

Democracy Agenda for the 48th Parliament

Options for reform

Discussion paper

Bill Browne

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Tel: (02) 6130 0530

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PO Box 3839

Manuka

ACT 2603

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Summary

The Democracy Agenda for the 48th Parliament identifies 13 major reforms that would improve parliamentary debate, government accountability and openness and the operation of integrity institutions.

Three of the reforms would improve the deliberations of the 48th Parliament of Australia and make other reforms more achievable. These reforms could be agreed to at the beginning of the 48th Parliament, perhaps during negotiations between the crossbench and the major parties in the event of a power-sharing parliament in which no one party wins a majority of seats.

These initial reforms are as follows:

1. **Adopting Senate innovations in the House of Representatives:** The Australian Senate is a more collaborative and representative legislature than the House of Representatives. Over the years, Senate procedure and practice have changed to accommodate voices from the crossbench and opposition. In particular, the House of Representatives could:
 - a. Schedule private members' motions and bills for debate.
 - b. Remove the requirement for an absolute majority to suspend standing orders (replacing it with a simple majority).
 - c. Introduce pairing arrangements for crossbenchers, not just major party MPs.
 - d. Remove or moderate the "gag" motions that allow the majority to shut down debate and prevent issues going to a vote.
 - e. Reform Question Time to allow for supplementary (follow-up) questions.
2. **Set parliamentarians' staffing allowance independently:** Currently, personal staff for crossbench and opposition parliamentarians are a gift of the Prime Minister, allowing them to be allocated – or withheld – for reasons other than parliamentary workload. More resources for parliamentarians would allow better scrutiny of legislation.
3. **Fixed three-year terms:** The prime minister committing to seeing the Parliament through to its full three-year term, rather than going to an early election, would provide certainty and allow inquiries and legislation to be paced better.

The remaining ten reforms could be part of negotiations at the start of the 48th Parliament, but they could also be pursued during the parliamentary term:

4. **Parliamentary support and empowering and protecting the integrity branch of government:** Integrity agencies are vulnerable to having their funding cut by the government of the day. A special appropriation would protect these agencies from

retaliatory cuts. The agencies that support Parliament – including the Library, Budget Office and legislative drafters – could have their funding increased and responsibilities expanded, and a new Parliamentary Office of Science and Technology could advise parliamentarians about technical and complex areas like artificial intelligence and social media regulation.

5. **Open government:** Australians are largely in the dark about who is trying to influence politicians and other decision makers. Publishing ministerial diaries (as is done by some state governments) and cabinet documents (as is done in New Zealand) would improve the situation, as would stricter rules around lobbying.
6. **Whistleblower protections:** Whistleblower laws must be fixed if the National Anti-Corruption Commission is going to be effective – including creating a Whistleblower Protection Authority to advise and support whistleblowers. Otherwise, public officials will be reluctant to report potential corruption.
7. **National Anti-Corruption Commission:** While the NACC has most of the powers of a strong watchdog, it is not able to hold public hearings whenever they are in the public interest. In addition, its committee is dominated by government members. The scheduled statutory inquiry should be brought forward to address governance concerns with the NACC.
8. **Truth in political advertising laws:** South Australia has had truth in political advertising laws for 40 years, but at a federal level it remains perfectly legal to lie in a political ad. Legislation exists that would implement truth in political advertising laws in a fair and independent manner.
9. **Increasing the number of parliamentarians:** Two increases in the number of parliamentarians are overdue:
 - a. The ACT has almost as many residents as Tasmania, and the Northern Territory's population is about half that of Tasmania's. However, the territories currently receive only one sixth as many senators as Australia's smallest state. An increase in the number of both territories' senators would make elections more proportional.
 - b. Even as Australia's population has increased dramatically, the number of politicians has not. This leaves MPs stretched over larger areas, means the talent pool for ministries and committee chairs is too shallow, and makes MPs less attentive to local concerns.
10. **Political finance reform:** The way in which political parties and candidates are funded is murky, with political funding laws only disclosing large donations (above about \$17,000) and at a long delay (up to 18 months). Real-time donation disclosure, a mega-donor cap and a public funding system accessible to new entrants would help level the playing field.

Introduction

During the final sitting week of the 46th Parliament, three key independent crossbenchers – Helen Haines, Rebekha Sharkie and Zali Steggall – joined The Australia Institute to launch a major new report, entitled *Democracy Agenda for the 47th Parliament of Australia: Options for Reform*.¹

The document presented over 40 proposals aimed at improving how Parliament works, increasing checks and balances on the Australian Government, and keeping integrity watchdogs funded and independent. Some proposed reforms were modest, and others ambitious.

The Albanese Government and the 47th Parliament implemented seven of the Democracy Agenda's proposed reforms:

1. A code of conduct for parliamentarians and their staff.²
2. A parliamentary standards commissioner.³
3. Shorter sitting days to make Parliament a more hospitable workplace.⁴
4. A National Anti-Corruption Commission “with teeth”, which is now operational.⁵
5. An end to the political fundraisers in parliament's public areas.⁶
6. A code of conduct for parliamentarians and their staff.⁷
7. An end to the ministerial veto over Australian Research Council grants (except where there are national security concerns).⁸

¹ Browne (2022) *Democracy Agenda for the 47th Parliament of Australia*,

<https://australiainstitute.org.au/report/democracy-agenda-for-the-47th-parliament-of-australia/>

² The Australian Human Rights Commission (2023) *Commission welcomes parliament's codes of conduct and improved workplace safety*, <https://humanrights.gov.au/about/news/media-releases/commission-welcomes-parliaments-codes-conduct-and-improved-workplace>

³ Independent Parliamentary Standards Commission (2024) *Home page*, <https://www.ipsc.gov.au/>

⁴ McLeod (2022) *'Controversial' changes for federal MPs*, <https://www.news.com.au/national/politics/federal-parliament-to-become-more-family-friendly-after-changes-to-rules-for-mps/news-story/63ddf4148139f046b1c6f0db78b6effe>

⁵ *National Anti-Corruption Commission Act 2022* (Cth), <http://www.legislation.gov.au/Details/C2022A00088>

⁶ Hutchinson (2022) *Forget the glitz - Labor's budget bash is a low-key affair*, <https://www.afr.com/politics/labor-s-bread-and-butter-budget-a-glamour-free-affair-20221024-p5bsi4>

⁷ Independent Parliamentary Standards Commission (2024) *Behaviour codes and standards*, <https://www.ipsc.gov.au/behaviour-codes-and-standards>

⁸ Hare (2023) *'No political plaything': Labor to end research grant veto*, <https://www.afr.com/policy/health-and-education/no-political-plaything-labor-to-end-research-grant-veto-20230821-p5dy4q>

Eight other reforms have been implemented in part:

1. A tightening of the rules around what parliamentarians must disclose in the register of interests, requiring ministers to disclose blind trusts.⁹
2. The implementation of the recommendations of the Jenkins review into Commonwealth parliamentary workplaces (*Setting the Standard*). So far 19 of these recommendations have been implemented, eight are ongoing and two are pending.¹⁰
3. The successful passage through parliament of the first tranche of reforms to the *Public Interest Disclosure Act* whistleblower laws, and the completion of consultation on the second tranche.¹¹ However, more changes are needed.
4. The restoration of some funding to the ABC, and the move to a five-year funding cycle for the public broadcaster.¹²
5. The reduction of the value of contracts with big consulting firms. Under the Albanese government, the value of such contracts has fallen by about 40%¹³ and 8,700 outsourced roles have been replaced by public servants.¹⁴
6. The creation of the Australian Centre for Evaluation, a limited version of the Evaluator-General model.¹⁵
7. The availability of the register of senators' interests in HTML, including changes in-line and the facility to search by keyword.¹⁶ The register of members' interests has not been reformed.

⁹ Remeikis & Karp (2022) *Labor's new ministerial code of conduct bans blind trusts like Christian Porter used*, <https://www.theguardian.com/australia-news/2022/jul/07/labors-new-ministerial-code-of-conduct-bans-blind-trusts-like-christian-porter-used>

¹⁰ Parliamentary Leadership Taskforce (2024) *Progress of recommendations (Sep 2024)*, https://www.aph.gov.au/About_Parliament/Parliamentary_Leadership_Taskforce/Progress_of_recommendations

¹¹ Attorney-General's Department (2023) *Public sector whistleblowing stage 2 reforms*, <https://consultations.ag.gov.au/integrity/pswr-stage2/>

¹² Davies (2022) *ABC given \$83.7m to reverse Coalition's funding cuts but little help for arts in 2022 budget*, <https://www.theguardian.com/australia-news/2022/oct/25/abc-budget-2022-84m-funding-coalition-cuts-reversed-australia-media-sbs-arts-spending>

¹³ Tadros (2024) *Labor cuts spending on major consulting firms by \$891m over two years*, <https://www.afr.com/companies/professional-services/labor-cuts-spending-on-major-consulting-firms-by-890m-over-two-years-20241104-p5knq2>

¹⁴ Webber (2024) *Gallagher puts APS at the centre of the next federal election*, <https://www.canberratimes.com.au/story/8838073/aps-to-be-at-the-centre-of-2025-federal-election-katy-gallagher/>

¹⁵ Department of the Treasury (2023) *Australian Centre for Evaluation*, <https://evaluation.treasury.gov.au/>; Jarvie, Mercer, & Ayres (2022) *An evaluator-general won't just create trouble. APS needs one with teeth*, <https://www.canberratimes.com.au/story/7894750/an-evaluator-general-wont-just-create-trouble-aps-needs-one-with-teeth/>

¹⁶ Parliament of Australia (2023) *Register of senators' interests*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Senators_Interests/Senators_Interest_s_Register; (2023) *Register of members' interests – 47th Parliament*, https://www.aph.gov.au/senators_and_members/members/register

8. The independent Commonwealth Government COVID-19 response inquiry, albeit with limited terms of reference and without the powers of a Royal Commission.¹⁷

And four have been progressed:

1. The Indigenous Voice to Parliament referendum was held in October 2023, although the constitutional amendment was rejected by Australian voters.
2. The Joint Standing Committee on Electoral Matters (JSCEM) and the Albanese Government are considering an increase in the number of parliamentarians,¹⁸ although Special Minister of State Don Farrell flagged in 2024 that the Government would not be progressing this issue.¹⁹
3. The JSCEM has also recommended truth in political advertising laws,²⁰ and in November 2024 Special Minister of State Don Farrell introduced a bill that would, if passed, bring them into law.²¹
4. The Labor majority on the Parliamentary Joint Committee on Intelligence and Security (PJCIS) has recommended allowing crossbench MPs and senators to join the committee.²²

While the possibility of requiring a parliamentary vote before the country goes to war was the subject of a parliamentary inquiry,²³ this has not been counted as an issue that has been progressed because ministers said they did not support the reform even before the inquiry concluded.²⁴

¹⁷ PM&C (2023) *Commonwealth Government COVID-19 Response Inquiry terms of reference*, <https://www.pmc.gov.au/resources/commonwealth-government-covid-19-response-inquiry-terms-reference>

¹⁸ Barlow & Rollins (2023) *Govt "should consider" more MPs, ACT senators: minister*, <https://www.canberratimes.com.au/story/8218039/govt-should-consider-more-mps-act-senators-minister/>

¹⁹ Campbell (2024) *Labor abandons plans to double ACT Senate seats*, <https://www.canberratimes.com.au/story/8693922/don-farrell-labor-drop-plan-to-double-senate-seats-for-act-nt/>

²⁰ JSCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, pp. 106–107, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalection/Interim_Report

²¹ Electoral Legislation Amendment (Electoral Communications) Bill 2024 (Cth), https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7279

²² PJCIS (2023) *Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Bill 2023*, pp. 14–15, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/NSLAB2/Report

²³ Joint Standing Committee on Foreign Affairs, Defence and Trade (2023) *Inquiry into international armed conflict decision making: Report*, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict

²⁴ Wong (2023) *QON - Iraq War*, https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/26439/&sid=0127

The Albanese Government has advanced other democratic reforms, including a spill of the Administrative Appeals Tribunal,²⁵ the restoration of territory rights on voluntary assisted dying,²⁶ and not pursuing the Morrison Government's kludge of describing National Cabinet as a committee of the federal cabinet to evade freedom of information laws. (The Albanese government has, however, tried to withhold documents via a different mechanism).²⁷

Taken together, these are significant improvements, and they represent a much more substantial rate of change than that seen under the previous Coalition governments.

Despite this welcome progress, much more needs to be done to ensure elections are as fair and representative as possible, and to make the government more transparent and more accountable. This paper identifies democratic reforms that could be adopted to these ends during the 48th Parliament of Australia.

²⁵ The Australia Institute (2022) *Abolition of AAT a Welcome Step Towards Integrity*, <https://australiainstitute.org.au/post/abolition-of-aat-a-welcome-step-towards-integrity/>; Wilkinson & Morison (2022) *Cronyism in appointments to the AAT*, <https://australiainstitute.org.au/report/cronyism-in-appointments-to-the-aat/>

²⁶ Giannini (2022) *Territories given euthanasia voting rights*, <https://www.canberratimes.com.au/story/8002855/territories-given-euthanasia-voting-rights/>

²⁷ Burton (2023) *Inside national cabinet's early COVID-19 decisions*, <https://www.afr.com/politics/federal/inside-national-cabinet-s-early-covid-19-decisions-20230504-p5d5fj>; Crowe (2022) *New disclosure test for Anthony Albanese on national cabinet*, <https://www.smh.com.au/politics/federal/new-disclosure-test-for-anthony-albanese-on-national-cabinet-20220824-p5bc90.html>

Adopting Senate innovations in the House of Representatives

The Australian Senate operates under different standing orders to the House of Representatives. There are several reasons for this, most notably that the Senate's role as a house of review requires it to be critical of the executive, and because the government of the day does not have a majority in the chamber.

Some of the Senate's innovative arrangements could also be implemented in the House of Representatives.

PRIVATE MEMBER'S MOTIONS AND BILLS SCHEDULED FOR DEBATE

Under the House of Representatives' current standing orders, the second reading of a motion or bill introduced by a private member is delayed until a later date. It is by no means certain that that date will ever arrive, particularly if neither the Government nor the Opposition wishes to vote on the proposal. Members cannot force a vote, except through suspension of standing orders (see below for problems with requiring a suspension of standing orders for a vote).²⁸

If the House of Representatives instead required the second reading debate for a private member's Bill to be scheduled when the Bill was introduced, private members' Bills would be debated and voted on instead of ignored.

Alternatively, the House of Representatives could follow the example of the Australian Senate and make provisions for general business that takes precedence over government business.²⁹ In the Senate, this means that Monday or Thursday mornings allow for consideration of private senators' bills.³⁰ Private senators' bills quite often pass the Senate,

²⁸ Elder & Fowler (2018) *House of Representatives practice (7th edition)*, chap. 16,

https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7 Elder & Fowler (2018) *House of Representatives practice (7th edition)*, chap. 16

²⁹ Parliament of Australia (n.d.) *Annotated standing orders of the Australian Senate*, secs. 57, 59,

https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/aso/so139

³⁰ Laing (2016) *Odgers' Australian Senate practice*, p. 213,

https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice; (2022) *Odgers' Australian Senate practice - fourth supplement to the 14th edition*, pp. 24–25, https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice

even if they do not then pass the House of Representatives and become law.³¹ Dedicated time for private members' bills was included in the 2010 minority government negotiations³² and is routine in the UK House of Commons.

In any case, if the result of the 2025 federal election is a minority government, it would also make sense for the Selection Committee to mirror the makeup of the House of Representatives – as was the case during the tenure of the Gillard minority government between 2010 and 2013.³³

SIMPLE MAJORITY TO SUSPEND STANDING ORDERS

By and large, the government controls the business of the House of Representatives. Overriding the government's control requires an absolute majority to vote for the suspension of standing orders, which is 76 votes when the House has 150 or 151 seats.³⁴ Standing orders are the ordinary rules of how Parliament is conducted; a suspension of standing orders therefore allows for the Parliament to do something outside of normal procedure like debate a bill that was not originally scheduled to be debated.

The absolute majority rule means that the government can stop motions and legislation from being voted on, even when a majority of MPs disagree with the government and want a vote.

For example, in a 150-seat House in which 75 opposition and crossbench MPs support and 74 government MPs oppose a piece of legislation, the legislation cannot come to a vote without the government's agreement – even though it is in minority.³⁵

The problem becomes more acute when MPs are required to be absent from the chamber. A private member's motion or Bill with the support of a majority of MPs, even an absolute majority, can go undebated because some of its supporters are unable to attend and pairing

³¹ Laing (2022) *Odgers' Australian Senate practice - fourth supplement to the 14th edition*, pp. 78–79

³² Griffith (2010) *Minority governments in Australia 1989–2009: accords, charters and agreements*, <https://www.parliament.nsw.gov.au/researchpapers/Pages/minority-governments-in-australia-1989-2009-acco.aspx>; see also Rothwell & Dalla-Pozza (2010) *New political paradigm shows early signs of wear*, <https://www.smh.com.au/politics/federal/new-political-paradigm-shows-early-signs-of-wear-20100921-15k6k.html>

³³ Parliament of Australia (2010) *Standing and sessional orders as at 20 October 2010*, sec. 222, https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/House_of_Representatives_Standing_and_Sessional_Orders

³⁴ Elder & Fowler (2018) *House of Representatives practice (7th edition)*, pp. 264–265

³⁵ The speaker only votes in the case of a tie. For a real-world example, see Twomey (2019) *Can standing orders prevent a simple majority of the House of Representatives from passing a Bill against the government's wishes?* <https://www.auspublaw.org/blog/2019/02/can-standing-orders-prevent-a-simple-majority>

arrangements (discussed below) are irrelevant in the case of an absolute majority requirement.

The third problem is that the requirement for an absolute majority may be unconstitutional, a concern that has existed since the standing orders were introduced in the first years after Federation.³⁶

Over the past decade, several motions with majority support in the House of Representatives failed due to the absolute majority rule:

- A motion to debate Helen Haines' bill to introduce an anti-corruption watchdog.
- A motion to debate private members' bills in relation to an anti-corruption watchdog, fossil fuel subsidies and medevac for asylum seekers.
- A motion to debate Anthony Albanese's private member's bill in relation to high-speed rail.
- A motion calling on Prime Minister Scott Morrison to investigate and report on the "Helloworld" scandal where government ministers received free flights from a contractor receiving multi-million-dollar government contracts.
- A motion calling on then Environment Minister Melissa Price to correct allegedly misleading information she provided the House.³⁷

The Senate only requires an absolute majority to suspend standing orders without notice; if notice is given, such a motion requires only a majority of the senators who are present and voting.³⁸

It is worth noting that even the Senate's more limited requirement is the subject of criticism, including on constitutional grounds, and does not guarantee that a motion with majority support will prevail.³⁹ However, in practice, this model allows for motions and bills to pass with a simple majority.

³⁶ Elder & Fowler (2018) *House of Representatives practice (7th edition)*, pp. 340–341

³⁷ HVP No 156 - 25 November 2021,

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2Fd92fa3e3-03fa-46e2-b8dc-c9a774644eb3%2F0011%22>; HVP No 162 - 20 February 2019,

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2Fb0695dc5-b4bd-462e-bfc2-d3190b9ed788%2F0017%22>; HVP No 155 - 05 December 2018,

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2F6dacd89d-b24a-441c-bf89-d0577ad2fd71%2F0007%22>; HVP No 154 - 04 December 2018,

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2Fc711c766-1483-4355-950f-dd5752df68c4%2F0003%22>; HVP No 143 - 17 October 2018,

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2Fc681fec1-80e5-4c7f-8201-55ad8ec45a15%2F0018%22>

³⁸ For more, see Laing (2016) *Odgers' Australian Senate practice*, pp. 220–224

³⁹ Twomey (2019) *Minority government and the validity of standing order requirements for absolute majority votes*, pp. 143–144

If the House of Representatives is not willing to consider removing the absolute majority requirement, it should at least liberalise the potentially unconstitutional restriction on parliamentary debate by adopting the Senate’s more limited requirement.

PAIRING ARRANGEMENTS

Pairing arrangements allow for parliamentarians who are absent to be “paired” with a parliamentarian who would vote the other way. Neither of the two cast a vote, thus preserving the numerical strength of the “Aye” and “No” votes. Pairs allow parliamentary votes to reflect the consciences of parliamentarians who must be briefly absent from parliament – for example, due to medical reasons, to care for loved ones, or to attend funerals. These arrangements are informal, and in the House of Representatives they are limited to the major parties.⁴⁰ The Senate’s pairing arrangements incorporate crossbenchers, and in the 46th Parliament all House of Representatives crossbenchers called for the Senate’s arrangements to be replicated in the House.⁴¹

REMOVING OR MODERATING “GAG MOTIONS”

In the House of Representatives, if one member is speaking, another member can “move that the member no longer be heard”. Doing so interrupts the first member’s speech and, under standing order 80, prompts a vote that, if successful, stops the first member from being able to keep speaking. Alternatively, under standing order 81, a vote can “gag” the entire debate, stopping anyone else from speaking on the issue. Either variety of gag motion is sometimes called “cloture” or “closure”.

These gags have two effects:

- They can be used to stop a parliamentarian from speaking, and therefore from raising concerns or saying things that the majority does not want to hear.
- They can be used to prevent votes on motions and amendments to legislation, sparing the majority the embarrassment of having to vote for or against a motion or amendment that they would rather ignore.

⁴⁰ Knaus (2021) *Australian parliament’s remote arrangements causing voting disadvantages for minor parties, report says*, <https://www.theguardian.com/australia-news/2021/sep/01/australian-parliaments-remote-arrangements-causing-voting-disadvantages-for-minor-parties-report-says>

⁴¹ Sharkie (2021) *Crossbench calls for pairing arrangements due to COVID-19 restrictions*, https://www.rebekhasharkie.com.au/pairing_covid

The original purpose of gagging a particular member was to account for the lack of time limits on speeches, but speeches have been subject to time limits since 1912. In 2021, the Morrison Government used standing order 80 to cut off 48 debates.⁴²

A year later, historian Frank Bongiorno speculated on the causes of increased use of gag motions:

I expect [that an increase in the use of closure motions] would reflect the declining tolerance of the parties – and especially governments – for parliamentary scrutiny.

That, in turn, might be connected with the development of the Senate, with its committee system and balance of power situation, as a place for accountability and review.

Governments might therefore feel less compunction in using their numbers ruthlessly in the House of Representatives to move things along.⁴³

The Australian Senate does not have an equivalent to standing order 80, although the President can require a senator who is speaking irrelevantly or repetitiously to discontinue their speech.⁴⁴

The House of Representatives could either adopt the Senate's much more limited gag rules, or impose other strict criteria for when a gag motion may be implemented. For example, this could involve:

- Amending Standing Order 80 to specify that a cloture motion cannot be moved when someone is moving or seconding an amendment;
- Amending Standing Order 81 to specify that a cloture motion cannot be moved while someone is moving or seconding a motion or amendment; and
- Adding a standing order similar to Senate Standing Order 142(4), which provides that during a guillotine motion any amendment circulated two hours before the guillotine starts can be voted on.

⁴² Jeffery (2022) *How Morrison uses the "gag motion" to shut down debate*, <https://www.crikey.com.au/2022/04/06/morrison-gag-man-but-jokes-on-us/>

⁴³ RMIT ABC Fact Check (2022) *The current government is a prolific user of "the gag". But there's another which comes out on top*, <https://www.abc.net.au/news/2022-05-11/fact-check-helen-haines-gag-motion-parliament-history/101052778>

⁴⁴ Parliamentary Education Office (n.d.) *What does "I move that the member be no longer heard" mean?* <https://peo.gov.au/understand-our-parliament/your-questions-on-notice>

QUESTION TIME REFORMS

The House of Representatives Procedure Committee conducted an inquiry into practices and procedures relating to Question Time. The report, released in 2021, makes a number of recommendations, including:

- Limiting the number of “Dorothy Dixers” (prearranged questions on topics the minister wants to talk about) to five each day;
- Making a provision for one supplementary question from one non-government member per day;
- Banning questions about “alternative approaches”, which allows the Minister to criticise the opposition; and
- Placing trial restriction on the use of mobile phones.⁴⁵

The report also explored, without formally recommending, how to ensure ministers answer the questions put to them, and do so before discussing the more general issues surrounding the specific question.⁴⁶

Supplementary questions are used well in the Senate and were a feature of House of Representatives Question Time during the 2010 to 2013 hung parliament.

Question Time, more so than any other parliamentary institution, attracts public attention – but the cut and thrust of the “bear pit” is rarely edifying. Reforms that would make Question Time a more constructive, admirable part of the parliamentary agenda would improve public trust in politicians like few other measures could.

The 47th Parliament did see progress in one area: allowing for more questions from the crossbench during Question Time.⁴⁷

CUT-OFF FOR INTRODUCTION OF LEGISLATION

The Senate “cut-off” puts a deadline on when Bills can be received if they are to be passed in the same sitting period. This allows Bills to be properly considered and debated:

⁴⁵ Procedure Committee (2021) *A window on the House: practices and procedures relating to Question Time*, pp. xvii–xix,

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Procedure/Questiontime/Report

⁴⁶ Procedure Committee (2021) *A window on the House: practices and procedures relating to Question Time*, pt. 5

⁴⁷ Taylor & Remeikis (2022) *Dutton withdraws Albanese ‘liar’ allegation in question time – as it happened*, <https://www.theguardian.com/australia-news/live/2022/sep/05/australian-politics-live-with-amy-remeikis-greens-emissions-coal-gas-environment-parliament-anthony-albanese-welfare-petrol-inflation-integrity-train-strikes-nsw-victoria-weather-covid>

If a bill is received from the House of Representatives more than two-thirds of the way through a sitting period, it is automatically adjourned until the next period of sittings. Similarly, bills are automatically adjourned until the next period of sittings if they are introduced in the Senate, or if they are introduced in the House and sent to the Senate within the same sitting period (standing order 111(5)). With the agreement of the Senate, bills can be exempted from the cut-off, allowing them to be moved, considered and passed in the same period of sittings.⁴⁸

The same provision for the House of Representatives would ensure that Bills can be considered in good time, rather than being rushed through by the government.

An alternative, more limited, option is to amend the standing orders to require a division in order to introduce and vote on a Bill in the House of Representatives on the same day.

A related issue is late distribution of the weekly sitting calendar. If the calendar were distributed seven days before the commencement of the sitting week, parliamentarians would have time to prepare for the business of the chamber.

MINISTERS TO GIVE REASONS FOR NOT PRODUCING DOCUMENTS

Where ministers are ordered to produce documents and fail to do so, they should be required to front the chamber and explain why they did not meet the deadline.

This requirement has been an ad hoc remedy in the Senate since 2000, and increasingly commonplace since 2017. The consistent addition of this requirement to orders for the production of documents would help ensure compliance.⁴⁹

In 2020, the Senate contemplated, but ultimately decided against, a further penalty for non-compliance: for the Leader of the Government in the Senate to be barred from representing the Prime Minister during Question Time and in committees, and be prevented from sitting at the central table in the chamber.⁵⁰ Should the Government continue to refuse reasonable orders for the production of documents in the next parliament, this remedy should be revisited.

⁴⁸ Parliament of Australia (n.d.) *Glossary of Senate terms*, https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/Glossary_of_Senate_terms

⁴⁹ Laing (2022) *Odgers' Australian Senate practice - fourth supplement to the 14th edition*, p. 63

⁵⁰ Laing (2022) *Odgers' Australian Senate practice - fourth supplement to the 14th edition*, p. 63

HOUSE OF REPRESENTATIVES ESTIMATES HEARINGS

Senate Estimates hearings are amongst the most important events on the parliamentary calendar. During Senate Estimates, senators question ministers and senior public servants. The remit of Estimates is broad, and any senator can demand a supplementary session if they have more questions to ask than there is time allotted. (Senators can also provide written lists of questions to be answered on notice.)⁵¹

In his survey of members and senators, academic Scott Brenton identified Senate Estimates as “one of the most common areas of Senate envy amongst members [of the House of Representatives]”:

This [sentiment] came through most strongly from parliamentarians who have served in both houses and also for most members in general this was the most dominant perception of the work activity of senators. Members, particularly shadow ministers, revealed that they currently feed questions to their Senate colleagues during estimates hearings via laptops and mobile devices and would relish the opportunity to question public officials directly. Similarly, it is only ministers in the Senate that generally front the committees, even though there are far more ministers in the House.⁵²

Brenton discusses previous attempts to replicate estimates committees in the House, but proposes instead that:

... the same estimates process should involve all parliamentarians. There should be some parliamentary mechanism where all parliamentarians can question any member of the executive⁵³

Further consideration should be given to either replicating the Senate Estimates process in the House of Representatives or implementing a joint estimates process for the two chambers.

A more limited version of “House estimates” could require a minister to take questions on issues and legislation from parliamentarians. Under this model, ministers would be scheduled to spend one or two hours in the Federation Chamber each sitting week, where they would field substantive questioning on policy and legislation. The schedule would have

⁵¹ Laing (2016) *Odgers’ Australian Senate practice*, pp. 478–480

⁵² Brenton (2011) *Minority government: is the House of Representatives finally catching up with the Senate?* p. 125,
https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~/~/link.aspx?_id=1188F713C5B44C679E40642E38A93193&_z=z

⁵³ Brenton (2011) *Minority government: is the House of Representatives finally catching up with the Senate?* p. 125

to balance giving ministers time to prepare with debating urgent issues in a timely manner (before the bill has passed, for example).

At the very least, ministers should be required to be present in the chamber for the debate and Consideration in Detail stages of their bills.

DISCLOSURES FOR PARLIAMENTARIANS

Members and senators are responsible for providing a statement of their registrable pecuniary and other interests, such as “assets and liabilities, interests in trusts and partnerships, directorships, gifts, sponsored travel and hospitality, and certain relationships with organisations.”⁵⁴ The registries are separate for each chamber, and are overseen by different committees: the House Standing Committee of Privileges and Members’ Interests and the Senate Standing Committee of Senators’ Interests, respectively.

Members’ interests are currently reported in the form of PDF documents. Every parliamentarian makes an initial statement of interest for each parliamentary term. As a parliamentarian’s interests change, their initial statement is appended with notifications of alterations of interests.

The House register currently takes the form of 151 PDFs and is difficult to consider as a whole. Patterns across parliamentarians can only be identified through a manual check of all PDFs, and a complete picture of a parliamentarian’s interests requires the reader to manually incorporate alterations of interests into the initial statement.

The register of senators’ interests, by contrast, is now available in HTML. It includes changes in-line and is searchable by keyword.⁵⁵ The register of members’ interests should be digitised and made searchable in the same way.

At the same time, the houses could harmonise their disclosure requirements so that, for example, the House of Representatives’ stricter rules about the interests of partners and children are mirrored in the Senate.⁵⁶

⁵⁴ From Senate Standing Committee of Senators’ Interests (2019) *Registration of Senators’ interests - a handbook for senators*, p. 2, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Senators_Interests/Guidelines_and_Resolutions; guidance for members of the House of Representatives is substantially similar.

⁵⁵ Parliament of Australia (2023) *Register of senators’ interests*; (2023) *Register of members’ interests – 47th Parliament*

⁵⁶ See Wilson (2022) *Federal politicians tell us they own 510 properties. The truth is they own even more*, <https://www.crikey.com.au/2022/09/08/landlord-list-federal-politics-register-of-interests/>

The Greens have proposed a statutory basis for the chambers' registers, which may also help address these issues.⁵⁷

⁵⁷ Whyte (2020) *New integrity commission push after MP code of conduct rejected by major parties*, <https://www.canberratimes.com.au/story/6876529/new-integrity-commission-push-after-mp-code-of-conduct-rejected-by-major-parties/>

MP staffing set independently

In the Parliament of Australia, the prime minister decides which parliamentarians receive personal staff, and also how many such staff they receive. This gives the prime minister control over how the Opposition is resourced relative to the Government, and also over how individual crossbench parliamentarians are resourced.

The number of staff a parliamentarian receives affects how many issues they can engage with, and how deeply they can engage with them.

Context

Parliamentarians receive a combination of electoral staff and personal staff; while electoral staff are (at least in principle) focused on constituent work and the parliamentarians' electorate, personal staff can specialise in policy, legislative scrutiny and media/communications. That said, electoral staff can, and often do, also end up doing policy work – although this comes at the expense of their capacity to do constituent work.

Policy advice from personal staff is particularly important for crossbenchers, who generally decide how to vote on each piece of legislation. (Party MPs, by contrast, will typically defer to their party's position.) Crossbenchers have identified a lack of personal staff as a barrier to reviewing legislation both thoroughly and quickly.⁵⁸ These concerns were heard sympathetically by deputy Liberal leader Sussan Ley, who noted that crossbench MPs and senators had to “look at every piece of legislation and get across numerous different issues” without the support of a party structure.⁵⁹

In a 2022 op-ed, Senator Jacqui Lambie described the contribution made by her staff:

I'm not an economist. I'm not a lawyer. I'm a regular person who occasionally makes the final decision on whether a government's idea should become law.

When I've got to decide whether a bill should pass, it's my staff who take the daily calls from industry groups and community organisations and who work directly with the people who're going to be affected by a change.

⁵⁸ McIlroy (2023) *'Can't work them 24h': Lambie threatens hold-up on Senate staffing*, <https://www.afr.com/politics/federal/can-t-work-them-24h-lambie-threatens-hold-up-on-senate-staffing-20230329-p5cw5n>; Pelly (2022) *Crossbench cuts could delay ICAC bill: Haines*, <https://www.afr.com/politics/cross-bench-cuts-could-delay-icac-bill-haines-20220622-p5avv3>

⁵⁹ Karp (2022) *Ministers defend cut to crossbenchers' advisers, despite fury of Jacqui Lambie and other independents*, <https://www.theguardian.com/australia-news/2022/jun/26/ministers-defend-cut-to-crossbenchers-advisers-despite-fury-of-jacqui-lambie-and-other-independents>

They weigh up the arguments for and against what the government wants to do, and help me figure out who to believe.⁶⁰

Progress

During the Morrison Government's tenure, crossbenchers received four personal staff each.⁶¹ In 2022, the Albanese Government cut the number of personal staff for crossbenchers from four to one, and made a smaller cut to its own staffing numbers.⁶² The Greens did not receive additional staff to account for their representation increasing from nine to 16.⁶³ The Albanese Government later granted additional staff to some crossbenchers, but not others.⁶⁴ Some crossbenchers have sought private donations to employ more staff.⁶⁵

Most new crossbenchers have either been granted no personal staff at all or have had their grant of personal staff delayed: Senator Fatima Payman quit the Labor Party in July 2024 but has not received personal staff; Senator Gerard Rennick quit the Liberal National Party in August 2024 but has not received personal staff; Senator David Van waited more than a year to receive personal staff; and Senator Lidia Thorpe waited 43 days for personal staff after quitting the Greens.⁶⁶

⁶⁰ Lambie (2022) *The decisions I make in the Senate matter, and I trust my staff to guide me through them*, <https://www.theguardian.com/commentisfree/2022/jun/28/the-decisions-i-make-in-the-senate-matter-and-i-trust-my-staff-to-guide-me-through-them>

⁶¹ The number of personal staff per crossbencher has been variously one, three and four at different times between 2010 and 2022. Church (2024) *Parliamentarians' personal staff*, https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Research_Papers/2023-24/Parliamentarians_Personal_Staff

⁶² Curtis (2022) *Crossbench fury as government cuts staffers from four to one*, <https://www.smh.com.au/politics/federal/government-cuts-crossbench-staffers-from-four-to-one-20220624-p5awgl.html>; Massola (2022) *Furious crossbench senators threaten to vote against Labor legislation after staff cuts*, <https://www.smh.com.au/politics/federal/furious-crossbench-senators-threaten-to-vote-against-labor-legislation-after-staff-cuts-20220625-p5awjb.html>

⁶³ Curtis (2022) *'Recent phenomenon': Albanese doubles down on cuts to crossbench staff numbers*, <https://www.smh.com.au/politics/federal/recent-phenomenon-albanese-doubles-down-on-cuts-to-crossbench-staff-numbers-20220627-p5awtr.html>

⁶⁴ Curtis (2024) *Independent Fatima Payman may be hiring, if Albo approves*, <https://thenightly.com.au/politics/fatima-payman-newly-independent-senator-may-be-in-line-for-extra-staff-c-15290785>

⁶⁵ Koziol (2022) *Zali Steggall seeks crowdfunding for extra staff after Albanese's cuts*, <https://www.smh.com.au/politics/federal/zali-steggall-seeks-crowdfunding-for-extra-staff-after-albanese-s-cuts-20220812-p5b9f0.html>

⁶⁶ Evans (2025) *Fatima Payman says Anthony Albanese withholding staff in "petty games,"* <https://www.abc.net.au/news/2025-01-28/fatima-payman-albanese-delaying-staff-approval-petty/104864046>

In the 2023–24 budget, the Albanese Government increased the number of electorate staff for each MP (government, opposition or crossbench) by one (from four to five for most MPs, and from five to six or six to seven if the MP represents a geographically larger electorate).⁶⁷

Possible reforms

There are conflicts of interest involved in allowing the prime minister of the day to decide the number of personal staff that ministers, shadows ministers and crossbenchers receive. By withholding staff, the prime minister can starve the opposition of resources and punish parliamentarians who defect from the party in government.

Equally, by granting additional staff, the prime minister can reward crossbenchers or increase the resources of the government at the public expense. And since some political parties charge staffers a “tithe”, the prime minister’s own party could profit directly from having more political staffers, and from having more highly-paid political staffers.

Similar conflict of interest concerns exist with politicians’ salaries, which is one reason why decisions of this nature are left to the independent Remuneration Tribunal.

Transparent guidelines that are easily understood and explained would allow for staffing allocations to be set in a fair way. Such guidelines could account for the number of parliamentarians a party has, whether a given parliamentarian sits in a chamber where the government does not have a majority, whether the party is the formal opposition, regional challenges, and so on.

Senator David Pocock has suggested that staffing allocations be decided by the new Independent Parliamentary Standards Commission.⁶⁸

⁶⁷ Morison and Browne (2023) *Advantages of incumbency*, pp. 12–13, <https://australiainstitute.org.au/report/advantages-of-incumbency/>

⁶⁸ Grattan (2024) *Albanese’s right to set crossbenchers’ personal staffing numbers faces scrutiny*, <http://theconversation.com/albaneses-right-to-set-crossbenchers-personal-staffing-numbers-faces-scrutiny-237031>

Fixed three-year terms

There is intermittent debate over the question of whether the Australian Parliament should adopt fixed four-year terms, like those found in most states and territories.⁶⁹

Prime Minister Anthony Albanese said in 2024 that “I think that our terms are too short with just three years” and “our long-term policy, and we've put it to the Australian people, is for four-year terms”.⁷⁰

Context

Fixed terms give certainty around election dates, make some forms of brinkmanship more difficult (such as the upper house blocking supply), and remove the ability of a prime minister to call an election at the exact point that is most politically advantageous.⁷¹

Without fixed terms, the periods between federal elections have been closer to two and a half years than three years.⁷²

A change to four-year terms would require a referendum, as would requiring the prime minister to see out the three-year term. A three-year term has at least two benefits over a four-year term: it means parliamentarians face the people they represent more often, and it keeps Senate terms at six years instead of a more unwieldy eight years.⁷³

⁶⁹ See for example Bennett (2000) *Four-year terms for the House of Representatives*, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP04; Harper (2019) *Australia needs fixed four-year parliamentary terms*, <https://electionwatch.unimelb.edu.au/articles/australia-needs-fixed-four-year-parliamentary-terms>; Sydney Morning Herald (2017) *Four-year fixed terms for Federal Parliament are overdue*, <https://www.smh.com.au/national/four-year-fixed-terms-for-federal-parliament-are-overdue-20170726-gxiw89.html>

⁷⁰ Albanese (2024) *Press conference - Sydney*, <https://www.pm.gov.au/media/press-conference-sydney-11>

⁷¹ Hamer (2004) *Can responsible government survive in Australia?* pp. 102–110, https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~~/link.aspx?_id=E546DECDB0B04E0C9EF20803027FCB32&_z=z

⁷² Grattan (2016) *Four-year federal terms are too hard, but what about making the three-year term fixed?* <http://theconversation.com/four-year-federal-terms-are-too-hard-but-what-about-making-the-three-year-term-fixed-57278>

⁷³ Grattan (2016) *Four-year federal terms are too hard, but what about making the three-year term fixed?*

Possible reforms

Crossbenchers at the state level have negotiated fixed terms, including in Tasmania (the Liberal–Green Alliance) and NSW (the “Fabulous 50th Parliament”).⁷⁴

The Government, Opposition and crossbench could make a voluntary agreement for the 48th Parliament to run its course in a full three-year term,⁷⁵ as a trial of a longer-term arrangement for fixed three-year parliamentary terms.

Resources and civil society activity

The Museum of Australian Democracy has an explainer on fixed terms and the question of three- versus four-year terms, including pros and cons.⁷⁶

Constitutional lawyer George Williams has argued for fixed four-year terms, pointing to their adoption at the state level, and arguing that since senators are already elected for fixed terms, the timing of half-Senate elections complicates federal election timing.⁷⁷

Journalist Michelle Grattan has argued for fixed three-year terms.⁷⁸

Former policy adviser Scott Prasser argues that those calling for four-year terms have little empirical evidence for their claims.⁷⁹

Scott Bennett has twice considered this issue on behalf of the Parliamentary Library.⁸⁰

⁷⁴ Griffith (2010) *Minority governments in Australia 1989–2009: accords, charters and agreements*, pp. 12, 15

⁷⁵ Grattan (2016) *Four-year federal terms are too hard, but what about making the three-year term fixed?*

⁷⁶ Rhodes (2017) *How often should we have an election?*

<https://www.moadoph.gov.au/explore/stories/democracy/how-often-should-we-have-an-election-every-three-years-or-every-four>

⁷⁷ Williams (2021) *Four-year terms offer certainty and fairness*,

<https://www.theaustralian.com.au/commentary/four-year-terms-offer-certainty-and-fairness/news-story/4a36d5d6c0bfc4b31ccb72d96743b9f0>

⁷⁸ Grattan (2016) *Four-year federal terms are too hard, but what about making the three-year term fixed?*

⁷⁹ Prasser (2024) *The case against four-year terms for the Commonwealth Parliament*,

<https://www.aspg.org.au/a-p-r-journals-2/autumn-winter-2024-vol-39-no-1/>

⁸⁰ Bennett (2000) *Four-year terms for the House of Representatives*; (2008) *House of Representatives fixed terms: the barriers to implementation*,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0809/09rp15

Parliamentary support and the integrity branch of government

Integrity agencies are vulnerable to having their funding cut by the executive government. A special appropriation would protect these agencies from retaliatory cuts. A new Parliamentary Office of Science and Technology could advise parliamentarians about technical and complex areas like artificial intelligence and social media regulation.

PARLIAMENTARY OFFICE OF SCIENCE AND TECHNOLOGY

In the United Kingdom, the Parliamentary Office of Science and Technology is responsible for providing parliamentarians with “impartial, timely and peer-reviewed briefings to make scientific research accessible to Parliament”.⁸¹

With artificial intelligence, deepfakes, social media age restrictions, renewable energy and many other areas of science and technology emerging as considerations for the Parliament of Australia, a reputable source of technical knowledge could be very valuable.

PARLIAMENTARY BUDGET OFFICE

The Parliamentary Budget Office (PBO) was established during the 2010 to 2013 Gillard minority government to produce independent costings and economic analysis for parliamentarians – to provide fair access to information for opposition and crossbench parliamentarians (the government of the day can use Treasury).

Tracking delivery of election commitments

Following each federal election, the Parliamentary Budget Office (PBO) currently publishes a list of election commitments for each major political party. Minor parties and independents can opt into this process.⁸²

⁸¹ Parliamentary Office of Science and Technology (n.d.) *About us*, <https://post.parliament.uk/about-us/>

⁸² Parliamentary Budget Office (2022) *2022 general election*, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Budget_Office/General_elections/Next_general_election

The PBO's remit could be expanded to include tracking the delivery of election commitments by whichever party/parties win government.

Budget costings

Ahead of the 2019 election, Labor proposed making the PBO, rather than Treasury, responsible for budget forecasts and the inter-generational reports. As a government department, Treasury is in danger of being influenced excessively by its minister. In the United States and United Kingdom, it is the parliamentary budget offices (the Congressional Budget Office and the Office for Budget Responsibility respectively) that are responsible for budget forecasts.⁸³

While Labor has since dropped this policy,⁸⁴ there is no reason why crossbenchers might not take it up after the next election.

PARLIAMENTARY POLICY OFFICE

After her election to the House of Representatives, member for Goldstein Zoe Daniel proposed transforming the Parliamentary Library into a Parliamentary Policy Office:

It must also be a priority to revitalise the research arm of the Parliamentary Library, transform it into a Parliamentary Policy Office, available to all MPs and senators, able to conduct research on its own initiative and to second researchers from the Productivity Commission, the private sector, NGOs and any government department, with a budget fit for purpose.⁸⁵

In 2023-24, the Parliamentary Library cost \$19 million to run and employed about 161 staff (full-time equivalent). During that year, the Library completed 9,000 client requests, released about 180 research publications, and was used by every parliamentarian.⁸⁶ Compared to 10 years ago, there has been an increase in staff (from 118) but a fall in the

⁸³ Mulgan (2011) *Costing the promises: what is a Parliamentary Budget Office?*

<http://theconversation.com/costing-the-promises-what-is-a-parliamentary-budget-office-3061>; Office for Budget Responsibility (n.d.) *FAQs*, <https://obr.uk/faqs/>

⁸⁴ Greber (2021) *No political appetite for OECD's budget office idea*, <https://www.afr.com/politics/federal/no-political-appetite-for-oecd-s-budget-office-idea-20210915-p58rwt>

⁸⁵ Daniel (2022) *This explains why voters turned to the teals*, <https://www.afr.com/politics/federal/why-voters-turned-to-teals-20220524-p5ao45>

⁸⁶ Department of Parliamentary Services (2024) *Annual report 2023-24*, p. 186,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Department_of_Parliamentary_Services/Publications/Annual_Reports

number of research publications (from 350).⁸⁷ Traditionally, the Department of Finance has decided the Parliamentary Library's funding. However, the Parliament could instead set the Library's funding independently.

In 2010, the Parliamentary Library was funded to run a Pre-Election Policy Unit, which used in-house and commissioned labour to do costings and modellings of the impact of proposed policies. The unit was funded in the 2010 Budget (May) and operated for two months ahead of the 2010 election on 21 August. The unit was well received and had potential, but was not revived given the commitment made after the election to establish a Parliamentary Budget Office.⁸⁸

LEGISLATIVE DRAFTING

The Office of Parliamentary Counsel is responsible for drafting legislation for the Government.⁸⁹

The Department of the Senate's Procedure Office provides legislative support to senators, mostly non-government senators. In 2023-24, the Department of the Senate progressed 67 private senators' bills, and 31 were introduced.⁹⁰

The Department of the House of Representatives provides legislative support to members of the House of Representatives. In 2023-24, 25 private members' bills were introduced (not including senators' bills). A senior drafter from the Office of Parliamentary Counsel is seconded to the department.⁹¹

Greater legislative support for crossbenchers and backbenchers could be considered, either through better (and dedicated) resourcing for the departments or a new office.

⁸⁷ Department of Parliamentary Services (2014) *Annual report 2013-14*, p. 84,

https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Department_of_Parliamentary_Services/Publications/Annual_Reports/Annual_Report_2013-14

⁸⁸ Bartos (2010) *Evaluation of the Pre-Election Policy service*,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/Pre_Election_Policy_Unit

⁸⁹ OPC (2016) *OPC's drafting services: a guide for clients*, pp. 17–18,

<https://www.opc.gov.au/publications/opcs-drafting-services-guide-clients>

⁹⁰ Department of the Senate (2024) *Annual report 2023-24*, pp. 45–47,

https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Department_of_the_Senate/Accountability_and_reporting/Annual_Reports/latest

⁹¹ Department of the House of Representatives (2024) *Annual report 2023-24*, pp. 32–33,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Department_of_the_House_of_Representatives/Annual_Reports

FUNDING FOR OFFICERS OF THE PARLIAMENT

The Australian National Audit Office (ANAO) has had its funding cut. It is expected to conduct 48 performance audits in 2024-25, up from 40 under the previous government but still well below the 55 it was budgeted for in 2011-12.⁹²

The Office of the Information Commissioner (OAIC)'s freedom of information review work is seriously under resourced, meaning that reviews take several years.⁹³

The Parliamentary Budget Office (PBO) provides a level playing field for policy costings between government, opposition and the crossbench, and improves public and parliamentary understanding of budget and fiscal policy sessions. An independent review concluded that the PBO is “a successful institutional development in Australian governance” that “filled a significant gap in Australia’s public policy landscape”.⁹⁴ The office has been endorsed for more funding by the Joint Committee of Public Accounts and Audit ahead of successive budgets.⁹⁵ Despite this, it has not received additional funding.

Placing the funding of accountability institutions at the discretion of the Australian Government gives the government an inappropriate lever of influence over these institutions, and an incentive to limit their funding if their independent oversight threatens to embarrass the government.

An alternative model is the Victorian Electoral Commission, which has a special appropriation “to the necessary extent”. This means the commission is funded out of Consolidated Revenue to the extent required to do its job.⁹⁶

Federal officers of the parliament could be given the same appropriation to guarantee they are properly funded and immune to government influence.⁹⁷

⁹² Browne (2021) *Audit Office doing fewer performance audits than a decade ago*,

<https://australiainstitute.org.au/post/audit-office-doing-fewer-performance-audits-than-a-decade-ago/>

⁹³ Shields & Browne (2023) *Submission: Freedom of information inquiry*,

<https://australiainstitute.org.au/report/submission-freedom-of-information-inquiry/>

⁹⁴ Watt and Anderson (2017) *Parliamentary Budget Office Independent Review 2016-17*, p. ii,

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Public_Accounts_and_Audit/Parliamentary_Budget_Office_Independent_Review_2016-17

⁹⁵ JCPAA (2024) *Budget statements on the draft estimates for the Australian National Audit Office and the Parliamentary Budget Office*,

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Public_Accounts_and_Audit/Completed_inquiries

⁹⁶ See *Electoral Act 2002* (Vic), sec.181, <https://www.legislation.vic.gov.au/in-force/acts/electoral-act-2002/063>

⁹⁷ Note that “unlimited” appropriations do exist for parts of the work of the ANAO and AEC.

SCRUTINY OF GOVERNMENT ADVERTISING

Government advertising on both sides of politics has been accused of being partisan.

Government “campaign” advertising has been regulated by guidelines introduced in 2010 and updated from time to time since then.⁹⁸ An earlier framework, from 2008, included a more active role for the Auditor-General.⁹⁹

The current regulatory model for government advertising is clearly insufficient, comprising only a box-ticking exercise by chief executives and sign-off from an independent committee that does not see the actual materials (just the overall strategy). This model has failed to prevent controversial campaigns from proceeding.¹⁰⁰

Australia Institute polling shows that Australians support two fundamental principles: that public money should be spent only on advertising that informs, and that government advertising should be funded in proportion to the significance of a policy (not how controversial that policy is).¹⁰¹

The 48th Parliament could turn its mind to how to improve oversight of government advertising. The Auditor-General should be involved, but the history of reform proposals proves that many models are possible. The Auditor-General could:

- Be a member of a larger committee overseeing government advertising;
- Review government advertising while campaigns are running, with the power to make orders regarding the campaigns; or
- Have their scrutiny role from the 2008 framework restored.

⁹⁸ For discussion of the 1980s and 2008 guidelines, see Horne (2012) *The administration of Commonwealth Government advertising*,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/GovernmentAdvertising; Orr (2006) *Government advertising: Parliament and political equality*, https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~/~/link.aspx?_id=53A7CFCC47014D138E5C10FAFD0299D6&_z=z

⁹⁹ Department of Finance and Deregulation (2008) *Guidelines on campaign advertising by Australian Government departments and agencies (archived)*,

https://web.archive.org/web/20090519101854/http://www.finance.gov.au/Advertising/docs/guidelines_on_campaign_advertising.pdf

¹⁰⁰ Browne (2022) *Bad impressions*, <https://australiainstitute.org.au/report/bad-impressions-scrutiny-of-government-advertising/>

¹⁰¹ Browne (2019) *We can handle the truth: opportunities for truth in political advertising*, pp. 35–36, <https://australiainstitute.org.au/report/we-can-handle-the-truth-opportunities-for-truth-in-political-advertising/>

Open government

More transparent and open government could restore public confidence in political processes. Some open government reforms have already been proven to work at the state level.

LOBBYING

Regulation of the access and influence of lobbyists in Australia is patchy and not in line with community expectations. In particular, the lobbyist register is limited to third-party lobbyists. This creates a false distinction between in-house lobbyists and external firms and allows the former to operate without oversight.

The Australia Institute's submission to the inquiry into the access to Parliament House enjoyed by lobbyists recommended formalising and democratising the currently *ad hoc* arrangements.¹⁰² We also recommended extending the lobbyist register to include in-house corporate lobbyists and an independent review into how violations of the lobbyist code of conduct are enforced.¹⁰³ In our analysis of trade associations, we recommended removing tax deductibility for lobbying and political campaigning.¹⁰⁴

The Coaldrake report for the Queensland Government recommended strict limits on lobbying. It recommended that everyone “for whom a substantial part of their work involves representing the interests of a third party as a paid service should be required to register as lobbyists, including persons operating out of consulting and accounting firms”. It also recommended that lobbyists be required to “record every contact with government, rather than maintaining a simple register”.¹⁰⁵

Ministers are supposed to wait 18 months before taking paid employment as a lobbyist, but in practice the rule is often broken. Senator Larissa Waters has suggested that actually enforcing this rule would be a start towards cleaning up lobbying.¹⁰⁶

¹⁰² Clarke and Browne (2024) *Submission: Access to Parliament House by lobbyists*, <https://australiainstitute.org.au/report/submission-access-to-parliament-house-by-lobbyists/>

¹⁰³ Clarke and Browne (2024) *Submission: Access to Parliament House by lobbyists*

¹⁰⁴ Browne (2024) *Trade associations: The Australian picture*, p 23, <https://australiainstitute.org.au/report/trade-associations/>

¹⁰⁵ Coaldrake (2022) *Let the sunshine in*, pp. 48, 51, <https://www.coaldrakereview.qld.gov.au/reports.aspx>

¹⁰⁶ Waters (2024) *Removing the fossil fuel industry's influence on politics and parliament*, <https://australiainstitute.org.au/post/removing-the-fossil-fuel-industrys-influence-on-politics-and-parliament-senator-larissa-waters/>

Senator Jacqui Lambie has suggested former ministers should be prevented from taking paid employment as a lobbyist, in-house or otherwise, within five years of their resignation. She also suggests that this change be legislated, rather than being left to the ministerial code of conduct where it can be breached with little or no penalty.¹⁰⁷

PUBLICATION OF MINISTERIAL DIARIES

Ministers meet regularly with peak body groups, sectional interests and lobbyists, who often come equipped with documents whose private messages are at odds with an organisation's publicly stated attitudes.¹⁰⁸ While the OECD recognises lobbying as "a democratic right" that can better inform governments if conducted appropriately, it also recognises that lobbying can lead to "unfair advantage" and "secrecy" in public decision-making.¹⁰⁹

A large proportion of lobbying contact occurs with ministerial staff who are under no obligation to make their appointment diaries publicly available.¹¹⁰ This matters because ministerial staff can be, and often are, entrusted with significant executive authority.¹¹¹

Progress

Ministers in Queensland and NSW are required to publish their diaries, containing all portfolio-related meetings and activities.¹¹² In Queensland, shadow ministers are also subject to these disclosure rules.

¹⁰⁷ Lambie (2017) *Jacqui Lambie's plan to fix the lobbying racket in Canberra*, <https://www.smh.com.au/opinion/jacqui-lambies-plan-to-fix-the-lobbying-racket-in-canberra-20171014-gz1006.html>

¹⁰⁸ Clarke and Browne (2024) *Submission: Access to Parliament House by lobbyists*, p. 13

¹⁰⁹ Clarke and Browne (2024) *Submission: Access to Parliament House by lobbyists*, p. 4

¹¹⁰ Coaldrake (2022) *Let the sunshine in: Review of culture and accountability in the Queensland public sector*, p 52, <https://www.coaldrakereview.qld.gov.au/reports.aspx>

¹¹¹ *Members of Parliament (Staff) Act 1984 (Cth) sec31(1)*

¹¹² Keane (2021) *Transparency, accountability and regulation: corruption body pushes for massive overhaul in lobbying*, <https://www.crikey.com.au/2021/06/23/transparency-accountability-regulation-corruption-body-overhaul-lobbying/>; Queensland Department of the Premier and Cabinet (2023) *The Queensland ministerial handbook: governing Queensland*, p. 40, <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx>

The Tasmanian Government has been publishing quarterly ministerial diaries since 2023, although the purpose of meetings listed in those diaries is not always clear.¹¹³ In late 2024 Victoria introduced a quarterly disclosure regime of its own.¹¹⁴

A handful of federal ministers have released portions of their appointment diaries in response to FOI requests.¹¹⁵ The Prime Minister's Office resisted for 16 months before releasing 2022 appointment diaries requested by former senator Rex Patrick.¹¹⁶

Possible reforms

Federal ministers should be required to publish their diaries, including all details of portfolio-related meetings, on a monthly basis. Ministerial staff should also be subject to these requirements.

Documents provided to ministers and their staff during meetings with lobbyists should be proactively disclosed.

MISUSE OF NON-DISCLOSURE AGREEMENTS

The Albanese Government has required stakeholders to sign non-disclosure agreements (NDAs) before those stakeholders are consulted on exposure drafts of legislation and draft policies. This practice serves to gag stakeholders by preventing them from publicly expressing genuine concerns with the government's agenda, prevents public policy discussion, and conceals who receives privileged access to decision-makers. It also means that community groups can be prevented from discussing subjects like potential legislation and policies with the very communities they represent. For example, NDAs interfered with

¹¹³ DPAC (2025) *Routine disclosures and right to information*, https://www.dpac.tas.gov.au/rti/MPS_routine_disclosure_log#Ministerial-Diaries; Burton (2024) *No peeking: Rockliff government spurns Legislative Council call to improve ministerial diaries disclosure*, <https://tasmanianinquirer.com.au/news/no-peeking-rockliff-government-spurns-legislative-council-call-to-improve-ministerial-diaries-disclosure/>

¹¹⁴ Kolovos (2023) *Victorian ministers to be forced to make diaries public and reveal meetings with lobbyists*, <https://www.theguardian.com/australia-news/2023/dec/01/victoria-ministers-ministerial-diaries-public-reveal-disclose-meetings-lobbyists-code-of-conduct>

¹¹⁵ Mizen (2022) *Chalmers and Dreyfus open up their diaries but PM refuses*, <https://www.afr.com/politics/federal/chalmers-and-dreyfus-open-up-their-diaries-but-the-pm-refuses-20221130-p5c2g2>

¹¹⁶ Ireland (2024) *Albanese, King met Qantas' Joyce as government mulled extra Qatar flights*, <https://www.smh.com.au/politics/federal/pm-met-with-joyce-in-weeks-after-qantas-opposed-extra-qatar-flights-diary-shows-20240104-p5ev30.html>

the consultation of people with disabilities ahead of major changes to the National Disability Insurance Scheme.¹¹⁷

The Government should stop using NDAs as a condition for consultations. If NDAs continue to be misused, community groups should coordinate to refuse to sign NDAs or to make it clear when they have been required to sign NDAs they did not wish to sign.

DISCLOSURE OF CABINET DOCUMENTS

Commonwealth rules around Cabinet records have improved since the early 1990s (at which time ministers considered routinely destroying rather than preserving Cabinet minutes).¹¹⁸ The 50-year confidentiality period on Cabinet papers was gradually reduced to 30 years, and more recently 20. However, this does nothing to enhance transparency now.

And while the law treats government material very strictly, ministers themselves often show a relaxed attitude to Cabinet confidentiality: leaking to journalists; retaining possession of copies official documents after leaving office; and publishing in their memoirs detailed accounts of Cabinet meetings they attended.

It is possible to maintain cabinet confidentiality while also radically increasing public access to cabinet documents. In New Zealand, the policy of proactive release of Cabinet material means that most papers and minutes recording a cabinet decision are published within 30 business days of that decision being finalised.¹¹⁹ This does not appear to have interfered with the ability of New Zealand's cabinet ministers to debate policy robustly ahead of a decision being made.

In Queensland, cabinet documents have been disclosed within 30 business days since this was recommended by the Coaldrake Report in 2022.¹²⁰

Possible reform

Australia should trial New Zealand-style cabinet disclosures for the term of the 48th Parliament.

¹¹⁷ Canales and Convery (2024) *Greens and disability groups criticise federal government gag on NDIS talks*, <https://www.theguardian.com/australia-news/2024/mar/26/government-ndis-review-overhaul-criticism-greens-labor-ndas>; Haines (2024) *Integrity in government and parliament is absolutely core to public confidence in our democracy*, <https://www.helenhaines.org/media/integrity-in-government-and-parliament-is-absolutely-core-to-public-confidence-in-our-democracy/>

¹¹⁸ Blewett (1999) *A cabinet diary*, p 195

¹¹⁹ New Zealand Department of the Prime Minister and Cabinet (2018) *Proactive release of Cabinet material*, <https://dpmc.govt.nz/publications/proactive-release-cabinet-material>

¹²⁰ Queensland Government (n.d.) *Cabinet documents*, <https://cabinet.qld.gov.au/cabinet.aspx>

Whistleblower protections

Whistleblower laws must be fixed if the National Anti-Corruption Commission is going to be effective. Otherwise, public officials will be reluctant to report potential corruption.

Context

The rules for Commonwealth public officials seeking to blow the whistle are described in the *Public Interest Disclosure Act 2013 (PID Act)*. This Act aims to protect officials who make a public interest disclosure from reprisals. It also describes the circumstances in which an official can make a disclosure outside of their agency (to a parliamentarian or journalist, for example).

These laws are deeply flawed. Under the *PID Act*, Australia has prosecuted whistleblowers who exposed serious alleged misconduct.¹²¹ Recommendations from the 2016 Moss review to improve the laws only partially been implemented.¹²² The Albanese Government's reforms so far are welcome but inadequate.¹²³ Poor treatment of whistleblowers undermines Australians' freedom of speech.¹²⁴

A whistleblower protection authority would help implement whistleblowing laws by:

- Being a source of practical guidance and support for whistleblowers;
- Assisting agencies with coordination and management of disclosures;
- Promoting best-practice whistleblowing policies and procedures;
- Investigating alleged detrimental action and recommending remedies
- Supporting enforcement litigation in strategic cases where whistleblowers deserve remedies; and
- Administering a rewards scheme for whistleblowers.¹²⁵

¹²¹ HRLC (2022) *Whistleblowers on trial: Richard Boyle and David McBride*, <https://www.hrlc.org.au/whistleblowers-on-trial-richard-boyle-and-david-mcbride>

¹²² Moss (2016) *Review of the Public Interest Disclosure Act 2013*, <https://www.ag.gov.au/about-us/publications/review-public-interest-disclosure-act-2013>

¹²³ HRLC (2022) *Whistleblowing amendments a welcome step towards comprehensive reform*, <https://www.hrlc.org.au/news/2022/11/30/whistleblowing-amendments-a-welcome-step-towards-comprehensive-reform>

¹²⁴ Browne (2021) *Free speech in the lucky country*, <https://australiainstitute.org.au/report/free-speech-in-the-lucky-country/>

¹²⁵ Lightly edited from Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6, <https://www.hrlc.org.au/news/2022/11/23/whistleblower-roadmap>

Parliamentary committees have recommended the establishment of such an authority, first in 1994 and most recently in 2017.¹²⁶ Labor took the policy to the 2019 election.¹²⁷ An authority was present in national integrity commission bills passed by the Senate, that did not pass the House.¹²⁸

The Netherlands has had a similar agency, Huis voor Klokkenluiders (Dutch Whistleblowers Authority), since 2016. Equivalent bodies also exist in the United States, Slovakia, the Maldives and elsewhere.

Progress

While the first tranche of initial, minor and technical reforms to the *PID Act* have been passed, and consultation has taken place in relation to a second phase, draft legislation has not yet been released.

Possible reforms

Legislation should be introduced to establish the Whistleblower Protection Authority. This should be based on existing provisions found in national integrity commission bills, as modified and updated in the Whistleblower Protection Authority Bill 2025, introduced to Parliament by Andrew Wilkie MP, Dr Helen Haines MP, Senator David Pocock and Senator Jacqui Lambie in February 2025.¹²⁹

More ambitious legislation could implement all 21 actions identified by AJ Brown and Kieran Pender in *Protecting Australia's whistleblowers*.¹³⁰ In January 2023, the Human Rights Law Centre, Centre for Governance and Public Policy and Transparency International Australia

¹²⁶ Parliamentary Joint Committee on Corporations and Financial Services (2017) *Whistleblower protections*, pp. 141–159, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections/Report; Senate Select Committee on Public Interest Whistleblowing (1994) *In the public interest*, pp. 99–114, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Significant_Reports/uwbctte/pi/index

¹²⁷ Shorten (2019) *Labor will protect and reward banking whistleblowers*, https://www.billshorten.com.au/labor_will_protect_and_reward_banking_whistleblowers_sunday_3_february_2019

¹²⁸ Wilkie (2022) *Our democracy will be better for it: Empowering whistleblowers key to effective anti-corruption reform*, <https://www.smh.com.au/politics/federal/our-democracy-will-be-better-for-it-empowering-whistleblowers-key-to-effective-anti-corruption-reform-20220718-p5b2c2.html>

¹²⁹ Human Rights Law Centre (2025) *Crossbench bill paves the way for landmark whistleblower protections*, <https://www.hrlc.org.au/news/landmark-whistleblower-protection-bill>

¹³⁰ Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6

lodged a joint submission arguing that the Albanese Government's *PID Act* reforms implemented in full only one of the 21 reforms.¹³¹

In 2016, the Moss independent review of whistleblower protections in the *PID Act* made recommendations for improving the Act. These have yet to be implemented.¹³²

The Jenkins review recommended that whistleblower protections in the *PID Act* should be extended to political staffers.¹³³

Resources and civil society activity

In 2023, The Australia Institute and Human Rights Law Centre conducted a nationally representative survey of Australians, with questions relating to whistleblowing. Four in five Australians (84%) support stronger legal protections for whistleblowers, four in five (79%) support introducing a whistleblower protection authority, and three in five (61%) say whistleblowing strengthens national security and our system of government.¹³⁴

In December 2022, the Human Rights Law Centre; Australian Centre for International Justice; GetUp; Alliance Against Political Prosecutions; Media, Entertainment & Arts Alliance; The Australia Institute and Amnesty International united for an open letter calling for the criminal prosecutions of whistleblowers David McBride and Richard Boyle to be dropped.

¹³¹ Pender & Brown (2023) *Joint Submission to Senate Inquiry into the Public Interest Disclosure Amendment Bill 2022*, <https://www.hrlc.org.au/submissions/2023/1/30/joint-submission-to-senate-inquiry-into-the-public-interest-disclosure-amendment-bill-2022>

¹³² Canales (2021) *Govt accused of sitting on crucial whistleblowing reforms*, <https://www.canberratimes.com.au/story/7311653/govt-accused-of-sitting-on-crucial-whistleblowing-reforms/>; Moss (2016) *Review of the Public Interest Disclosure Act 2013*

¹³³ Australian Human Rights Commission (2021) *Set the standard: report on the Independent Review into Commonwealth Parliamentary Workplaces (2021)*, <https://humanrights.gov.au/set-standard-2021>

¹³⁴ The Australia Institute (2023) *Polling – Whistleblowing & secrecy*, <https://australiainstitute.org.au/report/polling-whistleblowing-secrecy/>

National Anti-Corruption Commission

The creation of the National Anti-Corruption Commission (NACC) is the result of a decade of advocacy from civil society groups. For this watchdog to be successful, however, several reforms are needed.

Context

The NACC is tasked with detecting, investigating and reporting on serious or systemic corruption in the Australian Government. It began operations in 2023 after national scandals that demonstrated the need for such oversight. However, compromises made during the creation of the NACC led to flaws in its design. The NACC is currently subject to unnecessary secrecy: it can only hold public hearings in “exceptional circumstances”, not just when “it is in the public interest to do so”.¹³⁵

Parliamentary oversight of the NACC is entrusted to a joint committee on which the governing party occupies half of the seats, along with the chair’s casting vote. The committee can approve or reject the appointment of commissioners and their deputies, both of whom are nominated by the same governing party.¹³⁶

Because the NACC has such broad powers, there is an independent Inspector who investigates complaints made about the conduct or activities of the NACC itself. The Inspector’s powers are focused on ensuring the NACC complies with the laws and behaves fairly.¹³⁷

The NACC’s early decisions have revealed defects. It made the controversial decision not to investigate six instances of “potentially corrupt conduct” referred to it by the Robodebt Royal Commission.¹³⁸ The Inspector subsequently found that the Commissioner had engaged in “misconduct” by not completely recusing himself from the process, despite his personal association with one of the six referrals.¹³⁹

¹³⁵ *National Anti-Corruption Commission Act 2022 (Cth)*, sect 73(2)

¹³⁶ *National Anti-Corruption Commission Act 2022 (Cth)*, sect 241(2)

¹³⁷ *National Anti-Corruption Commission Act 2022 (Cth)*, sect 184(1)

¹³⁸ Australia Institute (2024) *NACC’s decision puts responsibility for Robodebt response back on government*, <https://australiainstitute.org.au/post/naccs-decision-puts-responsibility-for-robodebt-response-back-on-government/>

¹³⁹ Inspector of the NACC (2024) *NACC’s decision not to investigate referrals from the Royal Commission into the Robodebt scheme*, p 4, <https://www.naccinspector.gov.au/publications/inspectors-report-national-anti-corruption-commissions-decision-not-investigate-referrals-royal-commission-robodebt-scheme>

The NACC’s inquiry into an element of the Paladin affair, which saw a senior official in the Department of Home Affairs receive undisclosed payments from a company with a “lucrative contract” from the Department, led to no recommendations at all.¹⁴⁰

Progress

The federal government has implemented half of the Robodebt Royal Commission’s recommendations, but public service misconduct was left for the Public Service Commission to investigate.¹⁴¹

In December 2024, the NACC commissioned former High Court justice Geoffrey Nettle KC to “independently reconsider” the original decision on referrals from the Royal Commission, although the parliamentary committee responsible for overseeing the NACC was reportedly not consulted.¹⁴²

A bill to improve public service accountability is currently before the Senate. It gives greater responsibility to the Commonwealth Ombudsman and makes no reference to the NACC.¹⁴³

Possible reforms

A statutory review of the NACC is scheduled to take place roughly three years from now.¹⁴⁴ This review should instead be initiated as soon as the 48th Parliament convenes. There is no time to waste if the NACC is to be made fit for purpose.

The NACC should be allowed to hold public hearings whenever it is in the public interest, regardless of whether the circumstances are exceptional or not. Allowing it to do so will improve public trust and confidence in the new organisation.¹⁴⁵

¹⁴⁰ Australia Institute (2024) *NACC Paladin finding raises more questions than answers*, <https://australiainstitute.org.au/post/nacc-paladin-finding-raises-more-questions-than-answers/>

¹⁴¹ Dreyfus (2024) *Update on Robodebt royal commission reforms*, <https://ministers.ag.gov.au/media-centre/update-robodebt-royal-commission-reforms-07-11-2024>

¹⁴² NACC (2024) *Independent delegate appointed to reconsider Robodebt referrals*, <https://www.nacc.gov.au/news-and-media/independent-delegate-appointed-reconsider-robodebt-referrals>; Morton (2024) *Exclusive: NACC integrity officer quits over integrity*, <https://www.thesaturdaypaper.com.au/news/law-crime/2024/11/23/exclusive-nacc-integrity-officer-quits-over-integrity>

¹⁴³ Oversight Legislation Amendment (Robodebt Royal Commission Response and Other Measures) Bill 2024 (Cth) and Explanatory Memorandum

¹⁴⁴ *National Anti-Corruption Commission Act 2022* (Cth) s278, <http://www.legislation.gov.au/Details/C2022A00088>

¹⁴⁵ Chitrarasu and Browne (2022) *The importance of public hearings*, p 3, <https://australiainstitute.org.au/report/submission-to-nacc-joint-select-committee/>

The NACC joint committee should be able to select any member as its chair, or rotate that responsibility between committee members.

The Inspector of the NACC should be given broader powers to oversee its performance, including how long its inquiries take and whether its actions align with its objectives.

Reforms to the NACC should be accompanied by the introduction of a Whistleblower Protection Authority (discussed above).

Resources and civil society activity

A survey by The Australia Institute in May 2024 found that more than two in three (67%) Australians think the NACC should hold public hearings under either unlimited circumstances or when a public hearing would be in the public interest.¹⁴⁶ Former Victorian anti-corruption commissioner Robert Redlich also shares the view that there is no need “to require ‘exceptional circumstances’”.¹⁴⁷

The National Integrity Committee (comprised of independent, retired judges) has proposed public hearings in the public interest, a broader role for the inspector and a more balanced composition of the parliamentary oversight committee.¹⁴⁸

A petition advocating for “full disclosure and accountability in the Robodebt fiasco” was presented to the House of Representatives with 920 signatures.¹⁴⁹ When the Commission announced the appointment of an independent delegate to review its Robodebt decision, Transparency International Australia celebrated “a win for integrity”.¹⁵⁰

¹⁴⁶ Australia Institute (2024) *Polling – National Anti-Corruption Commission public hearings*,

<https://australiainstitute.org.au/report/polling-national-anti-corruption-commission-public-hearings-2/>

¹⁴⁷ Crowe and Visentin (2022) *Victorian corruption watchdog warns Albanese government against ‘exceptional circumstances’ test*, <https://www.smh.com.au/politics/federal/government-urged-to-give-witnesses-in-federal-anti-corruption-cases-more-protection-20221017-p5bqhy.html>

¹⁴⁸ National Integrity Committee et al. (2022) *Submission to NACC Joint Select Committee*, <https://australiainstitute.org.au/report/submission-to-nacc-joint-select-committee/>

¹⁴⁹ Petition EN6670 – Robodebt & NACC, <https://www.aph.gov.au/e-petitions/petition/EN6670>

¹⁵⁰ Transparency International Australia (2024) *NACC decision demonstrated a win for integrity*, <https://transparency.org.au/nacc-decision-demonstrates-a-win-for-integrity/>

Truth in political advertising laws

The implementation of truth in political advertising laws would help address the growing problem of misleading advertising and also the newer threat of digital misinformation.

Context

Recent elections have given rise to an increasing volume of complaints across the political spectrum about misinformation and misleading advertising.¹⁵¹ Seven in ten Australians were concerned about lies and misinformation on social media during the 2023 Indigenous Voice to Parliament referendum campaign.¹⁵²

Truth in political advertising laws have existed in South Australia since the 1980s. These laws prohibit electoral advertisements that are materially inaccurate and misleading, and allow the SA Electoral Commission to request withdrawal and retraction of such material.¹⁵³ In 2020, the ACT Legislative Assembly unanimously passed similar.¹⁵⁴

Progress

Following the 2022 election, independent MP Zali Steggall proposed a Bill that would introduce South Australian-style laws at the federal level.

The following year, the Joint Standing Committee on Electoral Matters proposed truth in political advertising laws and a new division of the AEC to administer them.¹⁵⁵

In November 2024 Special Minister of State Don Farrell introduced a bill that would bring this kind of law into effect, but at the time of writing it seems unlikely to proceed.¹⁵⁶

¹⁵¹ Browne (2022) *Democracy Agenda for the 47th Parliament of Australia*, p 31, <https://australiainstitute.org.au/report/democracy-agenda-for-the-47th-parliament-of-australia/>

¹⁵² Australia Institute (2023) *Polling – Misinformation and the referendum*, p 1, <https://australiainstitute.org.au/report/misinformation-and-the-referendum/>

¹⁵³ Browne (2019) *We can handle the truth: Opportunities for truth in political advertising*, p 7, <https://australiainstitute.org.au/report/we-can-handle-the-truth-opportunities-for-truth-in-political-advertising/>

¹⁵⁴ Elections ACT (2021) *Changes to ACT Legislative Assembly campaign finance and truth in political advertising laws commence today, 1 July 2021*, <https://www.elections.act.gov.au/news/2021/changes-to-campaign-finance-and-truth-in-political-advertising-laws-to-commence-from-1-july-2021>

¹⁵⁵ JCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, pp. 106–107

¹⁵⁶ Dhanji (2025) *Crossbenchers urge Labor to act immediately on deepfakes and misinformation before next election*, <https://www.theguardian.com/australia-news/2025/jan/23/crossbenchers-david-pocock-kate-chaney-deepfakes-urge-labor-to-act-misinformation-deepfakes-aec-warning>

Possible reforms

Parliament should pass truth in political advertising laws modelled on the existing laws in South Australia and the Electoral Communications Bill introduced by Senator Farrell.

Political advertising should be stored in a publicly available advertising archive, the creation of which would be “an important step for transparency”.¹⁵⁷

Resources and civil society activity

Truth in political advertising laws are consistently popular. In 2016, when The Australia Institute first surveyed the public about the idea, nearly nine in ten respondents (87%) said that the Senate should pass such a law.¹⁵⁸ In a 2023 poll, the same proportion (87%) said that the reforms should be in place for the next federal election.¹⁵⁹

Monash University legal scholar Yee-Fui Ng and the Susan McKinnon Foundation conducted a detailed analysis of truth in political advertising laws. They found that existing laws in South Australia had been largely effective and enjoyed widespread support from participants in the political process. However, they were concerned by the prospect of “industry self-regulation” in Senator Farrell’s bill.¹⁶⁰

The Centre for Public Integrity has previously recommended federal implementation of laws based on the South Australian model.¹⁶¹ The Australian Democracy Network and Friends of the ABC hosted a webinar in October 2024 to advance public discussion.¹⁶²

¹⁵⁷ JSCEM (2023) *Conduct of the 2022 federal election and other matters: Interim report*, p 104. For more detail, see Browne (2019) *We can handle the truth: opportunities for truth in political advertising*

¹⁵⁸ Australia Institute (2016) *Truth in political advertising*, <https://australiainstitute.org.au/post/truth-in-political-advertising/>

¹⁵⁹ Australia Institute (2023) *Polling – Misinformation and the referendum*, p 1, <https://australiainstitute.org.au/report/misinformation-and-the-referendum/>

¹⁶⁰ Ng (2024) *Truth in political advertising laws: design, operation, effectiveness and recommendations for reform*, pp 5–6, 40, <https://www.susanmckinnon.org.au/research-resources/truth-in-political-advertising-laws-operation-and-effectiveness-final-report/>

¹⁶¹ Centre for Public Integrity (2020) *The regulation of electoral expenditure and political advertising*, https://publicintegrity.org.au/research_papers/the-regulation-of-electoral-expenditure-and-political-advertising/

¹⁶² Australian Democracy Network (2024) *Truth in political advertising: Webinar hosted by ABC friends*, <https://australiandemocracy.org.au/truth-political-advertising-webinar>

Freedom of information laws

Successive Governments have allowed Australia's freedom of information (FOI) system to decline to the point that Australians can neither depend on FOI requests being processed in a timely manner nor on the review process that is meant to guarantee integrity. In some cases, delays in responding to FOI requests have allowed public officials to escape accountability for their actions.

Context

Several issues relating to FOI emerged in the first term of the Albanese Government:

- The Office of the Australian Information Commissioner's funding has been increased from \$29.6 million in 2022-23 to \$46.5 million in 2023-24 but none of the additional funding will go to FOI.¹⁶³
- In March 2023, FOI Commissioner Leo Hardiman resigned after less than one year in the job, stating that reforms outside of his power were needed to "increase timeliness of [Information Commissioner] reviews and access in a way which best promotes the objects of the *FOI Act*".¹⁶⁴
- Rex Patrick has detailed two refused FOI requests that were about to be heard by the AAT, only for the relevant departmental Secretary to release the documents the day before the AAT hearing.¹⁶⁵

Restoring Australia's FOI system requires improvements to FOI processes.

Progress

In November 2023, the final report of the Robodebt Royal Commission recommended that Cabinet documents should no longer be exempt from FOI law. The Albanese Government

¹⁶³ Senate estimates – Legal and Constitutional Affairs Legislation Committee (23 May 2023) *Testimony from Office of the Australian Information Commissioner*, p. 125, https://www.aph.gov.au/Parliamentary_Business/Hansard/Estimates_Transcript_Schedule

¹⁶⁴ Costin (2023) *FOI commissioner quits, citing lack of power and delays*, <https://www.afr.com/politics/federal/foi-commissioner-quits-citing-lack-of-power-and-delays-20230306-p5cpwj>

¹⁶⁵ Patrick (2023) *Playing chicken to the detriment of democracy and cost to the taxpayer*, <https://michaelwest.com.au/playing-chicken-to-the-detriment-of-democracy-and-cost-to-the-taxpayer/>

has argued semantics to justify rejecting this recommendation despite saying it accepts “all” of the Royal Commission’s recommendations.¹⁶⁶

In December 2023, the Senate legal affairs committee finalised its inquiry into the operation of Commonwealth freedom of information laws, concluding that the “Commonwealth FOI system is not fit for purpose”.¹⁶⁷

In September 2024, the Federal Court confirmed that a ministerial reshuffle is no excuse for withholding documents that are subject to a freedom of information request.¹⁶⁸ Formerly, governments had maintained that “documents taken by a government minister when they resigned or left office were no longer official documents that must be disclosed under FOI law”.¹⁶⁹

Possible reforms

The Senate committee made 15 recommendations, including:

- Relocating the FOI Commissioner from the Office of the Australian Information Commissioner to the Commonwealth Ombudsman;
- Better resourcing for FOI reviews;
- Ensuring that a change in minister does not impede access to documents;
- Amending the *Freedom of Information Act 1982 (FOI Act)* to provide for faster reviews and impose a statutory timeframe for finalising reviews; and
- Improving the governance of the OAIC.¹⁷⁰

The *FOI Act* could also be amended to remove the cabinet document exemption, as recommended by the Robodebt Royal Commission.

¹⁶⁶ RMIT ABC Fact Check (2023) *We fact checked Mark Dreyfus on the Robodebt royal commission recommendations. Here’s what we found*, <https://www.abc.net.au/news/2023-11-24/fact-check-robodebt-royal-commission-recommendations/103142218>; Royal Commission into the Robodebt Scheme (2023) *Report*, p. xxi, <https://robodebt.royalcommission.gov.au/publications/report>

¹⁶⁷ Senate Standing Committee on Legal and Constitutional Affairs (2023) *The operation of Commonwealth Freedom of Information (FOI) laws report*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CommonwealthFOI2023/Report

¹⁶⁸ Maurice Blackburn (2024) *Full Federal Court upholds landmark FOI ruling that ministerial reshuffles cannot result in documents being hidden from public scrutiny*, <https://www.mauriceblackburn.com.au/media-centre/media-statements/2024/full-federal-court-upholds-landmark-foi-ruling/>

¹⁶⁹ Johnson (2024) *Federal Court rules ministers cannot hide behind reshuffles to deny FOI documents*, <https://psnews.com.au/federal-court-rules-ministers-cannot-hide-behind-reshuffles-to-deny-foi-documents/145198/>

¹⁷⁰ Senate Standing Committee on Legal and Constitutional Affairs (2023) *The operation of Commonwealth Freedom of Information (FOI) laws report*

The Allan Hawke review of FOI, published in 2013, made 40 recommendations for improving FOI. These included a more thorough review focused on a comprehensive rewriting of the *FOI Act* in plain language to “streamline FOI procedures, reduce complexity and increase capacity to manage FOI workload both by agencies and the OAIC”.¹⁷¹

In 2013, the Gillard Labor Government introduced an “interim measure” to exclude parliamentary departments (most notably, the Department of Parliamentary Services) from FOI requests. This is contrary to the Hawke review, which recommended parliamentary departments be subject to FOI in relation to documents of an administrative nature.¹⁷²

The Hawke review also considered whether applicants should be allowed a period before the documents are then made public. The review recommended five working days.¹⁷³ Senator Rex Patrick suggested 10 days.¹⁷⁴ The purpose of such a delay is to give a journalist – who spent the time and money making the FOI application – an opportunity to publish an exclusive story based on what their application revealed. Otherwise, journalists who do not put in FOI requests can “free ride” on the work of those who do.

Patrick also proposed requiring agencies to publish external legal expenses accrued for OAIC and AAT (now the Administrative Review Tribunal) matters.¹⁷⁵

In the United Kingdom, an outgoing information commissioner recommended in 2021 that “Private outsourcing companies that win government contracts should be subject to freedom of information rules”.¹⁷⁶ The same could be considered for Australia.

¹⁷¹ Hawke (2013) *Review of the Freedom of Information Act 1982 and Australian Information Commissioner Act 2010*

¹⁷² Worthington (2024) *Parliament House department shrouded in secrecy facing calls for greater transparency*, <https://www.abc.net.au/news/2024-05-28/parliament-house-freedom-of-information-exemption-secrecy/103897624>

¹⁷³ Hawke (2013) *Review of the Freedom of Information Act 1982 and Australian Information Commissioner Act 2010*, p. 101, <https://www.ag.gov.au/rights-and-protections/publications/review-freedom-information-act-1982-and-australian-information-commissioner-act-2010-report>

¹⁷⁴ *Freedom of Information Legislation Amendment (Improving Access and Transparency) Bill 2018: Explanatory memorandum*,

https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=s1142

¹⁷⁵ *Freedom of Information Legislation Amendment (Improving Access and Transparency) Bill 2018: Explanatory memorandum (Patrick)*,

https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=s1142

¹⁷⁶ Waterson (2021) *Private firms working for UK government ‘should be subject to FOI rules,’*

<https://www.theguardian.com/politics/2021/nov/25/private-firms-working-for-uk-government-should-be-subject-to-foi-rules>

Increasing the number of parliamentarians

There have never been so many people per electorate as there are today. An increase of 50% in the number of parliamentarians would restore representation to what it was in the 1980s, reverse the trend towards geographically larger electorates, make the House of Representatives “one vote, one value” for the first time in its history, and allow for fairer representation for the territories.¹⁷⁷

In addition, the number of senators elected by the ACT and Northern Territory should be increased, from two per territory to at least four.

Progress

In 2023, the Joint Standing Committee on Electoral Matters recommended that:

- The Government consider asking the Committee to inquire into increasing the size of the House of Representatives to reduce malapportionment and improve the ratio of electors to MPs; and
- The representation of the territories in the Senate be increased from two to four Senators each.¹⁷⁸

Special Minister of State Don Farrell was initially open to both proposals, but in July 2024 “abandoned” them because the Coalition was opposed.¹⁷⁹

Possible reforms

Legislating to increase the size of Parliament, including at least two new senators per state and territory (and a corresponding increase in MPs, about 24).

¹⁷⁷ Browne (2018) *It's time ... for more politicians*, <https://australiainstitute.org.au/report/its-time-for-more-politicians/>; (2020) *Comes with the territory: ensuring fair political representation for Northern Territorians - and all Australians*, <https://australiainstitute.org.au/report/comes-with-the-territory-ensuring-fair-political-representation-for-northern-territorians-and-all-australians/>

¹⁷⁸ JSCEM (2023) *Conduct of the 2022 federal election and other matters: Final report*, pp. 3–23, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/~/link.aspx?_id=B0EB44BCE6544D4488F8F90E44E0AA37&_z=z

¹⁷⁹ Campbell (2024) *Labor abandons plans to double ACT Senate seats*

Resources and civil society activity

The Australia Institute has repeatedly pressed the case for an increase in the number of parliamentarians.¹⁸⁰

The Institute of Public Affairs has also called for more parliamentarians, including contemplating the creation of more states.¹⁸¹

Organiser and political staffer Travis Jordan proposed two additional senators for each of the ACT and NT, plus a senator to represent the around 5,000 Australians who live in the three offshore territories (Norfolk Island, Christmas Island and Cocos Keeling Islands).¹⁸²

In June 2024, the Parliamentary Budget Office estimated for Liberal MP James Stevens the cost of increasing the size of Parliament by 40 (16 new senators, 24 new members of the House of Representatives). In the first full year, this would cost \$75 million, or a little under \$2 million per parliamentarian – including staff, offices, entitlements and so on.¹⁸³

¹⁸⁰ Browne (2018) *It's time ... for more politicians*; (2020) *Comes with the territory: ensuring fair political representation for Northern Territorians - and all Australians*

¹⁸¹ Bushnell (2021) *It reeks of blasphemy, but might more MPs give us better service?* <https://ipa.org.au/publications-ipa/it-reeks-of-blasphemy-but-might-more-mps-give-us-better-service>; Wild (2021) *Craig Kelly: Cancel culture has now come to the Government's backbenches*, <https://ipa.org.au/ipa-today/craig-kelly-cancel-culture-has-now-come-to-the-governments-backbenches>

¹⁸² Jordan (2022) *More senators for territories*, <https://grugstan.medium.com/blue-sky-democracy-part-8-more-senators-for-territories-cac6a3b69a4f>

¹⁸³ Parliamentary Budget Office (2024) *Increasing the size of Federal Parliament*, <https://www.pbo.gov.au/publications-and-data/publications/costings/increasing-size-federal-parliament>

Political finance reform

The Australia Institute has identified a series of reforms to the political finance system that would secure diversity and transparency in Australian politics.

Whichever reforms are pursued, they should be implemented in accordance with the nine principles for fair political finance reform. Otherwise, such reforms risk making the playing field less level while being ineffective at addressing the most serious threats to Australian democracy.¹⁸⁴ The principles are as follows:

1. Give voters a range of choices about who represents them.
2. Not make it harder for new candidates to compete with incumbents.
3. Provide a level playing field regardless of whether candidates are members of a political party or independents.
4. Factor in the significant taxpayer-funded advantages of incumbency, with an eye to reducing disadvantages already faced by challengers.
5. Account for spill over effects and economies of scale.
6. Focus on those who most clearly threaten democracy and accountability.
7. Ensure that public funding is fit for purpose.
8. Strive for fairness and increased transparency.
9. Distinguish between bona fide contributions and “cash for access”.

In *Security transparency and diversity in political finance*, The Australia Institute identified positive political finance reforms,¹⁸⁵ as set out below.

Making political finance transparent by:

- Requiring *all* political contributions by corporations and *all* cash-for-access payments to be disclosed, regardless of size;
- Lowering the disclosure threshold for political donations from Australian citizens to \$5,000, or a lower figure if possible;
- Introducing real-time disclosure of political contributions, including weekly disclosure during an election campaign;
- Preventing cash-for-access being disguised under the general category of “other receipts” by requiring all other receipts to include more details; and
- Implementing anti-avoidance rules to make sure that donors cannot escape the disclosure threshold by making contributions via different entities they control or by

¹⁸⁴ Browne (2023) *Principles for fair political finance reform*, <https://australiainstitute.org.au/report/principles-for-fair-political-finance-reform/>

¹⁸⁵ Browne & Walters (2023) *Securing transparency and diversity in political finance*, <https://australiainstitute.org.au/report/securing-transparency-and-diversity-in-political-finance/>

splitting contributions between different branches or affiliated entities of the same party.

Stopping any one voice from dominating the election debate by doing one or both of the following:

- Introducing a mega-donor cap that prevents any one entity from contributing election-distorting amounts of money; and
- Introducing a diversity guarantee that prevents any one entity from contributing more than 15% of a candidate's or party's total funding for an election.

Addressing the advantages of incumbency and other barriers to new entrants by:

- Establishing a public library of materials funded by the communications allowance paid to parliamentarians, so they can be scrutinised;
- Exploring alternatives to the current public funding model that would accommodate new entrants;
- Investigating whether parties that accept public funding should be held to shared public standards around transparency and democracy, and what those standards should be; and
- Considering whether it is feasible to improve access to public funding by replacing the 4% threshold for public funding with a tapered model and capping public funding based on the higher of lower house votes received and upper house votes received.

Reducing the influence of corporate money where it is at most risk of distorting the political process by:

- Reviewing whether a ban on political donations and other contributions from big government contractors, including consulting firms, would be appropriate and, if so, how it might be implemented;
- Reviewing whether a ban on political donations and other contributions from social harm industries, including tobacco, liquor, gambling and fossil fuel companies, would be appropriate and, if so, how it might be implemented;
- Legislating to require publicly listed corporations to seek member consent for political contributions and memberships of trade associations;
- Requiring trade associations to disclose their members and the amount of money contributed by each member; and
- Removing the tax deductibility subsidy for lobbying and political campaigning by corporations.

Several of these recommendations appear in the Fair and Transparent Elections Bill or the Restoring Trust Bill, both introduced by independent MP Kate Chaney, along with other

reforms like removing the spam and privacy exemptions for political parties.¹⁸⁶ The Joint Standing Committee on Electoral Matters recommended making the postal voting process free from political party promotional material or information harvesting,¹⁸⁷ a reform also present in Chaney's bills.

The Australia Institute's *Electoral Reform Bill analysis* also suggests allowing for independent campaign entities to be created. These entities would allow independent candidates to be regulated consistently with how party candidates are regulated.¹⁸⁸

¹⁸⁶ Electoral Legislation Amendment (Fair and Transparent Elections) Bill 2024 (No. 2) (Cth), https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1414; Electoral Legislation Amendment (Restoring Trust) Bill 2023, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7067

¹⁸⁷ JSCEM (2023) *Conduct of the 2022 federal election and other matters: Final report*, p. 137

¹⁸⁸ Browne and Black (2025) *Electoral Reform Bill analysis*, <https://australiainstitute.org.au/report/electoral-reform-bill-analysis/>

Conclusion

Reform-minded parliamentarians can choose from a range of measures that would make government more accountable, ensure public money is better spent and help Parliament operate more smoothly and justly. As the 2010 to 2013 hung parliament shows, these reforms can endure and make a lasting impact on the quality and nature of Australian democracy.