes and their consequences, with a view to seeing whether the traditional role and independence of MPs have been affected in any meaningful way by the changes that have occurred and to see whether the changes that have occurred have impacted on their integrity.

In Britain there have been a succession of scandals prompting the creation of new bodies aimed at placating public concerns: in 1994, the Committee on Standards in Public Life (the ‘Nolan committee’) which in turn resulted in a Parliamentary Commissioner for Standards and a new Standards and Privileges Committee; in 2007 an Independent Advisor on Ministerial Interests; in 2009, the Independent Parliamentary Standards Authority (IPSA); and in 2010, a Compliance Officer for IPSA.

For Australia, I will concentrate specifically on developments in Queensland, where following the Fitzgerald inquiry into police and political corruption in the late 1980s, the Criminal Justice Commission was established in part to examine allegations of official corruption involving politicians. A code of conduct for MPs was adopted at about the same time. In 1998, following concerns about a deterioration in the public’s confidence in Ministers and MPs, the Parliament created the position of Integrity Commissioner. A Ministerial Code of Ethics was also imposed on Ministers by the Premier. Later, after the conviction of a former Minister on bribery offences, successive governments required all their MPs (including Ministers) to discuss their declarations of interest with the Integrity Commissioner. Following the 2012 election the Ministerial Code was strengthened and the Integrity Commissioner given an monitoring role to ensure compliance with declarations of interests. The Parliament also re-criminalised an offence of lying to Parliament.

I will begin with Britain — or more precisely with England, because devolution has meant that Scotland, Wales and in a different way Northern Ireland, have not been directly caught up in what has been happening in the Palace of Westminster. Also, my focus will be on Members of the House of Commons, though I will refer briefly to developments in the Lords.

When I submitted my abstract for consideration by the organisers of the conference I was not aware that in July last year a special issue of the *Australian Journal of Professional and Applied Ethics* was published on the subject of Parliamentary ethics. The first paper, by Dr Noel Preston, was titled ‘Integrity Queensland-style — and the importance of being fore-warned and fore-armed’. The second was by Professor Charles Sampford, ‘Parliament, Political Ethics and National Integrity Systems’. It too had a lot to say about the Queensland system. And the third was by Nicholas Allen, ‘Ethics regulations at Westminster: mapping long-term institutional change’. Allen’s doctoral thesis ‘explored how a series of institutional changes, dating from the mid-1990s and loosely known as the Nolan reforms, affected the House of Commons’ ethics regulatory regime, some aspects of MPs’ behaviour, MPs’ ethical attitudes and public attitudes towards Parliament’, to quote his home page at Royal Holloway, University of London. In 2011 he also published an article in the journal *Public Integrity*, titled, ‘Keeping MPs honest? Ethics reforms in the British House of Commons’. In what follows I will be using Allen’s historical background to the reforms that occurred in Britain. Purely factual information was accessed from the websites of the various institutions that I refer to. I also found very useful an analysis of integrity in public life published on its website by the UK

Democratic Audit. I should add that my understanding was enhanced as a result of separate meetings I had in June this year with Sir Alex Allen, the Prime Minister's Adviser on Ministerial Interests, and Sir Christopher Kelly, the current chair of the Committee on Standards in Public Life.

Until very late in the 20th century, issues concerning the integrity of the members of both Houses at Westminster were a matter for internal governance. As Nicholas Allen explains in his *Public Integrity* article, 'The dominant idea underpinning the pre-1995 regime was self-regulation.' In fact, MPs self-regulated and Parliament 'exercised minimal oversight of MPs conduct'.⁷⁴ In 1975 the House of Commons introduced a Register of Members' Interests, covering financial and other interests that might influence parliamentary behaviour, and created a Select Committee on Members' Interests to oversee the register.⁷⁵ This followed a scandal in which several MPs were implicated in a corrupt relationship with an architect.

The next crisis arose in 1994 when a newspaper, *The Guardian*, reported that two Conservative MPs had accepted money from a lobbyist for asking Parliamentary questions. The cash-for-questions scandal precipitated the creation by the then Prime Minister, John Major, of an advisory Committee on Standards in Public Life, known as the Nolan Committee, after its first chairman, Lord Nolan.

The Committee on Standards in Public Life is an independent advisory non-departmental public body (NDPB), sponsored by the Cabinet Office. The Chair and Members are appointed by the Prime Minister. Seven of its members, including the chairman, are chosen through open competition under the rules of the Office of the Commissioner for Public appointments. The remaining three members are nominated by the three main political parties. The committee lacks any statutory powers, has no ability to compel witnesses or implement its recommendations. It does not investigate individual misconduct.

Its initial terms of reference were: 'To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.'

Its first report in 1995 recommended major changes, following this conclusion:

We cannot say conclusively that standards of behaviour in public life have declined. We can say that conduct in public life is more rigorously scrutinised than it was in the past, that the standards which the public demands remain high, and that the great majority of people in public life meet those high standards. But there are weaknesses in the procedures for maintaining and enforcing those standards. As a result people in public life are not always as clear as they should be about where the boundaries of acceptable conduct lie. This we regard as the principal reason for public disquiet. It calls for urgent remedial action.

The Committee set out what it called the seven principles of public life. These were later incorporated into the Ministerial Code of Conduct and remain the standards by which the Committee itself continues to provide advice. The principles are:

- **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

In its report the Committee was critical of the fact that some 30 per cent of backbench MPs held paid consultancies that related to their Parliamentary role. While it thought that Parliament would be less effective if politicians had no outside interests, it considered that MPs should be banned from lobbying on behalf of clients. Presumably they can still lobby on behalf of their constituents. Members of the public are entitled to go to the 'lobby' in the Palace of Westminster during sitting times to request a meeting with their MP to lobby them about issues of concern to them.

It considered that full disclosure of consultancy agreements and payments, and of trade union sponsorship agreements and payments, should be introduced immediately. It also thought the rules on declaring interests, and on avoiding conflicts of interest, should be set out in more detail. Then it recommended a Code of Conduct for MPs. It considered that the House of Commons should continue to be responsible for enforcing its own rules, but said that better arrangements were needed. It said,

By analogy with the Comptroller and Auditor General, the House should appoint as Parliamentary Commissioner for Standards, a person of independent standing who

will take over responsibility for maintaining the Register of Members' Interests; for advice and guidance to MPs on matters of conduct; for advising on the Code of Conduct; and for investigating allegations of misconduct. The Commissioner's conclusions on such matters would be published.

When the Commissioner recommends further action, there should be a hearing by a sub-committee of the Committee of Privileges, comprising up to seven senior MPs, normally sitting in public, and able to recommend penalties when appropriate.

The Commons in fact adopted these recommendations, establishing the Standards and Privileges Committee with a broad remit to supervise MPs' conduct, and creating the position of the Parliamentary Commissioner for Standards, to become the House's principal ethics adviser and investigator.

As Allen describes it, in handling complaints of misconduct, the commissioner's role is akin to that of an investigating magistrate: after conducting the necessary inquiries, the commissioner reports to the committee both the findings of fact and an opinion on whether a breach of the code has occurred. The committee then reaches a final judgment and publishes a report. The committee can also recommend sanctions against the concerned MP—something the commissioner cannot do—which may include a formal apology to the House, the repayment of monies if appropriate, and the suspension or even expulsion of the member. In an eight year period the committee recommended the suspension of twelve MPs for periods ranging from three days to one month.

The number of complaints about MPs has ranged in recent years from about 130 to 226 (at the height of the MPs' expenses scandal (of which more later). Most are not considered worthy of investigation, but about a quarter to and third are, and about a dozen or so are upheld each year.⁷⁶ Occasionally MPs are suspended from the House for a period of days or weeks.⁷⁷

The Committee on Standards in Public Life has produced more than a dozen reports covering the regulation of political finance, standards of behaviour in local authorities, the House of Commons and the House of Lords, MPs' expenses and allowances and 'Defining the Boundaries within the Executive: Ministers, special advisers and the permanent Civil Service.' It also comments on consultation papers issued by other bodies — for example, this year it made recommendations about the regulation of lobbyists, in response to a paper issued by the Government.

The Committee's report on 'Defining the boundaries' was published in 2003 and recommended the establishment of an Independent Adviser on Ministerial Interests. This was finally achieved in 2006. Again, the appointment is made by the Prime Minister and the adviser is supported by the Cabinet Office. The responsibilities of the adviser are:

- To provide an independent check and source of advice to government ministers and their Departmental Permanent Secretaries specific matters of conduct,

including how best to avoid potential conflict between Ministers' private interests and their ministerial responsibilities.

- To investigate — when the Prime Minister, advised by the Cabinet Secretary, decides it would be appropriate — allegations that an individual minister may have breached the Ministerial Code of Conduct.

Departmental Permanent Secretaries are mentioned because the Ministerial Code requires Ministers to provide their Permanent Secretary with a full list in writing of all their interests that might be thought to give rise to a conflict. The Ministers' statements are reviewed by the Independent Adviser and by the Propriety and Ethics team in the Cabinet Office. The list is published, and must be updated twice yearly.⁷⁸

There have been controversies about the position. In 2011 the Minister for Defence, Dr Liam Fox, eventually resigned over a significant breach of the Ministerial Code involving an informal aide, Adam Werrity. Although the Department had long held concerns about Werrity's activities, nothing was done. And the breach of the Code was investigated not by the Independent Adviser, but by the Cabinet Secretary, Sir Gus O'Donnell.⁷⁹ Then in 2012, the Independent Adviser was once more not consulted over a scandal involving the relationship between Jeremy Hunt, the Culture Secretary and his office, and News International, in relation to its bid to buy the remainder of the shares in BSkyB that it did not then own. Hunt's senior adviser was forced to resign following the revelation of supportive communications between him and an agent of News International, during the time the government was assessing the News bid. Earlier the responsibility for assessing the bid had been removed from a senior Liberal Democrat minister, Vince Cable, who had expressed doubts about it because of the attitude of News papers to his party. Hunt was given the responsibility having expressed support for it. All these matters were examined in the hearings on media integrity conducted by Lord Justice Leveson. But as I said, none of it was referred to the Prime Minister's Independent Adviser. Incidentally, Hunt was subsequently given a new and more important portfolio, Health Secretary, in a reshuffle in September.

There was widespread concern expressed about the fact that the Independent Adviser could not instigate his own inquiries. The Chair of the Committee on Standards in Public Life pointed out that his committee had recommended that the Adviser be given that power in 2007. In March this year the Commons Public Administration Select Committee reported that the role was not 'independent' in any meaningful sense. This was because:

- The role: the independent adviser lacks independence in practice, as he is appointed personally by the Prime Minister, is supported from within the Cabinet Office, and cannot instigate his own investigations
- The appointment process: the closed process by which the adviser is appointed is not suitable for an 'independent' role

- The choice of candidate: the choice of a recently retired senior civil servant is not a suitable choice for a role which requires demonstrable independence from Government.

The Committee suggested that the retirement of Sir Philip Mawer as independent adviser shortly after the resignation of Dr Fox should have 'provided the Prime Minister with a timely opportunity to demonstrate the value he places on having complaints against Ministers investigated in a demonstrably independent way'. This opportunity was missed and a recently retired former senior civil servant, Sir Alex Allan, was appointed through a closed recruitment process, which only became public knowledge after the event.⁸⁰

The next addition to the integrity machinery came in 2009. Early that year the Committee on Standards in Public Life said that it was bringing forward an inquiry into the system of allowances and expenses for MPs. Then in May, as Allen points out

...the *Daily Telegraph* published leaked details about all MPs' claims between 2004 and 2008. Some MPs had reportedly claimed for extremely dubious or petty items, including antique duck houses, cleaning bills for moats, bath plugs, plasma televisions, and so on. Other MPs had 'flipped' or redesignated their main addresses, enabling them to redecorate both homes at public expense and, in a few cases, avoid paying tax. And, throughout, officials in the House of Commons Fees Office, the body overseeing these matters, had apparently turned a blind eye to, if not actually encouraged, a culture of 'claiming to the max' among MPs. The public was outraged. Prime Minister Gordon Brown's government responded by rushing onto the statute book a new Parliamentary Standards Act, which established new bodies to oversee MPs' expenses and opened the way for significant changes to the existing regulatory structures.⁸¹

Some of the MPs did more than flout the rules, they broke the law through false accounting and fraud. Some were prosecuted and a few went to gaol. Many retired from political life at the subsequent election. The new legislation, passed in July 2009, 'set out details for a new Independent Parliamentary Standards Authority (IPSA), which would take responsibility for authorizing MPs' expense claims, maintaining the House of Commons Register of Members' Financial Interests, and overseeing the allowance system. The bill also included provisions for a new statutory commissioner for parliamentary investigations who would investigate alleged breaches of the new rules, a statutory Code of Conduct for MPs, and three new criminal offenses.'⁸² The provisions were watered down before the Bill was enacted.

Re-enter the Committee on Standards in Public Life. Following its review of MPs' allowances and expenses and of the new Act, IPSA's remit was further reduced and limited to drawing up and administering a scheme for MPs' expenses, as well as monitoring compliance with the scheme, paying MPs' salaries and pensions and setting MPs' salary levels.⁸³ In doing so, IPSA would be assisted not by a statutory

commissioner, but by a compliance officer to enforce the rules and investigate complaints.

The House of Lords was much slower in introducing integrity measures. Following recommendations by the Committee on Standards in Public Life the Lords introduced a Code of Conduct and a mandatory register of interests in 2001. These are overseen by sub-committees of the Lords' Committee for Privileges. Following allegations of improper expenses claims by peers, the position of Commissioner for Standards was created to investigate complaints about financial support arrangements and breaches of the Code. It adopted a revised Code of Conduct that came into effect in 2010.⁸⁴

As I noted at the beginning, the reforms in Queensland can be traced back to the crimes and scandals identified by the Fitzgerald inquiry in the late 1980s. One of the first integrity outcomes of the Fitzgerald report was the creation of the Criminal Justice Commission (CJC), modelled to a considerable extent on the NSW Independent Commission Against Corruption. Just over a decade later, the CJC had become the Crime and Misconduct Commission (CMC), after being merged with a Crime Commission created by a later government. The CMC's functions still include investigation of complaints against public sector misconduct by police, politicians, public sector officers and public officials, and working with public sector agencies, including the Queensland Police Service (QPS), to fight misconduct, including corruption. In relation to MPs, the CMC can only investigate allegations of official misconduct, and that is defined to mean misconduct that if proven would involve a criminal offence.

A second result of the Fitzgerald report was the creation of the Electoral and Administrative Review Commission (EARC). This body was mainly concerned with making recommendations to government about reforms. In many ways the 20 or so areas where it was required to investigate gave it a similar kind of remit to that of the Nolan Committee, but other than recommending a new system of Parliamentary Committees, it had little direct interaction with MPs. The new parliamentary committee system was not significantly implemented until last year, albeit with some bizarre changes to reduce the role of the Speaker. These were partly changed after the election. However the system had to be further changed to reflect the huge dominance of the LNP in the Parliament, and it remains to be seen how effective the committee system will be with such an imbalance in the numbers.

One important reform that occurred in 1995, as a result of the EARC proposals, was the formation of a Members' Ethics and Parliamentary Privileges Committee (MEPPC), with two major tasks: reviewing legislation providing for a Members' Register of Pecuniary Interests, and drafting a Code of Ethics for MPs. That Code was not finally adopted until 2001.⁸⁵ The declarations of interest of MPs are open to public scrutiny, and in the past few years are accessible on the Parliamentary website. However declarations by MPs about their related persons are confidential and accessible only by a few nominated integrity entities.

In 1998 the Government, with the support of the Opposition decided to amend the Public Sector Ethics Act to create the position of Queensland Integrity Commissioner. That move was prompted by a recognition by both sides of politics at the time, that popular opinion of politicians was, as my predecessor put it, 'at an abysmally low level'.⁸⁶ It was apparently thought that if politicians had a confidential sounding board available to give advice before a possible blunder was made, this would contribute to the image of politicians. As it turned out, the Act provided that the 'designated persons' who could seek advice were not restricted to politicians. Ministers and their staff could ask for advice, as could government MPs (Opposition MPs were later added to the list), statutory officers, the heads of government departments, and senior executive and senior officers (but only with the consent of their chief executive) and some others who could be added by Ministers. In total, more than 5,000 people met the description of a 'designated person'. In recent years about 50 requests for advice have been made each year, and almost half of these have been made by Ministers or MPs. Until 2010, designated persons could only ask for advice about conflicts of interest. In that year, this limitation was changed and the advice that could be sought expanded to include any ethics or integrity issue.

There were two further scandals that affected the Queensland Parliament and had implications for the integrity system, and both concerned the same MP/Minister. In 2006 Gordon Nuttall, then Minister for Health, was alleged to have lied to an Estimates Committee, where he had been questioned over his knowledge of the problems surrounding the proficiencies of overseas trained doctors. He denied ever having been briefed on these, but was directly contradicted by the then senior executive director, Health Services who advised the committee that Nuttall had been briefed. This led to the accusations that Nuttall had lied to the Committee, then an offence under section 57 of the Queensland's Criminal Code. In August 2005, Nuttall stepped aside from the Ministry while the Crime and Misconduct Commission (CMC) investigated claims he had given a false answer to a Parliamentary estimates committee. The CMC reported back in December 2005, recommending the Attorney-General prosecute Nuttall under section 57 of the Criminal Code. The prosecution was not proceeded with as Premier Peter Beattie recalled Parliament to revoke the relevant section of the Criminal Code so Parliament could deal with such matters itself as a contempt of Parliament. However Beattie decided not to refer the matter to the MEPPC, instead using the Government's majority in the Parliament to clear Nuttall and repeal s. 57 of the Criminal Code. And as Nuttall had resigned his Ministerial position and apologised to Parliament, no further action was taken in relation to the contempt charge.

The following year Beattie referred to the CMC allegations that Nuttall had accepted bribes. He was convicted in 2009 and sentenced to seven years gaol, and the following year convicted of different corruption charges, earning him a further seven year sentence. The first Nuttall conviction resulted in a major review of Queensland's integrity system, though few of the changes directly affected the Parliament. However following the change of government in March 2012, the new

Government acted to restore section 57 of the Criminal Code. One of the changes that was introduced in 2010 in a new Integrity Act, was a provision allowing MPs to meet with the Integrity Commissioner to discuss their declarations of interest, to help determine whether any conflicts of interest might arise. The then Premier, Anna Bligh, told her Ministers and MPs they each must see the Integrity Commissioner once a year (and they did). The new Premier, Campbell Newman, instructed his MPs that they too must arrange to meet with the Integrity Commissioner. These meetings do not take very long, but they do focus the attention of MPs on integrity issues.

The change of government also resulted in a review of the Ministerial Code of Ethics — to be renamed, Code of Conduct. An important addition to the Code is the inclusion of rules implementing individual ministerial responsibility. The code also put into effect an undertaking by the incoming Premier that the declarations of interest by his ministers would be subject to random checks. These are to be carried out by the Integrity Commissioner (at times of his choosing), and Ministers are instructed by the Ministerial Code to provide the Commissioner with any information he requires.

Noel Preston differentiates between what he calls compliance and integrity models that are respectively anti-corruption or pro-ethics.

A compliance approach is characterised by a watchdog, investigative and legalistic style stressing accountability and assuming that misconduct is inevitably present in political activity. An integrity approach is characterised by an educative, supportive and preventive style stressing responsibility and assuming that most participants in the political process are motivated to act with propriety.

...
...[A] good governance arrangement includes the valuable attributes of both a compliance and an integrity model aiming for a balance which protects against misconduct and promotes good conduct at the same time. The argument here is that an integrity model offers most for a parliamentary ethics program.⁸⁷

He argues that the Queensland approach is to follow an integrity model, particularly since the Integrity Commissioner became an officer of the Parliament in 2010. Applying his criteria, it is clear that the British approach is much more heavily weighted on the compliance side.

The body in Britain that is directed more towards the integrity approach is the Committee on Standards in Public Life. Its role has been to set standards, and to educate those in the political system, particularly members of both Houses of Parliament. It was created with the goal of improving trust and confidence in public service. But according to its current chair, Sir Christopher Kelly, '[i]n practice higher standards and greater trust have not moved in tandem'.

I am pretty confident that the activities of the Committee have raised standards. But public trust has moved in the opposite direction — and was given further impetus by MPs' expenses.

The decline in public trust has been such that in successive surveys of public opinion Members of Parliament as a class tend to be rated down at the bottom with red top journalists and estate agents.⁸⁸

It is much the same here. In less than 30 years the public perception of the ethical standards of politicians, state and federal, has halved, the Roy Morgan poll recording this year that only 10 per cent of respondents considered federal and state MPs to have high or very high ethical standards. Advertising people and car salesman rank lower, if that is any consolation. And there have been times when the actual ranking of our politicians was lower than it is now.

At the beginning I queried seeing whether the traditional role and independence of MPs have been affected in any meaningful way by the changes that have occurred. Tentatively, I would suggest the answer is 'yes'. It is true that both in Britain and in Queensland (to a lesser extent), MPs remain responsible for any sanctions that are imposed on those who fail integrity tests. But in Britain the number of external reviewers of MPs' conduct has increased to the point where Privileges Committees and the like would be under too much public pressure for them to be able to deal out punishments that were of the slap-on-the-wrist variety, where serious misconduct had occurred. And in Queensland, the changes to the Criminal Code to reinstate lying to Parliament as an offence moves trial and punishment outside the Parliamentary arena.

Are these developments making a difference? So far as Britain is concerned, I defer to Sir Christopher Kelly. I agree with the observation of Nicholas Allen who points out that more extensive and active regulation has institutionalised ethics as a feature of political contest and helped to institutionalise negative media coverage.

There is a more clearly identifiable ethics regime, as well as apparent transgressions, for journalists to write about.

...The British public may think less of its lawmakers' standards of conduct today even as those standards have actually improve. Put another way, the public might have a more benign view of their parliamentarians if there was less regulation at Westminster, but they might also have less honest politicians.⁸⁹

Back in Queensland (and Australia generally) I think the ethics/honesty/reputation issue as measured by the public reflects not the view of the honesty etc of MPs generally, but of the truth/lies of election campaign promises. We have had plenty of that over recent decades — Howard's core and non-core promises, Keating's tax cuts, Howard's never-ever GST, and Gillard's no carbon tax. In my view the standard of political discourse has crashed, stunningly, to an abysmal low, and that has added to the vitriolic 'liar, liar, liar' exchanges that undermine the standing of our politicians in the general community. And what is said in private, or anonymously on the net, is far worse. Like the speech of Alan Jones to a Young Liberals audience recently when he said that the Prime Minister's 'old man recently died a few weeks ago of shame — to think that he had a daughter who told lies every time she stood for parliament.' That comment was disgraceful enough. When

a few in the audience apparently expressed disapproval of his comments Jones went on to claim the media had somehow brainwashed the federal Liberal Party to go easy on the Prime Minister because, ‘she’s a woman’.... No, no look, hang on, this is where we are weak. This is where we are weak’, Jones said. ‘Can you believe that they have gone, the federal party, because they’ve been brainwashed by the media to “oh back off, she’s a woman, go easy”’.⁹⁰

But all of that is, in my opinion, an entirely different argument. My view from close by is that on the whole individual MPs are very conscious of ethical issues — I talk to them and remind them of what is required of them — and that they try to observe the standards that have been set. Almost all of them, anyway. What is new, is that politicians are increasingly being challenged about, and called to account for, their ethical behaviour before they were elected and required, particularly if they have served as ministers, to observe new rules or standards after they leave office. ▲

References

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- ⁷⁶ Democratic Audit, Separation of public office from personal interests, p. 7
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- ⁸⁵ Noel Preston, Integrity Queensland-style — and the importance of being fore-warned and fore-armed, *Australian Journal of Professional and Applied Ethics*, p. 8.
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- ⁸⁷ Preston, Integrity Queensland-style p. 5 (Footnote omitted)
- ⁸⁸ Sir Christopher Kelly, Speech at Brasenose College Oxford, 23 May 2011, p. 2. Emphasis in original.
- ⁸⁹ Allen, Ethics regulation at Westminster, p. 46
- ⁹⁰ *The Sunday Telegraph*, 30 September 2012, p. 5