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Paper title:

***Parliamentary Codes of Conduct and the Accountability of Parliamentarians***

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**Abstract**

This paper reports original research into how parliaments (legislatures) address the ethical conduct of their members of parliament (MPs) as that may affect the accountability of MPs for their conduct, performance of the parliament and the reputation of the institution. It reports the findings of (i) a survey of all Commonwealth Parliamentary Association (CPA) member parliaments (ii) interviews of MPs and Clerks of selected CPA member parliaments and (iii) processes to develop benchmarks intended to guide CPA member parliaments in the design and/or revision of codes of conduct for MPs.

Parliament is a key pillar of the National Integrity System (NIS) in a contemporary democracy. The NIS is the system of structural and behavioural features intended to improve accountability for conduct and reduce risks of corrupt behaviour, thereby improving the efficiency and effectiveness of societal outputs and hence superior social outcomes.

The paper presents analysis of the range of provisions in current codes (or code-like provisions) as features of the Parliamentary Integrity System component of the NIS in CPA member parliaments.

Whilst sanctions for unacceptable behaviour are found to be essential to the effectiveness of codes, behavioural factors are crucial to the effectiveness of any code. A disregard for a code and a failure to enforce it would render it ineffective.

The paper discusses the effects of providing MPs with one or more sources of independent advice on ethical matters and also of providing for receipt and investigation of complaints to be independent of possible or perceived partisan influence.

Finally, proposed benchmarks applicable to codes of conduct for MPs are outlined.

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Note: This paper draws heavily on: Ken Coghill & Julia Thornton (2015) "Trust, Legislatures and Codes" presented at the 2015 *International Congress of the International Institute of Administrative Sciences (IIAS)*, 22 to 26 June 2015, Rio de Janeiro

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## Section 1, Introduction

This paper reports the development of Benchmarks for Codes of Conduct intended to enhance the performance of houses of parliament.

The wave of democratisation which followed the return to democracy in Latin American countries and the collapse of the Soviet Union and other communist regimes led to major reform of parliaments and the creation of others where none had been present in former communist states (Linz & Stepan, 1996 ). This led to increased attention on the functioning of parliaments in other jurisdictions, such as the United Kingdom (UK) and former UK colonies – the Commonwealth of Nations (“Commonwealth”). Benchmarks for Democratic Legislatures, were produced by the Commonwealth Parliamentary Association (CPA), UNDP and World Bank Institute (WBI) and published in 2006 (Commonwealth Parliamentary Association, UNDP, & World Bank Institute, 2006).

Underpinning the functions of parliaments are the principles of fiduciary duty and public trust. According to these principles, the parliament must act in the best interests of the polity on whose behalf it acts and must act to protect assets held in common, such as waterways and the atmosphere, to give but two obvious examples. The case of the atmosphere brings in the further principle in international law that a state must not act so as to cause harm to others. In Commonwealth jurisdictions, members of parliaments have been held to be public officers who each hold “a fiduciary relation towards the public” (3) and “undertakes and has imposed upon him a public duty and a public trust” and hence is legally obliged to uphold and discharge these principles {Brennan, 2013 #6340}.

Parliaments discharge those principles through their key functions: representation; legislation; budget-making; and oversight of executive government. In order for the principles of fiduciary duty and public trust to be upheld, members of a parliament must perform these functions with integrity.

Perceptions of integrity are closely related to trust, concern about which “is growing in importance in public life” (Gay & Rush, 2004 p.2).

The increased interest in the functioning of parliaments has coincided with a wider concern with integrity in systems of government, such as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Organisation for Economic Co-operation and Development (OECD), 2011), the United Nations Convention Against Corruption (UNCAC) (United Nations, 2004) and Transparency International’s National Integrity System (NIS) (Transparency International, 2011). An NIS aims to facilitate ethical conduct and reduce risks of corrupt behaviour through a system of structural and behavioural features.

Whilst the OECD Convention and UNCAC are primarily concerned with conduct by members of the executive, who in most Commonwealth parliaments are firstly members of the parliament, an NIS explicitly includes the parliament as a pillar upholding the NIS “temple”.

The parliament is a key pillar because it makes the fundamental decisions affecting the allocation of power and resources and holds executive government (head of government - President/Prime Minister/Premier - & ministers, etc.) to account for the economy, efficiency and effectiveness with which they manage powers and resources approved by parliament. Those actions by the parliament are a sum of the actions of parliamentarians, in both their individual capacities and as members of political parties. As decisions by parliamentarians have potential to generate huge financial or other benefits, vested interests have strong incentives to attempt to influence those decisions. As noted above parliamentarians are public officers and are thereby obliged to place the public interest above all others; however, they are vulnerable to corrupt influences seeking decisions biased in favour of the beneficiary and thus against the public interest.

The public’s trust in political institutions including parliaments has been undermined in recent decades by prominent scandals and lesser breaches of acceptable behaviour by elected members

across the world. Their behaviour has subverted the responsibilities entrusted in them to exercise power on behalf of the polity. That trust is fundamental to democratic systems and must not be betrayed (Hulten, Bentinck, & unnamed ECPRD correspondents, 2011). The importance of trust to the performance of democratic parliaments was recognised in the Benchmarks for Democratic Parliaments.

## Public Trust: Entrusted Responsibility

However, to avoid confusion, it is important to distinguish between two uses of the word trust as it applies to parliaments and parliamentarians in English language literature. In the context of parliaments, the more common use relates to the relationship between the citizens and their parliamentarians, summed up in a Guardian Poll as: “trust politicians to act with honesty and integrity” (**Guardian, 2011**). The second usage relates to the public trust exercised by parliamentarians i.e. powers entrusted in the parliamentarian or the institution of the parliament. The terms “public trust” and “entrusted” do not always translate into other languages with exactly the same meanings. The English language meaning is explained by Lusty in the following way:

The central thesis of the doctrine of representative government is that all powers of government are derived from, ultimately belong to, and may only be exercised for and on behalf of, the people. It follows that persons entrusted with such power owe a fiduciary “duty of loyalty” to the public. Indeed, it is widely accepted that public office is a “public trust” and public officials are “trustees” (**Lusty, 2014, pp.337-8**).

The concept of the public trust is similar in effect to the Napoleonic code application of the concept of *res communes (omnium)* (**Bailey, Farrell, & Mattei, 2014**).

Concern with threats to trust led to increasing interest in measures to reduce the risk of parliamentarians undermining trust by succumbing to improper, unethical or illegal activity in order to achieve personal, political party or other benefit.

A code of conduct was one of the recommended Benchmarks (Commonwealth Parliamentary Association et al., 2006). Such a code forms a key part of the Parliamentary Integrity System and the

larger National Integrity System (Coghill, Thornton, Neesham, & Kavathatzopoulos, 2014). Integrity systems are intended to enhance the reality and perception of integrity in public life. Perceptions of integrity are closely related to trust, concern about which “is growing in importance in public life” (Gay & Rush, 2004)p.2). Here, the generic term “code of conduct” is used for these measures but it should be noted that other formal titles are used (e.g. code of ethics; conflict of interest code). In some bicameral parliaments similar provisions have been adopted by both houses (i.e. chambers) (e.g. Parliament of Victoria, Australia) but in others each house has acted autonomously (e.g. United Kingdom Parliament). Furthermore, their formal status ranges from a resolution of the house which lapses upon dissolution or prorogation of the parliament to enactment (i.e. act of parliament) and even incorporation in the constitution.

Often, the measures have been introduced in response to behaviour which has caused public outrage. In other cases it has reflected an apparent desire to boost the integrity of the parliament as an institution, the reputations of parliamentarians, or both.

Clearly, failure to exercise a public trust, intrinsically in the public interest, risks a diminution of the citizens’ trust in the parliamentarians concerned or indeed the parliament as a whole. Thus our concern is with factors that affect the performance of the parliament as perceived by the citizens. These perceptions are products of the conduct of the parliament’s parliamentarians in discharging the four principal functions of (i) legislating, (ii) budget-making, (iii) representation and (iv) oversight of the Executive.

The extent and manner of reporting affect perceptions, but are not part of this paper.

## Section 2. Description of the research

This paper draws on a research programme the overall aim of which has been to improve understanding of how parliamentarians acquire and enhance the knowledge, skills, attitudes and abilities that contribute to the performance of the parliament's functions.

The research programme has included several projects, the most significant of which was *Parliamentary Careers: Design, Delivery and Evaluation of Improved Professional Development* funded by the Australian Research Council Linkage Project grant LP0989714, in which industry partners were the Inter-Parliamentary Union and AusAid (the Australian Government's former development aid agency). Other projects in this program include *Protecting the reputation and standing of the institution of parliament: a study of perceptions, realities and reform* (ARC SPIRT C00106808); *Pilot study of parliamentary career skills development: The 2005 Senate induction program* (Monash University); *International review of induction and professional development programmes for parliamentarians* (Inter-Parliamentary Union); *Parliamentary Career Skills Development: since Senators' 2005 Induction Program* (Monash University); *Parliamentary Career Skills Development: House of Commons since 2010 Induction Programme* (Monash University); and *Parliamentary Codes of Conduct* (Commonwealth Parliamentary Association Head Quarters) (Coghill, 2012, 2014; Coghill, Donohue, et al., 2008; Coghill, Donohue, et al., 2009; Coghill, Donohue, & Holland, 2008; Coghill, Donohue, & Lewis, 2014; Coghill, Holland, Donohue, & Lewis, 2009; Ken Coghill, Holland, Donohue, Richardson, & Neesham, 2008, 2009; Coghill, Holland, Donohue, Rozzoli, & Grant, 2006; Coghill, Holland, Donohue, Rozzoli, & Grant, 2008; Coghill & Kinyondo, 2015; Coghill, Thornton, et al., 2014; Donohue, Lewis, Coghill, Neesham, & Holland, 2010; Kavathatzopoulos, Coghill, & Asai, 2014; Lewis & Coghill, 2004a; Lewis & Coghill, 2004; Lewis & Coghill, 2004c; Neesham, Lewis, Holland, Donohue, & Coghill, 2010).

The most recent project and the focus of this paper was research and development of Benchmarks for Codes of Conduct for Parliamentarians, commissioned by the Commonwealth Parliamentary Association. Measures including codes were known to have been developed and introduced in several Commonwealth parliaments but little guidance has been available to assist in the revision of existing provisions or the design and implementation of a new code. It was in that context that the CPA Executive Committee authorised the CPA Secretariat to commission the research reported here, with the objective of developing benchmarks for use by member parliaments. This project aimed to assist national, state, provincial and territory legislatures of the United Kingdom and its former colonies to implement the Benchmarks for Democratic Legislatures recommendation:

*Benchmark 10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts (Commonwealth Parliamentary Association, UNDP, & World Bank Institute, 2006).*

The project comprised an initial literature review, a questionnaire survey and analysis, document collection, interviews with key informants, preparation and circulation of draft benchmarks and a workshop which reviewed the revised draft and adopted a final set of Benchmarks.

The questionnaire was sent to all national, state, provincial and territory parliaments affiliated with the Commonwealth Parliamentary Association, i.e. almost 200 Houses when bicameral parliaments are taken into account (Appendix 1 CPA Member Parliaments).<sup>1</sup> The questionnaire was distributed and returned by email where possible; in other cases it was posted; telephone calls were made as reminders in a small number of cases. 140 Houses returned a completed questionnaire, of which 98 reported that their House had provisions for some type of code. Reasons for non-returns may have included unstable political conditions in certain jurisdictions.

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<sup>1</sup> The national Parliament of Australia was included although it was not a member of the CPA at the time.

## Section 3 Codes of conduct found and broad results.

Each House was requested to provide any current Code of Conduct or other legal instrument intended to guide the conduct of members of the House, as an electronic file, or hardcopy. There is now a database of approximately 40 Codes and like instruments in CPA member parliaments.<sup>2</sup>

The returned questionnaires and documents were analysed to identify houses of parliament which had a code or like instrument and the significant features of codes. These features are summarised in Appendices 2, 3, 4, & 5. These show that although all codes have provision of declaration of pecuniary interests, there are wide variations in what is required to be disclosed. Only about a half to two thirds disallowed improper use of their positions as public officers e.g. offering or accepting bribes and other forms of inducement.

Forms of sanction or penalty for breaches also varied widely. Virtually all had provision for some mild form of action such as admonition, censure, rebuke or reprimand, most allowed withdrawal of mandate (i.e. expulsion from the house) or imprisonment, and some codes provided for both.

This analysis was used to frame interview questions to obtain deeper insights into the actual operation of codes and to better understanding of cases where a code was neither in place nor contemplated. Approximately 40 interviews with parliamentarians and Clerks (i.e. secretary-generals) were conducted on the sidelines of the 60<sup>th</sup> Commonwealth Parliamentary Conference (October 2014, Yaounde, Cameroon).

The initial literature review and analysis of questionnaire data, documents and interview data were used to develop a consultation draft Benchmarks for Codes of Conduct for Parliamentarians. This was emailed to CPA parliaments and experts in the fields of legislative studies and legislative

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<sup>2</sup> These codes and like instruments are all public documents in their home jurisdictions; access to the database is available on request.

strengthening. It was also posted on the Commonwealth Connects forum website. People were asked to post their comments and suggestions on Commonwealth Connects. Less than 10 did; most comments commended the draft but several important suggestions were made which were incorporated in the draft debated at the Workshop.

## Workshop

Development of the Benchmarks culminated in a three day workshop. Participants were invited from each of the CPA's nine global regions; eight were represented (the representative of the ninth withdrew at the last minute); they ranged from first term to highly experienced parliamentarians. In addition, several Clerks, academics, the US Office of Congressional Ethics co-chair and a legislative strengthening expert participated.

The three days comprised: becoming familiar with each other and the issues (day one), thoroughly examining the draft, part by part, line by line (day two), and working through proposals and wording on which there were some differences of opinion (day three). The final draft was adopted without dissent (Commonwealth Parliamentary Association 2015).

The Benchmarks commence by highlighting the roles and functions of the parliament and its parliamentarians as public officers in a democracy. It sets out the principles on which a code should be founded. These principles draw on the 'Nolan' Principles of Standards in Public Life and certain other principles that complement them. The Nolan Principles are: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership (Committee on Standards in Public Life (UK), 1995). This background then provides the context for the actual Benchmarks which provide guidance to a legislative house on provisions to include in a new or revised Code of Conduct.

Rather than prescribe precise provisions, these Benchmarks indicate the effect that the Code should achieve, having regard to the number of members in the house, the human, physical and technical

resources available to it, and other factors such as cultural norms affecting the functioning of the house.

The Benchmarks are structured to: indicate the types of conduct to which a code would apply; provide for ethics advice; indicate processes for complaints; suggest appropriate sanctions, and indicate processes for making and amending codes; and canvas sustaining a culture of ethical conduct.

## **Conduct**

The types of conduct affected focus on parliamentarians giving precedence to the interests of the polity ahead of interests of self, family, friends, businesses, campaign donors, political party, donors of foreign travel or any other source of influence. A code should require all parliamentarians to immediately and continuously disclose all assets, income, liabilities and gifts. These continuous disclosures are to be published by the parliament and should be liable to verification if doubts arise as to their accuracy.

Gifts (including hospitality) are a particularly interesting category, as it is often claimed that the exchange of gifts is customary and that to decline a gift may cause offence. Firstly, research has confirmed that the exchange of gifts does generate a relationship in which favoured treatment is more probable (Axelrod, 2006 p.189). This applies even when the gift is of no material value (Malmendier & Schmidt, 2012). However, this is not an argument for banning the offer or acceptance of gifts. To do so is to set the scene for failure as people of integrity find themselves accepting small gifts in innocuous circumstances (Kania, 2004). Rather the solution is to require disclosure in all circumstances in which a gift may be perceived to risk influencing behaviour. Some parliaments may find it appropriate to allow a low threshold below which disclosure is not mandatory.

The disclosure of interests held by family members is sometimes controversial. The Workshop unanimously adopted a Benchmark requiring disclosure of “interests held by the member’s spouse or close family members”.

Other types of conduct covered by the Benchmarks include the misuse of public property and inducements such as cash for questions or other payment for performing a parliamentarian’s roles.

### **Ethics advice**

Members of parliaments are likely to be faced with ethical issues that are uncommon or unknown in prior occupations. That circumstance makes it especially important that they have ready access to expert advice on recognising and addressing potential ethical problems. A significant number of parliaments now have a person appointed to such a role, but there is considerable variation in the descriptions, powers and functioning of the roles. Our research suggests that there are several desirable features, which have been reflected in the Benchmarks. These include that the person should be independent of the influence, should be appointed by a non-partisan process and safe from unjustified removal and be barred from investigating complaints about the conduct of any member. The latter is to avoid the adviser having to investigate a complaint concerning an issue on which s/he had advised the parliamentarian later the subject of alleged misconduct.

In addition to these safeguards, the Benchmarks advise that the ethics adviser should be readily available and accessible, so that talking to him or her is something routine and unremarkable rather than raising suspicions that the parliamentarian is confronting a serious ethical problem.

### **Enforcement**

Codes of conduct require effective mechanisms for investigation of complaints alleging breaches of the Code. The major problem that arises is the tendency of members of parliaments to defend

members of their own political party or other close affiliation, making it difficult for an allegation to be dealt with on the merits of the case.

Here one or more investigators must be fully independent and appointed by a non-partisan process. All complaints must be directed to the investigator and remain confidential. The investigator must determine the facts of the allegation and if s/he finds evidence of a breach, it must be reported to the parliament.

If a breach of the law is suspected, the complaint must be referred to either the police or the corruption control agency as appropriate.

### **Sanctions**

The Code must include graduated sanctions (penalties). The Code must provide that, where the investigator has found a breach to have occurred, the parliament must decide on the appropriate sanction. Typically, sanctions range from an admonition to loss of mandate (i.e. expulsion from the parliament), although some extend to imprisonment.

### **Culture**

As discussed above, there is widespread acceptance that the culture among parliamentarians is fundamental to compliance with acceptable standards of conduct. In one large parliament, some parliamentarians encouraged each other to apply for allowances for expenses that were of dubious merit. Some other members of the same parliament regarded some such expenditure as ethically unjustifiable and declined opportunities to apply for the allowance (Interview 1 (HoC UK), 2014).

Accordingly, the Benchmarks strongly advise that a Code must include:

- Introductory and continuing education to assist Members to enhance their skills in ethical deliberation;
- Induction which includes mentoring and experience-sharing activities involving both new and experienced Members;
- Exemplary behaviour by those in leadership roles;
- Endeavours to detect and act to deter even minor breaches from which serious breaches may develop;
- Members being encouraged to consult with the Ethics Advisor before acting on a matter that raises ethical issues;
- Members acknowledging and accepting provisions of a Code of Conduct when swearing an Oath or making an Affirmation;
- Publishing and making available the Code to both Members and the public;
- Ensuring that newly elected members receive induction in the Code of Conduct, and engaging in self-assessment of their individual ethical competence;
- Encouraging discussions with the ethics adviser which shall be treated as routine and normal, with frequent informal contact between the ethics adviser and Members;
- Requiring every Member to participate in activities to enhance their ethical competence on a regular basis. (these activities could be online, if resources permit);
- Requiring Members to provide evidence on a regular basis that they have read and understood the provisions of the Code; and
- Endeavouring to adapt the code to changing expectations of society with regard to ethical conduct.

### **Making and re-making a Code**

The Benchmarks indicate that the Code should be developed with opportunities for every parliamentarian to participate and be adopted by resolution of the House. It should also be reviewed periodically as a matter of course and revised accordingly, again involving all parliamentarians. This would have the effect of reminding parliamentarians of provisions and the reasoning underpinning them, thus helping to sustain a culture of ethical conduct amongst parliamentarians.

### **Complementary provisions**

The Benchmarks recognise that a Code of Conduct for Parliamentarians is part of a broader integrity system and accordingly notes a number of measures that lie outside the Code proper. These include:

- integrity system structures and functions;
- regulation of election campaign donations and expenditure;
- a Ministerial Code of Conduct;
- a Code of Conduct for parliamentary officers and staff;
- regulation of Post-parliamentary employment by former parliamentarians;
- regulation of lobbyists, and lobbying;
- actively enabling monitoring and reporting by civil society organisations of compliance with the Code of Conduct;
- political parties' roles in fostering a culture of ethical conduct; and
- Awards to recognise exemplary conduct.

## Section 4 Instilling trustworthiness beyond codes

We now turn to the relevance of this research to trust.

Codes of conduct could vary along lines of permanency of regulation, types of conduct affected, provisions for disclosure of conflict of interest, provision for independent ethical advice, independent investigation of breaches and effective sanctions. So, in addition to the safety net provided by the complementary institutional provisions noted above, which contribute to a culture of ethics, our research found that beyond the provisions of codes of conduct, the climate or culture of ethical conduct in a parliament enhances trustworthy behaviour. Also, the mere existence of a code can positively influence the ethical culture of a parliament

Here is one remarkable trend related to what might be termed the enforcement effort: members of legislative houses with rigorously enforced codes of conduct felt that the code enhanced the performance of their parliament and that they would not be without it. Conversely, houses with no code or weakly enforced provisions seemed unperturbed by the risks of conduct which could undermine the parliament's performance of its functions and the reputation of both the house and its parliamentarians.

The interviewees regarded an orientation towards enforcement as essential to compliance: in other words, unless a code with strong provisions is enforced, it may be ineffective in sustaining high standards of conduct.

However, interviewees felt that it was not just a matter of enforcement; it is important that a parliament's members develop and maintain, through their behaviours, a culture of ethical conduct.

We now turn to the conditions that support the more diffuse behavioural orientation of cultures of ethical conduct which engender trust. Cultures of ethical conduct are primarily affected by three

conditions of a parliament that are epiphenomenal to codes. These are state-wide cultural conditions, institutional climate, and induction and training for parliamentarians.

### **State wide cultural conditions**

The first of these is the general political climate and culture of the state. Overall, cultural differences in understandings of the meanings of 'representation' or 'conflict of interest' can mean that one state's norms are another's transgressions. For instance, constituency representation in Australia can mean taking up a particular constituent's grievance or assisting them materially. An example might be helping them find public housing, or providing a reference. In at least some states in South America, this was seen as a misreading of the idea of representation, which should be for the population as a whole, not the individual, as to assist an individual was a form of corrupt influence in that it advantaged one person over others. The practice of constituency development funds (CDFs) was another example. To many the idea of allocating a CDF to a parliamentarian to distribute in his or her constituency at his or her own discretion could lead to conflict of interest and corruption. For poor states, however, it could be seen as a matter of necessity where there was little functioning institutional infrastructure. There are frequently very few other funds or means of distributing them, for material infrastructure like housing or roads.

Variations in press intrusiveness and restraint or otherwise of reporting is another factor in creating a national climate affecting perceptions of trustworthiness, as well as actual ethical behaviour. The relative aggression with which the press can act can be a civil brake on unethical behaviour. However, it can provide a rationale for government secrecy and unwillingness to institute transparency regimes.

Political scandals occur at specific times which create state-wide conditions particular to that period. Political scandals can act as incentives for trustworthy behaviour by heightening awareness of the

stakes of unethical behaviour. They also create a conducive atmosphere for the development of codes of conduct and other elements of integrity systems.

### **Institutional climate**

Institutional climate is peculiar to each parliament. However, there are some recognisable patterns that influence ethical climate.

The number of members of a parliament is a factor but its significance is not a matter of a simple arithmetical progression in size, making things progressively more complex. Rather, size of social groups has some critical threshold numbers. The number of people with whom we can maintain a personal relationship, or the extent of acquaintanceship (Dunbar's number) is approximately 150 (Dunbar, 2010, p 24-8). Affiliate groups smaller than this also exist as 'natural' social numbers. Innermost groups consist of three to five close relationships. Above this there is another natural grouping of between seven and twelve that optimises around ten. Eleven small Commonwealth parliaments are within this range. A third grouping is of around thirty to forty five individuals, the size at which a group can maintain itself without factionalising. Twenty Commonwealth legislative houses are in this range.

Cultures of ethical conduct appear to be easier to achieve in smaller parliaments, suggesting that greater efforts may be needed in large parliaments in which smaller sub-cultures may more readily emerge and which are more self-referential and thus less influenced by a general commitment to integrity. The National Assembly of Wales, at 60 members, appeared to be a great deal more cohesive as a single entity than the Westminster House of Commons, at 650. In the UK House, members find it difficult to recognize, much less know, all fellow members (Interview 9 (HoC UK), 2014). The latter has a variety of different types of affiliate groups.

The institutional ethical climate can also be affected by the rationale around which affiliate groups form. Most parliamentarians have a small trusted inner circle which might include a secretary or office manager and parliamentary officers or advisors. However, mid-level affiliate groups can form around parties and sub-party factions. Alternatively, the basis for the grouping can be non-partisan - for example, gender, as has occurred in Westminster, with the formation of an informal cross party women's group. Similarly, 'year of first election' affiliate groups which reflect a particularly big intake of neophyte politicians after a given election can also be cross party. Another basis found for affiliation is religion. "Every Wednesday night we have a Catholic mass down here.... And there is the Parliamentary Christian Fellowship, there's the prayer circle, there's a group of people with us at the moment, because it's Lent, we meet early in the morning for a small prayer circle and we have the prayer breakfast" (Interview 2 (HoC UK), 2014). The importance of these groups is twofold for ethical culture. First, they are highly influential in passing on information about 'how things are done around here'. Second, they act as educational and emotional support, placing them in a powerful position of influence.

However, finding an appropriate affiliate group can simply be a matter of serendipity: "... so there is nothing that encourages them to become part of an established group, whether that group is good or bad. And I was talking to one member who is quite a long-standing member, about a new colleague of his who'd come in through a by-election. And he was talking about the efforts he was making to make sure that that colleague had some links. But that was his personal view because he knew what it was like" (Interview 3 (HoC UK), 2014).

Similar factors can influence whether members are able to find a mentor. Mentorship grows from a trust relationship, and is fostered by proximity. This means that there must be opportunities to act together. Physical and social distance in various forms can militate against these relationships. However, it is clear from interviews that for many, though not all politicians, a mentor can be a really valuable ethical guide. Other potential sources of influence are peers (other parliamentarians) on a

one to one basis, and advisory staff. However, mentors' influence may not always be benign: they may transmit poor conduct.

Size has a potentially insulating effect. Large parliaments can be a world unto themselves and this may serve to insulate the parliamentarians from public standards of ethical behaviour. A good example of this occurred with the Westminster allowances scandal. As a tactic for political appeal, Prime Minister Thatcher refused to increase parliamentarians' salaries. However, this was done with at least tacit acknowledgement that these limits would be made up for by allowances for parliamentarian-related expenses (Interview 4 (HoC UK), 2014; Interview 5 (HoC UK), 2014).

Parliamentarians found that, when making claims to the office handling allowances, they would be reminded of possible expenses claims that they had not made, which were allowable. Further, some legislative old hands would advise or remind other parliamentarians of allowable expenses.

Surrounded by such normalising reassurance, claims became more and more extensive. A few parliamentarians were able to remain outside the normative pressure, but a great many were caught up in a claims normalcy that only became questionable when compared with public standards, as happened when more egregious claims were reported (Interview 2 (HoC UK), 2014). However, in a development that illustrates the ambiguous role of the press as a moral arbiter, a number of parliamentarians were "exposed" merely for clarifying whether certain expenses could be claimed – which is behaviour that a good ethical culture should encourage.

Recency in the establishment of a parliament can also be a factor in the formation of an ethical culture. Old parliaments can trail a long series of previous cultural habits. Even under conditions of major change, such as the large turnover of members at the UK 2010 election, institutional culture stuck. The UK Commissioner of Parliamentary Standards, House of Commons, spoke of "the hope that there was going to be a change in culture because so many new members had come in. But what seems to have happened is that the prevailing culture was able to infiltrate that group as well" (Interview 3 (HoC UK), 2014). For some new parliaments, the opportunity to remedy the perceived

failings of older related parliaments can be a goad to consciously developing ethical and collegiate systems. For other new parliaments, in nations with little history of democracy, the absence of a previous shared democratic culture can be an impediment to ethical systems and trust.

The predominant type of party structures, whether stable two party settlements or fluid multi party coalitions, did not appear to make a difference to ethical culture in the parliaments investigated.

### **Parliamentarian training**

Parliaments often do not have a separate section providing induction and further training for parliamentarians. It is often attached to the work of senior staff of the parliament or other offices. These arrangements differ widely in their institutional foundations, their primary focus and the approach they take to influencing behaviour. Few understand their work to be providing a foundation for parliamentarians' ethical conduct. Further detail is beyond the scope of this paper.

## **Section 5 Concluding Comments**

The development of the Benchmarks for Codes of Conduct for Parliamentarians (parliamentarians) has demonstrated the complexity of the factors affecting conduct by this unique occupation group within the public sector and has revealed a rich field for further research with major implications for practice.

Directions for further research include investigation of the manner and extent to which the Benchmarks are applied within Commonwealth and other parliaments, the further development of measures of ethical competence amongst parliamentarians, including self-assessment instruments, and the effects of the operation of Codes of Conduct on the performance of parliaments.

Further work may also reveal additional social patterns connecting institutional culture with parliamentarians' attitudes to training and ethics. In addition, it may be helpful for those charged with delivering training to parliamentarians to have access to collections of training ideas and techniques that worked in other jurisdictions. Lastly, parliaments may benefit from more work that identifies the material and cultural conditions fostering trustworthy behaviour in parliaments; from the design of the parliamentary buildings and administrative rules to enhance relationships and transparency; from the design of the regulatory integrity system (e.g. whether an ethics adviser also investigates allegations of breaches of a code of conduct); and from the design of the preventative mechanisms and parliamentary training systems needed to bring parliamentarians up to speed.

Whilst the Benchmarks are expected to enhance standards of conduct and the performance of parliaments, these remain relatively untapped and inviting fields of research that have significant potential to add to the understanding of standards of conduct by members of parliament.

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APPENDIX 1. CPA Member Parliaments

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Anguilla		House of Assembly
Antigua and Barbuda		Parliament of Antigua and Barbuda
Australia		House of Representatives
Australia		Senate
Australia	Australian Capital Territory	Legislative Assembly
Australia	New South Wales	Legislative Assembly
Australia	New South Wales	Legislative Council
Australia	Norfolk Island	Norfolk Legislative Assembly
Australia	Northern Territory	Legislative Assembly
Australia	Queensland	Legislative Assembly
Australia	South Australia	Legislative Assembly

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Australia	South Australia	Legislative Council
Australia	Tasmania	Legislative Assembly
Australia	Tasmania	Legislative Council
Australia	Victoria	Legislative Assembly
Australia	Victoria	Legislative Council
Australia	Western Australia	Legislative Assembly
Australia	Western Australia	Legislative Council
Bahamas, The		Parliament of the Bahamas
Bangladesh		Parliament of Bangladesh
Barbados		Parliament of Barbados
Belize		Parliament of Belize
Bermuda		Parliament of Bermuda
Cameroon		National Assembly of Cameroon

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Canada		House of Commons
Canada		Parliament of Canada Senate
Canada	Alberta,	<u>Legislative Assembly of Alberta</u>
Canada	British Columbia,	<u>Legislative Assembly of British Columbia</u>
Canada	Manitoba,	Legislative Assembly of Manitoba
Canada	New Brunswick,	<u>Legislative Assembly of New Brunswick</u>
Canada	Newfoundland and Labrador,	House of Assembly of Newfoundland and Labrador
Canada	Northwest Territories	<u>Legislative Assembly of The Northwest Territories</u>
Canada	Nova Scotia,	Nova Scotia House of Assembly
Canada	Nunavut	Legislative Assembly of Nunavut
Canada	Ontario,	Legislative Assembly of Ontario

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Canada	Prince Edward Island	Legislative Assembly of Prince Edward Island
Canada	Quebec	Legislative Assembly of Quebec
Canada	Saskatchewan	Legislative Assembly of Saskatchewan
Canada	Yukon	Yukon Legislative Assembly
Cook Islands		Parliament of the Cook Islands
Cyprus		House of Representatives of Cyprus
Dominica		House of Assembly of Dominica
Gibraltar		Gibraltar Parliament
Grenada		Parliament of Grenada
Guyana		National Assembly of the Parliament of Guyana
India		Lok Sabha

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
India		Rajya Sabha
India	Andhra Pradesh	Andhra Pradesh Legislative Assembly Andhra Pradesh Legislative Council
India	Arunachal Pradesh	Arunachal Pradesh Legislative Assembly
India	Assam	Assam Legislative Assembly
India	Bihar	Bihar Legislative Assembly Bihar Legislative Council
India	Chhattisgarh	Chhattisgarh Legislative Assembly
India	Goa	Goa Legislative Assembly
India	Gujarat	Gujarat Legislative Assembly
India	Haryana	Haryana Legislative Assembly
India	Himachal Pradesh	Himachal Pradesh Legislative Assembly

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
India	Jammu and Kashmir	Jammu and Kashmir Legislative Assembly Jammu and Kashmir Legislative Council
India	Jharkhand	Jharkhand Legislative Assembly
India	Karnataka	Karnataka Legislative Assembly Karnataka Legislative Council
India	Kerala	Karnataka Legislative Assembly
India	Madhya Pradesh	Madhya Pradesh Legislative Assembly
India	Maharashtra	Maharashtra Legislative Assembly Maharashtra Legislative Council
India	Manipur	Manipur State Assembly
India	Meghalaya	Meghalaya Legislative Assembly
India	Mizoram	Mizoram Legislative Assembly

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
India	Nagaland	Nagaland Legislative Assembly
India	National Capital Territory of Delhi (Territory)	Legislative Assembly of Delhi
India	Odisha (Orissa)	Odisha Legislative Assembly
India	Punjab	Punjab Legislative Assembly
India	Rajasthan	Rajasthan Legislative Assembly
India	Sikkim	Sikkim Legislative Assembly
India	Tamil Nadu	Tamil Nadu Legislative Assembly
India	Telangana	Telangana Legislative Assembly
		Telangana Legislative Council
India	Tripura	Tripura Legislative Assembly
India	Uttar Pradesh	Uttar Pradesh Legislative Assembly
		Uttar Pradesh Legislative Council
India	Uttarakhand	Uttarakhand Legislative Assembly

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
India	West Bengal	West Bengal Legislative Assembly
Jamaica		House of Representatives
		Senate
Kenya		National Assembly
Kiribati		House of Assembly
Lesotho		National Assembly
Malaysia		Dewan Negara
Malaysia		Dewan Rakyat
Malaysia	Johor	Johor State Legislative Assembly
Malaysia	Kedah	Parliament of Kedah Darulaman
Malaysia	Kelantan	Kelantan State Legislative Assembly
Malaysia	Kuala Lumpur	Federal Territory of Kuala Lumpur
Malaysia	Labuan	Federal Territory of Labuan
Malaysia	Malacca	Malacca State Legislative Assembly
Malaysia	Negeri Sembilan	Negeri Sembilan State Legislative

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
		Assembly
Malaysia	Pahang	Pahang State Legislative Assembly
Malaysia	Penang	Penang State Legislative Assembly
Malaysia	Perak	Perak State Legislative Assembly
Malaysia	Perlis	Perlis State Legislative Assembly
Malaysia	Putrajaya	Federal Territory of Putrajaya
Malaysia	Sabah	Sabah State Legislative Assembly
Malaysia	Sarawak	Sarawak State Legislative Assembly
Malaysia	Selangor	Selangor State Legislative Assembly
Malaysia	Terengganu	Terengganu State Legislative Assembly
Maldives		People's Majlis
Malta		House of Representatives
Namibia		National Assembly
Nauru		Parliament of Nauru

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
New Zealand		Parliament of New Zealand
Nigeria		House of Representatives
		Senate
Nigeria	Abia	State House of Assembly
Nigeria	Abuja (Federal Territory)	
Nigeria	Adamawa	State House of Assembly
Nigeria	Akwa Ibom	State House of Assembly
Nigeria	Anambra	State House of Assembly
Nigeria	Bauchi	State House of Assembly
Nigeria	Bayelsa	State House of Assembly
Nigeria	Benue	State House of Assembly
Nigeria	Borno	State House of Assembly
Nigeria	Cross River	State House of Assembly
Nigeria	Delta	House of Assembly Delta

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Nigeria	Ebonyi	State House of Assembly
Nigeria	Edo	State House of Assembly
Nigeria	Ekiti	State House of Assembly
Nigeria	Enugu	State House of Assembly
Nigeria	Gombe	State House of Assembly
Nigeria	Imo	State House of Assembly
Nigeria	Jigawa	State House of Assembly
Nigeria	Kaduna	State House of Assembly
Nigeria	Kano	State House of Assembly
Nigeria	Katsina	State House of Assembly
Nigeria	Kebbi	State House of Assembly
Nigeria	Kogi	State House of Assembly
Nigeria	Kwara	State House of Assembly
Nigeria	Lagos	State House of Assembly
Nigeria	Nasarawa	State House of Assembly

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Nigeria	Niger	State House of Assembly
Nigeria	Ogun	State House of Assembly
Nigeria	Ondo	State House of Assembly
Nigeria	Osun	State House of Assembly
Nigeria	Oyo	State House of Assembly
Nigeria	Plateau	State House of Assembly
Nigeria	Rivers	State House of Assembly
Nigeria	Sokoto	State House of Assembly
Nigeria	Taraba	State House of Assembly
Nigeria	Yobe	State House of Assembly
Nigeria	Zamfara	State House of Assembly
Niue		Niue Assembly
Pakistan		National Assembly
		Senate
Rwanda		National Assembly

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Saint Kitts and Nevis  (Federation of Saint Christopher and Nevis)		National Assembly
Saint Lucia		House of Assembly
		Senate
Saint Vincent and the Grenadines		House of Assembly
Samoa		Legislative Assembly of Samoa
Seychelles		National Assembly
Singapore		Parliament of Singapore
Solomon Islands		National Parliament of Solomon Islands
South Africa		National Assembly

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
South Africa	Eastern Cape	Eastern Cape Provincial Legislature
South Africa	Free State	Free State Legislature
South Africa	Gauteng	Gauteng Provincial Legislature
South Africa	Kwazulu-Natal	KwaZulu-Natal Legislature
South Africa	Limpopo	Limpopo Legislature
South Africa	Mpumalanga	Mpumalanga Provincial Legislature
South Africa	North West	North West Provincial Legislature
South Africa	Northern Cape	Northern Cape, Provincial Legislature
South Africa	Western Cape	Western Cape
Sri Lanka		Parliament of Sri Lanka
Tanzania		National Assembly
Tonga		Legislative Assembly
Trinidad and Tobago		House of Representatives
		Senate
Tuvalu		Parliament of Tuvalu

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
Uganda		National Assembly
United Kingdom		House of Commons
United Kingdom		House of Lords
United Kingdom	Alderney (British Crown dependency)	States of Alderney
United Kingdom	British Virgin Islands	House of Assembly of the British Virgin Islands
United Kingdom	Cayman Islands	Legislative Assembly of the Cayman Islands
United Kingdom	Falkland Islands (British Overseas Territory)	Legislative Assembly of the Falkland Islands

<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
United Kingdom	Guernsey	States of Guernsey
United Kingdom	Isle of Man	High Court of Tynwald
United Kingdom	Jersey	States of Jersey
United Kingdom	Montserrat	House of Commons of Montserrat
		Senate of Montserrat
United Kingdom	Northern Ireland	Northern Ireland Assembly
United Kingdom	Saint Helena	Legislative Council
United Kingdom	Scotland	Scottish Parliament

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<b>Nation</b>	<b>Subnational (state/ province/ territory/ other)</b>	<b>House</b>
United Kingdom	Wales	National Assembly for Wales
Vanuatu		Parliament of Vanuatu
Zambia		National Assembly

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APPENDIX 2. Codes of Conduct - Frameworks (Houses of Commonwealth parliaments)

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
Framework for regulation (Gay 2008) i.e. provision for application to Members of:	Parliamentary privilege		14
	Parliamentary immunity		12
	Criminal law		11
	Filtering of Complaints		8
	Statutory		15
	Statutory regulation of donation		16
	Codes of conduct		54
	Legal Processes		25
	Investigation		20
	Investigative Procedure		21
	Ombudsman role		15
	Procedures for Commissioners/ Advisers		43
	Enforcement Powers for Inquiries		23
Code proposed but NOT adopted		21	

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APPENDIX 3. Codes of Conduct – Disclosure Requirements (Houses of Commonwealth parliaments)

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
Rules on Registration and Declaration (Stapenhurst & Pelizzo 2008)	Tax returns	Tax returns	17
	Wealth &/or income sources	declaration of pecuniary interests	82
		declaration of criminal history	75
		conflict of interest (undefined)	98
		Fees and honoraria	17
		Retainers	21
		Sources of patrimonial income	28
		Financial interests of spouse.	30
		Names of immediate family members	26
		Private employer or nature of private employment	33
		Identification of trusts by trustee	28
		Identification of trusts by beneficiary	32
		Professional services rendered	33
		Real estate interests	30
		Ownership interest in a business	38
		Investments	39
Offices and/or directorships held	35		
Sources of income of business of a partner or shareholder	39		

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<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
		Deposits in financial institutions	41
		Cash surrender value of insurance	37
	Debt	Creditor indebtedness	37
	Private donations	Reimbursement of travel expenses from private sources	42
	Benefits from public entities	Compensated representation before public entities	41
		Leases and other contacts with public entities	39
	Regulated occupational licences	Professional or occupational licenses held	44
	Other (describe)		38

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APPENDIX 4. Codes of Conduct – Restricted Activities (Houses of Commonwealth parliaments)

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>
Restricted activities include the following items (Stapenhurst & Pelizzo 2008)	Obtaining undue advantage	use of public position to obtain personal benefit	52
		competitive bidding	49
		nepotism	50
		outside employment or business activities by public officials or employees	53
	Offering and accepting bribes	providing benefits to influence official actions	63
		receipt of gifts by officials or employees above a certain value	65
		receipt of fees or honoraria by public officials or employees	60
	Acting against the public interest	representation private clients by public officials or employees	57
		political activity by employees	56
	Misuse of confidential information	use of confidential government information	63
	Using public property for personal gain	travel payments from non government services	53
	Gain of post-MP employment by political means	post-governmental employment for 2-years	53
	Obstructing the course of justice		61

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Category of provisions	Sub-category of provisions	Specific provisions	Number of codes with such provision
	(hiding information, providing false/misleading information, destroying evidence, obstructing investigators/ investigations)		
	not declaring conflicts of interest	financial conflicts of interest	72
	not declaring private interests		84
	misuse of freedom of speech		68
	Other (describe)		57

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APPENDIX 5. Codes of Conduct – Sanctions for Breaches (Houses of Commonwealth parliaments)

<b>Category of provisions</b>	<b>Sub-category of provisions</b>	<b>Specific provisions</b>	<b>Number of codes with such provision</b>	
Sanctions (Stapenhurst & Pelizzo 2008)	Private letter to the member concerned drawing attention to the breach and advising the member to avoid such conduct in the future	Private letter to the member concerned drawing attention to the breach and advising the member to avoid such conduct in the future		
	Public report or statement giving details of the breach but not recommending any further sanction	Public report or statement giving details of the breach but not recommending any further sanction		
	Rectification (MP to deal with complaint)	Rectification (MP to deal with complaint)		
	Apology demanded	Apology demanded	56	
	Warning/ Caution	Warning/ Caution	69	
	Admonition/ censure/ rebuke/ reprimand	Remark		58
		Censure		61
		Reprimand		62
		Admonition; Admonition to abide the standards of conduct		60
		Rebuke		61
Admonition to refrain from presenting at the House for a certain period of time; suspension (from office)	Admonition to refrain from presenting at the House for a certain period of time; suspension (from office)		64	

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	Severe rebuke	Severe rebuke	63
	Fine	Fine	76
	Loss of salary	Loss of salary	72
	loss of seniority	loss of seniority	69
	Order to withdraw	Order to withdraw	72
	Disqualification from membership on ground of defection	Disqualification from membership on ground of defection	80
	Expulsion	Expulsion	81
		Loss of mandate	73
	Committal	Committal	74
	Imprisonment	Imprisonment	83
	Other (describe)		73

APPENDIX 6. Benchmarks for Codes of Conduct



**Recommended Benchmarks  
for  
Codes of Conduct  
applying to  
Members of Parliament**

# How to use these Benchmarks

The increasing complexities of the matters with which parliament and Members of Parliament<sup>a</sup> must deal add to the pressures on parliamentary performance. The standards of conduct and ethical behaviour expected of Members of Parliament are rising. Codes of Conduct provide valuable guidance and direction for Members of Parliament in the contributions they make to their parliament's functions. These Benchmarks assist parliaments in the design and revision of Codes of Conduct.<sup>b</sup>

The CPA is committed to supporting Parliamentarians and parliamentary staff to identify benchmarks of good governance and the implementation of the good values of the Commonwealth including enhancing public trust in parliament and its members; a fundamental aspect of good governance and an open society.

The Recommended Benchmarks for Codes of Conduct for Members of Parliament are designed to be used by individual houses of parliament or other legislatures to assist in them to revise and strengthen existing provisions affecting the conduct of their Members or to develop new codes of conduct.

The recommended Benchmarks are introduced by brief, but important sections that explain the context for codes of conduct, summarised in:

- **PURPOSES AND ROLES OF PARLIAMENT**
- **PUBLIC OFFICE OF MEMBER OF PARLIAMENT**
- **PURPOSE AND ROLE OF PARLIAMENTARY CODE OF CONDUCT**

The **PRINCIPLES** on which the Benchmarks are based then follows. These draw on principles that have become widely accepted in the international community and are essential reading for an understanding of the Benchmarks.

The Benchmarks are general in nature so that they can be adapted to any parliament, ranging from small states and their assemblies to the largest, and from least developed to the most well-resourced.

The CPA encourages Branches to use the Benchmarks as a set of provisions related to each other and together aimed to improve the integrity and performance of each legislature. Branches are encouraged to take the underlying contribution to integrity of each recommended Benchmark and adapt it to a particular parliamentary system so as to guide the conduct of Members and to benefit the performance of the parliament.

Other measures to complement your Code of Conduct are described in the section **COMPLEMENTARY PROVISIONS**.

Further information is available in the list of References and the Endnotes.

These Benchmarks are the outcome of a partnership between the CPA and Monash University and a subsequent workshop hosted by the Parliament of Victoria in Melbourne, Australia in April 2015, bringing together Parliamentarians and Clerks from across the regions of the CPA and other experts in the field.

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<sup>a</sup> Member of Parliament is used to include all members of parliaments and legislatures e.g. Senator.

<sup>b</sup> The term **code of conduct** is used here to refer to any code or like document affecting the conduct of individual Members of Parliament.

## **PURPOSES AND FUNCTIONS OF PARLIAMENTS**

**Parliament is the highest legislative authority in a nation, province, state or territory.**

**Its major functions are: legislating (examining, debating and approving new or amended laws); budget-making (approving the collection of taxes and other revenue and authorising spending by the government); representation of the citizens; and scrutiny (checking the work of government).<sup>2</sup>**

## **PUBLIC OFFICE OF MEMBER OF PARLIAMENT**

**Members of Parliament are public officers; as such, a Member must act in the best interests of the nation, province, state or territory concerned.**

**As public officers, they have a fiduciary relationship with the citizens on whose behalf they act and they are entrusted with responsibility to protect and uphold the common interests of the citizens. In other words, they must put the public interest above all others.<sup>3</sup>**

**Members of Parliament have complementary obligations to their parliament:**

- **their own behaviour should reflect favourably on the reputation of the institution of parliament;**
- **they should protect, strengthen and promote the parliament.**

**Political parties exist to serve the best interests of the nation, province, state or territory as a whole, as assessed by their Members of Parliament. Again, those Members of Parliament must put the public interest above all others.**

## PURPOSE AND ROLE OF PARLIAMENTARY CODE OF CONDUCT

- 1.1. A Code of Conduct forms an important part of the Integrity System.<sup>4</sup>
- 1.2. Codes affecting the conduct of individual Members of Parliament encourage ethical conduct, reduce risks to the integrity of the Parliament as the paramount political institution, enable it to perform its functions more effectively, enhance propriety and strengthening the community's trust in Parliament.
- 1.3. A Code of Conduct for Members of Parliament applies to all office holders who are members of the House of Parliament, including the Presiding Officer, the Prime Minister/Premier/Chief Minister and ministers.
- 1.4. A Code of Conduct includes both aspirational provisions (what parliamentarians ought to do) and prescriptive provisions (what parliamentarians must do or not do), and should be seen as the minimum standard for conduct.<sup>5</sup>
- 1.5. Codes of Conduct have a purpose different from Standing Orders which are primarily rules of procedure.
- 1.6. A code should be written in a style that is simple, clear and specific.

## PRINCIPLES

- 2.1. A Member of Parliament as a public officer exercises a public trust.<sup>6</sup>
- 2.2. Members of Parliament shall behave according to the following principles:
  - **Selflessness** Members of Parliament should act solely in terms of the public interest.
  - **Integrity** Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
  - **Objectivity** Members of Parliament must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
  - **Accountability** Members of Parliament are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
  - **Openness** Members of Parliament should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
  - **Honesty** Members of Parliament should be truthful.
  - **Leadership** Members of Parliament should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.<sup>7,8</sup>
- 2.3. Members of Parliament shall:
  - Act in good conscience
  - Respect the intrinsic dignity of all
  - Act so as to merit the trust and respect of the community
  - Give effect to the ideals of democratic government and abide by the letter and spirit of the Constitution and uphold the separation of powers and the

- rule of law
  - Hold themselves accountable for conduct for which they are responsible
  - Exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.<sup>9</sup>
- 2.4. Members of Parliament have individual responsibility as contributors to the functioning of institution.
- 2.5. Parliamentary immunity (i.e. parliamentary privilege) protects the right of Members of Parliament to speak in parliament without fear of prosecution or suit for defamation.
- 2.6. Members of Parliament shall respect the roles, independence, rights and responsibilities of parliamentary staff.
- 2.7. In a parliamentary democracy, every Member of Parliament has a responsibility to ensure that the Executive Government is accountable to the Parliament.

## BENCHMARKS FOR CODES OF CONDUCT FOR PARLIAMENTARIANS

**3.1 Disclosure and Publication of Interests.** The code shall indicate that each Member shall disclose every interest which may create a perception of conflict between an interest and the duties and responsibilities set out in PRINCIPLES. It shall prescribe provisions to which each Member is subject, with provisions to the effect as follows.

- 3.1.1 Each Member shall disclose to the Parliament all relevant interests that a reasonable person might think could give rise to the perception of influencing behaviour between the Member's duties and responsibilities and his/her personal interests (eg land and property assets, share-holdings, gifts<sup>10</sup>, foreign travel, symbolic rewards (e.g. honorary degree), sources of income, remunerated employment, directorships, liabilities, hospitality and affiliations). These may be subject to a specified thresholds. This applies to items received and could also apply to items donated or given. These shall be disclosed immediately following election and continuously updated within a reasonable period specified by the parliament above a specified threshold.<sup>c</sup>
- 3.1.2 A Member shall not vote in a division on a question about a matter, other than public policy (i.e. government policy, not identifying any particular person individually and immediately) in which he or she has a particular direct pecuniary interest above a threshold (if specified).<sup>11</sup>
- 3.1.3 A Member shall not use for personal benefit confidential information (i.e. non-public information) gained as a public officer.
- 3.1.4 There should be an effective mechanism to verify any disclosure and to immediately notify any discrepancy in a public report to the House.
- 3.1.5 The Parliament shall publish the interests disclosed and the purposes and amounts of expenditure of public funds by each Member as soon as practicable in the most accessible means available e.g. parliamentary website.<sup>d</sup>
- 3.1.6 These provisions also apply to interests held by the member's spouse or close family members.

**3.2 Use of Public Property** A code should make provision to the effect that a Member may use public funds, property or facilities only in the public interest and as permitted by law (does not include for party political purposes).

### 3.3 Inducements

- 3.3.1 A Member shall not accept any form of inducement that could give rise to conflict of interest or influence behaviour.
- 3.3.2 A member shall not engage in paid lobbying, paid parliamentary advice or paid advocacy.
- 3.3.3 A Member shall not use his or her position to seek or secure future employment, paid lobbying, consultancy work or other remuneration or benefit upon ceasing to be a Member of Parliament.

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<sup>c</sup> Five to 30 days is suggested.

<sup>d</sup> In open data format.

3.3.4 A Member shall represent the interests of constituents on an equitable basis and not on the basis of personal or political affiliations, or inducements.

**3.4 Civility**

Members shall treat each other, the Parliament and the people with respect, dignity and courtesy, including parliamentary staff.

**3.5 Behaviour**

A Member shall not assault, harass, or intimidate another person.

**3.6 Attendance**

Every member shall attend every sitting of the House, in accordance with practice of the House, except with reasonable excuse, or in the case of extended absences, if excused in accordance with the practice of the House.

**ETHICS ADVISER**

As part of an effective implementation of a Code of Conduct, advice shall be available to individual MPs to help them decide how to deal with ethical dilemmas. A code of conduct may provide for an ethics adviser according to the following model.

- 4.1 The adviser shall be independent of influence by any person in giving advice. (The House should designate the title of the office <sup>12</sup>)
- 4.2 The adviser shall be selected by a non-partisan process or other method designed to secure multiparty support.
- 4.3 The adviser shall have knowledge, experience, personal qualities and standing within the community suitable to the office; skill in professional ethics or law is desirable.
- 4.4 The Code shall protect the adviser from removal except for proven misbehaviour or other reasonable grounds.
- 4.5 Members shall endeavour to routinely discuss ethical dilemmas with an ethics adviser.
- 4.6 Members if unable to discuss an ethical dilemma with an ethics adviser or having done so, remain in doubt, must act with caution and not engage in any potentially compromising action.
- 4.7 Advice may be sought on conflicts of interest and any issue arising from codes of conduct and ethics and integrity issues.
- 4.8 The adviser shall base advice in each instance on the facts as related by the MP and any other relevant facts of which s/he becomes aware.
- 4.9 The adviser shall not disclose the fact that s/he has been consulted, nor any information provided by the MP or any advice given to the MP.
- 4.10 Advice sought and given is confidential, and shall not be accessible through provisions for freedom of information. However the person who seeks written advice may make it, and the related request, public.
- 4.11 The adviser shall not investigate any complaint.

## ENFORCEMENT

As part of the effective implementation of a code, an independent system for investigating alleged breaches should be established; a suggested model follows:

- 5.1 Complaints and Investigations.** A code shall make provisions to the effect that:
- 5.1.1 A complaint alleging breach of the Code by a Member shall be made to an identified office holder who must forthwith refer it to an investigator for investigation of the facts.
  - 5.1.2 At least one investigator must be appointed by the House as soon as practicable following adoption of the Code.
  - 5.1.3 An Investigator shall be independent of Parliament, any Member of the Parliament, Government, or political party or grouping, and is appointed for a fixed term.
  - 5.1.4 The investigator must be selected by a non-partisan process or other method designed to secure multiparty support.
  - 5.1.5 An Investigator shall have knowledge, investigative skills, experience, personal qualities and standing within the community suitable to the office.
  - 5.1.6 The Code shall protect the investigator from removal except for proven misbehaviour or other reasonable grounds.
  - 5.1.7 The investigator may determine that a complaint is frivolous or vexatious and decline to investigate it.
  - 5.1.8 A Member and the complainant shall treat any complaint as if sub judice.
  - 5.1.9 Any Member of Parliament shall cooperate with and assist an Investigator in the investigation of any complaint under the Code.
  - 5.1.10 If there is evidence of a breach of criminal law, it must forthwith be referred to the police or corruption control agency as appropriate.
  - 5.1.11 After investigation, the investigator must present a report to the Presiding Officer (or Deputy if concerning the Presiding Officer) who must determine whether or not a breach has occurred, and if a breach has occurred, refer the report to the House for further proceedings in accordance with its rules.
  - 5.1.12 If a complaint has become known publicly and has not been upheld, this outcome shall be made public.
- 5.2 Appeal or review.** The Code shall make provision that a Member against whom a complaint has been upheld, has rights to appeal or review.
- 5.3 Sanctions and penalties**
- 5.3.1 The Code shall specify graduated sanctions and penalties for breaches of the Code according to the seriousness of the effects of breaches on the functioning, reputation and legitimacy of the parliament.<sup>e</sup>
  - 5.3.2 The Code shall specify that a Member convicted of a breach of the criminal law, may in addition be subject to a sanction or penalty if found to have breached the Code.

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<sup>e</sup> See examples of sanctions shown in the table.

## MAKING AND UPDATING THE CODE

The House shall ensure that its Code of Conduct remains relevant, is reviewed and revised periodically, is up to date and is familiar to its Members of Parliament.

- 6.1.1 The Code shall be made by the House of Parliament whose Members are to be subject to its provisions (i.e. by each House in a bicameral Parliament) and remains in force unless and until remade.
- 6.1.2 The Code shall be established by a decision of the House of Parliament to which it relates.
- 6.1.3 The Code shall be subject to continuous and regular review. A mechanism shall be established for this purpose and to report to the parliament on its operation immediately following each general election, and in response to requests by the Presiding Officer and at such other times as it wishes.

## FOSTERING A CULTURE OF ETHICAL CONDUCT

Each House should sustain a culture of ethical conduct reflecting a sound understanding of the parliamentary role, the public interest and the institution of parliament. Such a culture may be facilitated by:

- 7.1.1 Introductory and continuing education to assist Members to enhance their skills in ethical deliberation.
- 7.1.2 Induction which includes mentoring and experience-sharing activities involving both new and experienced Members.
- 7.1.3 Exemplary behaviour by those in leadership roles
- 7.1.4 Endeavours to detect and act to deter even minor breaches from which serious breaches may develop.
- 7.1.5 Members being encouraged to consult with the Ethics Advisor before acting on a matter that raises ethical issues.
- 7.1.6 Members acknowledging and accepting provisions of a Code of Conduct when swearing an Oath or making an Affirmation.
- 7.1.7 Publishing and making available the Code to both Members and the public.
- 7.1.8 Ensuring that newly elected members receive induction in the Code of Conduct, and engaging in self-assessment of their individual ethical competence.
- 7.1.9 Encouraging discussions with the ethics adviser which shall be treated as routine and normal, with frequent informal contact between the ethics adviser and Members.
- 7.1.10 Requiring every Member to participate in activities to enhance their ethical competence on a regular basis. These activities could be online, if resources permit.
- 7.1.11 Requiring Members to provide evidence on a regular basis that they have read and understood the provisions of the Code
- 7.1.12 Endeavouring to adapt the code to changing expectations of society with regard to ethical conduct.

## RECOMMENDED BENCHMARKS FOR CODES OF CONDUCT FOR MEMBERS OF PARLIAMENT

Table: Examples of sanctions

<i>Sanction</i>	<i>Sanctions administered by</i>	<i>Country</i>
Warning	House of Representatives	Grenada
	The Knesset Ethics Committee	Israel
Remark	The Knesset Ethics Committee	Israel
Formal reprimand/ reprimand	Lok Sabha (House of the People)	India
	House of Representatives	Grenada
	House of Commons	United Kingdom
	House of Representatives	United States of America
Rebuke	The Knesset Ethics Committee	Israel
Severe Rebuke	The Knesset Ethics Committee	Israel
Censure	House of Representatives	United States of America
Formal admonition / admonition/ Admonition to abide by the standards of conduct/ admonition to refrain from presenting at the House for a certain period of time/	Lok Sabha (House of the People)	India
	House of Commons	United Kingdom
	Deliberative Council on Political Ethics	Japan
Admonition to resign from the chairmanship of a committee	Deliberative Council on Political Ethics	Japan
Fine	House of Representatives	United States of America
Loss of seniority	House of Representatives	United States of America
Forfeiture of the Member's salary for a specified period	House of Commons	United Kingdom
Suspension from membership of the House for a specified period (which also involves loss of salary for that period)	House of Commons	United Kingdom
Suspension from office/ suspension	House of Representatives	Grenada
	The Knesset Ethics Committee	Israel
Disqualification from membership on grounds of defection	Speaker of the House	India
Order to withdraw,	House of Representatives	Grenada
Loss of mandate (=expulsion)	n.a	Fiji
	High Court	Grenada
	Lok Sabha (House of the People)	India
	The Knesset	Israel
	House of Commons	United Kingdom
Disqualification to hold public office	n.a.	Philippines
Committal	House of Commons	United Kingdom
Imprisonment	Lok Sabha (House of the People)	India
	n.a.	Philippines
<i>Adapted from: Bruce 1996; Mawer 2006.</i>		

## **APPENDIX: COMPLEMENTARY PROVISIONS**

The Code of Conduct is complemented by other structures and practices in the organisation of parliament, government and the law which are essential to its effectiveness. These vary greatly according to the scale and historical development of each system of government. The Parliament should aspire to complementary norms, institutions and mechanisms which collectively enable the most effective performance of the Parliament and the wider system of government. Features of these are suggested as follows:

### **1. Integrity System**

1.1. The Integrity system is the overarching system including codes, norms (e.g. ethical behaviour), institutions (e.g. corruption control commission) and mechanisms (e.g. special investigative powers) designed to reduce corruption and enhance integrity. The links between integrity bodies are important. Delete the rest. The extent, strength and degree of interconnectedness (including systemic and non-systemic dimensions), overlaps, conflicts and mutual supports affect how an integrity system actually works. The size and resources of a nation, province, state or territory will influence the institutional structure and mechanisms of its integrity system. Accordingly, it is useful to consider essential structures and the functions to be provided.

1.1.1. These structures may include:

- A supreme audit institution (SAI) (e.g. Chief Financial Controller, Comptroller General, or Auditor General), established by act of parliament, being an independent officer of the parliament
- Ombudsman, also being an independent officer of the parliament, established by act of parliament
- A parliamentary public accounts committee, chaired by a non-government Member of Parliament, with powers and resources to critically review government policies and expenditure
- Parliamentary immunity (i.e. parliamentary privilege) protecting the right of Members of Parliament to speak in parliament without fear of prosecution or suit for defamation
- A non-partisan institution, established by act of parliament, authorised and empowered to regulate the receipt of donations and other funds and expenditure by political candidates and parties.

1.1.2. These functions may include:

- The capacity for independent, thorough investigation of allegations of unethical or corrupt behaviour
- public interest disclosure (“whistle-blower”) legislation, to include application to Members, Officers and staff of Parliament.

### **2. Election campaign donations and expenditure**

2.1. Each Member shall disclose to the relevant authority all donations received or donated towards political campaign costs and other political expenses and all expenditure for campaign and other political costs, including political party funds for which the Member has any responsibility; these must be disclosed immediately following election and continuously updated within a reasonable

## **RECOMMENDED BENCHMARKS FOR CODES OF CONDUCT FOR MEMBERS OF PARLIAMENT**

period specified by the parliament.

### **3. Ministerial Code of Conduct**

- 3.1. A Ministerial Code of Conduct for members of the Executive shall apply in addition to the Code of Conduct for Members of Parliament; the latter applies to all members of that parliament, including the Presiding Officer(s) and members of the Executive.
- 3.2. A Ministerial Code of Conduct shall be issued by the head of government i.e. Prime Minister, Premier or Chief Minister of the nation, province/state or territory.
- 3.3. Breaches of the Ministerial Code of Conduct shall be dealt with by the head of government.
- 3.4. The provisions of such a Code are beyond the scope of these Benchmarks.

### **4. Code of Conduct for Parliamentary Officers**

- 4.1. A Code of Conduct for Parliamentary Officers and staff may be adopted to complement the Code of Conduct for Members of Parliament.
- 4.2. The provisions of such a Code are beyond the scope of these Benchmarks.

### **5. Post-parliamentary employment by former Members of Parliament**

- 5.1. Any regulation of post-parliamentary employment, remuneration or other benefits received by former Members of Parliament shall be by act of parliament, as non-statutory codes cannot bind non-Members.

### **6. Lobbyists, Lobbying Register**

- 6.1. Regulation of lobbying, including registration of lobbyists, shall be by act of parliament, as non-statutory codes cannot bind non-Members.

### **7. Civil Society's Role**

- 7.1. Members of Parliament and Parliamentary Officers and staff should actively enable monitoring and reporting by civil society organisations of compliance with the Code of Conduct.

### **8. Political Parties**

- 8.1. Political parties have roles in fostering a culture of ethical conduct.

### **9. Award**

- 9.1. An award may be made to recognise exemplary conduct.

## **RECOMMENDED BENCHMARKS FOR CODES OF CONDUCT FOR MEMBERS OF PARLIAMENT**

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## Endnotes

- <sup>1</sup> Provisions similar to provisions in a Code of Conduct may be included in: Act of parliament; Conflict of Interest Code; Code of Official Conduct; Code of Ethics; rules of procedure; Standing Orders.  
Codes of Conduct and Codes of Ethics are often distinguished e.g. as follows:  
“Codes of **ethics** “are usually products of professional associations. They serve as a quality assurance statement to society and provide a set of standards for appropriate conduct for members of the profession that issues the code. Codes of ethics for those in government service challenge employees to identify with shared professional values that describe appropriate actions about acting rightly in the service of the public good” (Bruce, 1996, 23).  
Codes of **conduct** are quite different. They “. . . are more concrete and practical . . . for they represent executive orders or legislatively defined and enforceable behavioral standards with sanction for violation. They contain a list of the kinds of behavior required in a given set of circumstances and provide direction to those whose conduct they govern. Codes of conduct contain minimalistic prohibitions to unquestionably subversive or criminal acts. They are designed to protect the government employee, the client, and/or the public at large” (Bruce 1996, 24).” (Pelizzo & Stapenhurst, 2006, p. 199)
- <sup>2</sup> Adapted from (Parliament UK, no date)
- <sup>3</sup> The responsibility of Members to act in the common interests of all people represented in the parliament reflects their fiduciary duty. Fiduciary relationships are explained by Finn as requiring that where a person has been empowered to act in the interests of others, he or she must do so and not act in self-interest (Finn, 2012). Sir Gerard Brennan, retired Australian Chief Justice, stated “It has long been an established legal principle that a Member of Parliament holds “a fiduciary relation towards the public” and “undertakes and has imposed upon him a public duty and a public trust” (2013). Sir Gerard Brennan has explained that “The obligations cast on members of Parliament and officers of the Executive Government are many and varied and the law takes cognizance of the realities of political life, but asserts and, in interpreting statutes, assumes that the public interest is the paramount consideration in the exercise of all public powers... Whenever political action is to be taken, its morality – and, indeed, its legality – depends on whether the public interest is the paramount interest to be served...Power, whether legislative or executive, is reposed in members of the Parliament by the public for exercise in the interests of the public and not primarily for the interests of members or the parties to which they belong”((Brennan, 2013)
- <sup>4</sup> Integrity Systems are a form of risk management that provide insurance against corruption. They include norms (e.g. ethical behaviour), institutions (e.g. corruption control commission) and mechanisms (e.g. special investigative powers) designed to reduce corruption and enhance integrity. The extent, strength and degree of interconnectedness (including systemic and non-systemic dimensions), overlaps, conflicts and mutual supports affect how an integrity system actually works (Sampford, 2014).
- <sup>5</sup> The Australian House of Representatives Committee reported that codes of conduct which it examined seemed to fall into the two categories ... – prescriptive or aspirational. One approach is to establish a more directive or prescriptive code which would include quite detailed rules and be a rather lengthy statement. The aim of a prescriptive code is to provide a comprehensive account of the conduct required of members in all conceivable situations.  
The alternative approach is for a more aspirational set of principles from which each member must determine his or her own behaviour. An aspirational code aims to provide a frame of reference for making decisions that involve competing values ((House of Representatives Standing Committee of Privileges and Members’ Interests (Australia), 2011), p.29).  
Few if any codes are solely either aspirational or prescriptive. A code including both aspirational and prescriptive provisions is more likely to be effective according to the research leading to these Benchmarks.
- <sup>6</sup> As a holder of public office, a Member must avoid:
- official misconduct that involves a breach of powers and duties entrusted to a Member for the public benefit and in which the Member has abused them or his position;
  - wilful neglect of duty;
  - wilfully embarking on a course of action which the Member has no legal right to undertake;
  - oppression and extortion;
  - incompatible positions;
  - arrangements which are in conflict with his or her official duties;
  - bribery;
  - misuse of public property.
- (adapted from (Smith, 2014))
- <sup>7</sup> These principles are adapted from The Seven Principles of Public Life (“Nolan Principles”) for holders of public office (Committee on Standards in Public Life, 1995).
- <sup>8</sup> See also the general principles to govern the conduct of members of relevant authorities in England and police authorities in Wales as follows:
- Selflessness*
- i. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- Honesty and Integrity*
- ii. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- Objectivity*
- iii. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

## **RECOMMENDED BENCHMARKS FOR CODES OF CONDUCT FOR MEMBERS OF PARLIAMENT**

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### *Accountability*

- iv. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### *Openness*

- v. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### *Personal Judgement*

- vi. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### *Respect for Others*

- vii. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### *Duty to Uphold the Law*

- viii. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### *Stewardship*

- ix. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

### *Leadership*

- x. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Statutory Instrument 2001 No. 1401. The **Relevant Authorities (General Principles) Order 2001** (United Kingdom). Retrieved 18 March 2015 from [http://www.tisonline.net/ContentUploads/CaseUploads/RelAuthOrder\\_6102009154823.doc](http://www.tisonline.net/ContentUploads/CaseUploads/RelAuthOrder_6102009154823.doc)

<sup>9</sup> This section is adapted from the Politicians' Pledge (St James Ethics Centre, 2015).

<sup>10</sup> This is not to suggest a total ban on accepting or donating gifts but it recognises that the very act of offering or receiving a gift establishes a favourable pre-disposition to the other person, irrespective of the value of the gift (Malmendier & Schmidt, 2012). Total bans on accepting any gifts risk leading to failure by even the most ethical Members of Parliament. Once a person is tainted as unethical for accepting or offering a gift no matter how commonplace, reasonable, and harmless social behaviour, critics have a tool with which to tar and tarnish the reputation the individual, and other Members of Parliament (Kania, 2004). Disclosure greatly reduces the risk of appearance of impropriety.

<sup>11</sup> Adapted from House of Representatives Practice (House of Representatives (Australia), 2012).

<sup>12</sup> Examples of titles include: Conflict of Interest and Ethics Commissioner; Parliamentary Ethics Adviser; (Parliamentary) Integrity Commissioner; Parliamentary Commissioner for Standards.