

FEBRUARY 2013

# A New Standard



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# A message from John Robertson



NSW deserves honest, open and accountable Government. People have a right to expect that MPs and Ministers will behave ethically and put the community's interests ahead of their own.

The Labor Party I joined shares these ideals. Our greatest achievements have been delivered through the hard work and dedication of principled, ethical people, committed to the Labor cause.

I am determined to set a new Labor standard.

That's why I am putting forward a clear plan to reform both the Labor Party and State Government to lift standards of accountability and transparency.

Under my leadership, Labor has already embraced changes like trialling community preselections and establishing a proper vetting process for all new Labor candidates.

But the change must go further.

My plan will deliver an honest, open and accountable Government.

Anyone found to have acted corruptly, will be expelled from the Labor Party.

The public will be given unprecedented access to MP's financial interests including their taxable income and details about the pecuniary interests belonging to spouses and family members.

This regime will set a new standard for MPs – backed up by the toughest enforcement procedures in the country.

Ministers will be forced to report every meeting they take with a lobbyist, MP or business relating to a commercial decision.

No Member of Parliament will be allowed to work a second job.

Every democratically elected Member of Parliament will be empowered to have their say in caucus debates.

Mining exploration licences will be scrutinised by an independent probity panel and subject to approval by Cabinet.

Protections for whistleblowers will be strengthened and for the first time, employees in the private sector will receive the same protection as public servants.

Many of these changes will take effect immediately and every single one of these reforms will make the Labor Party and Labor in Government more accountable to you – the people of NSW.

I am determined to deliver the honest, open and accountable Government that the people in this state deserve.

A handwritten signature in black ink, appearing to read 'John Robertson' with a stylized flourish at the end.

**John Robertson MP**

NSW Labor Leader

# Honest, open and accountable Government

The next State Labor Government will introduce the most stringent standards of honesty and accountability ever seen in NSW.

# 1. Your Right to Know

The public deserves to know that MPs, who make decisions every day about the laws that govern our State, are not motivated by personal financial gain.

Under Labor's plan for Government, members of the public will be given unprecedented access to information about their local MP.

We propose a strict new 'Right to Know' regime to give the public greater confidence that their elected representatives are making decisions exclusively in the interests of the people of NSW.

In an Australian first, NSW MPs will be required to publicly declare their taxable income, along with all other assets and financial interests on their pecuniary interest disclosure.

NSW MPs will also be legally compelled to divulge the details of any pecuniary interests belonging to their spouse or dependents.

In the interests of greater openness and transparency, MPs will also be asked to disclose the details of any family member who holds contracts with the State Government – where it is reasonable to expect that the MP would be aware of the existence of such contracts.

## Members' Disclosures

Pecuniary interest disclosures in the Parliaments of the Commonwealth, South Australia, Northern Territory and Australian Capital Territory already disclose the interests of members spouses.

The public will be given unprecedented access to MP's financial interests including their taxable income and details about the pecuniary interests belonging to spouses and other family members.

## 2. Inspector General for Parliamentary Standards

Labor in Government will appoint an Inspector General for Parliamentary Standards with unprecedented powers to investigate and penalise Members of Parliament who breach the Parliamentary Code or Conduct.

The new 'Right to Know' regime for NSW MPs will be matched with the toughest enforcement measures in the nation.

Labor in Government will appoint an Inspector General for Parliamentary Standards, with unprecedented powers to investigate and penalise Members of Parliament who breach the Parliamentary Code.

The Inspector General will have the power to issue fines, refer matters to the Independent Commission Against Corruption for further investigation or recommend dismissal of Members of Parliament in cases of corruption or serious misconduct.

MPs that withhold information or lie in their pecuniary interest declaration will be subject to fines of up to \$5000 per offence committed.

The Office of the Inspector General will conduct regular audits of the pecuniary interest register as well as investigating complaints referred to it by MPs or members of the public.

Importantly, the new Inspector General will have the power to request information from MPs not covered under the pecuniary interest disclosure regime. This could include information about the financial interests of family members, friends or other associates where it is reasonable to expect the MP would be aware of those interests.

### Inspector General for Parliamentary Standards

Labor's proposed Inspector General for Parliamentary Standards is based on Canada's Conflict of Interest and Ethics Commissioner and the United Kingdom's Independent Parliamentary Standards Authority's Compliance Officer.

## 3. Increased Scrutiny of Mining Licences

Mining exploration licences will be scrutinised by an Independent Probity Panel and subject to approval by Cabinet.

The people of NSW deserve to feel confident that the granting of mining exploration licences is conducted in a manner that is fair, impartial, accountable and in the public interest.

To that end, Labor in Government will require all mining exploration licences to be subject to an independent oversight process, with the final decision then approved by Cabinet.

Labor will establish an independent Exploration Licence Probity Panel made up of expert probity officers, independent of the Department of Primary Industries, who will scrutinise the granting of all new mining exploration licences.

Expert public servants will continue to assess licence applications and provide recommendations to the Minister, but no licence will be able to proceed for Cabinet approval until it has been signed off by an Independent Probity Officer.

All Departmental recommendations to the Minister regarding the granting of new exploration licences will be published online, with the Government required to provide written justification, in any case where it deviates from those recommendations.

This new accountable and transparent process will deliver a better outcome for taxpayers and mining affected communities, as well as providing greater certainty for the industry.

Labor will give the Minister the power to suspend mining licences on the advice from the Independent Commission Against Corruption. This will ensure that no individual or company should be allowed to profit or benefit from a mining licence whilst questions exist about how that licence was obtained.

## 4. Crackdown on Lobbyists – Public Diaries

For too long, Minister's interactions with lobbyists and major corporations regarding commercial deals have been kept hidden from the public.

To deliver greater transparency and accountability, a future Labor Government will require Ministers to publish a monthly online diary of all meetings, phone conversations or other interactions with lobbyists, private companies or MPs relating to commercial transactions or decisions.

This is a comprehensive change to the disclosure regime and puts the onus on Ministers to publicly declare occasions on which they have been lobbied.

Ministers will be required to minute all meetings and relevant phone calls, with all lobbying activities and documentation to be subject to the Government Information (Public Access) Act. This change is in line with previous recommendations from the Independent Commission Against Corruption.

Ministers will be forced to report every meeting they take with a lobbyist, MP or business relating to a commercial decision.

The new 'Public Diaries' policy will deliver more open, honest and accountable Government.

The original Lobbyist Register and Code of Conduct which requires all paid third party lobbyists to disclose their full list of clients and declare their status as a lobbyist prior to meetings with Government will remain in place.

The Lobbyist Register together with the 'Public Diaries' policy will deliver more open and transparent Government.

### Public Diaries

In the interests of open and accountable government, President Barack Obama releases the records of all White House visitors online and the Queensland Premier and his Ministers publicly release their diaries online every month.

## 5. Ban Secondary Employment

All Labor MPs will be banned from moonlighting in second jobs. In Government, this ban will be extended to every MP in NSW.

This change goes above and beyond the requirements in the existing Parliamentary Code of Conduct and will eliminate the potential for conflicts of interest to arise over matters debated and voted upon in the Parliament.

Serving the people of NSW as an elected Member of Parliament is a full-time job. Labor MPs will continue to be encouraged to undertake volunteer work in their local areas and use non-sitting days to give back to their communities.

The ICAC undertook a risk assessment of secondary employment in 2003 and found corruption risks apply including:

Serving the people of NSW as an elected Member of Parliament is a full-time job. Labor MPs will continue to be encouraged to undertake volunteer work in their local areas and use non-sitting days to give back to their communities.

- Using public resources for secondary employment. This might include work time, vehicles, communication devices, stationary, photocopiers, and confidential information such as details of forthcoming transactions that are not yet in the public domain.
- Running a business that offers goods and services used by a public agency submitting tenders for goods and services to the agency.
- Directing staff to perform tasks for the MP's own secondary employment.

### Secondary employment

Under Labor's policy, NSW would be the first state in Australia to ban secondary employment for members of Parliament.

## 6. Toughen Whistleblower Protections

No one should lose their job, or suffer a career setback as a consequence of speaking out against corruption or misconduct.

To that end, Labor will improve safeguards for whistleblowers and expand current protections to include workers in the private sector and those reporting corruption anonymously.

These workers are currently not covered under existing legislation and are vulnerable to retribution in the workplace.

We will further extend whistleblower protections to individuals who have no choice but to report their information direct to a journalist or MP.

Protections for whistleblowers will be strengthened and for the first time, employees in the private sector will receive the same protection as public servants.

The definition of the type of behaviour that justifies the whistle being blown will be extended from corrupt conduct, maladministration and serious and substantial waste to also include danger to the environment or public health and safety, as well as scientific misconduct.

In doing so, all employees who speak out against corruption will be protected under a future Labor Government.

### Whistleblowers

Labor's proposal to strengthen laws for whistleblowers incorporates recommendations from the Australian Parliament's Dreyfus Report into Whistleblower Protection.

# A new standard for Labor

The Labor Party has a proud history of improving the lives of ordinary people and campaigning on the issues that matter most to working Australians. Our achievements have been delivered through the hard work and dedication of principled, ethical Labor people – committed to the Labor cause and beyond reproach.

## 1. Zero Tolerance of Corruption

The overwhelming majority of Labor Party members are ethical, principled people motivated by a genuine desire to improve the lives of the people around them and deliver a more fair and equitable Australia.

In the name of these Labor members we must send a clear message that corruption will not be tolerated.

Any person who is found to have engaged in corrupt conduct will be expelled from the Labor Party on the grounds that their conduct is

contrary to the principles and solidarity of Labor and they are unworthy of carrying the card of our great party.

This zero-tolerance approach to corruption will be enforced immediately.

## 2. Strengthening Decision Making

Labor has a long tradition of caucus solidarity where issues are debated fiercely in the party room, however members leave united behind one position. This system only works when MPs are free to argue for what they believe is right.

Every democratically elected Member of Parliament will be empowered to have their say on the issues that affect their constituents.

Labor MPs will be free to vote in caucus based on what they believe is in the best interests of their constituents and the people of NSW.

To deliver a more open and democratic Labor Party, MPs will only be bound by the final decision of the full caucus and the Party platform.

Members will be free to meet and debate issues with like minded individuals.

The only sub-group of the caucus that can bind members is a meeting of the Cabinet (and Shadow Cabinet).

Every democratically elected member of parliament will be empowered to have their say on the issues that affect their constituents.

## 3. Building the Best Team

Under changes adopted at the 2012 NSW Labor Annual State Conference, for the first time, all potential Labor candidates at the next state election will have to disclose their financial, personal and political history to ensure that people who stand for Labor are worthy of their community's support.

Candidates will have to demonstrate that they are of good character and submit a Statement of Intent about

what they want to achieve, should they be elected to the Parliament of NSW.

A committee of party elders, chaired by former Deputy Premier John Watkins, will interview and vet candidates.

This new vetting process will apply to both MPs and MLCs in State Parliament – including MLCs filling casual vacancies and candidates standing in by-elections.

Under my leadership, Labor has already embraced changes like trialling community preselections and establishing a proper vetting process for all new Labor candidates. But the change must go further.

## 4. Community Preselections

In the lead up to the State Election in 2015, every Labor supporter in five winnable electorates will be invited to help choose their local Labor candidate – under a trial of US-style community preselections.

There is no greater disinfectant than sunlight and there is no more open way of choosing candidates

than letting communities choose for themselves.

More than 4000 people participated in Labor's first community pre-selection to choose Labor's candidate for Lord Mayor of Sydney.

Linda Scott was successful in achieving majority support among

both the community and rank and file Labor members and is now a City of Sydney councillor.

The community pre-selection process is an exciting new way for Labor to engage directly with local communities about the candidates they believe are worthy of Labor's support.

## 5. NSW Labor Policy Forum

The NSW Labor Policy Forum was established in 2011 to develop, explore and evaluate policy ideas – allowing rank and file members to work together with representatives of the trade union movement and the Parliamentary Labor team to help solve long term policy challenges.

The forum provides an opportunity to build Labor's policy for the future while creating new ways to engage the

party membership and the broader community in policy debates.

The Forum's make up is one third from the Parliamentary Party, one third from the trade union movement, and one third of members were directly elected by the rank and file.

The Forum has established six Policy Commissions:

- Sustainable cities
- Healthy living
- Education and equality
- Jobs and the economy
- Safer communities
- Growth in the regions

This rigorous and innovative new policy process will ensure Labor's platform at the next election is well researched and grounded in Labor values.

