

**INQUIRY INTO PROPOSAL FOR A COMPLIANCE
OFFICER FOR THE NSW PARLIAMENT**

Name: The Ethics Centre

Date Received: 23 February 2021

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**THE HON PETER PRIMROSE MLC
CHAIR
PRIVILEGES COMMITTEE
LEGISLATIVE COUNCIL
PARLIAMENT HOUSE
SYDNEY NSW 2000**

23.02.2021

Dear Mr. Primrose

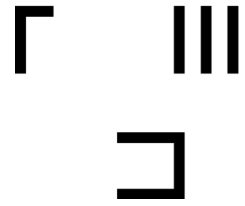
1. I refer to your email of 22 February 2021 inviting The Ethics Centre to make a submission on the Committee's inquiry into a proposal for a Compliance Officer for the NSW Parliament.
2. We ask that the date of this submission be noted as it comes to a time of particular concern about the culture of politics in Australia – especially as it affects those who work in and around Parliament House in Canberra.
3. We acknowledge that what happens in 'Canberra' is not necessarily indicative of what happens in 'Macquarie Street'. However, given the many points of intersection between State and Federal politics, I think that the lessons learned in one place may be instructive in the other.
4. A number of submissions to your inquiry have submitted that Clause 3 of an amended members' Code of Conduct should explicitly refer to the need for members to treat others with dignity, courtesy and respect. For example, drawing on the example of the Code of Conduct for MPs in the UK House of Commons, the Clerk of the Parliaments, David Blunt, submitted that:

The draft resolution document includes a proposed amendment to the members' Code of Conduct to include a requirement to treat "staff, each other and all those visiting or working for or with Parliament with dignity, courtesy and respect," thereby bringing bullying and harassment within the framework of the Code of Conduct and the jurisdiction of the Compliance Officer.

5. The Parliamentary Ethics Adviser, Mr John Evans, submitted a slight variation of wording for Clause 3 – with the same ethical core:

A member must treat all those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment.

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6. It is important to note that the language proposed by both the Clerk of the Parliaments and the Parliamentary Ethics Adviser is based on one of the most fundamental of all principles; namely the principle of 'respect for persons'. This principle recognises the intrinsic dignity of every person – irrespective of any variable such as age, gender, culture, etc. It is this principle that ensures that no person is ever used merely as a means to some other end. It is the application of this principle that leads us to be appalled by bullying, harassment and the like – even to the point of proscribing such conduct in our laws. However, it should be noted here that the wrong done is not in violation of the law, but of the principle from which the law is derived.
7. Given this, it is extremely disappointing to read in the Clerk's submission that the Leaders of the Houses have proposed a far lower standard – more or less devoid of ethical weight. Indeed, reading Mr Evans' later submission, I take it that the Leaders have proposed no more than that members treat staff and others

“in a manner compatible with a safe workplace, free from harassment.”
8. It is scandalous to think that the Leaders should have taken this approach. Any reasonable person will recognise that a commitment to a safe workplace, free from harassment, is the bare minimum that should be expected.
9. As the Clerk observes, it is the “prerogative” of the Leaders of the Houses to make their proposal. Whatever their motives, it is hard to conclude other than that their watering down of the ethical commitment implied in the language of respect and dignity is intended to make life easier for members who, it seems, wish to avoid being held accountable to any standard other than the most basic requirements of the law.
10. What example does it set for the rest of society if our elected representatives refuse to accept responsibility for applying one of the most consequential ethical commitments of all? Surely, recent events in Canberra offer all the evidence we need to know what flows from a lack of accountability for upholding core ethical principles.
11. As is the case with the standards adopted in the United Kingdom – the aim here should not be to adopt a set of rules (over which lawyers will wrangle) but a framework of values and principles that require thought and care in their application.
12. We hope that your Inquiry will lead to the adoption of Mr Evans' proposed wording which maintains the ethical core of respect for persons while incorporating reference to the specific harms of bullying and harassment.

Yours sincerely,

DR SIMON LONGSTAFF AO
EXECUTIVE DIRECTOR