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My role as Integrity Commissioner in Queensland seems to be unique in its back room, low key, reactive contribution to public administration.

In 1994, the Queensland Parliament passed legislation called the *Public Sector Ethics Act*. This was an Act which called upon all those in Queensland involved in public administration to behave with ethics and integrity, and set out a number of basic principles in relation to the performance of public office.

In 1998, an amendment to the Act was passed which created the Office of Integrity Commissioner. The Parliamentary Debates leading up to this amendment focused upon a recognition from both sides of the Parliament that measures needed to be taken to improve the image and standing of politicians in the eyes of the community. There was agreement that some sounding board should be introduced to enable politicians and other senior public officials to seek advice as to appropriate behaviour before engaging in conduct which could result in adverse public perception.

The amendment created the Office of Integrity Commissioner with the first incumbent, a former Supreme Court Judge, holding the office until June 2004, whereupon I succeeded him. My term has been extended once and expires in June 2009.

I will not trouble you with any minute detail as to the statutory provisions surrounding the Office of the Integrity Commissioner. These are available on the Integrity Commissioner's website (<http://www.integrity.qld.gov.au/>). In broad outline, the position is a part-time one, occupying the equivalent of two days per week. It has, besides myself, a staff of only one person.

The role of the Integrity Commissioner is to, when requested, give advice to what is termed "designated persons" in relation to a possible conflict of interest issue. "Designated persons" are essentially Members of Parliament in Government, public servants of the level of Senior Officer and above, and appointees to statutory offices by the Governor in Council or a Minister. All told, there are some 5,000 "designated persons" in Queensland.

The role is an advisory one only and all advice is confidential. It is not susceptible to disclosure under *Freedom of Information* legislation and there are obligations of secrecy in relation to material held in the Integrity Commissioner's Office. Those who receive the advice may publish it as widely or as narrowly as they choose.

Whilst "designated persons" are limited to seeking advice on a conflict of interest issue, the Premier is able to seek advice from the Integrity Commissioner on any issue involving ethics or integrity.

The Act provides immunity from civil or administrative action to "designated persons" who follow the advice of the Integrity Commissioner.

The statute also includes in the functions of the Integrity Commissioner, the role of contributing to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

The role of the Integrity Commissioner is one of a confidential confidant and advisor. It has no investigative power or function and its obligation of confidentiality appears to me to be an important one. It seems to be regarded as of high priority by those who come to seek my advice. I think this aspect is soundly based in the Queensland system of public administration, which has the larger institutions of the Ombudsman and the Crime and Misconduct Commission who are amply skilled and resourced to conduct investigations and engage in other proactive initiatives to combat misconduct or corruption.

By the statute, both the request for advice and the formal advice must be in writing. The history of formal requests per year from the inception of the Office has risen gradually from 14 in the first year to 40 in the year just passed.

That completes a brief thumbnail sketch of my Office and functions.

In the past, I have had some experience in Australia in investigating and combating police corruption. That, together with my experience as Queensland Integrity Commissioner, has led me to form conclusions as to certain fundamental aspects which underpin these areas and which to my understanding are not universally understood in Australia.

I should preface my remarks which follow with the cautionary qualification that they are based upon Australian experience. I leave it to your good selves to determine the extent to which they are apposite to any situation in your country.

It is my view that in establishing high standards of ethics and integrity, sound public administration cannot simply rely upon a reactive based approach to investigating complaints of corruption or maladministration. Much less can one be complacent and place wholesale reliance upon a code of ethical behaviour. The aspirational goal must be to create and maintain an internal ethic in an organisation whereby its members, as an incident of membership, instinctively abhor and repel corrupt or inappropriate behaviour.

I think the most apt epithet to enshrine what is involved in the concept I am endeavouring to convey is “professionalism”. Roscoe Pound described a profession as “a group of people practising a learned art as a common calling in the spirit of public service”. There are multiple aspects to this definition, some of which I will address later. It would take much longer than the time available, meaningfully to develop the topic. Suffice it to say in a shorthand way that it is about being proud members of a proud team whose members willingly adopt high standards and expect the same from their colleagues.

Translated to the public sector, these concepts manifest themselves in the pride in taking the selfless decision to devote ones talents to the service of the community, and to act as would a trustee in using powers or assets for the public good.

The attitude of society towards matters of public import evolves over the years. Today, many might think that what underpinned the concept of a profession in decades gone by, is somewhat quaint.

Until very recent times, it seemed to be accepted that the hallmark of a profession was the ability to set its own standards. This was based upon the public trust that was reposed in it, and the reciprocal acceptance of that trust by the selfless delivery of a high standard of service.

Times have changed.

The unquestioning reverence of the public for any institution has been replaced by a much more questioning, if not sceptical, attitude. No doubt the conduct of members of the professions has contributed. Respect needs to be earned, and worthiness continually demonstrated. Coupled with this is the rationalist bottom line approach that marches under the banner of such terms as “competition”, “economical provision of service” and consumerism generally. Care should be taken that, in being swept along with this tide, the result is not that the baby is thrown out with the bath water. It seems to me that the true concept of professionalism embodies the highest expectations and desiderata of consumerism.

The groundswell of which I speak cares little for high sounding concepts or the principles which underpin them. The tide carries with it the encouragement of aggressive advertising, a focus upon one stop shopping, demonstrated in the establishment of multi-disciplinary

partnerships, where there is a real challenge not to permit previously established ethical values of constituent professions to be diluted by aggregation. Coupled with this seems to be the encouragement of less than professionally trained, or ethically committed, persons to enter what was formerly the field of endeavour of a profession. In such a milieu concepts such as courtesy and respect are often curious strangers from a bygone age.

It is idle to lament inevitable progress from “the olden, golden days”. Change is inevitable. However one can only hope that progress will not lose sight of deep seated fundamental principles which should underpin integrity in public administration. In this discussion you will notice that I have repeatedly focussed on the term “professionalism”, because I think what is there embodied is the keystone of creating and maintaining an ethical institution, and provides a solid platform for combating corruption and wrongdoing. One can only hope that, as with many things, the passage of time sees a swing of the pendulum which reverts to values which are enduring and based on a sound ethical, rather than a fiercely commercial, foundation.

Effectively to combat corruption, an organisation must aspire to produce a real and tangible ethic where members take pride in their vocation, and simply do not accept or tolerate actions or behaviour from colleagues which does not measure up to the proud standard set by the group. The postulation of high sounding ethical goals can often be of marginal utility. However, it is my firmly held view that such a goal is tangible and can be striven for on a day-to-day basis. Progress reflects itself in minute things. Is there courtesy and respect shown for colleagues or other persons with whom a member deals? Can one expect that the lift door will be held open? Will there be an offer to carry books when one is seen to be

struggling with a load? At the other end of the scale and of paramount importance is the day-to-day behaviour of the leaders of the organisation whose every action must reflect the highest standards of ethics and integrity.

Against this background, let me introduce for your consideration a concept or touchstone against which I feel that some practical guidance can be instilled in day-to-day situations which might be problematical. I have found resort to the concept of the capital of an organisation or public institution to be of assistance.

The term “capital” is an amorphous one but one which can be generally understood. It embraces a wide range of the attributes of an organisation and includes its reputation, its knowledge, its powers and its collective approach to the fulfilling of its functions. It is built up by the endeavours of many over the years. Whilst incremental enhancement is slow and laborious; like the good restaurant which serves a bad meal, the effects of inappropriate conduct can be devastating in their results.

It is the duty of every member of the organisation, however senior or junior, to enhance and preserve the capital of the organisation and studiously to refrain from any conduct which might detract from it.

In relation to public organisations, the concept of acting as a trustee of this capital can be of assistance. Those who hold a public position, whether elected or appointed, embrace trusteeship of this capital to use it for the benefit of those who ultimately own it. Ultimate

ownership passes through a chain of department to government and finally, and crucially, to the community.

Let me now proceed to analyse particular circumstances or activities where I think that public administration would benefit from a proper application of these principles.

In fulfilling my statutory office, my fundamental focus is upon conflict of interest. Here the issue of trusteeship and selflessness looms large. Wherever there is conflict between one's personal interest and public duty, there can only be one answer as to the proper course. Public duty must prevail. I mention briefly three aspects which can be found to be pitfalls for the unwary. These are:

- The test as to whether an unacceptable conflict of interest exists is the view of a reasonable member of the public, properly informed.
- This is an objective test and means that self-righteousness in the mind of the person having the potential conflict is not to the point. Perception is reality.
- The person involved in a potential conflict is not in the best position to judge what action should be taken to manage or avoid it. This is because of the obvious interest which he or she has in the matter.

A topical issue in Australia is the propriety of the receipt of gifts by those in public office. In my view, considerations should be governed by selflessness and the necessary predominance of public interest.

It seems to me that any gift acquired by a public official in the light of performance of his or her office is never the property of the public official, but is always the property of the department or the Government and, ultimately, the community. In turn there is an obligation to deal with the property in the public interest and not for the benefit of any individual.

Another important factor is that a gift to a decision-maker by a person or organisation likely to contend for favourable consideration, will raise a reasonable public perception of placing the decision-maker in an inappropriate position of conflict. Reputable psychological studies have shown that the giving of a gift promotes a feeling of obligation in the recipient. Apart from this, it must be acknowledged that intrinsic ethical instincts promote an obligation to be grateful or, in some way to reciprocate, the receipt of a gift.

I have heard it raised in discussion that it might well be considered rude or ungracious to decline a gift. True it is that an ethical person is polite and considerate of others. However, I think these requirements can be met by conveying thanks for the gesture but explaining that applicable rules prevent its acceptance.

In my view, the considerations previously discussed, militate towards the adoption of very strict policy in relation to the acceptance of gifts by public officials. I think there is ample

room for an exception in relation to tokens or mementos of small value, but beyond that, great caution should be exercised.

Another situation of topical relevance in Australia is that of post-separation employment of public officials, again whether appointed or elected. Here again, I would suggest that the principles discussed of “capital” and “trusteeship” should underpin the approach based upon ethics and integrity. The confidential information held by, or the accessibility to decision-makers of, a former high-ranking politician or public official, is not theirs to sell and is not for an entity in the public sector to buy. In Australia, there is some distance to be travelled along the road for the private sector to recognise that this should be the reality. Recognition of this reality is fundamental, and should constrain any private sector entity from placing any new recruit under pressure to reveal what is not theirs to impart or sell. On the other hand, a balance needs to be drawn to prevent holding of public office from becoming a barrier to any future employment in the private sector. The restraint need only focus upon prevention of seeking to make personal gain from the public position previously held. Many areas of endeavour would be immune from this perception and, more generally, expedients such as a quarantine period can go far towards redressing the balance.

In Australia, the notion of being a “good corporate citizen” is creeping into our vocabulary. To the extent that it embodies adherence to high standards of ethics and integrity it is to be in the highest degree, commended. To the extent that it is used as a convenient catch phrase to be ignored at convenience, it is to be condemned. There is much to be said for those in the private commercial world coming together in their respective sectors to publish codes of conduct to promote ethical behaviour and, importantly, for the public to recognise and visit

economic and commercial consequences upon those who refuse to act with less propriety than the standards set. At the moment, it seems to me that there is a real danger that those who practice conduct reflecting the highest standards of ethics and integrity can be at a commercial disadvantage if their competitors take shortcuts in this area.

In areas such as this a tone is set at the top, which permeates down the levels of public administration. The example set at the top level is all important. It is a paradox that, like the good restaurant that serves a bad meal, years of good work in building a reputation and public respect, can be disproportionately harmed by one event of inappropriate conduct. Conduct reflecting upon the organisation can emanate from any member however high or lowly their position.

Public institutions such as Departments of State are the interface between the community and Government. Their pivotal role is a vital cog in the wheel of proper public administration in a democratic society.

It is vital that when the spotlight focuses upon them, as it should and, in these times inevitably will, that they are found to be deserving of the public respect necessary for the effective discharge of their function.

Thank you for the opportunity to share these observations with you.