

# Australian Collaboration and Accountability Round Table recommended democratic and accountability reforms

[www.australiancollaboration.com.au/democracy/index.html](http://www.australiancollaboration.com.au/democracy/index.html) | [www.accountabilityrt.org](http://www.accountabilityrt.org)

CONSOLIDATED AUSTRALIAN COLLABORATION AND ACCOUNTABILITY ROUND TABLE RECOMMENDATIONS	2020 SUMMIT FUTURE GOVERNANCE "TOP IDEAS"	RUDD GOVERNMENT PRE-ELECTION PROMISES	RUDD GOVERNMENT POST ELECTION ACTIONS
ANTI-CORRUPTION			
<p>A national anti-corruption commissioner appointed by statute with wide powers together with similar commissioners in all remaining states and territories still lacking such appointments (Victoria, SA, Tasmania, NT and ACT).</p>	–	<p>Greater support promised for the Integrity Commissioner and Australian Commission for Law Enforcement Integrity.</p>	<p>Token and inadequate budget increases only in May 2008 budget. The scope of the Commission also limited to the detection, investigation and prevention of corruption in the Australian Crime Commission and the Australian Federal Police.</p>
<p>Bans and caps on donations to political parties and campaign expenditure with equitable public funding of political parties' organisational maintenance &amp; campaign expenditure.</p>	<p>Adoption of the Canadian model to restrict corporate and private campaign finances.</p>	–	<p>New legislation prepared:</p> <ul style="list-style-type: none"> <li>• Disclosure required for donations above \$1,000;</li> <li>• Foreign and anonymous political donations banned.</li> <li>• Other loopholes closed (eg the prevention of financial gain by candidates).</li> <li>• Twice yearly disclosure requirement for political donations.</li> <li>• Multiple donations no longer treated as separate donations.</li> </ul> <p>Caps and bans canvassed by the PM. To be discussed in forthcoming green paper on electoral reform.</p>

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A greatly extended independent appointment system for all major public offices under the control of a statutory Commissioner for Public Appointments similar to the UK model.	–	Promised for ABC, SBS and the National Museum. Further extension raised as a possible action without commitment.	An independent nomination panel established to assess potential candidates for the ABC and SBS boards and provide the minister with a short list of candidates for each vacancy. The first appointments made under this new system.
Registration of lobbyists. Only registered lobbyists to have access to government record of lobbying activity.	–	–	See below under Greater Accountability of the Executive.
Bans on post ministerial or parliamentary secretary employment or other benefits within 5 or 2 years respectively from bodies with which they had had active dealings while in office.	–	–	See below under Greater Accountability of the Executive.
GREATER ACCOUNTABILITY OF THE EXECUTIVE AND STRENGTHENING OF THE ROLE OF THE PARLIAMENT			
Formal affirmation of the accountability of Ministers for all actions taken under their direct and indirect authority;	–	–	–

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<p>Incorporation into legislation of the Rudd Government's new Code of Ministerial Behaviour (together with changes recommended in "Be Honest Minister!"), the new rules about the need for Auditor General approval of advertising campaigns costing in excess of \$250,000 and the new rules for budget transparency under Operation Sunlight to make it as difficult as possible for governments in the future to weaken any of these provisions.</p>	<p>–</p>	<p>Promised.</p>	<p>New Standards of Ministerial Ethics (replacing Chapter 5 of previous guide) introduced:</p> <ul style="list-style-type: none"> <li>• Ministers required to divest their shareholdings except in trusts and super funds;</li> <li>• A Register of Lobbyists established;</li> <li>• No post separation dealings for 18 months after leaving office in any area in which the Minister has worked in previous 18 months;</li> <li>• No fund-raising at the Lodge or Kirribilli House.</li> </ul> <p>Introduction of annual report on Ministerial and Parliamentary staffing, providing an overview of the numbers of staff and the costs of their employment. Reduction in ministerial staff. Tabling of new Lobbying Code of Conduct.</p> <p>New rules requiring Auditor General approval for advertising campaigns above \$250,000. Government advertising campaign expenditures to be published every six months and tabled in Parliament, beginning early 2009. Abolition of the Ministerial Committee of Government Communications: advertising now managed at a departmental rather than political level.</p> <p>Following wide consultation and a report prepared for the Minister of Finance by (then) Senator Andrew Murray, the Government has set out its new policies to improve the transparency of public sector accountability and management in the document <i>Operation Sunlight – Enhanced Budget Transparency</i>. The objectives of the reforms are to:</p>

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			<ul style="list-style-type: none"> <li>• Tighten the outcomes and outputs framework;</li> <li>• Change budget papers to improve readability;</li> <li>• Improve the transparency of estimates;</li> <li>• Expand the reach of budget reporting;</li> <li>• Improve inter-generational reporting; and</li> <li>• Improve the financial framework.</li> </ul>
<p>Strengthening of the role of the Senate - also other state upper houses - as an independent house of review by means such as:</p> <ol style="list-style-type: none"> <li>i. Increased guaranteed funding for Upper House inquiries;</li> <li>ii. Adoption of the UK arrangement whereby the parliament not the Treasurer determines its own subventions;</li> <li>iii. The opportunity for parliamentary inquiries to include outside experts as in other countries (UK, Germany).</li> <li>iv. The appointment of a Parliamentary Standards Commissioner as in UK or Ethics Commissioner as in North America as a statutory officer of the parliament and the preparation of a statutory parliamentary code of conduct/ethics.</li> <li>v. Reform of question time.</li> </ol>	<p>Electoral and constitutional reform to renew the role and composition of the Senate as a house of review.</p>	<p>Promised.</p>	<p>Some initiatives taken.</p> <p>New standards of responsiveness to questions on notice mandated and achieved. Report by Senate Procedures Committee. Two-week trial of new question time rules in December 2008 aimed at greater relevancy.</p>

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<p>Revocation of the so called McMullan principle, so as to confirm that ministerial advisers are required to provide information when called as witnesses before parliamentary committees.</p>	<p>Ministerial advisers required to appear before parliamentary committees when taking executive decisions.</p>	<p>Promised if they have exercised executive power.</p>	<p>New code governing the conduct of ministerial staff introduced requiring:</p> <ul style="list-style-type: none"> <li>• Declarations of private interests and the receipt of gifts; and</li> <li>• A recognition by staff that executive decisions are the sole prerogative of ministers and public servants.</li> </ul> <p>Introduction of annual report on Ministerial and Parliamentary staffing, providing an overview of the numbers of staff and the costs of their employment. Reduction in ministerial staff.</p>
<p>Restoration of Westminster system of public service.</p>	<p>–</p>	<p>–</p>	<p>Partially set in motion. Departmental heads from previous government retained. 5 year contracts for senior public servants and previous Government's performance review modified. Strengthened transparency and merit based selection when appointing senior public servants.</p>

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<p>Greater transparency, freedom of information and freedom of speech with particular support for the removal of conclusive certificates and for reform of Freedom of Information legislation as proposed by the Government.</p>	<p>Reform of current FOI system including: abolition of conclusive certificates, Commissioner for Freedom of Information, an exemption-test based on matters of essential public interest &amp; a full merits review.</p>	<p>Implementation of Australian Law Reform Commission Open Government report promised.</p>	<p>Bill to remove conclusive certificates (certificates issued by a minister which conclusively establish that a document is an exempt document from FOI) introduced. Draft legislation on broader reforms of the FOI Act released for public comment. The legislation includes: establishing a FOI Commissioner; implementing the joint Australian Law Reform Commission and Administrative Review Council Open government report; and making access to a person's own information free of charge.</p>
<p>Strengthened legislation for the protection of whistleblowers and the introduction of a Public Interest Disclosure Act – having regard to the recommendations in the House of Representatives Committee on Legal and Constitutional Affairs Report and critical comments about these recommendations.</p>	<p>Strengthened whistleblower protection.</p>	<p>Promised.</p>	<p>The House of Representatives Committee on Legal and Constitutional Affairs has released its report on whistleblower protection. It has recommended the introduction of new dedicated legislation to be called the Public Interest Disclosure Act to strengthen whistleblower protection. The Government aims to implement strengthened whistleblower protections during 2009. Dr Bill de Maria has, however, described the report as mean and narrow in its vision (Australia Institute May 09).</p>

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ELECTORAL REFORM			
Fixed term elections (either with four year terms for both House of Reps and Senate or with 3 year terms for Reps and 6 year terms for the Senate, preferably the former).	–	Promised.	No action likely this electoral term.
The redesign of Senate (also other proportional representation upper house) ballot papers to enable voters who vote above the line to express their preferences more clearly and accurately (e.g. with the voter's top four preferences numbered above the line).	–	–	–
Automatic enrolment at the age of 18 and automatic correction of enrolment information (change of address) by Australian Electoral Commission. The opportunity to enrol up a few days before an election as in other countries and better provision for re-enrolment of citizens whose enrolment has lapsed.	Automatic enrolment at the age of 18 and automatic re-enrolment for eligible voters.	–	Action possibly to be canvassed in forthcoming second green paper (not associated with political funding). Promised release later in 2009.
An independent system for managing leaders pre-election debates.	–	Promised.	Not yet arranged.

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CITIZEN ENGAGEMENT AND CIVIL SOCIETY			
Formal commitment to a model of democracy which acknowledges the key role of civil society organizations as argued by the House of Representatives Standing Committee in 1991.	Greater recognition of the importance of the third sector (civil society bodies) and strengthening of the sector.	–	Gagging clauses for NGOs removed.
Strengthened protection for journalists and for the Evidence Amendment (Journalists Privilege) Bill 2009 with the recommendation that its scope should be wider.	A Charter of Free Speech including shield laws for journalists.	Promised.	The Government has introduced the Evidence Amendment (Journalists' Privilege) Bill 2009 (Cth) giving journalists, called to give evidence in court, greater ability to protect their sources. The initiative, while very welcome, has been criticised for its limited scope and for appearing to favour those employed in the mass media.
Lodgement of final reports of publically funded opinion polling in the National Library and National Archives.	Greater transparency supported. Free and easily accessible public service documents when released.	–	–

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Increases in funding for the ABC and SBS as key public broadcasters.	Secure independent public broadcasters. A children's channel for the ABC.	Promise to Friends of the ABC that ABC would be fully funded.	<p>Under the May 2009 federal budget the ABC will be given \$136.4million in new funding over the next three years:</p> <ul style="list-style-type: none"> <li>• To develop an advertising free digital children's channel; and</li> <li>• To increase output of Australian content.</li> </ul> <p>ABC Local online will also receive \$15.3 million over three years for over 50 enhanced broadband hubs in regional Australia. KPMG's report on the adequacy of ABC funding seems, however, to have been ignored.</p>
Media concentration and media laws. The need for determined efforts to improve media diversity.	Improved media diversity and accountability.	–	–
HUMAN RIGHTS			
A national charter of rights and responsibilities.	A national process to consult all Australians about the protection of human rights. A national charter or bill of rights.	Inquiry promised.	National Human Rights Consultation established. The Consultation Panel is required to report by 31st August 2009.

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A review and revision of sedition laws and terrorism laws to correct possible breaches of human rights.	–	–	None as such but Haneef inquiry examined application of those laws in a specific situation. Report on Haneef case received by the Attorney General.
Removal of asylum seekers detention debt.	–	–	Migration amendment abolishing Detention Debt Act passed.
Torture.	–	–	The Attorney General has announced (23.05.09) new legislation to make torture a federal crime.

*Table last reviewed September 2009*

*\* Note that in several instances the Rudd Government has introduced important new measures without incorporating them into legislation thereby making it possible for a government in the future to undo these reforms by the stroke of a pen. Several examples (the Code of Ministerial Behaviour, supervision of government advertising by the Auditor General, budget transparency and an independent appointment system for the ABC, SBS and the Museum of Australia) have been listed above.*

1. Table based on the consolidated recommendations of the Australian Collaboration (AC) and the Accountability Roundtable (AR).
2. Only the relevant "top ideas" from the Governance group at the 2020 Summit are listed opposite the AC and AR recommendations. Many other ideas were put forward at the Summit, including some which received considerable support but were not able to be debated thoroughly. The five priority themes for the Future of Australian Governance theme under which the "top ideas" were grouped were:
  - Constitution, rights and responsibilities (an Australian Republic, a new constitutional preamble and a bill of rights);
  - A modern federation;
  - Collaborative governance revolutionising interactions between government and citizens;
  - Parliamentary reform; and
  - Open and accountable government. To read the full the Summit report see: [www.australia2020.gov.au/final\\_report/index.cfm](http://www.australia2020.gov.au/final_report/index.cfm).